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TITLE The Relevance of Rivka: Br. Micah & The Modern Jew

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The Relevance of Ritual:
Brit Milah and the Modern Jew

by Todd Michael Thalblum

Thesis submitted in partial fulfillment of the requirements for Ordination

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Digest

In the last twenty-five years the routine neonatal circumcision rate in this country has dropped from ninety percent to approximately sixty percent. In fact, there are pockets on the west coast where the circumcision rate is actually under forty percent. While this may not seem like much of a problem, the fact remains that up until thirty years ago, there was widespread belief that it was medically beneficial to be circumcised. Furthermore, because society as a whole had accepted this notion, there was similar acceptance among the Jewish community. The current trend, however, is disturbing because as the circumcision rate in this country drops, our congregants and fellow Jews are finding more reasons to question the validity of *Brit Milah*, with some of them even opting not to have their sons brought into the Covenant in this manner.

For this reason, I have researched both the history of circumcision as a religious rite and the modern medical argument. Along with this research, I have also investigated the anti-circumcision movement here in the United States and presented its argument against circumcision. Additionally, I researched and have documented the arguments supporting the practice of circumcision.

The work mentioned above makes up the first part of this thesis. The second part of this thesis presents the *halacha* for *Brit Milah*, as compiled by Moses Maimonides and Joseph Caro. In their works, the *Mishneh Torah* and the *Shulchan Aruch*, respectively, both lay out this *halacha* in a very precise manner. As modern individuals we require the most recent knowledge and information available to

make informed choices. But as Jews, we always need a basic understanding of that which our Tradition has to offer on any given topic. Our struggle with modernity and tradition is what forms the foundation of Reform Judaism.

To conclude this thesis I have appended a modern ceremony for *Brit Milah* which I prepared for my son's *Brit*. It is an adaptation of the traditional ceremony with additional readings for immediate and extended family members. This inclusion is to acknowledge the covenantal importance of the ceremony as well as the act of the procedure itself.

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PART I: THE SECULAR DECISION

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THE SECULAR DECISION

Chapter One

The History of Circumcision and Its Opposition

Introduction

According to Bernard Zlotowitz, "Circumcision ranks as one of the foremost commandments of the *Torah* and one of the most crucial for the preservation of Judaism."¹ It is a rite that has been practiced for thousands of years. In fact, there is clear evidence that circumcision has been practiced as long as human beings have been recording history; and it may even be older than that. One can speculate that opposition to the practice of circumcision is as old as the procedure itself. The evidence, however, is not as clear on this aspect of the subject.

Certainly there were figures in the Bible who, even after the commandment was given to Abraham, neglected to circumcise their children. A figure as central as Moses is described as not having circumcised his son. Perhaps Moses was making a statement against circumcision, or perhaps he was not aware that circumcision was a part of his religion. The midrashim go to great lengths to explain this apparent inconsistency. Furthermore, the Israelites themselves, had to be circumcised twice; once upon leaving Egypt, and once before entering into the land of Canaan. Perhaps they too were stating their disapproval of the ritual. We will probably never know what the basis of these stories is. What is known, however, is that by the time that the Greeks are in Palestine circumcision was clearly being questioned by certain Jewish groups, and was clearly not part of the larger Hellenized world. Moreover, as far as we can tell, opposition to the practice of circumcision has remained throughout the rest of recorded history.

¹Zlotowitz, Bernard M., "Circumcision in Early Halacha: Mishna and Talmud," in Barth, Lewis M., (ed.), Berit Mila in the Reform Context, Berit Mila Board of Reform Judaism, USA, 1990, pg. 162.

Pre-Biblical and Biblical

The practice of *brit milah*, circumcision, has been one of the most significant marks of Judaism for thousands of years. According to the Bible the practice dates back to the time of Abraham, when, at the age of 99, he was commanded by God to circumcise himself and all other males in his household.

It seems, however, that circumcision was practiced long before Abraham. Stanley Gevirtz wrote that the practice of circumcision "was of considerable antiquity, long antedating even the traditional date of Abraham (mid-second millennium BCE)."² In fact, some of the evidence which points to a date long before Abraham can be found in the Bible itself. In the book of Joshua, chapter 5, it is written, "Make flint knives and proceed with a second circumcision of the Israelites." The very wording which specifically calls for the use "flint knives" for the circumcisions, even though metal was already common during this time period, suggests that the rite had its origin at a time when flint, rather than metal, was in common use. In other words, the practice of circumcision probably dates back to the Stone Age.³

The earliest record of circumcision can be found in the *Egyptian Book of the Dead*, where the hieroglyphic sign for the penis is a circumcised organ.⁴ If we use this book as a reference marker then we can stipulate that circumcision dates

²Gevirtz, Stanley, "Circumcision in the Biblical Period," in Barth, Lewis M., (ed.), *Berit Mila in the Reform Context*, Berit Mila Board of Reform Judaism, USA, 1990, pg. 93.

³Ibid., pg. 95.

⁴Weiss, Gerald M. and Elaine B., "A Perspective on Controversies Over Neonatal Circumcision," *Clinical Pediatrics*, Volume 33, Number 12, December, 1994, pg. 726.

back to at least the last quarter of the third millennium BCE.⁵ But even this is not an accurate dating of the practice since it probably pre-dated any written records. Therefore, it may be impossible to say just how old the practice of circumcision is in the ancient Near East.⁶

Given these limitations, and the fact that circumcision clearly pre-dates the earliest record of the Jews, it is now believed that there were a number of groups in the ancient Near East who practiced circumcision. Thus, the Jews probably borrowed the procedure from them. Stanley Gevirtz sums it up when he writes: What we may glean from the evidence . . . is that circumcision in the ancient Near East was widely, though not universally practiced [and] that its origins may be traced back at least as far as the beginnings of civilization and probably reach further back into the Stone Ages.⁷

Determining the onset of this ritual seems less important than determining the reason it began in the first place. Clearly, the fact that circumcision began as practice is historical fact; but why it started and why it continues is the question with which we will be grappling. As Charles Weiss asks, "What led pre-literate peoples of the world to adopt a procedure which has no parallel in nature, which is not an adaptation to life and which is not only very painful but at times leads to serious infection or death?"⁸

Herodotus, the Greek, "father of history," says of the Egyptians, "They practice circumcision for the sake of cleanliness, considering it better to be clean than

⁵Gevirtz pg. 93.

⁶Ibid., pg. 95.

⁷Ibid., pg. 96.

⁸Weiss, Charles, "Motives for Male Circumcision among Preliterate and Literate Peoples," *The Journal of Sex Research*, Volume 2, Number 2, July, 1966, pg. 69.

comely."⁹ Other writers categorized circumcision as simply a mark of ownership, or as a "rite of passage," a necessary step one must take in order to become a full member of a given community.

Overwhelmingly, the evidence seems to suggest that circumcision was initially a puberty rite, which would mean that it was most likely a ritual of membership. Thus, completion of circumcision, would have afforded the circumcised all of the rights and privileges of any adult in the community. It might have also signaled the change of status from a commoner to one of the ruling class, as Charles Weiss suggests with regard to Egyptian circumcision. He says:

Circumcision among the Egyptians was at one time, in all likelihood, part of a mass puberty rite, but by the time of the Ancient Empire, ca. 2600 B.C., it had become a religious ceremony of individual purification limited to the Pharaohs, the members of their court, the priests and scholars, and was required of all who wished to come into the presence of royalty or divinity.¹⁰

Yet, speculation on this subject does not end here. The fact that circumcision was usually a puberty rite has led other scholars to hypothesize that the ritual was ultimately meant to prepare one for marriage, and the act of procreating. One argument for circumcision, as we shall see in a later chapter, is that the foreskin in some way blocks the ejaculation of semen which would make it more difficult to sire children.¹¹

This theory, that circumcision was a pre-marital ritual, and one which made the male more potent is also presented with respect to Abraham and the Biblical proscription to circumcise. In Hebrew, the word for uncircumcised, עָרֵל, has

⁹Weiss, Gerald M, pg. 726.

¹⁰Weiss, Charles, pg. 76.

¹¹Ibid., pg. 73.

many meanings. Besides meaning uncircumcised, it also means obstructed, blocked or imperfect (Exodus 6:12-30; Lev. 19:23; 26; 41, Jeremiah 9:25). This has led some to suggest that Abraham may have circumcised himself to cure an obstruction of his urethra which interfered with his fertility.¹² This certainly sounds plausible, especially given that when we first meet Abraham he is an old man who has never had children. If we take the Bible at face value, however, this would not explain how Abraham was able to impregnate Hagar prior to his circumcision.

Therefore, there must have been some other reason that the Israelites co-opted circumcision as a central ritual to their religion. It might be that the Hebrews, after having been slaves for four hundred years in Egypt, decided to circumcise themselves. As slaves they were denied circumcision, a rite which bestowed the status of royalty upon their Egyptian masters. The Hebrews, therefore, may have viewed circumcision as a sign of their freedom. This certainly seems more plausible, and it would explain how the Israelites learned the practice, since it did not originate with them. But, as we have seen, circumcision in ancient Egypt was a puberty rite, not one performed on an infant as it is in Judaism. So, the question that remains is, "How does a rite of passage which had fertility aspects associated with it, become a ritual of initiation performed on a baby?"

Joseph Klein feels that the a passage from Exodus, chapter 4, might help explain this switch:

Moses, a married man, has not been circumcised and it is for this that the deity attacks him. But Zipporah circumcises her infant son instead of her husband, and, by touching the genitals of her husband with the bloody foreskin of the child, she indicates that the

¹²Ibid., pg. 78.

circumcision of the child is equivalent in a modified form to the original pre-marital circumcision of the young men. In other words, here is a clear-cut indication that circumcision did not originally take place in infancy, but at the age of puberty or prior to marriage. The circumcision of the infant by Zipporah was but a vicarious method of redeeming Moses from the deity whose wrath had been kindled because of the failure of Moses to have undergone the rite himself.¹³

Another possibility is that in ancient Israel circumcision was closely associated with, or a substitute for, human, animal or "blood" sacrifice. Charles Weiss cites a number of reasons for this conclusion. One of these reasons is the fact that, in both the Midrash to Genesis, chapter 14, and the Zohar, circumcision is referred to as a sacrifice. Another is that the sacrifice of an animal could not happen until that animal was eight days old, much the same way that the circumcision of a newborn was proscribed for the eighth day of that child's life.¹⁴ Sacrifice was a major part of all ancient Near Eastern religions. In most cases, one was to sacrifice something of importance, like the first crops harvested, or the first animals born, or the first male child of one's household. According to this interpretation, circumcision of the infant at 8 days old was done to take the place of ritual sacrifice of the first born male child at eight days old. Given the fact that, at the time, the alternative to ritual circumcision as a redemptionary practice was sacrifice of the child, himself, it is clear why circumcision became a common theme throughout the ancient Near East.

As with most historical speculation, there is not any one explanation which is

¹³Klein, Joseph, The Religious Significance of Circumcision in Judaism, Rabbinic Thesis, Cincinnati, Ohio, 1939, pg. 21.

¹⁴Weiss, Charles, pg. 79.

perfect. In all likelihood it was probably a combination of a number of variables which led the ancient Hebrews to adopt ritual circumcision as a primary tenet. The same can be said for why it was shifted from a puberty rite to one on initiation as an infant. Joseph Klein writes:

In all probability the pre-marital form of circumcision preceded the eighth day observance of the rite and was in practice concurrently with the time that human sacrifice of the first-born was carried on. When the sacrifice of the first-born male on the eighth day gave way to circumcision of the first-born on the eighth day, the older form of circumcision which all the males had to undergo as a pre-marital requirement, was also shifted to the eighth day, perhaps for the sake of uniformity. There is no definite proof for all this, but it seems to be the logical development in the synthesis of three obviously original and separate forms of circumcision, namely, as a pre-marital rite, as a ceremony connected with the Passover, and as a practice that grew out of the original redemptionary sacrifice of the first-born male on the eighth day.¹⁵

What seems to be the common thread to all of these explanations of circumcision and the Jews is the connection between the Jewish rite and the Egyptian one. Clearly, circumcision began with the Egyptians, (at least as far as Israel is concerned) and was then adopted as part of the Jewish religion.

Jewish and Egyptian circumcision also differed in the actual rite. For the Egyptians circumcision was a mass event. All of the children who had reached the age of maturity or who were entering the royal court, were circumcised en masse. For the Jews circumcision became an individualized event, occurring on the eighth day of life. Joseph Klein suggests that this was done specifically to distinguish it from the Egyptian rite so that it could not be construed as an attempt to appease Egyptian gods, but rather as a sign of the covenant between the Jewish people

¹⁵Klein, pg. 64.

and their God, Yahweh. "Moreover," he goes on to say, "no one could henceforth escape the initiation rite. After the Israelites had settled in Canaan where they were exposed to nations who had never adopted the operation or had abandoned it, it took on a sacred and national significance."¹⁶

After the Jews enter into the land, however, there is very little written about circumcision, in the Bible. In fact there is nothing more written about the circumcision of human beings. This suggest that the silence on the part of the literary prophets regarding circumcision can only mean that the practice was taken so much for granted, and was so universal, that there was no need for them to preach to the people for or against it.¹⁷

During this period, the exile in Babylonia, circumcision took on more significant meaning. Joseph Klein writes, "With the suspension of the sacrificial worship the Jew could only express faith and allegiance to his God in the practice of those rites and ceremonial practices which were possible for him to observe, and of these circumcision and the Sabbath became dominant."¹⁸

Even after the Jews rebuilt the Temple, circumcision remained an important part of their religion. So much so, that when the first real opposition to its practice surfaced around the middle of the second century BCE, many Jews were willing to die rather than give it up.

¹⁶Weiss, Charles, pg. 82.

¹⁷Klein, pg. 53.

¹⁸Ibid., pg. 53.

Hellenization Comes to Palestine

At the end of the third century and in the early years of the second century BCE the influence of Greek culture was already becoming strong in Palestine. A group of Hellenized Jews, known as the Tobiads, [were] . . . becoming ashamed of the circumcision, despite the fact that they were in their own land and amidst their own people.¹⁹ Some of them were participating in the Greek games, which were played in the nude. Therefore, many proceeded to hide the fact of their circumcision by drawing forward what was left of the prepuce (a practice known as epispasm). Clearly, these Jews wanted to obliterate those signs which set them apart from Greek culture, so that they could more easily assimilate into it.

In 168 BCE Antiochus IV Epiphanes attacked and overthrew the Jewish State. As part of his rule he decreed that the Jews should no longer practice customs foreign to his own. Among those customs considered foreign was the practice of circumcision. It was this ruler's heavy-handed approach which eventually led to the Maccabean revolt. It is said that the Greek authorities under Antiochus once took two Jewish women who had circumcised their sons, paraded them around with their babies at their breasts and then flung them from the top of the wall. They then killed their entire families and those who performed the circumcision.²⁰

In the year 164 BCE the Maccabees finally won. By gaining their independence they effectively halted these Hellenistic influences - the Greek games, the practice

¹⁹Ibid., pg. 68.

²⁰Ibid., pg. 70.

of epispasm, and the willful neglect of circumcision by wealthy Hellenized Jews. Nevertheless, the opposition to circumcision did not disappear completely. The Roman occupation of Palestine and the formation of the Christian Church would bring the question of circumcision back to the forefront of Jews minds.

By the beginning of the Common Era, we can only conclude that the practice of circumcision was once again being questioned. Philo remarks that the rite was held up for ridicule by people in general - he is most likely referring to Greeks and Romans and possibly Jews with strong Hellenistic tendencies.²¹

It is at this time that we find the first written response on the question of circumcision. Philo, no doubt responding to the ridicule of "people in general," writes his Treatise on Circumcision as in order to defend the Jewish ritual. In his paper, he outlines three reasons that circumcision is important and necessary. First, he says, circumcision is a preventative of a painful disease. He is probably referring to a disease known as phimosis. Interestingly, the prevention of phimosis is one of the classic arguments for circumcision even today (but more on that later). Second, he notes that circumcision secures the cleanliness of the body in a way that is suited to a people consecrated to God. The cleanliness argument is also still being used. Finally, he appeals in a more spiritual way, "There is a resemblance of the part that is circumcised to the heart; for both parts are prepared for the sake of generation; for the breath contained within the heart is generative of thoughts, and the generative organ itself is productive of living beings."²²

²¹Ibid., pg. 72.

²²Ibid., pg. 72.

Unfortunately, Philo's clearly defined defense of circumcision did not put an end to the controversy. If anything, it had very little effect, especially on the new religion which was beginning to be formed. As Joseph Klein puts it, "In Palestine, the real opposition to circumcision came from the newly rising Christian sect."²³

At first it was not clear whether circumcision was going to be adopted by this new religion or abandoned by it. Certainly, in the beginning, these Early Christians were Jews who had been circumcised by their Jewish parents. For a while there were two definite and opposing groups trying to win power. The Book of Acts makes a distinction between those Christians who converted from Judaism and those who converted from pagan cults. Among these two factions circumcision becomes a focus of the division.

One faction, led by Peter, felt that because circumcision was such an important part of the parent religion, Judaism, it must hold a place in Christianity. Moreover, this group saw themselves as an extension of Judaism, and as such tried to remain connected in some way to their original religion. In the other camp was Paul. Paul brought the commandment of circumcision to the forefront in his message to the Galatians. In it he argues that the Jewish Law and its observances no longer provide a means of salvation, "Everyone who accepts circumcision is obliged to keep the whole Law. But if you do look to the Law to make you justified [saved], then you have separated yourselves from Christ and have fallen from grace."²⁴

²³Ibid., pg. 77.

²⁴Signer, Michael, "To See Ourselves as Others See Us: Circumcision in Antiquity and the Middle Ages," in Barth, Lewis M., (ed.), Berit Mila in the Reform Context, Berit Mila Board of

Paul wanted to move away from the practice of physical circumcision and towards a spiritual circumcision. He points out that it was not circumcision that made Abraham a righteous individual, rather it was because Abraham was already righteous that he was given the commandment to be circumcised. For Paul, faith and righteousness have nothing to do with circumcision: one can have complete and total faith without it. Real circumcision, according to Paul, requires no cutting of flesh from the body, but is the rebirth with Christ in baptism and belief in the power of God who raised him from the dead.²⁵

Eventually, Paul's view on circumcision became dominant, although by no means universal. Even today the Coptic church in Ethiopia demands circumcision of its adherents.²⁶ Nonetheless, circumcision is not a part of Christianity, and some would argue that it is because there is not a requirement to be circumcised that Christianity was able to become the prevailing Western religion.

But Peter and Paul were not the only figures debating the relevance of circumcision. Another Christian, Justin, takes up the same argument that Paul did with regard to Abraham's circumcision. He, however, takes it a step further. Justin posits that if circumcision were necessary to be a righteous person then women would not be able to be righteous. He says, "Since women are incapable of receiving fleshy circumcision, we have positive proof that it is given as a sign, and not as a work of righteousness. For God has made that sex capable of Reform Judaism, USA, 1990, pg. 121.

²⁵Klein, pg. 79.

²⁶Ibid., pg. 79.

performing all the duties of justice and righteousness."²⁷ Justin argues that it was God's intention through the coming of Christ that ritual circumcision should be replaced by spiritual circumcision. According to him, anyone who comes to God through Christ exhibits the kind of righteousness that Abraham had and therefore does not need to be circumcised to show it.

But there was also another community on the fringes of mainstream Judaism which were debating the relevance of *brit milah*. They were called "Fearers of the Lord." This group followed many of the *mitzvot* of Judaism and they pledged their loyalty to the God of the Jerusalem Temple. They were not, however, members of the Jewish community and the practice of circumcision was not one of the *mitzvot* which they kept.²⁸

In 132 CE, opposition to circumcision was so strong that the Greco-Roman Emperor, Hadrian, decreed that circumcision was to be outlawed. In actuality, he forbade Jews to "mutilate their genitalia."²⁹ This edict, in turn, precipitated the Bar Kochba revolt against Rome. Hadrian's successor, Antoninus Pius (138 CE) rescinded the edict against circumcision so that the Jews were once again able to continue the practice of *brit milah*.

Clearly, however, the Jewish authorities were sensing a need to defend the rite of circumcision. It would appear that it was not enough to simply state that circumcision was one of the commandments of God, and as such it was one that had to be followed. Thus, many of the *Aggadic* passages on circumcision are of a

²⁷Ibid., pg. 81.

²⁸Signer, pg. 119.

²⁹Weiss, Gerald M, pg. 726.

polemical character. They must be meant to offset the attacks by the Christian population, while at the same time be meant to shore up skeptical or inquisitive Jews.

Joseph Klein stated very clearly, in his Rabbinic Thesis, that the rabbis of the *mishnah* wanted to elevate *brit milah* in order to combat the growing Christian opposition. He writes, "In contrast to the Christian view expressed by Paul, that 'circumcision is nothing and uncircumcision is nothing' the Rabbis gave the most glowing of tributes to the covenant rite, not hesitating to emphasize that it was the most fundamental of all the commandments.³⁰ This commandment, which was really just one of many became one of the most important for every Jew, as the Talmud later relates: "Great is circumcision but for that, God would not have created the universe."³¹

The rabbis debate at some length the reasons that Abraham was not circumcised until he was 99 years old. The thought being that if circumcision were the most fundamental to Judaism then it should have been one of the first things Abraham did. In response the rabbis decided that it was for the sake of converts that he was circumcised so late. "For had he been circumcised at twenty or thirty years of age, only those under the age of thirty [would have felt that they could convert] to Judaism. Therefore, God bore with Abraham until he reached ninety-nine years of age so as not to close the door to future proselytes -- and also to determine the reward according to the days and years, thus increasing the reward of him

³⁰Klein, pg. 85.

³¹Babylonian Talmud, Tractate N'darim, page 31, side B.

who does His will."³²

But the vast majority of the rabbis defence of circumcision is related to how one interprets the verse "Walk before me and be perfect (Gen. 17:1)." It is from their comments that we find the only rationale for circumcision in the whole of Talmudic and Midrashic literature. The rabbinic theory was that the foreskin was a blemish and its removal brought about bodily perfection.³³ In Tanhuma Lech Lecha 16 we see an interesting proof, by means of *gematria*, that Abraham's circumcision brought about his physical perfection:

When God said to Abraham, "Walk before Me and be perfect" (and at the same time told him to become circumcised), Abram said: "At present I am perfect (whole) but if I circumcise myself I will be lacking in one of my limbs (and hence will no longer be perfect)." To this God said: "Did you think you were actually perfect? You are lacking in five of your limbs. While you are uncircumcised your name is Abram (אַבְרָם), the *gematria* of which is 243, and the number of limbs in a man is 248. Circumcise yourself and become perfect (whole)." And when he did become circumcised God said to him: "Your name shall no longer be Abram but Abraham (אַבְרָהָם)," and by adding the letter 'hay' to his name, God added to him five more limbs, to total 248. Therefore, "be perfect;" (i.e. by means of circumcision Abraham received five more limbs to total 248, which is the *gematria* of the name Abraham, and at the same time the number of limbs in a perfect man).³⁴

If the rabbis were trying to send a message to their people then it seems clear from this example that the message is man must constantly try to improve himself. Human beings were not created perfect. The foreskin is a teaching tool. By removing it, by physically improving the body through circumcision we are teaching our children the importance of actively pursuing physical, moral and

³²Klein, pg. 87.

³³Boxman, Bradd H., *The Significance of Brit Milah in Reform Judaism*, Rabbinic Thesis, Cincinnati, Ohio, 1986, pg. 144.

³⁴Ibid., pg. 145.

spiritual perfection. *Brit Milah* is the first of many lessons which pushes one to strive for perfection.

This can also be seen through a translation of the word עָרַל. I have mentioned before that the Hebrew word עָרַל has many meanings. In addition to uncircumcised, it also has the meaning of imperfection and deficiency. This is evident in the other ways in which the word is used in the Bible. In Jeremiah, the uncircumcised heart is the imperfect heart, in a moral sense. In the book of Psalms and the book of Exodus, respectively, the uncircumcised ear and lips are deficient ear and lips. Circumcision, therefore, would imply the process of removing the deficiency and attaining perfection. In the case of circumcision of the flesh it would mean, at least in later Biblical times, the removal of bodily imperfection.³⁵ In this way the act of circumcision is central to the morality of Judaism. It shows a conscious decision to be physically connected to the Jewish people and spiritually connected to the cause of Judaism. According to Bradd Boxman, "The Jew who does not circumcise his sons is announcing the limitations of his loyalty to the faith."³⁶ We will see more of this as we examine circumcision and the early Reformers in a later section.

Clearly, opposition to circumcision from the larger gentile community had a great effect on the rabbis of the day. It can be postulated that if the rabbis did not feel threatened by the rhetoric they would not have spent so much time defended it as a ritual. Certainly, a close examination of *Bereishit Rabba*, chapter 46, on

³⁵Klein, Joseph, *The Religious Significance of Circumcision in Judaism*, pg. 5.

³⁶Boxman, pg. 149.

Genesis 17, suggests that serious questions arose within the Jewish community of Late Antiquity regarding circumcision. The chapter reveals rabbinic sensitivity to the impact on potential converts of the requirement of circumcision for conversion. Moreover, it offers direct and indirect responses to the negative attitude among non-Jews toward this practice and to the concrete manifestations of these attitudes in Roman and Byzantine law.³⁷

The idea that rabbis put forth regarding circumcision as means of attaining perfection was easily contradicted with the concept that the body was already perfect. This was the prevailing opinion in the Greco-Roman world, and it is also one that we continue to hear today. God created us, therefore, we would be arrogant to believe that we should change anything that is from God. According to this view, circumcision is a form of mutilation.

As to which argument came first - i.e. the Romans claiming bodily perfection without circumcision and the rabbis arguing for perfection with circumcision, one can only guess. But, we do know that the Bible and the Talmud come down very hard against any form of bodily mutilation, and yet circumcision has been a part of Judaism since the beginning of Biblical history. Therefore, it is most probably that circumcision was never seen as mutilation by Scripture and rabbinic tradition. Circumcision does not inflict a blemish on the body, rather, it removes one.³⁸

But even *Bereishit Rabba* recognizes that circumcision was not completely

³⁷Barth, Lewis M., "Berit Mila in Midrash and Agada," in Barth, Lewis M., (ed.), *Berit Mila in the Reform Context* Berit Mila Board of Reform Judaism, USA, 1990, pg.105.

³⁸*Ibid.*, pg. 106.

accepted, at first. Abraham, according to BR, chapter 46:3, had questions about it, and asked them directly of God. We find here that Abraham asked God: "If *milah* is so special, why was not it given to Adam?" The author of this *midrash* is posing at least two very serious questions. Given one interpretation he is asking "Why, if being circumcised is so important, was it not obligatory for all men." But the question that is even more difficult to answer is, "Why were we created with foreskins in the first place." Most likely this was an argument being used at the time Rav Acha postulated it. Not surprisingly, this argument is still being used today by those critical of circumcision.

The questions of Abraham, however, do not end here, however. The passage continues, "Before I was circumcised, people came and joined me. Do You think that since I have been circumcised they are still going to come and join me?" We know from the Bible that Abraham was accredited with many conversion to Judaism, so on the surface Abraham is wondering how many people would have converted, or might still convert, knowing that they will have to be circumcised. But this question also hints at the idea that the rabbis were aware that Christianity had given up circumcision because of similar concerns about reaching out to potential converts.

The answer is clear and concise. God tells Abraham, "That is enough!" "Let it suffice thee that I am thy God; let it suffice thee that I am thy Patron, and not only for thee alone, but it is sufficient for My world that I am its God and its Patron."³⁹ Clearly this *midrashim* is not simply the retelling of a story handed

³⁹Freedman, Rabbi Dr. H., *Midrash Rabbah: Genesis, Volume One*, The Soncino Press,

down through the generations about God and Abraham. These "arguments" are most likely meant to quell opposition to the practice of circumcision in the Second Century. The abrupt answer, "Enough," is really an answer to those people who were trying halt the practice of circumcision by reminding the Jews of their day as well as the Jews of later generations that circumcision is a commandment of God and must be observed as such.

Another way in which the rabbis elevated the status of brit milah was to give the rite powers of salvation. Circumcision according to the rabbis, had a saving effect on the life beyond the grave and delivered one from *Gehinnom*.⁴⁰ The rabbis write that Abraham himself stands in front of the entrance to *Gehinnom* and prevents any circumcised person from being exiled there. Moreover, the rabbis conclude that even the most righteous individual, one who dedicates his life to Torah and goods deeds, loses his share in the world to come if he is not circumcised.

New York, 1983, pg 390.

⁴⁰Boxman, pg. 155.

The Middle Ages

Very little later writing is available on circumcision is concerned, very little is written about it. Of that which is written, most non-Jewish sources used circumcision as a mark of derision or as a derogatory statement referring to Jews.⁴¹ In the end, however, little new was added to the discussion. Even the more scholarly literature of the European Middle Ages (700-1500) drew upon pagan and Christian sources to emphasize the contrast between Christianity and Judaism, always to the disadvantage of Judaism.⁴²

As for Jewish sources, during the Middle Ages, Jewish authors wrote a number of treatises to refute Christian claims about Judaism. One of them, *The Sefer Nizzahon Vetus*, revisited the question of why Abraham was circumcised so late in life, and came up with a new answer, albeit one that was also meant to quell opposition to the practice. "'And Abraham was ninety-nine years old when he was circumcised (Gen. 17:24).'" One may ask why God did not command him to be circumcised at an earlier age. The answer is that he waited so that the people of the world would see and learn from Abraham who, although an old man, did not balk at circumcision."⁴³

In addition to these, the Laws codes written during this time, such as the *Mishneh Torah* and the *Shulchan Aruch* (which I have translated for this thesis), included sections devoted to the *halacha* of circumcision. But the *halacha* can be traced back to earlier sources so that they really are not adding any thing new to the subject.

Outside of his Law code (The *Mishneh Torah*), Moses Maimonides did have

⁴¹Signer, pg. 122

⁴²Ibid, pg. 123.

⁴³Ibid., pg. 123.

something new to say about circumcision. In his text, *The Guide for the Perplexed*, he wrote, "As a regards circumcision, I think that one of its objects is to limit sexual intercourse and to weaken the organ of generation as far as possible, and thus cause man to become moderate."⁴⁴ (Citation where this is from) Maimonides believed that the practice of circumcision gave men better control over sexual desires, which, Maimonides felt, led one to sin and transgression. Most interesting about his comments is that, even today, anti-circumcision groups claim that a circumcised penis is less sensitive to the pleasures afforded that of the uncircumcised. Most likely, Maimonides and other writers were responding to Christian assertions that Jews were sexually promiscuous and sinful. Rabbi Isaac ben Yediah, also had something to say about this. His statements regarding circumcision also promoted it as a metaphor for sexual moderation. He wrote that the uncircumcised man is filled with lust.⁴⁵

Beyond these few sources is little else from the period regarding *brit milah*. This probably stems from the fact that, during the Middle Ages, the Jews were either accepted and allowed to live amongst themselves and govern themselves or they were actively persecuted and forced out of the places in which they lived. There was very little mingling between the Jews and the Gentiles so that there was less reason to debate validity of either religion.

⁴⁴Maimonides, Moses, *The Guide for the Perplexed*, translated by Friedländer, M., Dover Publications, 1956, pg 378.

⁴⁵Ibid., pg. 124.

The Reform Movement Struggles with Circumcision

The Enlightenment brought about a new era for the Jews in Europe. For the first time many Jews were beginning to sense an opportunity to be completely accepted into the larger society. Not surprisingly, as certain Jews began to push for this acceptance they also began to question those rituals and actions which most set them apart from that community. *Brit milah* was one such ritual, and because it was a permanent physical marker of one's Jewishness it was harder to change than more temporary indentifications of religion.

According to Michael Meyer, "In the pre-modern Jewish community, there was no question that every healthy son would be circumcised."⁴⁶ In fact, to this day, the rite has never been officially rejected by any branch of Judaism. On the other hand, there have been individual groups dating back more than 150 years, who have tried to obliterate it.

The first of these groups arose in Frankfurt am Main in 1842. They called themselves the *Verein der Reformfreunde* or Frankfurt Reform Society. They declared as one of their 5 principles that "circumcision is not binding either as a religious act or a symbol."⁴⁷ They later removed this statement from their platform because of the controversy that ensued. Nevertheless, simply making the statement against circumcision opened up the issue for debate. This was an argument would last for a few decades and follow the Reformers from Europe into the New World.

⁴⁶Meyer, "Berit Mila Within the History of the Reform Movement," in Barth, Lewis M., (ed.), *Berit Mila in the Reform Context*, Berit Mila Board of Reform Judaism, USA, 1990, pg. 142.

⁴⁷Ibid., pg. 142.

The Frankfurt Reform Society was the first religious radical group to arise within German Judaism. For the most part, all of the members were intellectuals and professionals, albeit laymen, not religious professionals. In defense of their position they argued that circumcision was mentioned only once in the legal codes of the Torah. Furthermore there is no mention of it in the book of Deuteronomy. They also point out that Moses did not circumcise his own son and that the generation of the desert died uncircumcised. They wanted to abandon the practice because they felt it was particularistic which offended their desire to be universalistic. As well they opposed it because it was strictly a ritual for boys, which meant there was nothing similar done to welcome girls into the covenant.⁴⁸

But the Reform Society would not have provoked so much strife except that the German Board of Health, not necessarily with intent, helped their cause. In reviewing a number of deaths which happened as a result of circumcisions performed by untrained, or at least unskilled, *mohelim*, the German Board of Health declared that there would be a certification process implemented to insure the safety of the children being circumcised. This, in and of itself, was not the problem, clearly it benefited everyone to have trained *mohelim* working. The reason the Board's decision was controversial rested on the wording of one line. This line allowed for the possibility that some Jews might not want to circumcise their sons at all. It began, "Jewish citizens and residents in so far as they wish to have their children circumcised . . ."

Members of the Reform Society interpreted the clause to mean that the rite of

⁴⁸Boxman, pg. 30.

circumcision was now to be performed or omitted at the discretion of the father. A father who wished not to circumcise his son, but still desired to raise him Jewishly and to be registered as such, now had that privilege.⁴⁹ There were clearly reasons why a parent might wish to opt out of circumcision, beside those given above which pertained to the Frankfurt Reform Society specifically. In addition to the particularistic and chauvinistic nature of the rite, there was a medical consideration. Circumcision was not risk free, along with all other surgeries. Moreover, it is precisely because some children had died that the German government was investigating the issue in the first place.

There is also the fact that circumcision specifically targeted at a male's genitals. The prevailing opinion among German intellectuals was that religion should elevate one so that he or she could rise above base matters. The Reformers of Judaism declared that they followed Prophetic Judaism and the prophets, specifically Jeremiah gave the concept of circumcision more universal moral significance by desiring circumcision of the heart.⁵⁰

Finally, *brit milah* set the Jewish man apart. Just as during the Greek and Roman periods of Jewish history, so too during this period, certain Jews were trying to gain acceptance into the larger society and in order to do that they felt they had to remove all of the markers which set them apart. Circumcision was not commonly practiced among Christians in Germany. Therefore circumcising one's son meant branding him forever as a Jew.

⁴⁹Boxman, pg. 32.

⁵⁰Meyer, pg. 143.

What happened as a result of the Board of Health's decision and the Frankfurt Reform Society's declaration was a series of arguments and counter-arguments by some of the most well known and influential members of the German Jewish Society. Rabbi Trier, collected 28 rabbinical responses to the question of whether or not to circumcise. Samson Raphael Hirsch, in one of the more damning statements, replied, "By such declarations and ads, [the members of the Reform Society] have cut themselves off from Judaism, and the rabbi of the community to which they belong must treat them no longer as members of his community; they are apostates."⁵¹

Even, Mannheimer, a leader who was clearly on the side of reform, based on his response to the 'Hamburg Prayerbook Controversy,' came down against the Reform Society. He first declared that failure to have one's son circumcised is equivalent to the "renunciation of the covenant of God." He went on to state that if a member of his congregation had refused to circumcise his son, he (Mannheimer) "would not admit the boy to any Jewish function, would not register him as a Jew, would not confirm nor marry him, nor permit him to be buried in a Jewish cemetery; in Austria (Mannheimer's home) no Jewish child is registered unless circumcised."⁵²

But they also garnered some support. The most outspoken leader of the Reform Movement in Germany Samuel Holdheim supported the Frankfurt Reform Society's position. He based his support by the historical precedent in Judaism

⁵¹Boxman, pg. 37.

⁵²Ibid., pg. 39.

that birth to a Jewish mother made one Jewish, not circumcision. If a son, born to a Jewish woman was not circumcised for whatever reason, based on the *halacha*, that child was also considered Jewish. "Circumcision," he argued, "is not an all-essential requirement in Judaism, hence both the father who neglected to circumcise his son, and the son who was not circumcised, are to be considered as Jews and accorded all rights and responsibilities appertaining to that status."⁵³

In addition to Holdheim, Gabriel Riesser, a champion of liberalism in Germany, also supported a Jew's right to refuse circumcision and yet not risk his status as a member of the community. The leading German Reformer, Rabbi Abraham Geiger, certainly disliked the idea of *brit milah*. He revealed in a private letter to Leopold Zunz that he felt ritual circumcision was "a barbaric, bloody act, which fills the father with anxiety and puts the new mother into a state of morbid tension."⁵⁴

In the end, however, most Reform rabbis were in favor of continuing the practice of *brit milah*, and they believed that there should be some consequences for a decision not to circumcise. Accordingly, it was decided that *Brit milah* should not be considered simply as one of the 613, rather it was a ceremony central to the Jewish religion that needed to be observed.

⁵³Ibid., pg. 47.

⁵⁴Geiger, Ludwig, *Abraham Geiger's Nachgelassene Schriften*, Vierter Band, Breslau, 1885, pg. 180.

American Reform Judaism Faces the Question of Circumcision

"In nineteenth-century America, as in Europe, circumcision was an operation limited almost entirely to Jews."⁵⁵ In this country however, in the nineteenth and early twentieth centuries, opposition to circumcision in the Jewish community was debated generally from the standpoint of the convert. While the leaders of Reform in the United States came over from Europe and brought with them the controversies and struggles that their cohorts in Europe found important the tenor of the discussion took on a different a different tone in the US.

Of course, given their disagreement on most everything else, the two leaders of American Reform Judaism, Isaac Mayer Wise and David Einhorn, came down on opposite sides of the circumcision issue. Wise felt that bringing new members into the group was "part of what the early Reformers called the 'Jewish mission.'"⁵⁶ In so far as adult circumcision was painful and embarrassing to encourage, he argued that it was discouraging to the ultimate goal of welcoming converts. In contrast to Wise's views, Einhorn not only believed in circumcision of the male convert into Judaism but also felt that the threat of circumcision kept other, less worthy prospects from converting. He stated in Philadelphia that through the process of proselytizing "many impure elements were brought into Judaism."⁵⁷ He therefore argued that circumcision should remain a requirement of all conversions so that only those deserving would convert.

⁵⁵Ibid., pg. 146.

⁵⁶Ibid., pg. 147.

⁵⁷Ibid., pg. 147.

At the time, more of the movement favored Einhorn's view. Later, increasing numbers of Reform rabbis slowly began accepting converts into Judaism without circumcision. According to Meyer's research, "In 1892, the Reform rabbis reached a decision, never to be rescinded, which stated in part that rabbis should fully accept 'into the sacred Covenant of Israel . . . any honorable and intelligent person, who desires such affiliation without any initiatory rite, ceremony or observance whatever.'⁵⁸

Similarly, as with the argument regarding later converts, Einhorn and Wise disagreed as to the role of *brit milah*. In 1869, David Einhorn described his views to the Rabbinical Conference in Philadelphia. He essentially paraphrased the Talmud to support his view, stating that birth to a Jewish mother confers the status of Jew on the child not circumcision. In contrast to this, Wise stated very clearly, "Ritual circumcision is binding upon Israel as a divine command and is not to be abrogated."⁵⁹ As to the debate regarding *brit milah* of the infant, the American discussion also dwelled on the fact that halachically a child born to a Jewish woman is a Jew regardless of circumcision status. The Babylonian Talmud is very clear on this point "a boy born of a Jewish mother who has not been circumcised, for whatever reason this may have been, must be considered a Jew, and be treated as such in all ritual matters, in accordance with the existing rules regarded binding for Israelites (Talmud Bavli, Yevamot 70b, Yore Deah 264.1)."

It is difficult to say where the debate might have actually ended up because

⁵⁸Ibid., pg. 147.

⁵⁹Boxman, pg. 52.

the debated itself ended abruptly. It became overshadowed by a growing trend among American doctors to recommend circumcision as a routine procedure for all newborns, Jews and gentiles. As circumcision became more and more common among Gentiles, Reform Jews had their sons circumcised like everyone else. To be clear, however, during this time, Reform Jews may have accepted circumcision as a medical procedure but this does not mean that they accepted it as a religious rite. In fact, everything that would have distinguished the procedure as a religious ceremony was generally neglected.⁶⁰

This fact has led some in the Reform Movement to speculate the future of *brit milah* until the American medical community stepped in and changed its recommendation. Dr. Eugene Mihaly, of the Hebrew Union College - Jewish Institute of Religion, further supports this view. He claimed that "if it were not for the medical advisability of the surgical procedure *brit milah* as a ritual among Reform Jews or even circumcision without the ritual would have died out long ago."⁶¹ Furthermore, given the decline in the circumcision rate of newborn infants in this country today, many question whether circumcision will continue as a central ritual of Judaism, at least in the Reform Movement. Bradd Boxman, in his rabbinical thesis written 13 years ago stated that because of the "change of opinion in the medical community concerning the medical advisability of routine circumcision, Jewish parents are seriously considering or reconsidering the medical necessity as well as the religious significance of the ancient rite."⁶²

⁶⁰Meyer, pg. 147.

⁶¹Boxman, pg. 89.

⁶²Ibid., pg. 113.

Chapter Two

The Modern Medical Argument

Introduction

As we saw in the previous chapter, people have been debating the issue of circumcision for nearly as long as the practice itself has existed. Today's argument differs due to the large amount of information available. Both sides of the argument are producing massive amounts of data in an attempt to persuade people of the merit of their individual positions. In this decade alone, hundreds of articles have been published in well respected medical journals and popular periodicals. Moreover, because of the popularity of the internet, a simple search for the word "circumcision" will point one to thousands of sites, each with the potential to offer something new.

My goal in this section is to be as clear and concise as possible despite the rhetoric that exists amidst the data. I hope to present both sides of the argument in an unbiased manner. At the outset, I acknowledge my bias. I am a circumcised Jew. As such I have always felt that *brit milah*, the rite of circumcision, is a very important part of being Jewish. Therefore, I used to dismiss most of what I read from anti-circumcision groups as blatantly false and unsubstantiated. In this research process, however, I have not dismissed anything I read without first trying to understand it and learn from it.

The Basis of the Medical Argument for Circumcision

"Circumcision is one of the oldest and most common operations known to mankind."¹ As we saw in the previous section it dates back to pre-biblical times. For the most part, though, it was not common procedure, since it was considered a religious ritual- a ritual that only a handful of religions found meaningful. In the late nineteenth century, this changed dramatically, in fact, by the 1960s nearly ninety percent of all boys born in the United States were circumcised²

The question that is the origin of this dramatic change. How did a fringe rite, one that focused on a previously guarded and taboo part of the anatomy, become a routine medical procedure in this country? To find the answer to this question we must re-examine what was going on in this country in the 1800s.

Male circumcision was known to Western medicine, but was rarely performed on non-Jews in the United States prior to 1870.³ Modern medicine was still in its infancy and little was known about the methods through which diseases spread but certain groups of people seemed immune to those diseases which were destroying huge populations. Practitioners started to speculate as to the reasons that the Jewish people were not catching the plague, or tuberculosis, or gonorrhea, or syphilis. At least, the Jews were not developing these diseases at the same rate

¹Sherman, Joel, et al, "Circumcision: Successful Glanular Reconstruction and Survival Following Traumatic Amputation," *Journal of Urology*, Volume 156, Number 2 Pt 2, August, 1996, pg. 842.

²Bourland, Julie, "The Circumcision Decision: Experts Answer Some of New Parents' Questions," *Parenting*, February, 1997, pg. 102.

³Wallerstein, Edward, *Circumcision: An American Health Fallacy*, Springer Publishing Company, New York, 1980, pg. 13.

as the rest of the population.

One author has called this the "Circumcision Mystique." Stating that some believed the Jews had acquired mystical powers and medical protection via circumcision. "As plague after plague swept through Europe, Jews appeared to succumb in fewer number than Christians. The alleged reason: Jews were circumcised. . . The prevalence of this attitude helped make it possible for physicians to accept what was probably the first epidemiological study of venereal disease. Conducted in 1855 at the Metropolitan Free Hospital in London, the study showed that of all religious groups Jews had the lowest venereal disease rate. The reason, they concluded: circumcision."⁴

By the 1880s, other elements appeared that further encouraged secular circumcision. In 1884 an American replication of the British studied confirmed the findings that Jews as a group were less susceptible to venereal diseases. Added to this fact was a growing fear of syphilis in the United States. Syphilis was viewed as God's punishment for evildoers, and a few physicians even refused to treat such patients. Circumcision was promoted as a prophylactic measure against syphilis.⁵

Furthermore, in the wake of the Victorian Era, sexual behavior was considered incredibly harmful. For this reason, people were trying to find ways to curb habits which they considered banal and destructive, like masturbation. Male circumcision became the surgery of choice, not only to reduce sexuality but also

⁴Ibid., pg. 12.

⁵Ibid., pg. 37.

to stop bed-wetting and to prevent venereal disease.⁶

Certainly, some doctors went too far in promoting the benefits of circumcision. In 1891, P. C. Remondino, MD, advocated circumcision to prevent or cure alcoholism, epilepsy, asthma, hernia, gout, rheumatism, curvature of the spine and headaches.⁷ He concluded that the foreskin was a dangerous appendage and that life-insurance companies should classify the uncircumcised in the category "hazardous risks."⁸ Nevertheless, the medical community as a whole was beginning to agree that neonatal circumcision was beneficial.

As the procedure gained popularity, research continued in order to further convince people of its usefulness. By World War I, circumcision was considered a valid hygienic procedure, and there was general acceptance that it was preventative of venereal diseases.⁹ To be sure, there were those people who disagreed with the practice. One of them wrote an especially critical review of the circumcision calling it a "Barbarous and Unnecessary Mutilation."¹⁰

In response to this statement Abraham Wolbarst wrote the article, "Is Circumcision a Barbarous and Unnecessary Mutilation?" His conclusion: Circumcision is perhaps the most beneficent single measure ever devised for sanitary purposes in human beings. It is not a 'barbarous and unnecessary mutilation.' It is the paramount agency in genital cleanliness and hygiene. It is decidedly prophylactic against infection

⁶Ibid., pg. 14.

⁷Milos, Marilyn Fayre, RN, and Macris, Donna, CNM, MSN, "Circumcision: A Medical for a Human Rights Issue?," *Journal of Nurse-Midwifery*, Volume 37, Number 2 (Supplement), March/April, 1992, pg. 87S.

⁸Weiss, Gerald M. and Elaine B., "A Perspective on Controversies Over Neonatal Circumcision," *Clinical Pediatrics*, Volume 33, Number 12, December, 1994, pg. 727.

⁹Milos, pg. 88S.

¹⁰Wolbarst, Abr. L., *Is Circumcision a Barbarous and Unnecessary Mutilation?*, Medical Review of Reviews, August, 1921, pg. 8.

with venereal ulcers. It diminishes local complications in the presence of venereal disease. It makes balanitis impossible, and thereby impedes the development of venereal warts, herpes progenitalis and epithelioma. It diminishes the tendency to masturbation, convulsions and other reflex phenomena of local irritation. It eliminates erosive and gangrenous balanitis - the 'fourth venereal disease,' so-called. It abolishes phimosis and paraphimosis with their attendant complications and dangers. It renders venereal ulcers immediately visible, and therefore encourages early therapeutic measures; as a corollary, it prevents the spread of venereal disease thru female contact with concealed and unrecognized lesions within the preputial (the foreskin) cavity.¹¹

This concise and clearly supportive paragraph outlines the accepted medical reasons that circumcision was promoted in the 1920s. Most of these conclusion are still being debated today. In fact, the only piece of this conclusion that is no longer part of a modern argument for or against circumcision is the belief that circumcision helps to curb masturbation. But there are also a few more points of the debate concerning circumcision that have been added over the years.

During the 1930s studies began to show that retention of the foreskin had a correlation with the development of penile cancer later in life. Added to this were studies in the 1950s which found that the papilloma virus (associated with cancer of the penis) was also a contributing factor in the development of cervical cancer. Both of these findings helped bolster the practice of prophylactic circumcision.¹²

The most recent arguments for and against circumcision are really just an expansion of the early idea that a circumcised male is less likely to contract venereal diseases. Studies in the past 15 years have suggested that AIDS also

¹¹Ibid., pg. 8.

¹²Milos, pg. 88S.

falls in this category. Edward Wallerstein, in his book Circumcision: An American Health Fallacy, writing nearly twenty years ago, listed the six most common reasons used to persuade parents and doctors to perform circumcision on a routine basis. These reasons were:

1. A tight or very long foreskin. In the newborn it may not be possible to pull the foreskin back to expose the glans. This condition is said to be pathological, and if not properly corrected by circumcision, is believed to lead to dire consequences.
2. Penile hygiene. The penis in its natural state is said to be difficult to keep clean. Circumcision eliminates the problem of penile hygiene.
3. Venereal disease. A circumcised male is believed to be less likely to contract venereal disease.
4. Cancer. It is claimed that circumcision prevents prostatic and penile cancer in males and cervical cancer in their sexual partners.
5. Improved sexuality. Circumcision is said to prevent or reduce premature ejaculation.
6. Masturbation. Circumcision is believed to reduce the incidence of masturbation.¹³

Throughout the rest of this chapter I will provide a section considering each of these issues individually. Each issue, that is, except the one regarding masturbation. As I stated earlier, the masturbation argument is generally not mentioned any longer. This is most likely due to the current belief by most practitioners that masturbation is a normal and common practice which, for most individuals, does not need to be curbed.

There are, however, still six main points to the circumcision question. Replacing the masturbation argument is the argument concerning pain. In the past it was believed that newborn infants were not capable of experiencing pain, at least not in the way that children and adults do. This is no longer the case and most

¹³Wallerstein, pg. 2.

physicians will acknowledge that there is some pain associated with neonatal circumcision and, therefore, it should be a factor in determining whether or not to perform the procedure. The degree to which infants experience pain is something I will return to later since each side has its own opinion on the subject.

Infections and Other Problems of the Foreskin

According to Dr. Edward Wallerstein, a prominent opponent of routine newborn circumcision, the major reason given for the surgery is prophylactic.¹⁴ In other words, the foreskin is most often removed to prevent future problems, not to fix a current deformity or a present disease. Certainly, one fact that is incontestable is the existence of certain disorders that can only affect an uncircumcised individual. These would be medical problems which involve the foreskin. If the foreskin is removed, the possibility of developing said problems is eliminated. Such problems include balanitis (glandular inflammation); posthitis (inflammation of the foreskin); balanoposthitis (a combination of balanitis and posthitis); phimosis (non-retractable foreskin); and foreskin adhesions (skin bridges from the outer remnant of the foreskin to the denuded area of the glans).¹⁵ For many of these disorders the treatment is circumcision, therefore, the argument continues, one should circumcise the child at birth in order to avoid even the possibility of such problems.

This is known as the prophylactic reason for circumcision, and it is the first element to the medical argument which I will present. You will no doubt recognize similarities between this section and later ones because, in reality, most of the positions are a form of the prophylactic argument - circumcising a child at birth prevents, to some degree, the development of. . . For now we will deal with

¹⁴Ibid., pg. 3.

those disorders which specifically relate to the foreskin.

About 10% of the uncircumcised population eventually requires circumcision because of one of the above infections.¹⁷ When these circumcisions are performed on adults they are serious surgical procedures which require anesthesia. Therefore, the listed problems listed should not be taken lightly. Any of them can lead to a number of major difficulties including blockage of the urinary tract. Moreover, disorders like balanitis and posthitis in particular are extremely painful infections.¹⁸ Because of this fact many doctors support circumcision of the newborn. Dr. Brian Gregory writes, "As a practising dermatologist . . . , I regularly see men who are suffering from recurrent balanoposthitis, a condition prevented by neonatal circumcision."¹⁹ Dr. Edgar Schoen added, "For years, it had been apparent to the practicing urologist that circumcision of newborns prevented phimosis, paraphimosis, and balanoposthitis."²⁰

On the other hand, opponents of the procedure point out many of the inconsistencies surrounding any surgery for purely prophylactic reasons. In other words, most doctors do not advocate routine removal of appendixes because of the chance one might get appendicitis later in life, nor do they recommend

¹⁵Goldenberg, Thomas, "Medical Issues and Berit Mila," in Barth, Lewis M., (ed.), Berit Mila in the Reform Context, Berit Mila Board of Reform Judaism, USA, 1990, pg. 196.

¹⁶Gregory, Brian W., BSc, MD, FRCPC, "Anti-Circumcision Groups Criticized," Canadian Medical Association Journal, Volume 153, Number 7, October 1, 1995, pg. 886.

¹⁷Duckett, John W., MD, "A Temperate Approach to Neonatal Circumcision," Urology, Volume 46, Number 6, December, 1995, pg. 771.

¹⁸Wiswell, Thomas E., M.D., "Circumcision - An Update," Current Problems in Pediatrics, November/December, 1992, pg. 427.

¹⁹Gregory, pg. 886.

²⁰Schoen, Edgar J., M.D., "Urologist and Circumcision of Newborns," Urology, Volume 40, Number 2, August, 1992, pg. 99.

tonsillectomies any longer. Dr. Eugene Robin, in a clearly sarcastic response writes, "Using the surgical treatment of circumcision to prevent phimosis is a little like preventing headaches by decapitation. It works but it is hardly a prudent form of treatment."²¹ He singles out phimosis because circumcision opponents feel such diagnoses have often been concluded in error.

Phimosis refers to a tight or non-retractable foreskin. In a normal adult penis the foreskin should glide smoothly up and down the shaft, so that the crown can be completely uncovered. This is necessary, on a basic level for hygiene purposes, but it is also theorized that this also has to do with sexual pleasure (as we shall see later). In the past, doctors have recognized that for many newborn penises, the foreskin is not retractable and may not come free from the glans for many years. Doctors have used this as further support the circumcision is a necessary procedure.

New research, however, suggests that a non-retractable foreskin in a newborn should be considered normal and not a deformity. In fact, phimosis may occur in as much as 90% of all newborns.²² Therefore, Dr. Wallerstein writes, "The accepted theory expounded in both medical and lay literature for treating phimosis of the newborn by circumcision is totally in error."²³ A normal, healthy infant is born in a state of phimosis and one should not tamper with his penis for that reason.

In 1995 the American Academy of Family Physicians, as a result of this new

²¹Milos, pg. 91S.

²²Wallerstein, pg. 62.

²³Ibid., pg. 65.

evidence declared, "A diagnosis of phimosis cannot be made with assurance in the newborn. . . Therefore, 'phimosis of the newborn' is not a valid medical indication for a circumcision."²⁴ An additional statement by the Canadian Paediatric Society points to a study in which no true phimosis was found in any boys younger than 5 years of age.²⁵

There are, of course other infections, ones which affect both the circumcised and the uncircumcised. One such disorder is a urinary tract infection (UTI). On the surface a UTI sounds innocuous enough, but it is actually a potentially deadly infection. Dr. Thomas Wiswell, a neonatologist, points out, "As many as 11% of children may die following a UTI during the first month of life."²⁶ Moreover, there is, at least, a 10-fold greater risk of urinary tract infections (UTI) among the uncircumcised.²⁷ Some studies have even shown the risk to uncircumcised children to be 20 times higher than the risk to circumcised children.²⁸

According to the Canadian Paediatric Society, in 1982 Ginsburg and McCracken reported a case series of 109 infants in whom UTI developed between 5 days and 8 months of age. Most of these subjects were male infants and of these 95% were uncircumcised.²⁹ But the major study cited is one performed in 1985. At this time Wiswell, Smith and Bass reviewed a group of 5261 infants born at an army

²⁴American Academy of Family Physicians, "Fact Sheet for Physicians Regarding Neonatal Circumcision," *American Family Physician*, Volume 52, Number 2, August, 1995, pg. 523.

²⁵Fetus and Newborn Committee, Canadian Paediatric Society, "Neonatal Circumcision Revisited," *Canadian Medical Association Journal*, Volume 154, Number 6, March 15, 1996, pg. 774.

²⁶Wiswell, pg. 424.

²⁷Fetus and Newborn Committee, pg. 771.

²⁸Wiswell, pg. 424.

²⁹Fetus and Newborn Committee, pg. 771.

hospital and found a higher incidence rate of UTI among the uncircumcised male infants (4.12%) than among those who were circumcised (0.21%). A subsequent review of the records of 427,698 infants (219,755 of whom were boys) born in US Armed Forces hospitals from 1975 to 1979 supported these findings, showing a 10-fold higher incidence rate of UTI among uncircumcised boys (1.03%) than among circumcised boys (0.10%). . .³⁰

Furthermore, the records of these boys, born in U.S. Army hospitals, clearly show the benefit of circumcision versus non-circumcision. For the 100,157 boys who were circumcised, there were 25 instances of surgical injury and 20 urinary tract infections during the first month of life. By contrast, 88 boys among the 35,929 uncircumcised developed urinary tract infections. Two of these boys suffered kidney failure, and two more died. None of the circumcised boys died or lost portions of their penis (other than their foreskins).³¹ This evidence clearly shows the prophylactic benefit of circumcision.

Nevertheless, anti-circumcision forces, although not disputing the evidence, still dispute the conclusion. Anti-circumcision activists point to this evidence and argue that circumcision should not be a routine medical procedure. They take issue with the relevance of a 10-fold greater risk. In other words, the Canadian Paediatric Society places the overall incidence rate of UTI among infant boys at only 1 or 2 percent.³² Such a low rate begs the question, "Is it cost effective to

³⁰Ibid., pg. 771.

³¹Fink, Aaron J. M.D., *Circumcision: A Parent's Decision for Life*, Kavanah Publishing Company, Mountain View, CA, 1988, pg. 59.

³²Fetus and Newborn Committee, pg. 771.

circumcise all boys to prevent a disease that effect so few individuals?" They then answer their own question using a model set up to decide how much it truly costs:

Chessare developed a model for decisions concerning circumcision of newborn male infants to prevent UTI. In the model, the probability of having a UTI in the first year of life was considered to be 4.1% for an uncircumcised boy and 0.2% for a circumcised boy. . . For the set values assigned to the possible outcomes, the highest expected benefit was obtained from the choice not to circumcise. The choice would remain not to circumcise even if none of the infants circumcised had complications as a result of the procedure and would change only if the probability of a UTI in the first year of life was 29% or greater.³³

The conclusion, therefore, must be that a lower risk of UTI is not a valid reason for routine neonatal circumcision. Furthermore, even if it is admitted that the complications associated with circumcision are often less severe than those associated with UTI, anti-circumcisionist would argue it is not worth it. On a purely monetary scale, the choice to not circumcise should always win.

This conclusion is supported by another study as well:

Thompson interpreted the published data by considering a hypothetical cohort of 2000 newborn male infants, half of whom were circumcised and half of whom were not. Given an incidence of UTI of 0.1% in the circumcised boys and of 1.0% in the uncircumcised ones during the first year of life, he calculated that there would be nine more UTIs for every 1000 newborns who were not circumcised. Thus 99.9% of the circumcised infants would not experience a UTI, whereas 99.0% of the uncircumcised group would not have a UTI. Given a complication rate of 0.2%, Thompson estimated that, whereas 9 boys out of 1000 circumcised would benefit from circumcision, 12 would have moderately severe complications. At a complication rate of 4.0%, 41 boys would have moderately severe or worse complications. He concluded that the potential benefit to 9 in 1000 boys would be more than offset by the rate of moderately severe or worse complications, even if this rate was as

³³Ibid., pg. 775.

low as 0.2%.³⁴

Despite the anti-circumcision argument presented here, however, the data on urinary tract infections, as evidenced by the Wiswell study in 1985, did influence the American Academy of Pediatrics Task force on Circumcision. In 1989 this Task Force revised its 1984 statement that "no medical indications" existed for routine neonatal circumcision to one which reads, "newborn circumcision has potential medical benefits and advantages as well as disadvantages and risks."³⁵

On the whole, however, this is not a recommendation for circumcision, merely an acknowledgment that there is a choice to be made. Based on the evidence and arguments presented regarding those infections which affect only the foreskin, like phimosis or balanitis, and other infections which are more wide spread, there is not one clear choice. There are proven benefits to circumcision, such as a reduction in UTI, phimosis and balanitis, along with the other infections listed above. But, these disorders do not really affect a significant enough proportion of the total population to warrant routine prophylactic circumcision.

³⁴Ibid., pg. 775.

³⁵Duckett, pg. 771.

Penile Hygiene

Writing for the *British Medical Journal* in 1920, G. E. Thompson cites cleanliness as one of three reasons typically given in favor of circumcision.³⁶ The apparent meaning of this is that the circumcised penis is easier to care for. In fact, given the feelings toward cleanliness a century or more ago, it is easy to understand that physicians would have been advocating the simplest, most uncomplicated manner for keeping the genitals clean. Without the benefits of indoor plumbing and showers (as opposed to baths), two items which are taken for granted today, it was not uncommon for there to be days, or even weeks between a person's baths. Given these circumstances, it is not hard to believe that circumcision would be seen as "the paramount agency in genital cleanliness and hygiene."³⁷

The supporters of circumcision continue to promote this view, and to some extent they are correct. A circumcised penis is easier to wash. Moreover, the area between the foreskin and the head of the penis does provide an ideal sight for bodily secretions, dirt, and bacteria to become trapped. One particular supporter of circumcision commented, "If the decision is made not to circumcise a male infant, there must be a lifetime commitment to genital hygiene."³⁸

Furthermore, even in the landmark report of 1975 by the Ad Hoc Task Force on Circumcision, there is the suggestion that the uncircumcised penis requires more care. The report states that for those who choose not to be circumcised

³⁶Wolbarst, pg. 2.

³⁷Ibid., pg. 8.

³⁸Duckett, Ibid., pg. 771.

"optimal hygiene" may confer as much protection as neonatal circumcision. The clue here are the words "optimal hygiene." No such declaration is made that the circumcised penis needs to remain in a state of "optimal hygiene" in order to reap the benefits of the circumcision itself. Circumcision supporters also point out that, at the time of the report, and even to the present day, there are no published studies which support the conjecture that good hygiene avoids the potential complication of the uncircumcised state (UTIs, penile cancer, and so on).³⁹ Besides, as the American Academy of Family Physicians points out, "careful penile cleansing seems prudent for both circumcised and uncircumcised males."⁴⁰

On the other hand, circumcision's detractors, take offense at the notion that the "natural" penis requires more care. Dr. Daniel Niku makes this point very clearly, "Contrary to popular belief, it cannot be emphasized too strongly that no special care of the uncircumcised penis is required. . . once the prepuce [foreskin] has separated from the glans, the child should be encouraged to cleanse the area under his prepuce just as he is encouraged to wash behind his ears."⁴¹

In essence hygiene or the lack of it is an educational problem and not a surgical one. Whether or not the circumcised penis is easier to clean is beside the point and the lack of a foreskin is not necessary for good hygiene. Even the American Academy of Pediatrics agrees that the problem is educational. Reading further on in their report of 1975 it is written, "A program of education to continuing

³⁹ Wiswell, pg. 429.

⁴⁰ American Academy of Family Physicians, pg. 524.

⁴¹ Niku, S. Daniel, MD, et al, "Neonatal Circumcision," Urologic Clinics of North America, Volume 22, Number 1, February, 1995, pg. 58.

good personal hygiene would offer all the advantages of routine circumcision without the attendant surgical risk. Therefore, circumcision of the male neonate cannot be considered an essential component of adequate total health care."⁴² Moreover, good hygiene has been shown to prevent those disorders which were a concern in the previous section, i.e. phimosis and UTI. According to the Canadian Paediatric Society, "An evaluation of hygienic practices among uncircumcised patients showed that those who retracted the foreskin while bathing were less likely to have inflammation, phimosis or adhesions than those who did not."⁴³ Yet another reason to dismiss the relevance of those arguments for circumcision.

Furthermore, Dr. Wallerstein is very critical of this view. He says, "The question of penile hygiene is as much attitudinal and cultural as it is medical. The threats of dire consequences resulting from neglect of penile hygiene because it is too difficult a task constitute nothing less than coercive scare tactics to frighten parents into accepting circumcision."⁴⁴ Clearly, he feels there is something more sinister underlying the emphasis by most doctors to perform circumcisions.

Finally, Dr. Leonard J. Marino would add this to our discussion. "After the age of reason, one hopes that a boy who has already learned to tie his shoes can be cajoled into washing behind his ears and directed to clean his penis. It is painless, takes only a few seconds, and when it takes any longer is probably associated with a smile."⁴⁵

⁴² Wallerstein, pg. 77.

⁴³ Fetus and Newborn Committee, pg. 774.

⁴⁴ Wallerstein, pg. 79.

⁴⁵ Milos, pg. 90S.

Venereal Disease

As was stated previously, the fear of sexually transmitted diseases (STDs) was one of the initial reasons given in favor of circumcision. Any number of physicians, from P. C. Remondino in the 1891 to Abraham Wolbarst in 1921 to Abraham Ravich in 1973, have cited this fact. In particular, while working in the Jewish Quarter in London, at the end of the Nineteenth Century, Remondino saw five times as much syphilis among the same number of non-circumcised as among the Jews.⁴⁶ This and other evidence have prompted some to speculate that, "Virtually all sexually transmitted diseases occur more frequently among uncircumcised men."⁴⁷

It has been postulated over time that the foreskin layer itself is a cohort in the higher risk factor. The inner lining of the foreskin is known as a mucosa layer, much like the inner lining of the mouth. This type of skin is easily abraded and damaged. Moreover, the fold underneath the foreskin is an ideal environment for the growth and cultivation of bacteria and other germs, precisely because it is warm and moist and easily overlooked during bathing. According to Dr. Aaron Fink, it is this "delicate skin surface, eliminated by circumcision, which predisposes its sexually active owner to a number of STDs and other ailments."⁴⁸

In contrast to this, the skin of the circumcised penis, because it is exposed to

⁴⁶Wolbarst, pg. 4.

⁴⁷Storms, Michelle R., M.D., "AAFP Fact Sheet on Neonatal Circumcision: A Need for Updating," American Family Physician, Volume, 54, Number 4, September 15, 1996, pg. 1216.

⁴⁸Fink, pg. 7.

the outside environment, develops a corneum layer, a layer of skin that is tougher and less penetrable by outside elements. Moreover, the outer surface of the circumcised penis becomes drier. All of this combines to make the circumcised penis less susceptible to infection. Once again, quoting Dr. Fink, "Moist areas of the body in general, such as the armpits and the foreskin space, are loaded with living organisms. Dryness tends to prevent colonization by microbes."⁴⁹ A third benefit is the fact that the bare surface of the circumcised penis, is constantly exposed to outside temperatures making it less likely to remain at body heat, unlike the moist depths of the foreskin space. Most microbes prefer a warmer environment in which to grow.

The venereal disease which is most often researched today, human immunodeficiency virus type 1 (HIV-1), more commonly known as the AIDS virus, also appears to have a preference for an uncircumcised penis. Mark Tyndall and colleagues recently published their findings from a major research study on HIV-1. In their study they found that circumcision status was "strongly associated with HIV-1 positivity."⁵⁰ Even if one were only to judge the likelihood of contracting HIV-1 base on the number of sex contacts as an estimator of sexual exposure to HIV-1, circumcised men appear to have more exposure with less infection.⁵¹

As an aside in their study, they also found support for the idea that the other STDs, were more likely in an uncircumcised individual. "The chance of acquiring

⁴⁹Ibid., pg. 9.

⁵⁰Tyndall, Mark W., et al, "Increased Risk of Infection with Human Immunodeficiency Virus Type 1 Among Uncircumcised Men Presenting with Genital Ulcer Disease in Kenya," Clinical Infectious Diseases, Volume 23, Number 3, September, 1996, pg. 450.

⁵¹Ibid., pg. 452.

an STD appears to be increased in uncircumcised men when they are exposed. This is consistent with data from Australia indicating an increased acquisition of herpes simplex, syphilis, gonorrhea, and candidiasis among uncircumcised men.⁵²

As for their conclusion, Tyndall et al are very clear:

It is biologically plausible that the presence of the foreskin enhances the transmission of HIV-1. . . In addition, the environment beneath the foreskin may allow longer viral persistence and thus a greater opportunity for viral penetration. . . If the transmission of HIV-1 is enhanced by an intact foreskin, it would be expected that there would be an acceleration in the rate of HIV-1 seroprevalence in uncircumcised men over time. This is indeed the case in the Nairobi clinic. . . In view of the rapid spread of HIV-1 and the lack of effective prevention strategies currently available, circumcision indeed may offer one of the few effective means of slowing the spread of HIV-1 in some countries.⁵³

Nevertheless, despite the fact that there is ample evidence and research suggesting that the uncircumcised male is much more like to develop any number of venereal diseases, anti-circumcision groups are not convinced. In fact, they argue that most of the previous research is tainted or in error. According to Dr. Michelle Storms, recent studies have demonstrated that circumcised men are at increased risk of contracting gonorrhea, syphilis and genital warts.⁵⁴

As for the studies into the incidence rates of (STDs) among circumcised and uncircumcised men, the American Academy of Pediatrics has found these reports to be inconclusive.⁵⁵ Moreover, the Canadian Paediatric society, after reviewing a study of 300 consecutive heterosexual male patients attending a STD clinic found that circumcision status had no significant effect on the incidence of common

⁵²Ibid., pg. 452.

⁵³Ibid., pg. 453.

⁵⁴Storms, pg. 1216.

⁵⁵Niku, pg. 59.

STDs.⁵⁶ Dr. Paul Fleiss, an outspoken opponent of circumcision, points to numerous, rigorously controlled studies which demonstrate that circumcised men are more at risk for gonorrhea, human papillomavirus, and herpes simplex type 2.⁵⁷ Furthermore, he states, there is no difference in the rates of all other common sexually transmitted diseases (STDs) between circumcised men and "males whose penises are still as Nature so wisely designed them."⁵⁸

The category "common sexually transmitted diseases" would also include the AIDS virus, despite the fact that studies have clearly demonstrated that uncircumcised men are more at risk for contracting it. If the findings of these studies were true, Dr. Fleiss asks, how come The United States, which has the highest rate of circumcision in the world, also has the highest rate of HIV-1 infection? "Routine neonatal circumcision did not protect the hundreds of thousands of circumcised Americans who have already contracted AIDS."⁵⁹ It is his belief that poorly controlled studies of African prostitutes and villagers are responsible for the fallacy that circumcision prevents the spread of AIDS.

In support of this theory, Dr. Storms points to the World Health Organization. She writes, "If linear regression analysis is applied to the relationship between circumcision rates and the prevalence of AIDS in industrialized countries (using 1994 World Health Organization data) and weighted for population, a strongly positive correlation between circumcision and the prevalence of AIDS is found.

⁵⁶Fetus and Newborn Committee, pg. 773

⁵⁷Fleiss, Paul M., MD, MPH "More on Circumcision," *Clinical Pediatrics*, Volume 34, Number 11, November, 1995, pg. 623.

⁵⁸Ibid., pg. 623.

⁵⁹Ibid., pg. 624.

While this does not prove that circumcision is a risk factor for AIDS it is clear that the 'circumcision experiment' in the United States did not prevent spread of this infection.⁶⁰

⁶⁰Storms, pg. 1216.

Cancer

The connection between circumcision status and penile cancer began in the 1930s. Wolbarst in 1932 and Dean in 1935 presented convincing data that cancer of the penis could be prevented by circumcision of newborns.⁶¹ It was determined that remaining uncircumcised led to a higher risk of developing cancer of the penis later in life. This happened because urologists started noticing that the vast majority of their patients with cancer of the penis were uncircumcised men. This led them to conclude that being circumcised at a young age could help prevent cancer later in life. Since penile cancer was and is fatal, any active procedure thought to prevent this disease was seen as a positive action.

From 1932 to 1986, more than 1,600 cases of cancer of the penis were reported in six major studies; not one of these men with cancer had circumcision as a newborn.⁶² This statistic has lead some to the powerful conclusion that neonatal circumcision entirely eliminates penile cancer.⁶³ Such strong statements are virtually unheard of when dealing with scientific research of any kind. Even if this statement is not totally correct it does seem a logical conclusion given the data.

Based on current statistics, the American Academy of Family Physicians, in 1995, determined that "circumcision essentially eliminates the chance of developing this malignancy. Of the more than 60,000 cases of penile cancer occurring in the

⁶¹Schoen, pg. 99.

⁶²Ibid., pg. 99.

⁶³Fleiss, pg. 623.

United States since 1930, fewer than 10 have occurred in circumcised men."⁶⁴ Furthermore, even if one admits that penile cancer is a relatively rare malignancy, it is still a devastating disorder. Moreover, its treatment generally consists of amputating of the affected organ. According to Dr. Thomas Wiswell there are approximately 1,000 new cases of penile cancer each year in the United States, and more than 200 men die from it annually. Penile cancer is one of the few malignancies that can be prevented categorically by a prophylactic procedure - neonatal circumcision.⁶⁵

As was seen with the higher rates of venereal disease among uncircumcised men, the belief remains that the foreskin provided an ideal culture in which germs could grow and fester. In 1993 a study from the Arkansas Cancer Research Center confirmed, or at least supported this conclusion.

... special skin cells that provide immunity, the epidermal Langerhans cells, are deficient in the human prepuce (the foreskin). When the foreskin is present, there is an unprotected area at the inner surface devoid of these special cells. Furthermore, the fold over the glans allows a moist, warm area to incubate and encourage organism growth. The circumcised penis, on the other hand, develops a thicker, tougher skin over the glans which is more resistant to disease than a prepuce-surrounded glans penis. These conditions could account for the increased vulnerability of the 'natural' penis.⁶⁶

It has been determined that the papilloma virus is a factor in the development of penile cancer. Obviously, this virus finds the warm, moist environment between the foreskin and the crown of the penis an ideal space. Removal of the foreskin, therefore, eliminated this environment, thus accounting for the lower rate of

⁶⁴American Academy of Family Physicians, pg. 523.

⁶⁵Wiswell, pg. 427.

⁶⁶Weiss, pg. 727.

cancer of the penis found among circumcised men.

Those opposed to circumcision, however, are not so easily swayed by the seemingly overwhelming evidence presented above. In fact, they are quick to point out a multitude of problems with this argument, and even have some statistics of their own. For one thing, Dr. John Duckett points out, "although penile cancer occurs in the uncircumcised, it is so rare in the United States . . . that someone would have to do 140 circumcisions a week for 25 years to prevent one case of carcinoma of the penis."⁶⁷ Furthermore, if penile cancer were truly a problem of the uncircumcised then one would expect to find a higher rate in those countries where circumcision is not the norm. This, however, is not the case. According to the Canadian Paediatric Society, "In the United States the incidence rate [of penile cancer] is less than 1 per 100,000 per year. This is similar to the rates in Norway and Sweden, where circumcision is rarely performed."⁶⁸ This is echoed by Eleanor LeBourdais, who writes, "In the United States, where some 80% of males are circumcised, the incidence of penile cancer is similar to that in Scandinavia, where circumcision is uncommon."⁶⁹

Another point that anti-circumcision groups present is the number of circumcised men developing penile cancer has been increasing over the years. In data published 5 years ago, of 110 cases of penile cancer, 41 (37 percent) were circumcised.⁷⁰ This has led many to speculate the reason that there is so much

⁶⁷Duckett, pg. 771.

⁶⁸Fetus and Newborn Committee, pg. 773.

⁶⁹LeBourdais, Eleanor, "Circumcision No Longer a 'Routine' Surgical Procedure," *Canadian Medical Association Journal*, Volume 152, Number 11, June 1, 1995, pg. 1873.

⁷⁰Storms, pg. 1216.

discrepancy between the statistics presented by both the pro- and anti-circumcisionists. Cancer of the penis is an older man's disease, most likely, the reason more patients in the 1930s and later years were uncircumcised is because that generation was one in which circumcision was uncommon. Today, however, the older generation were born at a time when most newborn were circumcised, and are now presenting all the same disorders as those who came before them. Another point, even given that the treatment for penile cancer is relatively severe, involving amputation of the penis, Dr. Sydney Gellis writes, "there are more deaths from circumcision each year than from cancer of the penis."⁷¹ Blandy has pointed out that in 1949 16 deaths occurred in the United Kingdom in 1 year associated with neonatal circumcision from unrecognized clotting disorders or infection, prompting the United Kingdom to reverse its circumcision policy.⁷² This statement, however, does not go unchallenged. According Dr. Wiswell, Since the early 1950s, there have been only three reported deaths in the United States from complications of neonatal circumcision, among the more than 50 million neonates who were circumcised. By contrast, during this same period there have been more than 7,000 deaths from penile cancer.⁷³

There is also more to the argument surrounding the incidence of cancer and circumcision. During the 1950s, researchers expanded the prophylactic qualities of male circumcision to include the prevention of cervical cancer in the female partners of circumcised males. Kjaer and colleagues demonstrated an association

⁷¹Milos, pg. 90S.

⁷²Duckett, pg. 771.

⁷³Wiswell, pg. 428.

between this malignancy in women and the lack of circumcision in their partners. In addition, Martinez found 8 cases of cervical cancer among the wives of 889 men with penile cancer (all uncircumcised) and no cases among the wives of a control group of 889 men.⁷⁴

There are number of reasons that doctors started connecting circumcision status and cervical cancer. First, some women with cervical cancer, when questioned, were found to have a connection to one or more partners who had penile cancer. Next, it was observed that Jewish women had a lower than average rate of cervical cancer. Finally, it was discovered that the papilloma virus, the main suspect in penile cancer, was also connected to the development of cervical cancer.⁷⁵ The theory was established that the easiest way for the cervix to be exposed to the papilloma virus was during intercourse. If this virus was most often found under the foreskin, then women whose husbands were uncircumcised were more likely to be exposed. Furthermore, as was stated earlier, it was believed that the foreskin provides an ideal environment for the growth of these kinds of germs. Since the husbands of Jewish women are circumcised, this would explain the lower incidence rate of cervical cancer among Jewish women.

This research and its conclusions, however, has been called into question in recent years. In 1975, the American Academy of Pediatrics Ad Hoc Task Force on Circumcision stated that "there was no evidence that non-circumcision results in increased cervical cancer in female sexual partners, noting that while the rate

⁷⁴Ibid., pg. 427.

⁷⁵Weiss, pg. 727

of cervical cancer is very low in Israel, where there is a high concentration of circumcised males, the rate of cervical cancer is also low in Finland, where most males are not circumcised.⁷⁶ The American Academy of Family Physicians seem to agree with this statement. In 1995, they came out with the statement that although, "carcinoma of both the cervix and penis has been linked to human papillomavirus types 16 and 18, there is no conclusive evidence linking uncircumcised men to cervical cancer or supporting the claims that circumcision is a preventative measure against carcinoma of the cervix."⁷⁷

Furthermore, recent studies have shown that rather than exposure to uncircumcised men being the cause for cervical cancer it is now believed that starting sexual activity at an early age and having multiple sexual partners predispose women to cervical cancer.⁷⁸ According to Dr. Wallerstein, "there is no relationship whatsoever between circumcision and cancer at any site."⁷⁹ On the other hand, it is the opinion of Drs. Gerald and Elaine Weiss that the benefits of circumcision, which include a reduction in some kinds of cancer, well outweigh the risks cited by those who oppose it.⁸⁰

⁷⁶Goldenberg, pg. 196.

⁷⁷American Academy of Family Physicians, pg. 523.

⁷⁸Fetus and Newborn Committee, pg. 774.

⁷⁹Wallerstein, pg. 91.

⁸⁰Weiss, 1994, pg. 726.

Sexual Pleasure

Given our society's fixation on sex and sexual pleasure, it is not surprising that circumcision is also part of this issue. Although this might seem like a modern dilemma, the reality is otherwise. As far back as the Middle Ages, Jewish writers such as Moses Maimonides and Isaac ben Yediah were promoting better control over one's urges as one of the values of circumcision (see Chapter 1 on the History of Circumcision). By the late 1900s doctors were suggesting that circumcision would help a man with the problem of premature ejaculation, and would help to curb the urge to masturbate.

In our day, the issue focuses on circumcisions effects upon sexual pleasure. Practically no one suggests that premature ejaculation is a problem for the uncircumcised alone, and masturbation is no longer seen as a problem to be cured. People argue that circumcision either enhances sexual pleasure or diminishes it. Unfortunately, there is really very little evidence either way, and the information which we do have on the subject is primarily anecdotal.

For example, there are numerous stories by men who were circumcised later in life, presumably for some medical reason. A 37 year-old once wrote, "Slowly the area lost its sensitivity and as it did I realized I had lost something rather vital. Stimuli that had previously aroused ecstasy had relatively little effect. . . The acute sensitivity never returned . . . circumcision destroys a very joyful aspect of the human experience for both males and females."⁸¹

⁸¹Milos, pg. 93S.

Another story is offered by a man who was circumcised at age 26. "I had had ample experience and was happy with the pleasure I could experience as an intact male. After my circumcision, that pleasure was utterly gone. Let me put it this way: On a scale of 10, the intact penis experiences pleasure that is at least 11 or 12; the circumcised penis is lucky to get to 3. If American men who were circumcised at birth could know the deprivation of pleasure that they would experience, they would storm the hospitals and not permit their sons to undergo this unnecessary loss."⁸²

Countering this are anecdotes by men who were circumcised later in life and found the pleasure and control afforded them to be significantly improved after their surgery. Furthermore, I did find this one report from a female perspective, "Filipino women in Cebu say their sexual relations with circumcised men improved because 'it is 'bigger' and 'fuller.' . . . Further, these women indicate that those having the procedure are neither dirty nor have a bad odor."⁸³

Besides these idiosyncratic anecdotes, however, there have been a few attempts to create what would be a more scientific study of the subject. These include studies meant to determine the exact nature of the foreskin. According to Dr. Wallerstein, "study of the foreskin's development and structure reveals that this tissue is indeed useful. As a covering, it protects the glans from irritation. The copiousness and sensitivity of the foreskin's nerve structure indicate that it is erotogenic tissue with a useful if not important role in coitus."⁸⁴ For this reason it

⁸²Ibid., pg. 93S.

⁸³Weiss, pg. 728.

⁸⁴Wallerstein, pg. 53.

is maintained by circumcision's opponents that removal of the foreskin actually diminishes sexual sensation. Moreover, Dr. Fleiss contends that, "Foreskin amputation means severing the rich nerve network and all the nerve receptors in the foreskin itself. . . . The loss of the protective foreskin desensitizes the glans."⁸⁵ This, apparently would make intercourse less pleasurable.

In contrast to this, however, Dr. Fink mentions in his book, that he was surprised how little evidence in the form of scientific research actually exists on this subject. To be clear, he found none when researching his book. He writes, "Of the three books on human sexuality that I consulted, all state that the head of the penis, especially the underside where the frenulum would attach, is the most sensitive part of that organ. The head and frenulum area remain after circumcision."⁸⁶ In his support, I also found no relevant research studies on whether or not sexual pleasure is diminished because of circumcision. Common sense leads one to believe that pleasure is relative. As Charles Schultz, the writer of Charlie Brown, once said, "Happiness is one thing to one person and another thing to another person."⁸⁷

⁸⁵Fleiss, Paul M., MD, "The Case Against Circumcision," *Mothering*, Winter, 1997, pg. 41.

⁸⁶Fink, pg. 55.

⁸⁷Schultz, Charles M., *Happiness is a Warm Puppy*, Determined Productions, San Francisco, CA, 1962.

Pain

Possibly, the best argument against circumcision is the idea that it is a painful procedure. Any parent can sympathize with an aversion to doing anything which may cause their child pain. Thus, the suggestion that circumcision is a painful procedure which can easily be avoided is an acceptable argument. Worse is the fact that many physicians have discounted the pain involved, suggesting that newborn infants do not experience pain, because their nervous system is not fully developed this early age. As it stands today, no one, on either side of the argument, believes that circumcision is not painful. As we shall see, some suggest that very strong anesthetics be used, if the decision is made to circumcise. Others still believe that the pain involved does not require any medication.

To be sure, there is pain involved in circumcision, at any age. In a policy statement on neonatal anesthesia in 1987, the American Academy of Pediatrics called for attention to pain control in infants, stating that: "... local or systemic pharmacologic agents now available permit relatively safe administration of anesthesia or analgesia to neonates undergoing surgical procedures and that such administration is indicated . . . the decision to withhold such medication should be based on the same medical criteria used for older patients. The decision should not be based solely on the infant's age or perceived degree of cortical maturity."⁸⁸

⁸⁸Snellman, Leonard W., MD and Stang, Howard J., MD, "Prospective Evaluation of Complications of Dorsal Penile Nerve Block for Neonatal Circumcision," *Pediatrics*, Volume 95, Number 5, May, 1995, pg. 706.

The question remains: "To what degree does an infant experience and/or remember pain?" While it may seem unusual to talk about an infant remembering something, there have been studies which show that the experience of pain as a newborn can affect that child's response to pain later in life.

Five years ago, Anna Taddio and colleagues ran a study which tested the experience of pain by a child at that child's routine six month vaccination appointment. They found that boys who had been previously circumcised cried longer and harder than girls or other boys who had not been circumcised. Circumcision status was the only variable they could isolate as the reason for the difference. She writes, "If this sex difference is a real effect, it may be partly related to previous experience with acute pain, such as circumcision. Circumcised babies have short-term alterations in behavior, sleep patterns, frequency of feeding, crying, fussiness, and heart rate."⁸⁹ The statement continues, "The total duration of crying was longer, and there was a trend toward higher post-vaccination pain scores in the circumcised group."⁹⁰

This suggests that these boys have a memory of their circumcision. Moreover, it can be surmised that this memory effects the ways in which they perceive painful stimuli later in life. Taddio then concludes her report, "Because memory of pain is believed to be important in subsequent pain perception, and the main structures for memory are functional in the neonatal period, it is conceivable that pain from circumcision may have long lasting effects on pain response and/or

⁸⁹Taddio, Anna, et al, "Effect of Neonatal Circumcision on Pain Responses During Vaccination in Boys," *Lancet*, Volume 345, Number 8945, February 4, 1995, pg. 291.

⁹⁰*Ibid.*, pg. 292.

perception."⁹¹

Infants feel pain in a very real way; as a father, I know this to be true. I cannot and do not debate that pain is a very real part of circumcision. I also believe that 6 months later, a child who has been circumcised may very well exhibit different responses to painful stimuli than one who has not been circumcised. I take issue only with the extremists, who claim that a lasting psychological trauma is intentionally inflicted upon those infant boys who are circumcised.

J. F. Redman, an outspoken opponent of circumcision writes, "The known danger of inflicting psychological trauma through childhood penile surgery is a serious discouragement."⁹² In addition, Marilyn Milos, a registered nurse who is vehemently opposed to circumcision, says that one can only recommend continuing the practice of circumcision solely "by denying the existence of excruciating pain, perinatal encoding of the brain with violence, interruption of maternal-infant bonding, betrayal of infant trust. . ."⁹³ These and many other opponents of circumcision believe that not only does the child remember the pain and trauma involved with the procedure but that the child also experiences long lasting and deep psychological scars; specifically regarding the relationship of that boy to his mother.

Of course, not all of the literature surrounding the pain of circumcision is as

⁹¹Ibid., pg. 292.

⁹²Redman, J. F., "Re: Circumcision Revision in Prepubertal Boys: Analysis of a 2-year Experience and Description of a Technique," *Journal of Urology*, Volume 154, Number 3, September, 1995, pg. 1143.

⁹³Milos, pg. 87S.

extreme or prejudicial. Some of the researchers suggest ways in which the pain can be diminished precisely because they feel the procedure is worthwhile. One such study was done by Drs. Leonard Snellman and Howard Stang. They experimented with a process known as the Dorsal Penile Nerve Block (DPNB). For this type of anesthetic, a numbing agent is injected into the base of the penis so as to block the pain receptors of the penis from sending responses to the brain. In their conclusion they write, "The DPNB is a simple and effective means of reducing that pain and stress. We believe that our study adds to the literature indicating that DPNB is also safe. If neonatal circumcisions are to be performed, they should be done as humanely as possible. We encourage the medical community to adopt DPNB to help meet this goal."⁹⁴ The criticism of this method, for the most part, surround the need for a shot. Certainly the process is effective at reducing or even stopping the pain from the actual circumcision but in its place is the pain of a needle injection. If the goal is to do away with the pain of circumcision this method does not really achieve its goal.

In contrast to the DPNB, some doctors have been advocating the use of a topical anesthetic. In 1995, Dr. Daniel Niku reported on the use of a 2% solution of lidocaine also referred to as EMLA. He writes, "EMLA has shown efficiency in diminishing the pain associated with neonatal circumcision. When applied topically outside of the prepuce (foreskin) 45 to 60 minutes before circumcision, EMLA decreased the associated pain significantly when compared with placebo."⁹⁵

⁹⁴Snellman, pg. 707.

⁹⁵Niku, pg. 64.

This seems like a much more promising solution the problem of pain and circumcision. Its only critique has to do with the time lapse involved. Doctors must give the cream an hour to work before they can perform the circumcision.

Even the promise of being able to avoid the pain of the initial procedure, however, is not enough to sway the opposition. Dr. John Warren points out that the pain goes far beyond the actual cutting itself. "There will be acute pain when the foreskin is crushed by a clamp and then excised, and this pain would be reduced or obliterated by local analgesia. But, since the prepuce in newborn babies is adherent to the glans, circumcision involves tearing these layers apart, leaving the glans raw and bleeding. This raw surface must cause pain as it is abraded by soiled napkins for days after surgery."⁹⁶

As graphic and excruciating as this account makes the pain out to be, though, for most infants, it is not accurate. Whereas bleeding is the most common complication associated with circumcision, less than a third of all infants circumcised ever bleed enough to be reported as having had such a complication. Moreover, most of these bleeding episodes are minor and are controlled by pressure on the wound.⁹⁷

In the end, circumcision is no worse than any other medical treatment done for the benefit of the child. If the procedure is worthwhile, like one's routine vaccination or the PKU test done within two days of birth, then we are willing to overlook whatever amount of pain might be involved.

⁹⁶Warren, John, "Circumcision," *Lancet*, Volume 345, Number 8954, April 8, 1995, pg. 927.

⁹⁷Niku, pg. 61.

PART II: THE RELIGIOUS DECISION

Introduction

As a Modern Reform Jew, I often look to science and secular understanding when trying to merge Jewish practice with the world around me. It is for this reason that I began with the history of circumcision and the medical information in an attempt to find a persuasive reason to continue the practice. I had hoped to discover that the medical reasons alone were enough to support continuance of routine neonatal circumcisions so that there would not be any ambiguous reason to debate the relevance of *Brit Milah* in our time.

What I found, however, was a little disappointing, at first. The medical argument regarding circumcision as a routine procedure ends in a draw. Neither side can honestly claim to have the better answer. In fact, as it stands now, the last statement made by the American Academy of Pediatricians nearly ten years ago is still valid, "Newborn circumcision has potential medical benefits and advantages as well as disadvantages and risks."⁹⁸

In other words, the decision to circumcise or not to circumcise is one of personal choice. Neither side can clearly and decisively provide evidence to support its own view to the exclusion of the other's view. We are left, therefore, searching for more information. In order to make an informed decision, we have to look elsewhere.

Fortunately, as Jews, we have other information available to us. We are the beneficiaries of thousands of years of records and decisions all of which are

⁹⁸Duckett, pg. 771.

available to us when needed. In the absence of a clear decision based on current, scientific knowledge we are left with a religious decision, which is probably what the decision should have always been.

Both Moses Maimonides and Joseph Caro, two of our most famous teachers, compiled law codes meant to facilitate our learning. In the Maimonides' *Mishneh Torah*, and Caro's *Shulchan Aruch*, each devote significant sections to the laws surrounding *Brit Milah*: when to do it, who should do it, who is exempt.

There is never a clear reason given in favor of *Brit Milah*. For them, and most of their colleagues, *Brit Milah* was ordained by God, and therefore should not be questioned. Clearly, this reason does not satisfy our modern desire for logical, scientific explanation. In the end, however, this may be the best reason of all. It makes the choice to observe *Brit Milah*, the covenant of circumcision, a religious decision and not a medical one. When we accept *Brit Milah* as the religious choice it has always been, it becomes the ultimate act of faith, precisely because it is inexplicable. Perhaps this, in and of itself, is why *Brit Milah* has remained central to Judaism, performed by the Jewish people throughout the generations - even during those periods in our history when being circumcised could mean an immediate death sentence.

In the final two chapters, therefore, I have translated the three chapters that Maimonides compiled regarding *Brit Milah*, and the seven sections prepared by Caro.

Chapter Three

The Mishneh Torah:

Hilchot Milah

הלכות מילה, מצות עשה אחת, והיא למול הזכרים ביום שמיני. וביאור מצוה זו בפרקים אלו.

The law of circumcision is one of the "positive" commandments, the circumcision of males occurs on the eighth day. This *mitzvah* is explained in these chapters.

Perek One

א מילה מצות עשה שחייבין עליה כרת שנאמר וערל זכר אשר לא ימול את בשר ערלתו ונכרתה הנפש ההוא מעמיה, ומצוה על האב למול את בנו ועל הרב למול את עבדיו יליד בית ומקנת כסף, עבר האב או האדון ולא מל אותן ביטל מצות עשה ואינו חייב כרת שאין הכרת תלוי אלא בערל עצמו, ובית דין מצווים למול אותו הבן או העבד בזמנו ולא ינחתו ערל בישראל ולא בעבדיהן.

1. Circumcision is a "positive" commandment, an obligation whose non-performance is punishable by *kareit*, as it is written, "And if any male who is uncircumcised fails to circumcise the flesh of his foreskin, that person shall be cut off from his people (Genesis 17:14)." The father is commanded to circumcise his son, as is a master to circumcise his servants; whether they are born in his home or purchased. If the father or the master transgressed and didn't circumcise them, then he has neglected a positive commandment but he is not punished with *kareit*, because *kareit* applies to the uncircumcised himself. The court is obligated to circumcise that son or that servant at the appointed time for the uncircumcised should not rest among the Israelites or their slaves.

ב אין מלין בנו של אדם שלא מדעתו אלא אם כן עבר ונמנע למולו שבית דין מלין אותו בעל כרחו, נתעלם מבית דין ולא מלו אותו, כשיגדל הוא חייב למול את עצמו, וכל יום ויום שיעבור עליו משיגדל ולא ימול את עצמו הרי הוא מבטל מצות עשה, אבל אינו חייב כרת עד שימות והוא ערל במזיד.

2. A son should not be circumcised without his father's consent, except if he has transgressed and refused to circumcise him. Then the court may circumcise him (the son) against his (the father's) will. If the matter escapes the courts attention and they do not circumcise him, when he (the boy) grows up he is obligated to circumcise himself. And every day that passes after he is grown that he does not circumcise himself, behold, he is neglecting a positive commandment. But, he is not punished with *kareit* until he dies and has intentionally remained uncircumcised.

ג אחד עבד שנולד ברשות ישראל ואחד עבד הנלקח מן הכותים חייב הרב למול אותן, אלא שיליד בית נימול לשמנה, ומקנת כסף נימול ביום שנלקח אפילו לקחו ביום שנולד נימול בימיו.

3. Either a servant who is born under the authority of an Israelite or a servant who is purchased from the gentiles, the master is obligated to circumcise them. With this difference, the one born in the house should be circumcised on the eighth day, the one purchased with money should be circumcised on the day he was purchased. Even if he was purchased on the day he was born, he should be circumcised on that day.

ד יש מקנת כסף שנימול לשמנה ויש יליד בית שנימול ביום שנולד, כיצד לקח שפחה ולקח עוברה עמה וילדה הרי זה נימול לשמנה, ואף על פי שלקח העובר בפני עצמו והרי העובר עצמו מקנת כסף הואיל וקנה אמו קודם שנולד נימול לשמנה.

4. There are servants purchased with money who should be circumcised on the eighth day and there are servants born in the house who should be circumcised on the day they are born. In what manner? If he purchased a handmaid and he purchased her embryo with her and she then gives birth, behold, this (child) should be circumcised on the eighth day. Even though the embryo was purchased by itself, the embryo itself was purchased, since he purchased the mother before she gave birth, he is circumcised on the eighth day.

ה לקח שפחה לעובריה, או שלקח שפחה על מנת שלא להטבילה לשם עבדות, אף על פי שנולד ברשותו נימול ביום שנולד, שהרי הנולד הזה כאילו הוא מקנת כסף לבדו וכאילו היום קנהו, שאין אמו בכלל שפחות ישראל כדי שיהיה הבן יליד בית, ואם טבלה אמו אחר שילדה הרי זה נימול לשמנה.

5. If he purchased a handmaid for her embryo, or he purchased a handmaid on the condition that she not be immersed (converted) for the sake of servitude, even though it is born under his authority, he (the child) is circumcised on the day of his birth. Behold, this child is as if he had been purchased alone, and it is as if this is the day he was purchased. The mother is not in the category of a handmaid of Israel so that the child would be considered a child of the house. If his mother immerses herself after she give birth, then he is circumcised on the eighth day.

ו לקח עבד גדול מן העכו"ם ולא רצה העבד למול מגלגלין עמו כל שנים עשר חדש, יתר על כן אסור לקיימו כשהוא ערל, אלא חוזר ומוכרו לעכו"ם, ואם התנה עליו מתחלה והוא אצל רבו העכו"ם שלא ימול אותו מותר לקיימו והוא ערל, ובלבד שיקבל עליו שבע מצות שנצטוו בני נח ויהיה כגר תושב, אבל אם לא קיבל עליו שבע מצות יהרג מיד, ואין מקבלים גר תושב אלא בזמן שהיובל נוהג.

6. If one purchases an adult servant from the gentiles and the servant does not want to be circumcised, we bear with him for a period of twelve months. Longer than that, it is forbidden to maintain him (in the house) in his uncircumcised state. Rather, he sells him back to the gentiles, but if he stipulated at the beginning, when he was at his gentile master's place, that he could not circumcise him, it is permissible to sustain him even uncircumcised, provided that he accepts upon him the seven *mitzvot* commanded to the children of Noah and that he will become a resident alien. But if he doesn't accept these seven *mitzvot*, kill him immediately. A resident alien is only accepted during a time when the Jubilee year is practiced (i.e. when the Temple is standing and "all Israel" dwells upon its own land).

ז גר שנכנס לקהל ישראל חייב מילה תחלה, ואם מל כשהיה עכו"ם צריך להטיף ממנו דם ברית ביום שנתגייר, וכן קטן שנולד כשהוא מהול צריך להטיף ממנו דם ברית ביום השמיני, אנדרוגינוס והוא הילוד שיש לו זכרות כזכר ונקבות כנקבה צריך למול אותו בשמיני, וכן יוצא דופן ומי שיש לו שתי ערלות מלין את שתיהן בשמיני.

7. A convert who enters into the community of Israel, is obligated to be circumcised. If he was circumcised while still a gentile, it is necessary to perform a *hatifat dam brit* on the day that he converts. If a child is born without a foreskin, it is necessary to perform a *hatifat dam brit* on the eighth day. A hermaphrodite, one who is born with a penis like a male and a vagina like a female, must be circumcised on the eighth day. Similarly, one who is born outside the womb (by cesarean section) and one who has two foreskins should both be circumcised on the eighth day.

ח אין מלין לעולם אלא ביום אחר עלות השמש, בין ביום השמיני שהוא זמנה בין שלא בזמנה שהוא מתשיעי והלאה שנאמר ביום השמיני ביום ולא בלילה, מל משעלה עמוד השחר כשר, וכל היום כשר למילה, ואעפ"כ מצוה להקדים בתחלת היום שזריזין מקדימין למצות.

8. Circumcision is only done during the day, after the sun comes up, whether on the eighth day, which is the appointed time, or not at the appointed time, which is ninth day and the following days it is written, "On the eighth day (Leviticus 12:3)," i.e. during the day, and not at night. A circumcision done from the rising of the dawn is kosher, and the whole day is fit for circumcision. Nevertheless, it is a *mitzvah* to do it early at the beginning day, because the zealous do *mitzvot* as soon as they become obligatory.

ט מילה בזמנה דוחה את השבת, ושלא בזמנה אינה דוחה לא את השבת ולא את יום טוב, ובין בזמנה ובין שלא בזמנה דוחה את הצרעת, כיצד שאם היתה בהרת בעור הערלה חותכה עם הערלה, אע"פ שקציצת נגע הצרעת בלא תעשה יבא עשה וידחה את לא תעשה.

9. A circumcision at the appointed time overrides the Shabbat prohibitions. When it isn't done at the appointed time it does not override the Shabbat prohibitions or the *Yom Tov* prohibitions. Whether or not it is done at its appointed time, it does override the prohibitions surrounding leprosy. In what way? If there was a bright white spot (a sign of leprosy) on the flesh of the foreskin, it may be cut off with the foreskin. Even though cutting off the affliction of leprosy is a "negative" commandment, this "positive" commandment overrides the "negative" commandment.

י כשם שמילת הבנים דוחה את השבת כך מילת העבדים שהן נימולים לשמנה דוחה את השבת אם חל שמיני שלהן בשבת, חוץ מיליד בית שלא טבלה אמו עד שילדה שאע"פ שנימול לשמנה אינו דוחה את השבת.

10. Just as the circumcision of children overrides the Shabbat prohibitions, so too, does the circumcision of servants who are to be circumcised on the eighth day if the eighth day falls on Shabbat. With one exception: a child of the house whose mother did not immerse herself until after he was born. Even though he is circumcised on the eighth day, it does not override the Shabbat prohibitions.

יא קטן שנולד כשהוא מהול, ומי שנולד בחדש השמיני לעבורו קודם שתגמר ברייתו שהוא כנפל מפני שאינו חי, ויוצא דופן ואנדרוגינוס ומי שיש לו שתי ערלות אין דוחין את השבת אלא נימולין באחד בשבת שהוא יום תשיעי שלהן.

11. A child who was born circumcised, one who was born in the eighth month of pregnancy before he is completely formed in the womb is considered to be a miscarriage because an eighth-month delivery (is thought to be) non-viable, the [child born by] cesarean section, the hermaphrodite, and the one who has two foreskins - [their circumcisions] do not override the Shabbat prohibitions, rather they are circumcised on Sunday, which is the ninth day of their lives.

יב מי שנולד בין השמשות ספק ביום ספק בלילה מונין מן הלילה ונימול לתשיעי שהוא ספק שמיני, ואם נולד ערב שבת בין השמשות אינו דוחה את השבת אלא נימול באחד בשבת, שאין דוחין את השבת מספק.

12. One who is born at dusk, when there is doubt as to if it is day or night, we count from the night, and he is circumcised on the ninth day which is possibly the eighth day. If he was born *Erev Shabbat* at dusk, [his circumcision] does not override the Shabbat prohibitions, rather he is circumcised on Sunday because the Shabbat prohibitions are not superseded out of doubt.

יג מי שנולד בחדש השמיני, אם היה שלם בשערו ובצפרניו הרי זה ולד שלם ובן שבעה הוא אלא שנשתתה ומותר לטלטלו בשבת ואינו כאבן ומלין אותו בשבת, אבל אם נולד ושערו לקוי ואין צפרניו שלימים כברייתן הרי זה בן שמנה ודאי שלא היה ראוי להולד אלא בתשעה ויצא קודם שיגמר, ולפיכך הוא חשוב כאבן ואסור לטלטלו בשבת, ואעפ"כ אם שהה שלשים יום הרי הוא ולד של קיימא, והרי הוא כשאר הנולדין לכל דבר, שכל ששהה שלשים יום באדם אינו נפל.

13. One who is born in the eighth month [of pregnancy], if his hair and nails are complete, behold, this is a fully formed child, he is a son of the seventh month, only he was delayed. Thus, it is permissible to carry him on Shabbat, because he is not like a stone. Furthermore, he may be circumcised on Shabbat. But, if he was born and his hair is "defective" and he does not have nails, or his nails are not complete as they should be, behold, this is a child of eight months. He was not meant to be born until the ninth month, but he came out before he was finished. Therefore, he is considered like a stone and is forbidden from being carried on Shabbat. Nevertheless, if he should live for thirty days, behold, he is a child who will survive and is thus like other children in everything. Any human infant who survives for thirty days is not considered to be a "miscarriage."

טז חולה אין מלין אותו עד שיבריא, ומונין לו מעת שיבריא מחוליו שבעה ימים מעת לעת ואח"כ מלין אותו, במה דברים אמורים בשחלצתו חמה וכיוצא בחולי זה אבל אם כאבו לו עיניו בעת שיפתחו עיניו וירפאו מלין אותו מיד וכן כל כיוצא בזה.

16 One who is sick is not circumcised until he is healthy. We count for him, from the time he recovers after being sick, seven days of twenty-four hours each then we circumcise him. When do we say this? When he contracts a high fever or similar situations. If his eyes hurt, however, when he is able to open his eyes and they are healed we circumcise him immediately. And this goes for all similar situations.

יז קטן שנמצא בשמיני שלו ירוק ביותר אין מלין אותו עד שיפול בו דם ויחזרו מראיו כמראה הקטנים הבריאם, וכן אם היה אדום ביותר כמי שצבעו אותו אין מלין אותו עד שיבלע בו דמו ויחזרו מראיו כשאר הקטנים מפני שזה חולי הוא, וצריך להזהר בדברים אלו הרבה.

17. A child who, on the eighth day, appears mostly green is not circumcised until the blood appears in him and his appearance returns to that of a healthy child. This is so if he were mostly red, like someone had painted him. He is not circumcised until his blood is absorbed in him and his appearance returns to that of [healthy] children. Because this is a sick [child] it is necessary to be very careful with these things.

יח אשה שמלה בנה ראשון ומת מחמת מילה שהכשילה את כחו, וכן מלה את השני ומת מחמת מילה בין מבעלה הראשון בין מבעלה השני הרי זה לא ימול את השלישי בזמנו, אלא ממתנין לו עד שיגדיל ויתחזק כחו, אין מלין אלא ולד שאין בו שום חולי, שסכנת נפשות דוחה את הכל, ואפשר למול לאחר זמן ואי אפשר להחזיר נפש אחת מישראל לעולם.

18. If a woman circumcised her first son and he died because the circumcision weakened him, and she circumcised her second child and he died because of the circumcision, whether from her first husband or her second husband, the third child should not be circumcised at his appointed time. Rather, we wait until he grows up and his strength increases. We only circumcise a child who is not sick because the danger to his life overrides everything. It is possible to circumcise him after the appointed time, but it is impossible to bring back even one Jewish life (from the dead).

י"ד מי שנולד בחדש השביעי לעבורו אם נולד שלם הרי זה ולד של קיימא ומלין אותו בשבת, ספק בן שבעה ספק בן שמנה מלין אותו בשבת על כל פנים, אם בן שבעה הוא ושלם הוא בדין הוא שידחה שבת, ואם בן שמנה הוא הרי זה שמל כמתתך בשר הוא לפי שזה נפל אם הוא בן שמנה.

14. A child is born in the seventh month of pregnancy, if he is born completed, behold, this is a child who will survive and we may circumcise him on Shabbat. If there is doubt whether it is the seventh month or the eighth month, we may circumcise him on Shabbat in any case. If he is born in the seventh month (of pregnancy) and is completely formed, then by rights his circumcision should override the Shabbat prohibitions. If he is born in the eighth month of pregnancy, the one who circumcises him is considered as though he is merely "cutting flesh" because he is considered stillborn if he is a child of the eighth month.

טו הוציא העובר ראשו חוץ למעי אמו בין השמשות אע"פ שלא יצא כולו אלא בלילי שבת אין מלין אותו בשבת, וכל מי שאינו דוחה את השבת אינו דוחה את יום טוב ראשון ודוחה את יום טוב שני, ובשני ימים טובים של ראש השנה אינו דוחה לא את הראשון ולא את השני, וכן מילה שלא בזמנה אינה דוחה את שני ימים טובים של ראש השנה.

15. If his head comes out passing through the belly of his mother at dusk, but the rest of him does not come out until the night of Shabbat, we do not circumcise him on Shabbat. Any child who does not override the Shabbat prohibitions, also does not override the prohibition of the first day of a *Yom Tov*. But he does override the prohibitions of the second day of a *Yom Tov*. Except on the two days of Rosh Hashanah, he does not override the prohibitions of the first or the second day. Similarly any circumcision that is not done at its appointed time does not override the prohibitions of the two days of Rosh Hashanah.

Perek Two

א הכל כשרין למול ואפילו ערל ועבד ואשה וקטן מלין במקום שאין שם איש, אבל עכו"ם לא ימול כלל ואם מל אינו צריך לחזור ולמול שנייה, ובכל מלין ואפילו בצור ובזכוכית ובכל דבר שכורת, ולא ימול בקרומית של קנה מפני הסכנה, ומצוה מן המובחר למול בברזל בין בסכין בין במספרים, ונהגו כל ישראל בסכין.

1. Everyone is fit to do a circumcision. Even an uncircumcised person, a servant, a woman, or a minor may perform the circumcision, in the case that an adult male is not available. But, a gentile should never perform the circumcision. If he does the circumcision, [however], it is not necessary to perform a second circumcision. A circumcision, may be done with anything, even a rock, or glass, or anything that cuts. But one should not be circumcised with the scaly envelope of a reed, because of the danger. The recommended method is to circumcise with iron, whether with a knife or with scissors. It is the universal Jewish custom to use a knife.

ב כיצד מוהלין חותכין את כל העור המחפה את העטרה עד שתתגלה כל העטרה, ואח"כ פורעין את הקרום הרך שלמטה מן העור בצפורן ומחזירו לכאן ולכאן עד שיראה בשר העטרה, ואח"כ מוצץ את המילה עד שיצא הדם ממקומות רחוקים כדי שלא יבא לידי סכנה, וכל מי שאינו מוצץ מעבירין אותו, ואחר שמוצץ נותן עליה אספלנית או רטייה וכיוצא בהן.

2. In what way [is the circumcision performed]? The *mohel* cuts all of the foreskin that covers the crown [of the penis] until the whole crown is revealed. After that he [performs *peri'ah*] loosens the soft skin that is under the foreskin with a fingernail pushing back and forth until the flesh of the crown is revealed. After that, he [performs *metzitzah*] sucks the circumcision until the blood comes out from the deepest places. This is done so that a dangerous situation does not arise. Anyone who does not perform *metzitzah* should be removed and not permitted to circumcise. After *metzitzah*, he places upon it a compress, or plaster (a bandage), or something similar to these.

ג יש ציצין מעכבין את המילה ויש ציצין שאין מעכבין את המילה, כיצד אם נשאר מעור הערלה עור החופה רוב גבהה של עטרה הרי זה ערל כמות שהיה, וזה העור הוא ציצין המעכב, ואם לא נשאר ממנו אלא מעט שאינו חופה רוב גבהה של עטרה זהו ציצין שאינו מעכב.

3. There are fringes which invalidate the circumcision and there are fringes which do not invalidate the circumcision. If there remains from the foreskin skin which covers most of the height of the crown, behold, this is an uncircumcised person just as he was, and this is the skin which is a fringe which invalidates, but if what remains from it (the circumcision) is only a little bit which does not cover most of the height of the crown then this is the fringe which does not invalidate.

ד המל כל זמן שעוסק במילה חוזר בין על הציצין שמעכבין בין על ציצין שאין מעכבין, פירש על ציצין המעכבין חוזר, על ציצין שאינן מעכבין אינו חוזר, מל ולא פרע את המילה כאילו לא מל.

4. The whole time that the *mohel* is busy with the circumcision he should remove (the fringes) whether they are the fringes which invalidate or the fringes which do not invalidate. If he has withdrawn [from the circumcision] he removes the fringes which invalidate but he does not remove those which do not invalidate. If he circumcises but does not perform *peri'ah* it is as if he did not circumcise.

ה קטן שבשרו רך ומדולדל ביותר או שהיה בעל בשר עד שיראה כאילו אינו מהול רואין אותו בעת שיתקשה אם נראה שהוא מהול אינו צריך כלום, וצריך לתקן את הבשר מכאן ומכאן מפני מראית העין, ואם בעת שיתקשה לא נראה מהול חוזרין וקוצצין את הבשר המדולדל מכאן ומכאן עד שתראה העטרה גלויה בעת קישוי, ודבר זה מדברי סופרים אבל מן התורה אע"פ שהוא נראה כערל הואיל ומל אינו צריך למול פעם שנייה.

5. Regarding a child whose flesh is soft and is loosely connected, for the most part, or [someone who] is so obese that it appears he is not circumcised. We look at him when he has an erection. If it appears that he is circumcised there is no need to do anything. But it is necessary to correct the flesh on all sides because of appearances [so that it looks as though he is circumcised]. If when he has an erection he does not appear circumcised he (the *mohel*) returns and cuts the loosely connected flesh from here and there until the crown is revealed during erection. This is a rabbinic ordinance. But [according to the minimum standard set by the Torah], even though he appears to be uncircumcised, since he was circumcised, there is no need to circumcise him a second time.

ו עושין כל צרכי מילה בשבת, מלין ופורעין ומוצצין וחוזר על ציצין המעכבין אע"פ שפירש, ועל ציצין שאין מעכבין כל זמן שלא פירש, ונותן עליה אספלגית, אבל מכשירי מילה אינן דוחין את השבת, כיצד הרי שלא מצאו סכין אין עושין סכין בשבת ולא מביאין אותו ממקום למקום, ואפילו מבוי שאינו מעורב אין מביאין אותו מחצר לחצר, ואין עירוב מדבריהם נדחה מפני הבאת הסכין הואיל ואפשר להביאו מערב שבת.

6. One may do all that is necessary for the circumcision on Shabbat. The circumcision, *peri'ah, metzitzah*, and the removal of the fringes that invalidate, even if one has withdrawn [from the circumcision], but the fringes which do not invalidate [may only be removed] when one has not withdrawn [from the circumcision], also [one may] place a compress upon it (the wound). But the implements of the circumcision do not override the Shabbat prohibitions. In what way? If one can not find a knife, one is not allowed to make a knife on Shabbat, and one is not allowed to bring it from place to place, even if it is at the gate. If there is not an *eruv* it can not be brought from courtyard to courtyard. But, the requirement of an *eruv* is not suspended in order to bring the knife (even though it is a rabbinic ordinance and requiring it would prevent the fulfillment of a Toraitic *mitzvah*) because it was possible to bring the knife on Friday.

ז וכן אין שוחקין לה סממנין ואין מחמין לה חמין, ואין עושין לה אספלגית, ואין טורפין יין ושמן, ואם לא שחק כמון מערב שבת לועס בשניו ונותן, ואם לא טרף יין ושמן נותן זה לעצמו וזה לעצמו, זה הכלל כל שאפשר לעשותו מערב שבת אינו דוחה את השבת אבל אם שכה ולא הכינו המכשירין תדחה המילה לתשיעי.

7. Likewise, one may not grind drugs, heat water, make a compress, or mixing wine and oil [on Shabbat]. If cumin was not ground on *Erev Shabbat*, one may chew it with his teeth and place it [on the wound]. If wine and oil were not mixed give one by itself and the other by itself. This is the general rule: Anything that can be done on Friday does not override the Shabbat prohibitions. If one forgets and does not prepare the implements [for the circumcision], the circumcision is put off until the ninth day.

ח מלו את הקטן בשבת ואחר כך נשפכו החמין או נתפזרו הסממנין עושין לו הכל בשבת מפני שסכנה היא לו, מקום שדרכן להרחיץ את הקטן מרחיצין אותו בשבת ביום המילה בין לפני המילה בין לאחר המילה או בשלישי של מילה שחל להיות בשבת, בין רחיצת כל גופו, בין רחיצת מילה, בין בחמין שהוחמו מערב שבת בין בחמין שהוחמו בשבת מפני שסכנה היא לו.

8. If one circumcised a child on Shabbat and after one spilled the hot water, or scattered the drugs, one may make all for him on Shabbat, because of the danger to him. In a place where it is the custom to wash the child, one may wash him on Shabbat on the day of the circumcision, whether before the circumcision or after the circumcision, or on the third day after his circumcision which falls on Shabbat, whether one washes the entire body, or one washes the circumcision itself. Whether with hot water that was heated on *Erev Shabbat* or with water that was heated on Shabbat, because of the danger to him.

ט שכחו ולא הביאו סכין מערב שבת אומר לעכו"ם להביא סכין בשבת, ובלבד שלא יביא אותו דרך רשות הרבים, כללו של דבר כל דבר שעשייתו בשבת אסורה עלינו משום שבות מותר לנו לומר לעכו"ם לעשות אותן כדי לעשות מצות בזמנה, ודבר שעשייתו אסורה עלינו משום מלאכה אסור לנו לומר לעכו"ם לעשותו בשבת.

9. If one forgot and did not bring a knife on *Erev Shabbat*, one may tell a gentile to bring a knife on Shabbat, so long as he does not bring it by the public thoroughfare. In general, if something is forbidden to us on Shabbat because of a *sh'vut* then it is permissible to ask a gentile to do it in order to fulfill a mitzvah at its appointed time. But, if something is forbidden to us on Shabbat because it is *malacha* then it is forbidden to ask a gentile to do it on Shabbat.

י מכשירי מילה אפילו בזמנה אינן דוחין את יום טוב הואיל ואפשר לעשותן מערב יום טוב, וקל ותומר הדברים אם לא דחו מכשירי מילה שבות שהוא מדבריהם היאך ידחו לא תעשה שבתורה, אבל שוחקין לה סמנין ביום טוב הואיל וראוי לקדרה, וטורפין לה יין ושמן.

10. The implements of the circumcision even at its appointed time, do not override the *Yom Tov* prohibitions, because it is possible to do them the day before the *Yom Tov*. We learn this through a *kal v'chomer*, if the implements of the circumcision do not override the *sh'vut* prohibitions, how can they override the "negative" precepts of the Torah. One can, however, grind spices on a *Yom Tov*, since they could be used for cooking (preparation of food is permissible on a *Yom Tov* so long as it will be eaten that same day), and one can mix wine and oil on it.

Perek Three

א המל מברך קודם שימול אשר קדשנו במצותיו וצונו על המילה, אם מל בן חבירו, ואם מל את בנו מברך וצונו למול את הבן, ואבי הבן מברך ברכה אחרת, ברוך אתה יי' אלהינו מלך העולם אשר קדשנו במצותיו וצונו להכניסו בבריתו של אברהם אבינו, מצוה על האב למול את בנו יתר על מצוה שמצווין ישראל שימולו כל ערל שביניהן, לפיכך אם אין שם אביו אין מברכין אחריה ברכה זו, ויש מי שהורה שיברכו אותה בית דין או אחד מן העם, ואין ראוי לעשות כן.

1. The *mohel* recites before the circumcision [is preformed] "... who sanctified us with commandments and commanded us regarding the circumcision." [This is said] when one is circumcising the son of another. When circumcising one's [own] son, the blessing is, "... who commands us to circumcise the son." Then the father of the child recites another blessing, "Blessed are You, Adonai our God, Ruler of the universe, who has sanctified us with commandments and commanded us to enter them into the covenant of Abraham, our Father." The *mitzvah* of the father to circumcise his son is greater (because it is specifically commanded of the father to do it) than the *mitzvah* commanded to Israel to circumcise the uncircumcised among them. Therefore, if his father is not there, one does not recite this other blessing. There are those who rule that the court or one of the people [there] should recite this blessing, but it is not proper to do this.

ב ואם היו שם עומדין אומרים כשם שהכנסתו לברית כן תכניסהו לתורה ולחופה ולמעשים טובים.

2. If there are others there, they say, "Just as you have brought him into the covenant, so too may you bring him to Torah, marriage, and good deeds."

ג ואחר כך מברך אבי הבן או המל או אחד מן העומדין שם, ברוך אתה יי' אלהינו מלך העולם אשר קידש ידיד מבטן וחוק בשארו שם וצאצאיו חתם באות ברית קדש על כן בשכר זאת אל חי חלקנו צורנו צוה להציל ידידות שארנו משחת למען בריתו אשר שם בבשרנו, ברוך אתה יי' כורת הברית, ואבי הבן מברך שהחיינו.

3. After this, the father of the child or the *mohel*, or one of the attendees there should make the blessing, "Blessed are You, Adonai our God, Ruler of the universe, who has sanctified the beloved from the womb, and ordered a mark to be put on his flesh, and his descendants are sealed with a sign of the holy covenant. Therefore, as a reward for this, the Living God, our Portion, our Rock, commanded to save our beloved, our flesh and blood, from the pit for the sake of His covenant which He has put in our flesh. Blessed are You, God; who makes firm the covenant." The father of the son then says the *shehechianu*.

ד המל את הגרים מברך, ברוך אתה יי' אלהינו מלך העולם אשר קדשנו במצותיו וצונו למול את הגרים ולהטיף ממנו דם ברית שאלמלא דם הברית לא נתקיימו שמים וארץ שנאמר אם לא בריתי יומם ולילה תקות שמים וארץ לא שמת.

4. The circumciser of converts makes the blessing, "Blessed are You, Adonai our God, Ruler of the universe, who has sanctified us with *mitzvot* and commanded us to circumcise converts and to take from them the blood of the covenant, for if not for the blood of the covenant, the heavens and the earth would not be sustained as it is written, 'If it were not for My covenant, day and night, I would not have made the laws of heaven and earth (Jeremiah 33:25).'"

ה המל את עבדו מברך אשר קדשנו במצותיו וצונו למול את העבדים ולהטיף מהן דם ברית שאלמלא דם ברית לא נתקיימו שמים וארץ, ואם מל עבד של אחרים מברך על מילת העבדים, והמל אדם גדול צריך לכסות ערותו עד שיברך ואח"כ מגלהו ומל אותו.

5. One who circumcises his servant says, "... who has sanctified us with *mitzvot* and commanded us to circumcise servants and to extract from them the blood of the covenant, for if not for the blood of the covenant, the heavens and the earth would not be sustained." If one circumcises a servant of someone else, he says, "... concerning the circumcision of servants [instead of 'to circumcise servants']." For the circumcision of an adult male, it is necessary to cover his genitals until after the blessing. After this, one reveals it and circumcises it.

ו גר שמל קודם שנתגייר וקטן שנולד כשהוא מהול כשמטיפין ממנו דם ברית אינן צריכין ברכה, וכן אנדרוגינוס אין מברכין על מילתו מפני שהוא אינו זכר ודאי.

6. Regarding a convert who was circumcised before he converted, or a child who was born without a foreskin, when performing the *hatifat dam brit* it is not necessary to recite a blessing. Likewise, there is no blessing recited over the circumcision of a hermaphrodite, because he is not exactly a male.

ז עכו"ם שצריך לחתך ערלתו מפני מכה או מפני שחין שנולד בו היה אסור לישראל לחתוך לו אותה שהעכו"ם אין מעלים אותם מידי מיתה ולא מורידין אותן אליה, אע"פ שנעשית מצוה ברפואה זו שהרי לא נתכוון למצוה, לפיכך אם נתכוון העכו"ם למילה מותר לישראל למול אותו.

7. When it is necessary for a gentile to cut off his foreskin because of a wound or a boil that he was born with, it is forbidden for a Jew to cut it off for him because one should not bring a gentile up from death nor down to it. Even though the performance this medical treatment is a *mitzvah*, behold, it was not meant to be a *mitzvah*. Therefore, if the gentile means to be circumcised then it is permitted for a Jew to circumcise him.

ח מאוסה היא הערלה שנתגנו בה הגוים שנאמר כי כל הגוים ערלים, וגדולה היא המילה שלא נקרא אברהם אבינו שלם עד שמל שנאמר התהלך לפני והיה תמים ואתנה בריתי ביני וביניך וגו', וכל המפר בריתו של אברהם אבינו והניח ערלתו או משכה אע"פ שיש בו תורה ומעשים טובים אין לו חלק לעולם הבא.

8. The foreskin is repulsive, gentiles are condemned by it, as it is written, "For all the gentiles are uncircumcised (Jeremiah 9:25)!" Great is circumcision because Abraham our father was not called "complete" until he was circumcised, as it is written, "Walk before Me and be perfect. And I will put My covenant between Me and you ..." (Genesis 17:1-2)." Anyone who annuls the covenant of Abraham our Father and leaves his foreskin uncircumcised, or appears [so], even if he has Torah and good deeds, he does not have a portion in the world to come.

ט בא וראה כמה חמורה מילה שלא נתלה למשה רבינו עליה אפילו שעה אחת אף ע"פ שהיה בדרך, וכל מצות התורה נכרתו עליהן שלש בריתות, שנאמר אלה דברי הברית אשר צוה יי', מלבד הברית אשר כרת אתם בחרב, ושם הוא אומר אתם נצבים היום כולכם לעברך בברית יי' אלהיך הרי שלש בריתות, ועל המילה נכרתו שלש עשרה בריתות עם אברהם אבינו, ואתנה בריתי ביני וביניך, אני הנה בריתי אתך, והקימתי את בריתי ביני וביניך, לברית עולם, ואתה את בריתי תשמור, זאת בריתי אשר תשמרו, והיה לאות ברית, והיתה בריתי בבשרכם, לברית עולם, את בריתי הפר, והקימתי את בריתי אתו, לברית עולם, ואת בריתי אקיר את יצחק. בריך רחמנא דסייען.

9. Come and see how serious circumcision is, it was not suspended from Moses, our teacher, for even one hour, even though he was on the path. In all the *mitzvot* of the Torah only three covenants are discernible, as it is written, "These are the terms of the covenant which God commanded . . . in addition to the covenant which He made with them at Horab (Deuteronomy 28:69)." And it is written, "You stand this day, all of you . . . to enter into the covenant Adonai your God (Deuteronomy 29:9-11)." Thus there are three covenants. But regarding circumcision there are thirteen covenants discernible with Abraham our father.

"I will establish My covenant between Me and you (Genesis 17:2)."

"As for Me, this is My covenant with you (Genesis 17:4)."

"I will maintain My covenant between Me and you (Genesis 17:7)."

"As an everlasting covenant (Genesis 17:7)."

"And you shall observe My covenant (Genesis 17:9)."

"This is My covenant which you shall observe (Genesis 17:10)."

"That shall be the sign of the covenant (Genesis 17:11)."

"Thus shall My covenant be marked in your flesh (Genesis 17:13),"

"As an everlasting covenant (Genesis 17:13)."

"He will have broken My covenant (Genesis 17:14)."

"And I will maintain My covenant with Him (Genesis 17:19)."

"As an everlasting covenant (Genesis 17:19)."

"But My covenant I will maintain with Isaac (Genesis 17:21)."

Blessed be the Merciful God who gives help.

Chapter Four

The Shulchan Aruch:

Yoreh De'ah - Hilchot Milah

Section 260

א מצות עשה לאב למול את בנו וגדולה מצוה זו משאר מצות עשה:

1. It is a "positive" mitzvah for a father to circumcise his son. This is a greater mitzvah than the other "positive" mitzvot.

Section 261

א אם לא מל האב את בנו חייבים ב"ד למולו ואם לא מלוהו ב"ד חייב הוא כשיגדיל למול את עצמו ואם לא מל חייב כרת: הגה ובכל יום עוברים בעונשים אלו (טור ובכל בו) ואין מלין בנו של אדם שלא מדעתו אלא אם כן עבר האב ולא מלו בית דין מלין אותו בעל כרחו (טור בשם הרמב"ם) ואין האשה חייבת למול את בנה (טור). האב שאינו יודע למול ויש כאן מוהל שאינו רוצה למול בחנם רק בשכר יש לב"ד לגעור במוהל זה כי אין זה דרכן של זרע אברהם ואדרבה המוהלים מהדרין שיתנו להם למול ואם עומד במרדו ואין יד האיש משגת לתת לו שכרו הוי כמי שאין לו אב שב"ד חייבים למולו ולכן ב"ד כופין אותו מאחר שאין אחר שימול (רשב"א סי' תע"ב):

1. If the father does not circumcise his son then the court is obligated to circumcise him (the son). If the court does not circumcise him then when he grows up he is obligated to circumcise himself. If he does not circumcise himself he will be punished with *kareit*. *Isserles: one suffers these punishments every day one transgresses [Tur; and in the Kol Bo]. A child is not circumcised without his father's consent unless the father has transgressed and not circumcised him. In that case, he is circumcised against his father's will [Tur in the name of Rambam]. But the wife is not obligated to circumcise her son [Tur]. For the father that does not know how to perform a circumcision if the mohel here does not want to perform the circumcision for free but only for money then the court should rebuke this mohel because this is not the way of the children of Abraham. On the contrary, mohelim seek to have the opportunity to circumcise. If he remains obstinate, and if the father cannot afford to pay his fee, then behold, this is like a case where a child has no father and the Beit Din is obligated to circumcise him. Therefore, the court compels the mohel to circumcise, since there is no one else who can do so [Rashbah; Section 472].*

Section 262

זמן מילה לבריא ולחולה ולאנדרוגינוס

The Time of the Circumcision for the Healthy, the Sick, and the Hermaphrodite.

א אין מלין עד שתנץ החמה ביום השמיני ללידתו (ומשעלה עמוד השחר יצא) (ב"י ממשנה פ"ב דמגילה) וכל היום כשר למילה אלא שזריזין מקדימין למצוה ומלין מיד בבקר ואפי' מילה שלא בזמנה אינה אלא ביום: הגה עבר ומל בלילה צריך לחזור ולהטיף ממנו דם ברית (ב"י ממשנה שם והגה' מ"י) מלו תוך ח' וביום יצא (הרא"ש בפ' ר"א דמילה ושכ"נ מתשו' הרשב"א) ועיין לקמן סי' רס"ד:

1. There is no circumcision until the sun rises on the eighth day after his birth (from the rising of the sun one has fulfilled the obligation) [Beit Yosef; from the Mishnah; Chapter 2 of Megilah]. The entire day is fit for circumcision but the zealous arise early to do *mitzvot* and circumcise (their children) at the beginning of the morning. Even a circumcision that is not on its proper day is done only during the daytime. *Isserles: one who transgresses and circumcises at night must return and perform the hatifat dam brit on him [Beit Yosef; from the Mishnah, chapter 2 of Megilah; and Hagahot Maimoniot (to the Mishneh Torah)]. If he circumcised the child before the eighth day but during daylight hours, he has fulfilled the obligation [HaRosh; in "Chapter R. Eliezer d'Milah; (i.e. Talmud Shabbat, ch. 19)" from Teshuvot HaRashbah] also see below, section 264.*

ה אם נולד כשהיו נראים ברקיע כוכבים קטנים מאד יש לסמוך על הכוכבים לספק למול למחרת כיון שלא היה לא שבת ולא יום טוב ואע"פ שהיה הרקיע מזהיר כעין אורה של יום:

5. If he is born when very small stars appear in the sky we should rely on those stars to establish a case of doubt and therefore circumcise him the next day (eight days counting from the next day which may be the ninth day) as long as the circumcision day is neither Shabbat nor a *Yom Tov* (when we would not circumcise if there is doubt as to whether it is really the eighth day). This rule applies even if the sun is shining as bright as day.

ו אם לאתער כשהוציא הולד ראשו חוץ לפרוזדור נראו ג' כוכבים בינונים יש לסמוך עליהם שהוא לילה אפילו הוא למחר שבת אבל אם שהו אחר כך אם לפי השיהוי נראה להם שהיה יום בהוצאת הראש אין להם אלא מה שעיניהם רואות ויהא נימול לח' אפילו אם יארע בשבת:

6. If immediately when his head emerges from the womb there appears three medium-size stars (in the sky), we rely upon them to establish that it is night (the beginning of the next Hebrew day), even if the next day is Shabbat. But, if it is after (some time) and because of the delay it appeared to them as if it was day when his head emerged, then they only know what their eyes saw, so surely he is circumcised on the eighth day, even if it happens to be Shabbat.

ז אין דבר זה תלוי בתפלה אם התפללו מבעוד יום לא להקל ולא להחמיר:

7. These calculations do not depend upon the *tefilah*, either for stringency or leniency (with respect to circumcision on Shabbat).

ב חולה אין מלין אותו עד שיבריא וממתינים לו מעת שנתרפא מחליו שבעה ימים מעת לעת ואז מלין אותו במה דברים אמורים שחלצתו חמה וכיוצא בו שהוא חולי שבכל הגוף אבל אם חלה באחד מאיבריו כוגן שכאבו לו עיניו כאב מועט וכיוצא בזה ממתינים לו עד שיבריא ולאחר שיבריא מלין אותו מיד (אבל כאבו לו עיניו כאב גדול הוי כחולי שבכל הגוף) (נ"י פ' הערל):

2. The sick are not circumcised until they are well and then one waits from the time he is completely healed of his illness for seven days of 24 hours each and then he is circumcised. These words (you wait for seven days) refer to one who recovers from a fever and similar ailments of the body as a whole. But if the ailment was a localized one (i.e. his eyes still hurt a little) we wait until he has recovered and then circumcise him immediately. *But if his eyes hurt him a lot, behold, it is as if his whole body hurts* [Nimekey Yosef, chapter Ha'Arel - Yevamot, chapter 8].

ג אנדרוגינוס ומי שיש לו שתי ערלות ויוצא דופן נימולים לשמונה:

3. The hermaphrodite, someone with two foreskins, or the child born by cesarean section are circumcised on the eighth day.

ד נולד בין השמשות מונים לו מהלילה ונימול לתשיעי שהוא ספק שמיני ואם הוציא ראשו חוץ לפרוזדור מבעוד יום או ששמעו אותו בוכה אפילו נולד אחר כמה ימים מונה לו ח' ימים מיום שיצא ראשו או מיום ששמעו אותו בוכה: הגה וי"א דוקא בסתם אבל אם אמו אומרת דהתינוק היה מונח בבטנה כמו בשאר פעמים ולא היה לה חבלי לידה כלל אע"פ ששמעו בוכה מונין לו מיום הלידה דאע"ג דלא שכיח שיבכה בלא הוצאת הראש חוץ לפרוזדור מ"מ האם נאמנת לומר שהיה מונח כמו בשאר פעמים ובכה (בא"ז בשם תשו' ר' יואל הלוי והוא במהרי"ו סי' כ"ה):

4. For one who is born at dusk, count it from the night and circumcise him on the ninth day since there was doubt about the eighth day. But, if his head emerges from the womb while it was still daylight, or if one hears him cry, even if he is born after a few days, we count for him eight days from the day that his head came out, or from the day that we heard him cry. *Isserles: there are some who say that this rule applies only in a case where there is no other information, but if his mother says that the baby was resting in her belly as in the rest of her pregnancies, and she had not yet gone into labor, even if one hears him cry we count for him (eight days), from the day of birth, even though it is not frequent that a baby cries without his head emerging from the womb. At any rate, the mother is believed when she says that the baby was resting as in her other pregnancies and crying* [in the Or Zarua in the name of Teshuvot Rav Joel Halevi, and from Rav Yaacov Weil; section 25].

Section 263

ילד שהוא אדום או ירוק ומי שבניו מתים מחמת מילה

A Child Who is Red or Green or One Whose Son Died as a Result of Circumcision.

א קטן שהוא ירוק סימן שלא נפל בו דמו ואין מלין אותו עד שיפול בו דמו ויחזור מראהו כמראה שאר הקטנים וכן אם נמצא אדום סימן שלא נבלע דמו באיבריו אלא בין עור לבשר ואין מלין אותו עד שיבלע בו דמו וצריך לזהר מאד באלו הדברים שאין מלין ולד שיש בו חשש חולי דסכנת נפשות דוחה את הכל שאפשר לו למול לאחר זמן ואי אפשר להחזיר נפש אחת מישראל לעולם:

1. When a child is green, this is a symptom that his blood has not yet begun to circulate, and he is not circumcised until his blood starts circulating and his appearance returns to that of other children. If, on the other hand, one finds that he is red, this is a symptom that his blood has not yet been absorbed into his limbs, rather, it lies between his skin and his flesh, and he is not circumcised until his blood is absorbed. It is necessary to be very careful with these things so that one does not circumcise an infant that may possibly be ill. A life threatening illness exempts one from all obligations, because it is possible to be circumcised at a later time but it is impossible to bring back one Jewish life (from the dead).

ב אשה שמלה בנה ראשון ומת מחמת מילה שהכשילה כחו ומלה גם השני ומת מחמת מילה הרי הוחזקה שבניה מתים מחמת מילה לא שנא מבעל אחד או משנים ולא תמול השלישי אלא תמתין לו עד שיגדל ויתחזק כחו והוא הדין אם איש אחד מל בנו ראשון ושני ומתו מחמת מילה לא ימול השלישי בין שהיו לו מאשה אחת בין משתים [ויש חולקין וסבירא להו דלא שייך באיש רק באשה (חידושי אגודה פר"א דמילה ונראה) דספק נפשות להקל]:

2. A woman who circumcised her first son and he died as a result of the circumcision because it weakened him, and (then) she circumcised her second child and he died as a result of the circumcision, behold, it is presumed that her children died because of the circumcisions, whether from her first husband or her second, and she should not circumcise the third, rather she should wait until he grows up and his strength increases. Likewise, if a man circumcised his first son and his second and they died as a result of the circumcisions, he should not circumcise the third son whether (born to) his first wife or his second. [There are those who disagree with this view, holding that the rule applies only to the mother and not to the father. (Source: the book Agudah, on Shabbat, ch. 19.) But in the case of potential danger to life, we rule leniently (and not permit circumcision in either case)]

ג והוא הדין אם אשה מלה בנה ומת מחמת מילה וגם אחותה מלה בנה ומת מחמת מילה גם שאר האחיות לא ימולו בניהן אלא ימתינו עד שיגדלו ויתחזק כחם:

3. The same holds if a woman circumcises her son and he dies as a result of the circumcision, and also her sister circumcises her son and he dies as a result of the circumcision, then the rest of her sisters should not circumcise their children, rather they should wait until they grow up and their strength increases.

ד' נולד כשתוא מהול צריך להטיף ממנו דם ברית ומיהו בנחת וצריך' מילתא למבדקה יפה יפה בידים ובמראית עינים ולא בפרזלא דלא לעייק ליה ורואים ונזהרים היאך מלין אותו וממתינים לו הרבה ואין חוששין ליום שמיני שלא יביאוהו לידי סכנה:

4. One born without a foreskin needs to have a *hatifat dam brit*. However, this should be done gently. It is necessary to examine the matter fully with hands and (with respect to) appearance and not with iron tools so as to not make him anxious. One should look and be careful when circumcising it and one should give him enough time. We do not worry about doing the procedure on the eighth day so that he is not brought into a dangerous situation.

ה' תינוק שמת קודם שיגיע להיות בן ח' מלין אותו על קברו בצור או בקנה ואין מברכין על המילה אבל משימים לו שם לזכר שירחמוהו מן השמים ויחיה בתחיית המתים: הגה ואין עושין כן אפי' בי"ט שני של גלויות דאסור לקבור ביו"ט הנפלים דאפי' לטלטלו אסור (הגהות מרדכי פר"א דמילה והג"א פ"א) ואסור למול עובד כוכבים שלא לשם גרות אפי' בחול (ב"י בשם ר' ירוחם ס"ס רס"ו):

5. One should circumcise a baby who died before reaching his eighth day at his burial with a rock or with a reed. There is not a blessing for this circumcision but one gives him a name to be remembered (by), so that Heaven will grant him mercy and resurrection. *Isserles: one does not do such even on the second day of a Yom Tov observed in the diaspora during which it is forbidden to bury miscarriages, for even to move the body is forbidden (The Hagahot Mordechai, Shabbat, chapter 19, and in Hagahot Asheri, chapter 1) and it is forbidden to circumcise a gentile when it is not done in the name of conversion even if (done) on a weekday (Beit Yosef in the name of Rav Yerucham; end of chapter 266).*

Section 264

מי ראוי למול ובמה מלין וכיצד מלין

Who Is Eligible to Circumcise and With What and How One Circumcises.

א' הכל כשרים למול אפי' עבד אשה וקטן וערל ישראל שמתו אחיו מחמת מילה ואם יש ישראל גדול שיודע למול הוא קודם לכלם [וי"א דאשה לא תמול (סמ"ק והגהות מרדכי) וכן נוהגין להדר אחר איש] אבל עובד כוכבים אפי' הוא מהול לא ימול כלל ואם מל אין צריך לחזור ולמול פעם שנית: הגה וי"א דחייבים לחזור ולהטיף ממנו דם ברית (טור בשם סמ"ג) וכן עיקר. מומר לכל התורה כולה או שהוא מומר לערלות דינו כעובד כוכבים (כ"מ בש"ס פ"ב דע"א ובטור וב"י בשם הר' מנוח וב"ה וד"מ שבא"ז מסתפק).

1. Everyone is fit to perform circumcision even a servant, a woman, a minor, and an uncircumcised Jew whose brother died as a result of circumcision. If there is an adult Jew who knows how to circumcise he takes precedence over the others. [Some say that a woman should not perform circumcision (*Sefer Mitzvot Katan* and the *Hagahot Mordechai*) it is therefore the custom to seek a male (Jew) to do the procedure]. But the gentile, even if he is circumcised, should never perform circumcision, but if he does circumcise (a Jew) it is not necessary to circumcise him a second time. *Isserles: there are some who say that one is obligated to return and perform a hatifat dam brit on him (Tur in the name of The Sefer Mitzvot Gadol) and this is the correct ruling. One who rebels against the entire Torah as a whole, or one who rebels against circumcision is considered to be a gentile.*

תינוק שהוצרכו למולו תוך ח' מפני הסכנה אין חילוק בין ישראל לעובד כוכבים דכל תוך ח' לא מיקרי מילה מיהו אם נשארו ציצין המעכבין המילה או שמל ולא פרע יגמור ישראל המילה לח' או לאחר שיתרפא (רשב"א) ויש לאדם לחזור ולהדר אחר מוהל ובעל ברית היותר טוב וצדיק (א"ז) ואם נתנו לאחד אסור לחזור בו מיהו אם חזר בו הוי חזרה (מרדכי ס"פ כל הגט) ואין מועיל בזה קבול קנין (הגהות מרדכי דשבת ותשובת הרא"ש כ"ב) אבל אם נשבע לו היו כופין אותו שיקיים (שם בהרא"ש) ואם נתנו לא' ולא היה בעיר והאב היה סבור שלא יהיה שם בזמן המילה ושלה אחר אחר ובתוך כך בא הראשון ימהלנו הראשון דודאי לא חזר מן הראשון (ב"י בשם תשו' ר"מ ומהרי"י שורש ע"ו) אשה אינה יכולה ליתן לאחר למול דהרי אינה שייכה במצות למול את בנה (שם בתשובה בשם ר"מ):

In the case of a baby for whom it was necessary to circumcise before the eighth day because of danger it makes no difference whether a Jew or a gentile [circumcises him] since before the eighth day is not milah. But if strands remain which invalidate the circumcision, or if someone performed the circumcision but did not perform peri'ah, a Jew should complete the circumcision on the eighth day, once he is healed (Rashbah). One should seek to insure that the mohel and other participants in the ritual are skilled and upright (Or Zarua). But, if the honor has been given to a person, it is forbidden to retract the honor. However, if he retracts it, behold, the retraction is valid (Mordechai; end of Gittin, chapter 3). The retraction is valid even if a kinyan was performed when the original appointment was made (Hagahot Mordechai on Shabbat, and the Responsa of the Rosh, 22). But, if he (the father) took an oath (to the mohel), they would require him (the father) to fulfill his obligation (Responsa of the Rosh, 22). If the father appointed a certain person (as mohel) who was not in town, then the father believed that he would not be there at the time of the circumcision so that he appointed another mohel, but the first appointee came to town, the first appointee should circumcise the child, since the father surely did not retract that appointment (Beit Yosef in the name of The Responsa of R. Meir, and our teacher, the great R. Yehudah, Shores, page 6). A woman cannot take part in any of these negotiations since this is not her mitzvah (ibid. in The Responsa in the name of R. Meir).

ב בכל מלין ואפילו בצור ובזכוכית ובכל דבר הכורת חוץ מבקרומית של קנה לפי שקסמים נתזים ממנה ויבא לידי כרות שפכה ומצוה מן המובחר למול בברזל בין בסכין בין במספרים ונהגו למול בסכין:

2. A circumcision (may be done) with anything, even a rock, a piece of glass, or anything that cuts, with the exception that (one should not use) a scaly envelope because pieces could fly off it and (the mohel) could come to be responsible for a mutilated urinary tract. The recommended method is to circumcise with iron, whether with a knife or with scissors. It is customary to use a knife.

ג כיצד מלין חותכין את הערלה כל העור החופה העטרה עד שתתגלה העטרה ואח"כ פורעין את הקרום הרך שלמטה מהעור בצפורן ומחזירו לכאן ולכאן עד שיראה בשר העטרה ואח"כ מוצצין המילה עד שיצא הדם מהמקומות הרחוקים כדי שלא יבא לידי סכנה וכל מוהל שאינו מוצץ מעבירין אותו ואחר שמצץ נותן עליה אספלגית או רטייה או אבק סמים העוצרים הדם: הגה ויהיה נזהר אם יש לאספלגית שפה שיהפכנו לחוץ ולא לפנים שלא לדבק במכה ויבא לידי סכנה (ר' ירוחם נתיב א'):

3. How does one circumcise? One cuts off the foreskin, all of the skin covering the crown (of the penis) until the crown is revealed, and after this one [performs *peri'ah*] loosens the soft skin that is under the foreskin with a fingernail pushing it back from side to side until the flesh of the crown appears. After this, he [performs *metzitzah*] sucks the circumcision until the blood comes out from the deepest places. This is done so that the child is not endangered. Any mohel who does not do the *metzitzah* procedure should be removed as a mohel. After performing *metzitzah*, he places upon it a compress, or plaster (a bandage), or a medicinal powder which stops the bleeding. Isserles: one should take care that if the bandage has a lip (protruding edge) that this edge is turned away from the wound so that it does not stick to the wound, and (the action) would put (the child) in danger (Rav Yerucham, Netiv 1).

ד מל ולא פרע כאלו לא מל:

4. If one circumcises and does not perform *peri'ah*, it is as if he has not circumcised

ה יש ציצים המעכבים המילה ויש שאינם מעכבים אותה כיצד אם נשאר מהעור
עור תחופה את רוב גובהה של עטרה אפי' במקום א' זהו המעכב את המילה
וכאלו לא נימול ואם לא נשאר ממנו אלא מעט ואינו חופה רוב גובהה של
עטרה אינו מעכב המילה (ומ"מ אם הוא בחול לכתחלה יטול כל הציצים
הגדולים אף שאינן מעכבים) (טור):

5. There are fringes which invalidate the circumcision and there are those which do not invalidate it. If there remains from the foreskin skin which covers most of the height of the crown, even just in one place, this would invalidate the circumcision. It is as if he were not circumcised. But if what remains from it (the circumcision) is only a little bit which does not cover most of the height of the crown then it does not invalidate the circumcision. [However, if it is a weekday, then we should remove all of the big fringes hanging on even though they do not invalidate (the circumcision)] (Tur).

ו קטן שבשרו רך ומדולדל או שהוא בעל בשר הרבה עד שנראה כאילו אינו
מהול רואים אם בעת שמתקשה נראה מהול אינו צריך למול פעם שנית ומ"מ
משום מראית העין צריך לתקן רבוי הבשר שמכאן ומכאן ואם אינו נראה נימול
בעת הקישוי צריך לחתוך כל הבשר ומדולדל עד שיהיה נראה כנימול בשעת
קישויו: הגה ואינו צריך שיהא נראה בעת קישוי העטרה הואיל ונימול פעם אחת
כהוגן אפי' אינו נראה רק מיעוט העטרה שנימול סגי ואין צריך למולו שנית ומ"מ
אם אפשר יתקן ע"י שימוש העור וידחקנה לאחוריה ויקשרנה שם עד שתעמוד
ולא תחזור למטה (ת"ה סי' רס"ד):

6. Regarding a child whose flesh is soft and is loosely connected, or someone who is so fat that it appears as if he is not circumcised. We look at him when he has an erection. If it appears then that he is circumcised there is no need to circumcise him a second time. However, because of appearances, it is necessary to remove the flesh from here and there. If, when he has an erection, he does not appear circumcised then it is necessary to cut the loosely connected flesh until it appears that he is circumcised while he has an erection. Isserles: it is not necessary that the crown appears when he has an erection since he was circumcised once as is fitting. Even if only a minority of the crown appears, which was fully circumcised (once), then it is not necessary to circumcise him again. However, if possible, we repair it (the circumcision) by stretching the skin and squeezing it (the skin) backward and tying it there until it (the crown of the penis) stays and does not return under (the skin) (Terumat HaDeshen, section 264).

Section 265

סדר ברכת המילה ודין מילה ביום התענית

The Order for the Blessing of Circumcision and the Decision to Circumcise on a Fast Day.

א המל מברך אשר קדשנו במצותיו וצונו על המילה ואבי הבן מברך בין חתיכת הערלה לפריעה אשר קדשנו במצותיו וצונו להכניסו בבריתו של אברהם אבינו: הגה ואם אין אבי הבן אצל המילה יש מי שאומר שאדם אחר מברך ברכה זו דהרי הבית דין מצווין למולו (רמב"ם בשם י"א) ונוהגין שמי שתופס הנער מברך ברכה זו (טור ובשם ראב"ד והגהת מ"י בשם סמ"ק) וכן אם האב בכאן ואינו יודע לברך (רבינו ירוחם נתיב א' וכ"כ ב"י בשם אבודרהם). האב והמוהל כשמברכים צריכים לעמוד (טור וב"י בשם ב"ה) אבל התופס הנער כשמברך נוהגים שיושב ומברך י"א שכל העם שהם אצל המילה יעמדו שנאמר ויעמוד העם בברית (מרדכי פר"א דמילה וכל בו ור' ירוחם ואבודרהם ותניא) וכן נוהגין מלבד התופס הנער שהוא יושב

1. The *mohel* recites the blessing, "... who sanctifies us with mitzvot and commands us regarding circumcision." Then, between the cutting of the foreskin and the *peri'ah* the father of the son recites, "... who sanctifies us with mitzvot and commands us to bring (our children) into the covenant of Abraham our father." *Isserles*: if the father of the child is not present at the circumcision, then some say that another person should recite this blessing, since the court is required to circumcise the child (Rambam in the name of others), but the custom is that the one who holds the child should recite this blessing (Tur in the name of Ra'avad, and the Hagahot Maimoniot in the name of the Sefer Mitzvot Katan). Likewise, if the father is present but does not know the blessing (says R. Yerucham, Netiv 1, and it is written in the Beit Yosef in the name of Avudraham). When reciting their blessings both the father and the *mohel* should stand (Tur, and the Beit Yosef in the name of Ba'al Ha'Itur), but it is suggested that the one who holds the child should sit when reciting the blessing, while others say that everyone in attendance at the circumcision should stand when reciting a blessing, as it is written, "And the people stood at the brit (circumcision)" (Mordechai, chapter R. Eliezer d'Milah and the Kol Bo; and R. Yerucham and Avudraham, and Tanni). And thus, it is practiced that only the one holding the child should sit (during the blessing).

ואם אחרים עומדים שם אומרים כשם שהכנסתו לברית כן תכניסהו לתורה ולחופה ולמעשים טובים ואבי הבן או המוהל או א' מהעם מברך על הכוס בורא פרי הגפן ויש נוהגים ליטול הדס בידו ומברך עליו ולהרית ואומר בא"י אלהינו מלך העולם אשר קדש ידיד מבטן וכו' ונוהגין שכשמגיע לבדמיק חיי נותן מהיין באצבעו בפי התינוק (וכשמוהל מברך ברכה זו רוחץ תחלה ידיו ופיו כדי שיברך בנקיות) (אבודרהם):

While others are standing there they say, "Just as he is entered into the covenant so too may he enter into (a life of) Torah, marriage, and good deeds." Then the father of the child, the *mohel*, or one of the group recites over a cup (of wine), "... creator of the fruit of the vine." But some are accustomed to raise a myrtle branch in his hand and recite the blessing upon it and smell it and say, "Blessed are You, Adonai our God, Ruler of the universe, who sanctifies this dear one from the womb, etc." It is the custom that when the time comes to dip the wine and give some to the child, one takes his finger up to the mouth of the baby. When the *mohel* recites this blessing, he washes him beginning with his hands and his mouth in order that he will bless him in cleanliness (Avudraham).

ב אם אבי הבן הוא מוהל בעצמו מברך למול את הבן לדעת הרמב"ם [ויש חולקין (טור בשם בעל העיטור) וכן נוהגין שלא לחלק מיהו אם בירך למול או שבירך ברכת להכניסו לחוד יצא] (וכן משמע בהגהות מיימוני):

2. If the father of the child is himself the *mohel*, then he recites the blessing for the circumcision of the son, according to the Rambam. [But some disagree (Tur in the name of Ba'al Ha'Itur) and thus is the custom not to make this distinction. However, if he recites the blessing for circumcision or he recites the blessing of entering (the covenant), then the obligation is fulfilled]. (This is implied in the Hagahot Maimoniot).

אבל ביום הכפורים וט' באב שאין היולדת יכולה לשתות אין מברכין על הכוס ובתשעה באב אסא נמי לא מייתנין מטעמא דאין מברכין על הבשמים במוצאי שבת שחל בו תשעה באב: הגה וי"א דמברך אכוס בכל תעניות ונותנים הברכה לתינוקות קטנים (תוס' בכל מערבין ומרדכי דיומא) וכן פסק בטור א"ח סי' תקנ"ט וכן נוהגין וביום כפורים נוהגין ליתן לתינוק הנימול כמו שנתאבר בא"ח סי' תרכ"א וי"א דאף בלא תענית יוצאים בזה אבל אין נוהגין כן אלא הסדנן שותה כשאינו תענית:

However, on Yom Kippur and on Tisha B'av, when the new mother cannot drink, no blessing is recited over the cup (of wine). Moreover, on Tisha B'av the comforting bandage can not be brought for pleasure, since we do not say the blessing "... creator of all kinds of spices," on a Saturday night which coincides with Tisha B'av. *Isserles: some say that one blesses the cup at all fasts and one gives the blessing to small children (Tosefot, chapter B'chol M'aravin, and Mordechai to tractate Yoma). Thus did the Tur rule in Orach Chayim, chapter 559, and thus is the custom. On Yom Kippur it is customary to give some wine to the circumcised child, as explained in Orach Chayim, chapter 621. Some say that this practice suffices even when there is no fast; however, the common practice is for the sandek to drink the wine on a day that is not a fast.*

ה מי שיש לו שני תינוקות למול יברך ברכה אחת לשניהם ואפי' אם שנים מלים הראשון יברך על המילה ועולה גם לשני והשני יברך אשר קדש ידיד ועולה גם לראשון ואפי' אין הנער לפניו בשעת הברכה כיון שדעתו עליו רק שלא יסיח דעתו בינתיים. (ד"ע בב"י ולא כרבינו ירוחם):

5. Someone who has two babies to circumcise recites one blessing for both of them even when two are two different *mohelim*. The first is blessed "... regarding circumcision ..." and this suffices for the second. Whereas, the second is blessed "... who sanctified the dear one ..." and this suffices for the first. This is true even if the child is not before him at the time of the blessing because his intention was on him, provided that he not be distracted between (the circumcisions). (*His own opinion in Beit Yosef, but not that of R. Yerucham*).

ג גר שמל קודם שנתגייר וקטן שנולד כשהוא מהול כשמטיפין ממנו דם ברית אינם צריכים ברכה וכן אנדרוגינוס אין מברכין על מילתו מפני שאינו זכר ודאי: הגה אבל כשחוזרין על ציצין המעכבים המילה צריך לחזור ולברך כל הברכות אבל אין לומר קיים את הילד הזה וכו' (בנימין זאב סימן ו' בשם אגודה):

3. When performing the *hatifat dam brit* upon a convert who was circumcised before he converted or a child who was born without a foreskin, it is not necessary to recite the blessing (for circumcision). Likewise for the hermaphrodite, one does not bless his circumcision because he is not male for sure. *Isserles: however, when one returns (to re-circumcise) for the fringes which invalidate the circumcision it is again necessary to recite all the blessings, but one does not say, "... sustain this child, etc."* (Benjamin Zev, section 6 in the name of Agudah).

ד ממזר כישראל הוא מברכין עליו ברכת מילה עד כורת הברית אבל אין מבקשים עליו רחמים. (ומפרסמין בשעת מילתו שהוא ממזר) (מהרי"ל) ביוהכ"פ ובד' צומות לא יברך על הכוס (טור בשם בעל העיטור וע"פ) מיהו בג' צומות מהם שהיולדת אינה מתענה יכול לברך על הכוס ותטעום ממנו היולדת אם היא שומעת הברכה ומתכוונת שלא להפסיק בדברים בין שמיצ' הברכה לשתית הכוס

4. A *mamzer* is like all other Jews. He (the *mohel*) recites the blessing of circumcision upon him up until "cutting of the covenant," but there is no request for mercy upon him. (*It is announced at the time of his circumcision that he is a mamzer*) (*Maharil*). On Yom Kippur and on the four fasts we do not recite the blessing over the cup (of wine) (*Tur in the name of Ba'al Ha'Itur, and other commentators*). However, on the three fast in which the new mother does not fast one is able to bless the cup (of wine) and to give her a taste. The child's mother hears the blessing and she intends not to stop the words for the blessing to drink from the cup, which she is hearing.

הגה אבל אם שח בינתיים או שלא היה דעתו על הב' מתחילה צריך לברך אשר קדש ידיד על הראשון ולחזור ולברך על מילת השני ודוקא אם שח בדברים שאינן צרכי המילה אבל מצרכי מילה לא הוי הפסק (רבינו ירוחם ומרדכי ס"פ כסוי הדם ואבודרהם) ואפי' אם שכח ובירך אשר קידש ידיד לאחר הראשון אינו צריך לחזור ולברך על המילה דברכה לא הוי הפסק (רשב"א סי' שס"ב ובכל בו) כמו שנתבאר סי' כ"ח לענין כיסוי דם ואם שני הילדים של אדם אחד האב אומר להכניסם בבריתו של אברהם אבינו (ב"י בשם מרדכי ואבודרהם) וכן אומר קיים את הילדים וכו' ויתקן כל צרכי המילה לכל א' בפני עצמו כגון הנר שמדליקין יעשה לכל אחד נר בפני עצמו (מהרי"ל):

Isserles: if he spoke in between (the circumcisions) or if his intention was not on the second child from the beginning, it is necessary to recite the blessing "... who sanctified the dear one ..." over the first one and then to return and recite the blessing "... regarding circumcision," over the second. This applies only if he spoke words that were not connected with the circumcision. But words that deal with the needs of the circumcision do not constitute an interruption. (R. Yerucham and Mordechai, at the end of chapter K'sui HaDam, and Avudraham). Even, if one forgot and blessed, "... who sanctified the dear one ..." after the first one, then it is not necessary to return and bless, "... regarding circumcision," because the blessing is not an interruption (Rashbah, section 362, and the Kol Bo). As is explained in section 28, in chapter K'sui HaDam. If there are two children of one man, the father says, "... to enter them into the covenant of Abraham our father," (Beit Yosef in the name of Mordechai and Avudraham). Also he says, "... sustain this child ..." and he provides all that is necessary for each one by itself because the light that is kindled will be done for each one, each light by itself (Maharil).

ו היכא דאפשר עבדינן למילה בעשרה והיכא דלא אפשר עבדינן בפחות מעשרה:

6. Whenever possible, we perform the circumcision in the presence of a *minyan*; where it is not possible to do so, we perform it without a *minyan*.

ז כשהאב עצמו מוהל את בנו הוא מברך שהחיינו ואם המוהל הוא אחר י"א שאין שם ברכת שהחיינו ולהרמב"ם לעולם האב מברך שהחיינו על כל מילה ומילה וכן נהגו בכל מלכות ארץ ישראל וסוריא וסביבותיה ומלכות מצרים: הגה ובמדינות אלו נוהגין שלא לברך שהחיינו אפי' כשהאב עצמו מל בנו אם לא שמל בנו הבכור שחייב לפדותו מברך שהחיינו בשעת מילה ואינו מברך בשעת פדיון אבל כשפטור מהפדיון אינו מברך שהחיינו. (ע"פ מהרי"ל):

7. When the father himself circumcises his son he recites the *Shehechianu*, but if the mohel is someone else some say that the blessing *Shehechianu*, is not recited. According to the Rambam, the father always says the *Shehechianu* over every circumcision, And thus is the practice everywhere in the land of Israel, and in Syria and its surroundings, and in Egypt. *Isserles: in our communities it is the practice not to recite the Shehechianu even when the father himself circumcises his son. If not, the circumciser of the firstborn son who lives through his delivery recites the blessing, Shehechianu, at the time of the circumcision, but he does not recite it at the Pidyon HaBen, neither does he recite the blessing, Shehechianu, when exempt from the Pidyon HaBen (according to the Maharil).*

ח אין צריך לכסות ערות הקטן בשעת הברכה (אבל יש לנקות הקטן מצואתו קודם שיברך) (ב"י בשם כל בו והגהת סמ"ק סי' קנ"ח):

8. There's no need to cover the penis of a child at the time of the blessing. But the child should be cleaned of his feces before one recites the blessing (*Beit Yosef in the name of the Kol Bo, and the Hagahot Sefer Mitzvot Katan, section 158*).

ט אבי הבן עומד על המוהל להודיעו שהוא שלוחו:

9. The father of the son stands by the *mohel* to announce him as his agent.

יב נוהגים לעשות סעודה ביום המילה: הגה ונהגו לקחת מנין לסעודת מילה ומקרי סעודת מצוה (פר"א דמילה ובא"ז) וכל מי שאינו אוכל בסעודת מילה הוי כמנודה לשמים (תוס' פ' ע"פ) ודוקא שנמצאו שם בני אדם מהוגנים אבל אם נמצאו בני אדם שאינם מהוגנים א"צ לאכול שם (ג"ז שם) עוד נתנו לעשות סעודה ומשתה בליל שבת לאחר שנולד זכר נכנסים אצל התינוק לטעום שם והוא ג"כ סעודת מצוה (בת"ה סי' רס"ט מתוס' פרק מרובה):

12. It is customary that one make a festive meal on the day of the circumcision. *Isserles: it is customary to arrange a minyan for the festive meal of circumcision and to call the festive meal a mitzvah (chapter 201 of Milah and in Avraham Zota). Anyone who does not eat at the festive meal is as though excommunicated by heaven (Tosefot, chapter Arvay Pesachim). But, only if one finds there men who are worthy, if one finds men who are not worthy it is not necessary to eat there (also in the Tosefot, chapter Arvay Pesachim). Moreover, it is also customary to make a festive meal and drink on the night of Shabbat for someone else's male child entering the house of the baby for good cheer there, and he is also at the festival mitzvah (In Terumat HaDeshen, section 269, from the Tosefot, chapter Meruvah).*

יג יום מילה שחל ביום תענית צבור הכתובים מתפללים סליחות ואומרים וידוי כדרכם ואין אומרים והוא רחום ולא נפילת אפים: (אבל אומרים אל ארך אפים) (ב"י בשם הרשב"א):

13. If the day of the circumcision falls on a public fast day, the writers pray for forgiveness and say a confession as is their way, but they do not say "... and He is merciful and does not cause a miscarriage." (But some say He does not prolong breathing) (Beit Yosef in the name of the Rashbah).

י נותנין את הערלה בחול ועפר (וכן רוקקין דם המצצה אל העפר) (מהרי"ל בשם יש מקומות) ואם הוא שבת צריך שיהיו מוכנים מבעוד יום. (ב"י בפירוש בעל העיטור):

10. One puts the foreskin in sand and dust. (*Likewise, one spits out the blood of the metzitzah onto the dust*) (Maharil in the name of local customs). But if it is Shabbat it is necessary to make preparations before Shabbat begins. (*Beit Yosef in the explanation of the Ba'al Ha'Itur*).

יא נוהגין לעשות כסא לאליהו שנקרא מלאך הברית וכשמניחו יאמר בפיו שהוא כסא אליהו: הגה ונוהגין להדר אחר מצוה זו להיות סנדק לתפוס התינוק למוהלו (הגהות מיימוני פרק ג' דמילה) ויפה כח הסנדק מכה המוהל להקדימו לקריאת התורה דכל סנדק הוי כמקטיר קטורת (מהרי"ל בשם ר"פ) ולכן נוהגין שלא ליתן שני ילדים לבעל ברית אחד כדאמרינן גבי קטורת חדשים לקטורת (שם בשם ר"פ) ואין לאשה להיות סנדק לתינוק במקום שאפשר באיש משום דהוי כפריצות ומ"מ היא עוזרת לבעלה ומביאה התינוק עד בית הכנסת ואז לוקח האיש ממנה ונעשה סנדק (שם בשם מוהר"ם) אבל האיש יכול לעשות הכל בלא אשה (כן עשה מהרי"ל) נהגו המוהלים להתפלל ביום המילה שנאמר רוממות אל בגרונם וחרב פיפיות בידם:

11. It is customary that one sets out a chair for Elijah who is called the Angel of the Covenant and when he (the child) rests in it, he should say that it is Elijah's chair. *Isserles: the custom is to see to it that the Sandek takes hold of the baby for his circumcision (Hagahot Maimoniot, chapter 3 of Milah). The sandek take precedence over the mohel in that the former comes first in being called to the Torah (if the circumcision is on a day when the Torah is read), since the sandek is equated to one who offers the incense in the Temple (Maharil in the name of R. Peretz). But a woman cannot be a sandek for the baby in a case where it is possible for a man (to do it) because it is potentially obscene (she should not be in the company of men). At any rate, she is a helper to her husband by bringing the baby to the Synagogue and then a man takes (the baby) from her and becomes the sandek (Maharil in the name of our teacher the great Rav Meir). But, the man is able to do everything without the wife (as is done, Maharil). It is customary that the mohelim pray (act as Shaliach Tzibur) on the day of the circumcision as it is written, "With praises to God in their throats, and two-edged swords in their hands (Psalm 149:6)."*

Section 266

איזה מילה דוחה שבת וי"ט

When Circumcision Overrides the Shabbat and Festival Prohibitions.

א מילה בין בזמנה בין שלא בזמנה דוחה צרעת שאם יש בהרת בעור הערלה אע"פ שיש בקציצת הבהרת לא תעשה חותכה עם הערלה אבל אם לאחר שנימול גדל בשר במילתו עד שאינו נראה מהול וצריך לחתכו אם יש בהרת באותו הבשר אסור לחתכו כיון שא"צ למולו פעם אחרת אלא מדרבנן:

1. Circumcision, whether at its appointed time or not at its appointed time, overrides the prohibitions surrounding leprosy, so that if there was a bright white spot (a sign of leprosy) on the flesh of the foreskin, even though cutting off the affliction of leprosy is a "negative" commandment, it may be cut off with the foreskin. But, for someone who was circumcised but has grown flesh and no longer appears to be circumcised, and it is then necessary to cut (off some skin) which has a white spot on it, it is forbidden to cut off this flesh because it is not necessary to circumcise him another time, it is only a rabbinic precept.

ב מילה דוחה י"ט ושבת בזמנה אבל שלא בזמנה אינה דוחה ואפי' בזמנה אינו דוחה אלא המילה עצמה ופריעה ומציצה

2. Circumcision overrides the *Yom Tov* and Shabbat prohibition [when done] at its appointed time [the eighth day], but when not done at its appointed time it does not override these prohibition. Furthermore, only the circumcision itself, *peri'ah*, and *metzitzah*, override the prohibitions.

ואפי' פירש חוזר על ציצין ומעכבין דהיינו אם נשאר מהעור עור החופה רוב גובהה של עטרה אפי' במקום א' ועל שאינם מעכבים אם לא פירש חוזר ואם פירש אינו חוזר ונותנין עליה אספלנית: הגה ומותר לטלטל האיזמל לאחר המילה להצניעו בחצר המעורב אע"ג דאינו צריך לו באותו שבת דהא לא הוקצה בין השמשות מאחר דהיה צריך לו באותו שבת כן נראה לי (היתר טלטול כתוב בתא"ו נתיב א' והטעם הוא דברי המחבר ודלא כמהרי"ל): אבל מכשיריה אינם דוחים כיון שהיה אפשר לעשות' מבעוד יום ולפיכך אין עושין סכין למול בו ואין מביאין אותו ממקום למקום ואפילו להוציאו מהבית [ולהביאו] דרך גגין וחצרות ומבואות שלא עירבו אבל אם שכח הסכין בגג וחצר מותר להביאו מזה לזה אפי' עירבו חצירות עם הבתים:

But, if upon examination there remain fringes which invalidate the circumcision or if enough foreskin remains to cover a majority of the height of the crown of the penis, even if in this case there were not enough fringes to invalidate the circumcision or if he did not examine (the circumcision) and remove them then he should not return for them but should put a compress upon it. *Isserles, it is permitted on Shabbat to carry the knife and store it in a courtyard which has an eruv, even if he does not need that knife again on Shabbat, because it did not become off limits to touch it at sundown, in as much as he did need it one time during that Shabbat. (The permit of moving the knife is found in the Toldot Adam v'Chava, Netiv 1; the explanation is the words of the Shulchan Aruch and not those of the Maharil).* But, the preparation (of the instruments for the circumcision) do not override (the Shabbat and festival prohibitions) because it is possible to (prepare them) the day before. Thus, we don't make the knife on Shabbat, nor can we transport it by way of rooftops, courtyards, or alleyways that are not within an *eruv*. But if one forgot the knife on the roof or in the courtyard and it remains to be brought from there to here then the *eruv* is extended from the houses.

ו כל המכשירים שאין דוחין שבת גם יו"ט אין דוחין חוץ מזה ששוחקין לה כמון ב"ט הואיל וראויים לקדרה וכן טורפין לה יין ושמן:

6. All of the implements (for the circumcision) which do not override the Shabbat prohibitions, also (do not override) the *Yom Tov* prohibitions. Except that one may grind cumin on a *Yom Tov*, since cumin is also fit for cooking (which one may do on a *Yom Tov*). Likewise, one may mix wine and oil on a *Yom Tov* (since these are also foods).

ז אדם שלא מל מעולם לא ימול בשבת שמא יקלקל ונמצא מחלל שבת ואם כבר מל פעם אחת מותר ואפי' אם הוא אביו (תה"ד סי' רמ"ה ודלא כה"ר אליעזר שבטור):

7. A man who has never circumcised, may not circumcise on Shabbat, lest he make a mistake, and we find he desecrates Shabbat. If he has already circumcised once, it is permissible even if he is the father of the baby. (*Terumat HaDeshen, section 245, who disagrees with Rav Eliezer which is in the Tur*).

ח מי שנולד בין השמשות שהוא ספק יום ספק לילה מונין מן הלילה ונימול לתשיעי שהוא ספק שמיני ואם נולד ערב שבת בין השמשות אינו דוחה את השבת שאין דוחין את השבת מספק ואין אינו דוחה י"ט מספק ואפילו י"ט שני של גליות (טור ר"ס זה בשם תשובת רא"ש והיא בכלל כ"ו) ואפילו לא הוציא אלא ראשו בין השמשות אע"פ שיצא כולו בשבת אינו נימול בשבת:

8. One who is born at dusk, when there is doubt as to if it is day or night, we count from the night, and he is circumcised on the ninth day which is possibly the eighth day. If he was born Erev Shabbat at dusk, [his circumcision] doesn't override the Shabbat prohibitions because the Shabbat prohibitions are not superseded out of doubt. Neither are the Festival prohibitions superseded out of doubt, even if it is the Second Day of a Festival in the Diaspora. (*The Tur, at the beginning of this chapter, in the name of the Responsum of the Rosh, Kelal, 26*). Even if only his head came out at dusk, while the rest of him came out on Shabbat, he is not circumcised on Shabbat.

ג אין שוחקין סמנים ולא מחמין לו חמין ואין עושין לה אספלגית ולא טורפין לה יין ושמן אם לא שחק כמון מערב שבת לועס בשיניו אם לא טרף יין ושמן מע"ש נותן זה לעצמו וזה לעצמו ואין עושין לה חלוק אבל כורך עליה סמרטוט ואם לא התקין מערב שבת כורך על אצבעו ומביא דרך מלבוש אפילו מחצר אחרת שלא עירבה:

3. It is prohibited to grind drugs, heat water, make a compress, mix wine and oil [on Shabbat]. If cumin was not ground on *Erev Shabbat*, one may chew it with his teeth. If wine and oil were not mixed on *Erev Shabbat* give one by itself and the other by itself. One cannot make a smooth garment for (the circumcision) rather one wraps it with a rag but if one does not prepare a wrapping for his limb on *Erev Shabbat* one may bring a manner of clothing, even if from another courtyard that is not under the *eruv*.

ד מלו את הקטן בשבת ואח"כ נתפזרו הסימנים עושין לו בשבת מפני שסכנה היא לו (ודין רחיצת התינוק קודם מילה או לאחריה עיין בטור א"ח סי' של"א):

4. If one circumcised a child on Shabbat and afterward, one spilled the drugs, one may make (them) for him on Shabbat, because of the danger to him. (*The law regarding washing the baby before or after the circumcision, is found in the Tur, Orach Chayim, section 331*).

ה שכתו ולא הביאו סכין מע"ש אומר לעובד כוכבים להביא סכין בשבת ובלבד שלא יביא אותו דרך רשות הרבים כללו של דבר כל דבר שעשייתו בשבת אסורה עליו משום שבות מותר לנו לומר לעובד כוכבים לעשות אותה כדי לעשות מצוה בזמנה ודבר שעשייתו בשבת אסורה עלינו משום מלאכה אסור לנו לומר לעובד כוכבים לעשותה בשבת:

5. If one forgot and did not bring a knife on *Erev Shabbat*, one may tell a gentile to bring a knife on Shabbat, so long as he does not bring it by a public thoroughfare. In general, if something is forbidden to us on Shabbat because of a *sh'vut* then it is permissible to ask a gentile to do it in order to fulfill a mitzvah at its appointed time. But, if something is forbidden to us on Shabbat because it is *malacha* then it is forbidden to ask a gentile to do it on Shabbat.

ט בשיעור בין השמשות אפליגי תנאי ואמוראי בסוף פ' במה מדליקין וכתב בעל העיטור מספקא לן הלכה כדברי מי הלכך אי איתיליד ינוקא משתשקע החמה ספק הוא עד דשלים בין השמשות דרבי יוסי ונימול לעשרה ואי איתיליד במוצאי שבת משתשקע החמה עבדינן לחומרא כדרבה (ועיין לעיל סימן רס"ב סעיף ה' ו') :

9. As to the measurement of dusk, the *tanaim* and the *amoraim* dispute this at the end of the chapter 2 of Shabbat. The author of the Itur, writes that we are in doubt as to the correct *halacha*. Therefore, if a baby is born from sunset on, he is considered *safek*, and this lasts until the completion of sundown as defined by Rav Yosi. He is circumcised on the tenth day. If he is born on Saturday night after sunset, we follow the stringency of Rabba (which are mentioned above in section 262, paragraphs 5 and 6).

י קטן שנולד כשהוא מהול ומי שיש לו שתי ערלות ואנדרוגינוס ויוצא דופן ויליד בית שלא טבלה אמו עד שילדה אע"פ שנימולים לח' אינם דוחים את השבת [טומטום שנקרע ונמצא זכר מלין אותו בשבת (כ"כ הרמב"ם והרא"ש) ויש אוסרין] (ב"י בשם הר"ף וכ"כ ר' ירוחם) :

10. A child who was born without a foreskin, one who has two foreskins, the hermaphrodite, one born by Cesarean section, and a slave born of a mother who was not immersed (did not convert) until after he was born, even though they are circumcised on the eighth day (their circumcisions) do not override the Shabbat prohibitions. [A person whose genitals are hidden who was operated on and found to be male may be circumcised on Shabbat (as it is written by the Rambam and the Rosh) but some say this is forbidden] (Beit Yosef in the name of the Rif and as it is written by R. Yerucham).

יא מי שנולד בחדש השביעי מלין אותו בשבת אפילו אם לא גמרו שערו וצפרניו אבל מי שנולד בחדש השמיני אין מלין אותו בשבת אלא אם כן גמרו שערו וצפרניו והוא הדין לספק בן שבעה ספק בן שמונה שאין מלין אותו בשבת אלא אם כן גמרו שערו וצפרניו: הגה וי"א דמהלין ליה הואיל וספק בן שבעה הוא אלא דאין מחללין עליו השבת בשאר דברים (סמ"ג וכן משמע מהרי"ף והרא"ש וטור) וכן נראה לי עיקר:

11. A child who is born in the seventh month of pregnancy may be circumcised on Shabbat even if his hair and fingernails are not fully developed. But, a child who is born in the eighth month of pregnancy may not be circumcised on Shabbat unless his hair and fingernails are fully developed. If there is doubt whether it is the seventh month or the eighth month, he may not be circumcised on Shabbat unless his hair and fingernails are fully developed. *Isserles: some say that we circumcise him since he may be a seven-month baby. But we do not violate Shabbat for him with respect to other matters (Sefer Mitzvot Gadol and also the Rif, the Rosh, and the Tur) this appears to me to be the point.*

יב ישראל שהמיר ונולד לו בן מישראלית מלין אותו בשבת:

12. If a Jew converts to another religion and has a child by a Jewish mother, that child is circumcised on Shabbat.

יג ישראל שנולד לו בן מעובדת כוכבים אין מלין אותו בשבת:

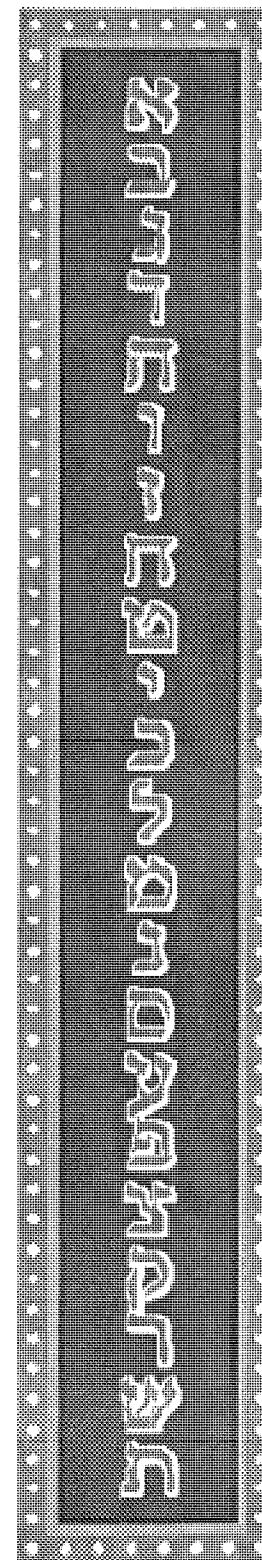
13. A child of a Jewish father and a Gentile mother is not circumcised on Shabbat.

יד יש ליוזר של ימולו שני מוהלים מילה אחת בשבת שזה ימול וזה יפרע
אלא המל הוא עצמו יפרע: הגה ולא מצאתי ראייה לדבריו ואדרבה נראה לי
דשרי דהא מילה דחיא שבת כמו עבודה במקדש שכמה כהנים היו עובדים
ומחללים שבת דמאחר דשבת ניתן לדחות הרי הוא כחול לכל דבר וכן מצאתי
בספר התרומה ישן כתוב בקלף שכתב בסוף הלכות שבת בהדיא דשרי אמנם
מצאתי בקובץ שיש לאסור ועל כן טוב להחמיר לכתחלה אף על פי שמדינא נראה
לי מה שכתבתי (ד"ע ודלא כב"י):

14. One should be careful so that two *mohelim* do not perform one circumcision on Shabbat, this one does the circumcision and the other one does the *peri'ah*. Rather, the circumciser himself should do the *peri'ah*. *Isserles: I don't have proof for his words and quite the contrary, it appears to me that it is permissible for circumcision overrides the Shabbat prohibitions just as the Temple service does, and any number of priests were involved in the service and "violating" Shabbat, for inasmuch as Shabbat is set aside for the purpose of avodah, it is like a weekday in all respects.*

Appendix:

A Ceremony for *Brit Milah*



Baby is brought into the room and everyone says:

בָּרוּךְ הַבָּא.

Blessed be the child whom we now welcome.

Baby is given to the mother who says:

My son, my child, you have been as dear to me as my own breath. May I hold you gently now with love to keep you close and with strength to let you grow.

Baby is given to the father who says:

My son, my child, a piece of my life is you. You have grown to life apart from me, but now I hold you close to my heart and cradle you in my arms with my love.

Parents say:

We have been blessed with the gift of new life. We have shared love and pain and joy in bringing our son into life.

By the way we live, we aspire to teach our son to become a caring and loving person. We hope that in seeking to fulfill himself, he will accept his responsibilities to others and to his heritage. We dedicate ourselves to the creation of a Jewish home and to a life of compassion for others, hoping he will learn from our example.

God of our grandfathers, God of our grandmothers, we pray for covenant love, for life, for good. Keep us strong together.

Grandparents say:

Our God and God of all generations, we are grateful for new beginnings, for the bond of new life that links one generation to another. Thankful for the blessings of family, for the love and care that brings meaning and happiness to our lives, we rejoice with our children at the birth of our grandson.

Everyone says:

ברוך אתה יי, מקור החיים משמח ההורים עם ילדיהם.
Ba·ruch a·tah Adonai, m'kor ha·cha·yim
m'sa·mei·ach ha·ho·rim im yal·dei·hem.

*Blessed are You, Adonai, the source of life,
who causes parents to rejoice with their children.*

Parents say:

We are ready to fulfill the *mitzvah* of circumcision,
as it is written in the Torah:

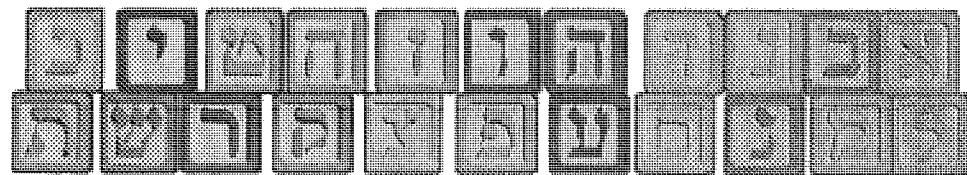
ובן-שמנת ימים ימול לכם כל-זכר לדרתיכם.
u·ven sh'mo·nat ya·mim yi·mol la·chem kol za·char
l'do·ro·tei·chem.

Throughout your generations every male among you
shall be circumcised when he is eight days old.

Baby is placed on Elijah's chair and the rabbi says:

זה הכסא של אליהו זכור לטוב.

This is the chair of Elijah, whose spirit is with us.
May his remembrance be for good.



Mohel says:

ברוך אתה יי אלהינו מלך העולם,
אשר קדשנו במצותיו, וצונו על המילה.
Blessed are You, Adonai our God, Ruler of the Universe,
who hallows us with *mitzvot*,
and commands us regarding circumcision.

Circumcision is performed.

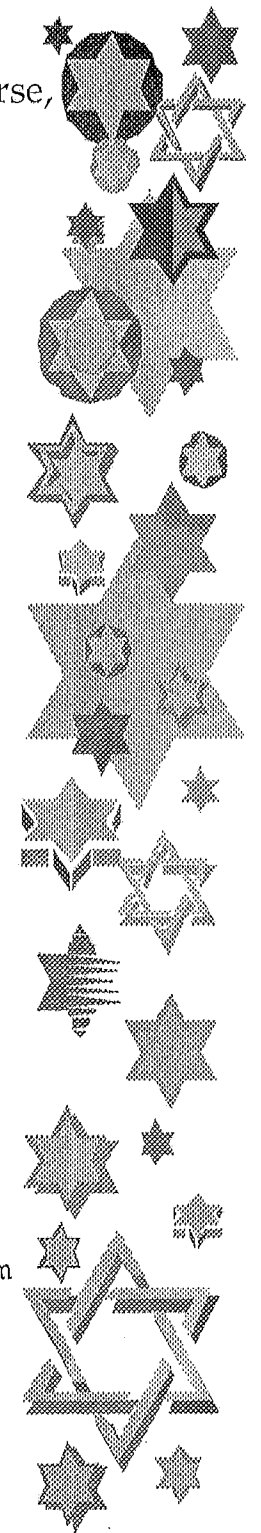
Parents say:

ברוך אתה יי, אלהינו מלך העולם,
אשר קדשנו במצותיו, וצונו
להקניסו בבריתו של אברהם אבינו.
Ba·ruch a·tah Adonai, Eh·lo·hei·nu me·lech
ha·o·lam, a·sher ki·d'sha·nu b'mitz·vo·tav
v'tzi·va·nu l'hach·ni·so biv·ri·to
shel Av·ra·ham a·vi·nu.

Blessed are You, Adonai our God, Ruler of the universe,
who hallows us with *mitzvot*, and commands us
to bring our son into the covenant of Abraham our father.

קשם שנכנס לברית,
מן יכנס לתורה ולמצוות טובים.
K'sheim sheh·nich·nas la·brit,
kein yi·ka·nes l'to·rah u·l'chu·pah u·l'ma·a·sim
to·vim.

As he has been brought into the covenant of our people,
so may he attain the blessings of Torah,
marriage, and a life of good deeds.



Rabbi says:

ברוך אתה יי אלהינו מלך העולם, בורא פרי הגפן.

Blessed are You, Adonai our God, Ruler of the universe, creator of the fruit of the vine.

ברוך אתה יי אלהינו מלך העולם, אשר קדש ידיד מבטן, וחק בשארו שם, וצאצאיו חתם באות ברית קדש. על בן בשכר זאת, אל חי, חלקנו צורנו, צוה להציל ידידות שארגו משחת, למען בריתו אשר שם בבשרנו. ברוך אתה יי, בורת הברית.

Blessed are You, Adonai our God, Ruler of the universe, You have sanctified your beloved from the womb, establishing Your holy covenant throughout the generations. May devotion to the covenant continue to sustain us as a people. Blessed are You, Adonai, we give thanks for the covenant.

אלהינו ואלהי אבותינו ואמותינו, קיים את הילד הזה לאביו ולאמו, ויקרא שמו בישראל _____ בן _____. ישמח האב ביוצא חלציו, ותגל אמו בפרי בטנה, כפתיבו: ישמח אביו ואמה, ותגל יולדתה. ונאמר: ואעבר עליה וארא מהבוססת בדמיה, ואמר לה בדמיה חיי. ונאמר: וזכר לעולם בריתו, דבר צוה לאלי דור. אשר ברת את אברהם, ושבועתו ליצחק. ויעמידה ליצחק לחק, לישראל ברית עולם. ונאמר: וימל אברהם את יצחק בנו, בן שמונת ימים, באשר צוה אתו אלהים. הודו ליי כי טוב, כי לעולם חסדו. הודו ליי כי טוב, כי לעולם חסדו.

Our God and God of our ancestors, sustain this child. Let him be known in Israel as _____. May his father and mother rejoice in their offspring. With love and wisdom may they be privileged to teach him the meaning of the covenant which he has entered today, and to inspire him to practice righteousness in speech and in deed, to seek truth and the ways of peace.

זה הקטן _____ בן _____ גדול יהיה. כשם שנכנס לברית, בן יכנס לתורה, ולחפיה, ולמעשים טובים. אמן.

May this child, _____, grow into manhood as a blessing to his family, the Jewish people, and humanity. As he has entered the covenant of our people, so may he attain the blessing of Torah, marriage, and a life of good deeds. And let us say: Amen.

Parents drink the wine the baby has already tasted. They explain the baby's name.

Rabbi says:

מי שברך אבותינו אברהם, יצחק, ויעקב, ואמותינו שרה, רבקה, לאה, ורחל, הוא יברך את-הילד הרה הנמול וירפא אותו רפואה שלמה. ויזכו הוריו לגדלו, לחנכו ולחפמו. ויהיו ידיו ולבו לאל אמונה, ונאמר: אמן.

May the One who blessed our fathers Abraham, Isaac, and Jacob and our mothers Sarah, Rebecca, Leah, and Rachel, bless this child and keep him from all harm. May his parents help him to dedicate his life in faithfulness to God, his heart receptive always to Torah and *mitzvot*. Then shall he bring blessing to his parents, his people, and all the world. And let us say: Amen.

Mom says:

May your eyes sparkle with the light of Torah, and your ears hear the music of its words.

May the space between each letter of the scrolls bring warmth and comfort to your soul.

May the syllables draw holiness from your heart, and may this holiness be gentle and soothing to you and all God's creatures.

May your study be passionate, and meanings bear more meanings until Life itself arrays itself to you as a dazzling wedding feast.

And may your conversation, even of the commonplace, be a blessing to all who listen to your words and see the Torah glowing on your face.

- Danny Siegel



Dad says:

May you live to see your world fulfilled,

May your destiny be for worlds still to come,

And may you trust in generations past and yet to be.

May your heart be filled with intuition and your words be filled with insight.

May songs of praise ever be upon your tongue and your vision be on a straight path before you.

May your eyes shine with the light of holy words and your face reflect the brightness of the heavens.

May your lips speak wisdom and your fulfillment be in righteousness even as you ever yearn to hear
the words of the Holy Ancient One of Old.

- *Barachot 17a*

Rabbi says:

יְבָרְכֶךָ יי וישמרה,

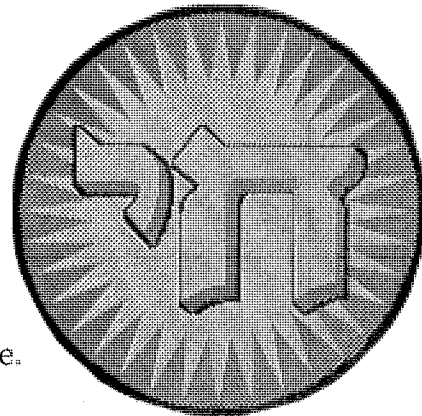
יְאֵר יי פְּנֵינוּ אֵלֶיךָ ויחַנֶּנֶה,

יְשֵׁא יי פְּנֵינוּ אֵלֶיךָ ויִשֶּׁם לָךְ שְׁלוֹם.

May God bless you and keep you.

May God be with you and be gracious to you.

May God show you kindness and give you peace.



Everyone says:

בָּרוּךְ אַתָּה יי, אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם,

שְׁחַחֲנוּ וקִיַּמְנוּ וְהִגִּיעְנוּ לְזֶמַן הַזֶּה.

Ba·ruch a·tah Adonai, Eh·lo·hei·nu me·lech ha·o·lam,
sheh·heh·chey·ya·nu v'ki·y'ma·nu v'hi·gi·ya·nu la·z'man
ha·zeh.

Blessed are You, Adonai our God, Ruler of the universe,
for giving us life, for sustaining us, and for enabling us to reach this
moment.

Glossary

Amora'im - Term for anonymous rabbis quoted in the *Gemara*.

Beit Din (בית דין) - The traditional Jewish Court. Typically a court of three rabbis
charged with adjudicating legal matters within the Jewish community.

Brit Milah (ברית מילה) - The Covenant of Circumcision. This term describes the
ritual ceremony surrounding circumcision. It is sometimes referred to as simply
a *Brit*.

Erev Shabbat (ערב שבת) - The period beginning Thursday at sundown and ending
as Shabbat begins on Friday. This is time set aside for the preparation of
Shabbat.

Eruv (ערוב) - The mixing or pooling of a common place so that carrying may be
done during Shabbat.

Hatifat Dam Brit (חטיפת דם ברית) - Literally, the taking of a drop of blood for the
covenant. This refers to a ceremony in which a drop of blood is taken from the
previously circumcised penis, so as to confer Jewish status unto a convert or
infant.

Kareit (כרת) - A form of excommunication from the Jewish community. This
punishment was reserved for the most serious offenses.

Kinyan - the formal act of signifying a contract.

Malacha (מלאכה) - A term denoting work that is to be avoided on Shabbat. There
are thirty-nine categories of work, which were determined from the passages in
Exodus concerning the building of the Tabernacle (Exodus 31:12-17).

Mamzer (ממזר) - The offspring of an unlawful, incestuous, or adulterous marriage.

Metzitzah (מציצה) - The third step in ritual circumcision. It consists of applying suction to the wound in order to prevent infection.

Minyan - The necessary quorum for a public service. Usually a group of at least ten men. To perform *Brit Milah* it is not necessary to have a *minyan* although it is preferable to have one.

Mitzvah - Literally, a commandment.

Mohel (מחיל) - The term for a person trained in the art of ritual circumcision. The *mohel* not only knows how to perform the actual cutting but is trained in the ceremony surrounding the circumcision as well.

Peri'ah (פריעה) - The second step in ritual circumcision. This is the tearing of the soft membrane that covers the crown of the penis and the rolling back of the corona so that the crown is fully exposed.

Pidyon HaBen (פדיון הבן) - A ceremony for the first born male child, which takes place after thirty days of life. In this ceremony the child is redeemed from dedicated service to the Temple.

"Positive" Commandment - The term for a *mitzvah* that one is to do. For example, circumcision is a "positive" precept because God commanded us to observe *Milah*.

"Negative" Commandment - The term for a *mitzvah* that one is to avoid doing. "Thou Shalt not Steal," is a negative precept because God commanded us not to do it.

Resident Alien (גר תושב) - Any non-Jew who accepts the seven laws considered by rabbinic tradition to be the minimal moral duties enjoined by the Bible on all of humanity is called a "resident alien."

Seven mitzvot commanded of Noah - There are seven laws considered by rabbinic tradition to be the minimal moral duties enjoined by the Bible on all of humanity. These are the prohibitions of idolatry, blasphemy, bloodshed, sexual sins, theft, eating from an animal that is still alive, and commandment to establish a legal system. Any non-Jew who accepts these precepts is called a "resident alien."

Safek (ספק) - The status of doubt. If the time of birth is in doubt then the needs of circumcision do not override the Shabbat prohibitions. Therefore, if it is not known for sure that Shabbat is the eighth day of a child's life then the *milah* is postponed until Sunday so as to not violate Shabbat.

Sandek - An honor bestowed upon a friend or family member during the *Brit Milah* ceremony. The *sandek* typically helps the *mohel* by holding the baby.

Shaliach Tzibur - The term for one who leads the service. It is great honor to act as *shaliach tzibur*, which shows that one has the respect and admiration of the whole community.

Shehechianu - The standard prayer of thanksgiving, offered on many joyous and festival occasions.

Sh'out (שבות) - This is a term for any number of activities which should be avoided on Shabbat because they are not in the spirit of Shabbat, even though these activities are not exactly "work."

Tanna'im - Term for anonymous rabbis quoted in the *Mishnah*.

Tefilah - Specifically, a word describing the central prayer of worship, as known as the *Amidah*. In the *Mishneh Torah*, it refers to whether or not those in attendance have prayed *ma'ariv* yet.

Yom Tov (יום טוב) - Those festival days during which no work was to be done. These days include: the first and second day of Rosh Hashanah; Yom Kippur; the first, second and last days of Sukkot and Passover; and Shavuot.

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