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AJR Masters Thesis

## **An Argument for Proactively Eliminating *Metzitzah b'Feh***

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## **Glossary**

**Atarah** - The Hebrew term for what is commonly known as the head of the penis, the medical term for which is glans.

**Ba'alei Teshuvah** - Literally, masters of repentance. This term refers to individuals born Jewish who return to ritual observance after a period without religious commitment.

**Birkat Hamazon** - Often translated as Grace after Meals, this is a group of blessings said after a meal. At the meal following the bris, there are additions that include a special blessing for the Mohel.

**Brit** (spellings and pronunciations include *Bris*, *Briss*, *Brith*) - Literally, covenant. Brit is often the shorthand for *Brit Milah*.

**Brit Milah** - the ritual circumcision ceremony

**Chametz** - grains like wheat, oats, rye, barley, and spelt are prohibited on Passover if moistened for longer than 18 minutes leading to rising or leavening. Yeast and sourdough are leavening agents, and as such, these are also considered *Chametz*.

**Chazal or Hazal** (Hebrew: חז"ל), an acronym for חכמינו זכרונם לברכה (*Chakhameinu Zikhronam Liv'rakha*) - our Sages, may their memory be a blessing.

**Corona** - a medical term for the outer edge of the glans

**D'oraita** - that which is from the *Torah* or derived from *Torah*

**D'rabbanan** - that which is from the rabbinical sages; most often, those of the *Talmud*

**Gemara** - Rabbinical analysis of and commentary on the *Mishnah* that likely was transmitted orally for generations. The *Gemara*, together with the *Mishnah*, constitute the *Talmud*.

**Glans** - what is commonly referred to as the head of the penis and referred to as the עטרה (*atarah*) in Talmudic discourse on circumcision

**Haga or Hagaha** - Translates to and is often referred to as the 'Gloss.' These are the comments of Rabbi Moshe Isserles (16th century Poland known by his acronym "Rema") on the Shulchan Arukh. They largely bring Ashkenazic traditions when they differ from the Sephardic tradition. The Haga or Gloss is included in nearly all editions of the Shulchan Arukh.

**Halakha** - Jewish law

**Halakhic** - An English adaptation of the Hebrew term *Halakha* (above) to indicate a particular matter is in accordance with Jewish law; legal

**Haskalah** - Enlightenment, often referred to as The Enlightenment Period. From the late 18th century to the late 19th century, the enlightenment refers to a

movement that sought a revival of Hebrew for use in secular life while promoting rationalism and freedom of thought within the Jewish community.

**Hazzan** - the Hebrew term for the cantor in the Jewish prayer tradition who is usually a trained vocalist and a member of the clergy. They lead the congregation in song and prayer and train laypeople who wish to do the same. The *Hazzan* often teaches music to both children and adults and officiates at major life cycle events.

**Isplanit** - bandage

**Karet** - the result of some transgressions, including the neglect of *Brit Milah*.

*Karet* cuts one off from the people of Israel.

**Kashrut** - (may also be expressed *Kashrus* with Yiddish influence) regulations that permit or prohibit certain foods and requirements for food preparation and serving. May be used in regard to one's "level of *Kashrut*" or in a question about the supervision of *Kashrut*.

**Kiseh Shel Eliyahu, The Chair (Throne) of Elijah** - Our custom is to announce Eliyahu (Elijah the prophet) at every bris based on a *Midrash* that can be found in *Pirkei D'Rabbi Eliezer*, Chapter 29 and in the *Zohar* 93a. Some have added a ritual for the prophetess *Miriam*.

**Kodesh or Kadosh** - holy, sacred

**K'vatterin/k'vatter** - Traditionally, the mother hands her baby to a female honoree (*K'vatterin*) who acts as an usher bringing the baby to the space in which the Bris is to take place. There the male honoree (*k'vatter*) ushers the baby to the Throne of Elijah.

**L'sheim Giyur** - for the sake of conversion, added on to the term *Brit Milah* when appropriate

**Ma'ariv** - the evening prayer service

**Machzor** - Today, this Hebrew term is used for any High Holy Day prayer book rather than the more generic term in Hebrew - *Siddur*. In this thesis, there is a reference to The *Machzor* Vitry: an 11th-century prayer book composed by Rabbi *Simcha* of Vitry, a French scholar, and disciple of Rashi. It includes rulings on Jewish legal matters.

**Masechet/Masechtot** - tractate(s) of the *Talmud* that usually concentrate on one subject

**Maskilim** - Those who advocate for *Haskalah* - see above

**Mekhilta** - The *Mekhilta de Rabi Ishmael* is a significant religious commentary on the Book of Exodus. Named after its primary compiler and sometimes referred to as simply "the *Mekhilta*," it falls under the category of halakhic midrashim, legal interpretations of the *Torah*.

**Metzitzah** - for the purposes of this thesis, *Metzitzah* is the Mishnaic requirement to draw, express, or suction blood from the circumcision wound

**Metzitzah B'Feh, Metzitzah B'Peh, and various abbreviations** - *Metzitzah* as defined above; performed with one's lips and/or mouth with no barrier. It is referred to in scientific papers on this subject as direct oral-genital suction.

**Mezuzah** - a small hand-scribed scroll of parchment with *Torah* verses affixed to doorposts

**Midrash** - There are many types and variations of *Midrash*, but most often, the term refers to rabbinic writings composed between 400 and 1200 CE. Frequently, a *Midrash* is an attempt to illustrate the underlying significance of a Biblical text.

**Mikraot Gedolot** - A volume containing medieval commentaries on the Bible. While there are several different editions, the typical commentators included in a published *Mikraot Gedolot* are the *Onkelos Targum*, Rashi, *Ibn Ezra*, Rashbam, Ramban, Rada"K, *Sforno* and *Shabbethai Bass (Siftei Chakhamim)*

**Mikvah** - a ritual bath used for purification and conversion

**Mincha** - the afternoon prayer service

**Minhag** - custom; also *Minhag Hamakom* - the custom of a particular place or community

**Mishnah** - known as part the Oral *Torah*, it is the first major work of rabbinic literature compiled at the beginning of the 3rd century

**Mishneh Torah** - a late 12th-century code of Rabbinic Jewish religious law organized and recorded by Maimonides known as the Rambam, an acronym based upon his full name Rabbi *Moshe ben Maimon*.

**MiSinai** - A category of laws that do not appear in the *Torah* but are understood by the sages of the *Talmud* as communicated to Moses by Gd at the time of the giving of the *Torah* at Mount Sinai.

**Mitzvah** - a commandment within or derived from the *Torah*

**Mitzvot** - plural of *Mitzvah*

**Moed** - A Jewish Festival (*Moed* can also refer to one of the six orders of the *Mishnah*)

**Mohalut** - the practice of Jewish ritual circumcision

**Mohel** (spellings and pronunciations include *Moil*, *Moyel*, *Mohl*) - one who performs ritual circumcision

**Mohelet, Mohalim, Mohalot** - feminine and plurals for *Mohel*.

**Neviim** - Prophets

**Orla** - Foreskin

**Or Hapriyah** - The actual skin of the *Priyah* membrane

**Pikuach Nefesh** - The principle that in matters of life and death, saving, or sustaining a life overrides most commandments.

**Poskim (singular - Posek)** - Legal authorities who rule on issues of *Halakha*, the Jewish religious laws

**Priyah** - The act of removing the membrane or soft tissue under the foreskin and surrounding the corona

**Rav** - (also pronounced and written *Rov*) rabbi

**Rema** - See *Haga* above

**Sakanah** - סִכָּנָה - danger: a term reserved for items or actions that present danger or risk

**Sandak** (also written and expressed with Yiddish influence, *Sandek*) - the honoree at a *Brit Milah* who traditionally holds the baby during the procedure. Some *Mohalim/Mohalot* use a restraining board which results in the Sandek having free hands to administer wine, grape juice, or sugar water to the baby's lips.<sup>1</sup>

**Seder/Sedarim/Sidrei** - lit. order; Seder is used in this thesis to refer to one volume within a set of volumes in the *Mishnah*. Sedarim is the plural of Seder, and Sidrei is plural in the genitive case as in *Shisha Sidrei Mishnah*, six orders of the *Mishnah*. In the course of Jewish life, the term usually refers to the Passover seder, which has a specific order.

**Shabbat** - the Sabbath; *Shabbat* is defined as the full seventh day beginning at sunset on Friday until the sky is fully dark on Saturday night. In the Talmudic sources of this thesis, holidays defined as *Yom Tov* (see below in Glossary) are included in the guidelines for *Shabbat*.

**Shacharit** - the daily morning prayer service

**Shulchan Arukh** - Sometimes abbreviated SA, the *Shulchan Arukh* is an exhaustive *halakhic* work of Rabbi Joseph Karo, who lived in Safed at the time of its writing (1563). It was published two years later (1565 in Venice) and is widely accepted as the most authoritative compilation of Jewish law ever written.

**Siddur** - prayerbook. The term is derived from the same root as seder (see above).

**Siyum** - completion; often refers to the completion of study, as in a Talmudic tractate

**Talmud** - Unless otherwise noted herein, the word *Talmud* refers to the *Talmud Bavli* or Babylonian *Talmud*, which combines both the *Mishnah* and the *Gemara* and was compiled around 500 CE.

**Tannaim** - rabbis of the earliest rabbinic period

**Takanah** - a repair of the *halakha* that benefits the community as a whole

**Tefillah** - prayer

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<sup>1</sup> See these controlled studies regarding the effectiveness of sugar water to the lips during circumcision; Herschel M, Khoshnood B, Ellman C, Maydew N, Mittendorf R. Neonatal Circumcision: Randomized Trial of a Sucrose Pacifier for Pain Control. *Arch Pediatr Adolesc Med*. 1998;152(3):279–284. doi:10.1001/archpedi.152.3.279 and Kass, F. C., & Holman, J. R. (2001). Oral glucose solution for analgesia in infant circumcision. *The Journal of family practice*, 50(9), 785–788.

**Throne of Elijah** - (see *Kiseh shel Eliyahu* above) This is an actual chair that is made to accommodate the procedure and one that more traditional synagogues provide and/or loan out. In the home, any chair can be designated, and the family may choose to decorate it in some way.

**Torah** - The Five Books of Moses. The term can also be used in a more general sense, as in, we ourselves are the continually growing *Torah* in the world.

**Tosafot** - Literally meaning additions, the term *Tosafot* refers to the Medieval French and German commentaries on the *Talmud* and Rashi's commentary of the *Talmud*.

**Parasha** - the section from the Torah that is chanted and studied publicly and chronologically yearlong

**Tanakh** - an acronym representing *Torah* (The Five Books of Moses), *Nevi'im* (The Prophets), and *Ketuvim* (The Writings). Some use the term Old Testament to refer to this entire grouping.

**Yom Tov** - holidays upon which traditionally observant Jews traditionally abstain from what is defined as work.

### **Abbreviations**

**SA** = *Shulchan Arukh* of Rabbi Joseph Caro

**BT** = Babylonian *Talmud* (The major collection of rabbinic traditions used as a primary source for Jewish law)

**JT** = Jerusalem *Talmud*

**MT** = *Mishneh Torah* of Maimonides

**ז"ל** - This abbreviation for *zichrono/zichronah* (feminine form)/*zichronam* (plural form) *livracha*. This is an expression following the name of the deceased, indicating the hope that their memory will be a blessing.

Hebrew terms in this thesis are capitalized and italicized for consistency. It is noted that many publications no longer follow this convention for Hebrew terms that have become part of everyday English conversation, i.e., *Torah*, *Shabbat*, etc. Hebrew terms with English prefixes and/or suffixes (ex., unhalakhic) and Hebrew acronyms (ex., Tanakh and Rambam) are neither capitalized nor italicized. Direct quotes are indented and unchanged from their source, including typos with [sic].<sup>2</sup>

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<sup>2</sup> It means that the text was quoted verbatim, and the mistake it marks appears in the source.

Styles abound for the transliterations of Hebrew into English characters that facilitate correct phonetic pronunciation. In the body of this thesis, when the text is not a quote from another source. These letters are most often in question, and I have endeavored to be consistent in this regard.

ח	ch
ך or כ	kh
כ	k
ק	k

## **Preface**

While studying towards investiture as a Conservative *Hazzan* at the then-named Cantors Institute of the Jewish Theological Seminary, an early morning class was going to be delayed. Rather than wait, a member of the administration filled in by teaching the weekly *Parasha*.

He began by describing a need for *Mohalim/Mohalot* (plural for *Mohel* - a Jewish ritual circumciser) to serve everyone in the Jewish community. We were informed that in most Jewish communities, there are several *Mohalim/Mohalot* from whom to choose, although not equally accommodating to the major movements within Judaism, e.g., Reform, Conservative, Orthodox.<sup>3</sup> Our guest went into some heartfelt detail regarding phone calls he received from frustrated parents and clergy who often lived in the more remote parts of the country, bemoaning the absence of *Mohalim/Mohalot* with whom they are both comfortable and would serve them on the 8th day of their baby boys' lives.

The instructor continued by explaining obstacles that can arise, such as conversion to Judaism or intermarriage among the parents and/or grandparents of the baby in need of a *Brit Milah*. *Mohalim/Mohalot* may challenge the validity of the conversion and insist on performing the ceremony *L'sheim Giyur* - for the sake of conversion.<sup>4</sup> Even after parents submitted paperwork that documented the conversion, many *Mohalim/Mohalot* challenged the converting rabbi's credentials and/or the ritual observance of the witnesses. This dilemma led our instructor to dedicate his teaching to the potential inspiration of at least one of us to pursue becoming a *Mohel* or *Mohelet* (female for *Mohel*).

The *Parasha* was *Shemot*, the first in the Book of Exodus, and the initial focus was chapter four, verses 24 - 26. This brief passage, often referred to as

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<sup>3</sup> There are nuances within these movements and in some cases sub-groups. For example, within the umbrella of Orthodox Judaism are Young Israel or Modern Orthodox, Chabad-Lubavitch, and *Aish HaTorah*, and each has unique perspectives and requirements regarding conversion as well as many other matters. Movements abound that are smaller but significant, such as Reconstructing Judaism, Humanistic Judaism and groups that prefer no movement name. In Israel, these terms include *Haredim* (Haredi Judaism), *Dati'im* (Religious Zionism), and *Hiloni* (secular). Finally, some terms are used to describe Jewish communities that are not as organized such as, Progressive, Liberal, Traditional.

<sup>4</sup> A *Brit Milah* performed *L'sheim Giyur* has overtones that are potentially offensive to both the Jewish and non-Jewish family members. To the person whose Judaism is being questioned, the process of questions often leads to more questions including but not limited to; Did your conversion include *Mikvah*? Were the witnesses kosher and observant of *Shabbat*? Who was the converting rabbi?



“*Tziporah* at the Inn,” immediately follows Gd’s<sup>5</sup> instruction to Moses to return to Egypt for the release of the Israelites in captivity. This is how I remember the texts being presented.

Moses objects to Gd’s urging despite the Divine demonstration of what seem like magic tricks serving as proof of Gd’s unlimited power. Gd’s frustration with reticent Moses seems to be at a boiling point when suddenly, in verse 23, Gd directs Moses as follows:

#### Exodus 4:22-24

22. And thou shalt say to Par’o, Thus says the Lord, Yisra’el is my son, my firstborn. 23. I have said to you, “Let My son go, that he may worship Me,” yet you refuse to let him go. Now I will slay your first-born son.” 24. At a night encampment on the way, the LORD encountered him and sought to kill him. <sup>6</sup>	וְאָמַרְתָּ אֶל־פַּרְעֹה כֹּה אָמַר יְהוָה בְּנִי בְכֹרִי יִשְׂרָאֵל: וְאָמַר אֵלַיךְ שְׁלַח אֶת־בְּנִי וְיַעֲבֹדֵנִי וְתִמְאַן לְשַׁלְּחוֹ הַנֶּה אֲנִי הֵיגָה אֶת־בְּנִי בְכֹרִי: וַיְהִי בַּדֶּרֶךְ בַּמֶּלֶן וַיִּפְגְּשֵׁהוּ יְהוָה וַיִּבְקֹשׁ הַמִּיתוֹ:
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In verse 23, it seems that Gd is threatening the life of the newborn baby - Gershom (see Exod. 2:22). That said, in the next verse, it is not clear to whom the Hebrew suffix ‘him’ refers וַיִּבְקֹשׁ הַמִּיתוֹ. Gd could be threatening to kill the newly born *Gershom*; or could Gd be threatening Moses? And, if so, why? The material came alive with drama and emotion.

#### Exodus 2:22

She bore a son whom he named Gershom, for he said, “I have been a stranger in a foreign land.”	וַתֵּלֶד בֵּן וַיִּקְרָא אֶת־שְׁמוֹ גֶרְשֹׁם כִּי אָמַר גֵּר הָיִיתִי בְּאֶרֶץ נֹכְרִיָּה:
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<sup>5</sup> When referring to the Divine in English, I will usually write the name as “Gd”. Some hold the position that this word and other substitutes are not actually Gd’s name. Especially when writing the name we have for Gd in Hebrew, one might be concerned with the way the paper on which the name is written is handled or discarded. A more modern position on this matter favors the greater ideal of recycling, thus obviating the need to bury even books and papers with the name of Gd written in Hebrew with *yud yud*, or *yud hay vav hay*, but old habits die hard. Such is the case with the writing of G-d’s name as I was taught so well by Mrs. Sidra Sperling in the Beth El Temple Religious School in West Hartford, CT. I recently altered this lesson for myself, finding that the hyphen somehow lowered the status of Gd. The absence of the vowel is, for me, a reminder of the absence of vowels throughout the scrolls of Tanakh and as a spiritual reminder that every name for Gd is a substitute for the Ineffable.

<sup>6</sup> Unless noted otherwise, translations of Biblical passages are the NJPS versions as provided at [www.sefaria.org](http://www.sefaria.org)

Midrash comes to explain the cryptic nature of *Gershom*'s name. The enslaved masses of Israelites are suffering as they still “live there” in Egypt - שם + גר.<sup>7</sup> Perhaps there is a message necessary for the cautious and reticent Moses. Even though Gershom was born in freedom, there is work yet to be done “there” in Egypt; work to exact freedom for the rest of Gd's chosen who remain as slaves to Pharaoh and his taskmasters.

I was intrigued by the way the material was presented by the administrator who filled in that day. As we progressed through this lesson, I observed words at the outset of chapter 5 that made me look back at these verses from chapter 4. The language in the command Moses employed in 5:1 paralleled that of Gd's in 4:23 with one difference.

#### Exodus 4:23

I have said to you, “ <b>Let My son go</b> , that he may worship Me,” yet you refuse to let him go. Now I will slay your first-born son.	וְאָמַר אֵלַיךְ שְׁלַח אֶת־בְּנִי וַיַּעֲבֹדֵנִי וְתִמָּאֵן לְשַׁלְּחוֹ הִנֵּה אֲנִי הוֹגֵא אֶת־בְּכוֹרְךָ בְּכֹרֶךָ:
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#### Exodus 5:1

Afterward Moses and Aaron went and said to Pharaoh, “Thus says the LORD, the God of Israel: <b>Let My people go</b> that they may celebrate a festival for Me in the wilderness.”	וְאַחֲרַיִם בָּאוּ מֹשֶׁה וְאַהֲרֹן וַיֹּאמְרוּ אֶל־פַּרְעֹה כֹּה־אָמַר יְהוָה אֱלֹהֵי יִשְׂרָאֵל שְׁלַח אֶת־עַמִּי וַיְחַגּוּ לִי בַּמִּדְבָּר:
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Was Gd's demand, “שלח את בני – Let My son go,” in chapter 4, verse 23, a Divine teaching moment? I found it fascinating to consider that Gd modeled or demonstrated language to be used at a later time. “שלח את בני – Let My son go” has the same meter and form as Moses uses when he implores Pharaoh by saying, “שלח את עמי – Let my people go.” While this connection was perhaps not

<sup>7</sup> *Bekhor Shor*, Exodus, 2:22, גר - *Ger*, in this interpretation of 12th-century tosafist Yosef ben Yitzchak Shor, is translated as “resides” or “lives,” and שם - *sham* - means “there,” as in a location, thus - lives or resides over there. *Ger* can also refer to a stranger; see *L'sheim Giyur* in the Glossary. This brings additional meaning to the text, in that Jews were themselves, strangers in Egypt Ex. 23:9.

deserving of comment in the times of traditional sources,<sup>8</sup> I find it even more powerful today as it did then.

I read myself into this narrative in a manner I had not previously with any lesson or piece of *Torah*. Not only was Gd teaching the insecure Moses how to demand freedom upon arriving back in Egypt, but Gd was present there in that classroom, teaching and inspiring me through this lesson. Indeed, I did feel the Omnipresent leading me to, at least, learn more about *Mohalut* (the practice of being a *Mohel*).

This *Parasha* and the passion that the instructor showed for *Brit Milah*, was the spark<sup>9</sup> that led me on a path to becoming a *Mohel*. I expressed my interest, and he encouraged me to find a teacher. Where? He didn't know, but he advised me to speak of my interest to "anyone who will listen" and to seek out anyone who might be even remotely able to help.

Subsequently, I was directed to a New Jersey *Mohel*, *Hazzan* Richard Nadel.<sup>10</sup> *Hazzan* Nadel generously invited me to his area when he could bring me along to *Britot*. With this experienced professional, I had the opportunity to observe the structure of the ceremony and the technique employed. While there were often multiple ceremonies in just one afternoon, this was all simple observation with no physical instruction.

A few months later, in the Summer of 1990, I was extremely fortunate to meet and befriend Dr. Jacob Shragowitz, z"l. As an OB/GYN at the Jacobi Medical Center in the Bronx and a clinical professor at the Albert Einstein College of Medicine, in addition to serving as *Mohel* for many patient families, he had performed many thousands of circumcisions. Dr. Shragowitz, who was both an extremely well-respected provider of care in the New York area and a deeply observant Jew, took me under his wing and trained me in circumcision just as he had trained interns for decades.

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<sup>8</sup> The classic commentators of *Mikraot Gedolot* and others had nothing to say about this confluence of similar phrases. As the study of sources is more accessible to me now than it was at the time of this experience, I find it curious given the amount of commentary on other linguistic matters in the Tanakh. Note that there is a perspective that life is affirmed in the narrative following Exodus 4:23 in Lewis, *Imagining Holiness*. 259.

<sup>9</sup> This spark is represented in the concept of the *pintele Yid*, literally, the spark of the Jew. The idea is that inside every Jew is kindling. One little spark in the right place and at the right time, and Judaism will ignite. In the interest of inclusiveness, I have chosen to only footnote this idea which has overtones of exclusiveness. Individuals identifying with other cultures and faiths as well as those who prefer no faith in a Deity, should not be presumed empty of this notion that such kindling has the potential to ignite a deeper spirituality and commitment. Also see Philologos, "An Essential Point."

<sup>10</sup> <http://www.greatmohel.com/>

Dr. Shragowitz was extremely knowledgeable and up-to-date on neonatal penile conditions that can delay a *Brit Milah* and the relevant *Halakha*. Dr. Shragowitz explained some of the background of *Metzitzah b'Feh* and how it was required by the sources. He stressed that the need for *Metzitzah b'Feh* was obviated by the risk of spreading serious illness and added that *Metzitzah* of any kind provided little or no benefit to the baby. That said, he instructed me to be sure a sterile sponge absorbs some blood, and my intention,<sup>11</sup> while seeing the blood drawn into the sponge, should be to fulfill the requirement of *Metzitzah* in the *Mishnah*.

In the Fall of 1991, the 2nd class of the *Brit Kodesh* program at JTS was in the process of forming. Upon learning that I had achieved medical certification through Dr. Shragowitz, Rabbi William Lebeau invited me to learn with this group of physicians.<sup>12</sup>

Over 30 years have passed since I received the Diploma of Conservative *Mohel* from the Rabbinical Assembly and the Jewish Theological Seminary. The role of a *Mohel* has been incredibly meaningful to me, as it has provided the opportunity to support families during one of the most powerful, yet trying, times in their lives. I am deeply grateful to my teachers, mentors, and colleagues for guiding me on my journey, and for helping me to become the best practitioner and officiant I can be. Their wisdom and guidance have been invaluable, and I will always be grateful for their contributions to my growth and development.

Although the main impetus for this work is the MA thesis requirement for the rabbinical program at the Academy for Jewish Religion, my interest in *Mb'F* has been longstanding since my earliest days serving as a *Mohel*. I could not have developed and refined the scope and content of this project without the assistance and commitment of others. Rabbi Matthew Goldstone, a full-time member of the AJR faculty, has been an instrumental mentor to me. As both my professor in many courses and in this official capacity, he has demonstrated a gentle passion that has inspired me to deepen my understanding of Jewish text. Rabbi Goldstone's insightful feedback, astute observations, and constructive criticism have been vital in honing the content and structure of this work.

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<sup>11</sup> The concept of *kavanah* (intention or direction of the heart) is widely discussed. See BT *Shabbat* 31a.

<sup>12</sup> From the *Brit Kodesh* section of the Rabbinical Assembly website: <https://www.rabbinicalassembly.org/event/brit-kodesh> The Rabbinical Assembly, in cooperation with the Jewish Theological Seminary, periodically holds a *Brit Milah* training course for physicians, entitled "*Brit Kodesh*."

Proofreaders and advisors have given generously of their time. Rabbi Robert Alpert, *Rav Shai* Cherry, Sherree Beth *Bena* KaneGraber, Rabbi *Rachel* Kobrin, Rabbi *Hayim* Leiter, and Merrill Stup have all read these pages closely and made valuable comments, suggestions, and corrections. Their efforts improved the clarity, consistency, and thoroughness of this thesis and are greatly appreciated.

I would like to express my profound gratitude to the leadership of Congregation Adath Jeshurun in Elkins Park, where I serve as *Hazzan*. Their unwavering support, encouragement, patience, and commitment have been essential to the completion of this journey, which is only the beginning of a lifelong pursuit of knowledge and growth.

My biggest support system throughout this process has been my wife, Dayna Nepiarsky Glantz, and our children - Rafi, Remy, Rose, and Rory - along with all of our closest loved ones. They have been my steadfast pillars of support, cheering me on through the highs and encouraging me through the lows. I could not have come this far without their constant love and encouragement, which kept me grounded and focused. Their sacrifices and understanding allowed me to prioritize my studies, and their belief in me gave me the strength to persevere through daunting challenges. I am immensely grateful for their presence in my life.

Allow me to conclude by borrowing from the last paragraph in the Introduction to the *Steinsaltz Neviim*, by Rabbi Adin Even-Israel Steinsaltz, z”l.

At Mount Sinai, the entire Jewish people heard a “great voice” (Deuteronomy 5:18), which the Sages interpret to mean a voice that has never ceased (*Targum Onkelos; Sanhedrin*17a). It is my hope that this project will help people hear the voice of *Torah*, even in our busy world.

## **Introduction**

This thesis will examine and analyze the foundational Jewish legal sources underlying the practice of *Metzitzah b'Feh* and, based on contemporary medical knowledge, will argue for its complete elimination from Jewish practice.

As a resource for the parent choosing their *Mohel/Mohelet*, I hope the material herein will better equip one with questions that include all the verbiage they need to make the best choice with respect to *Metzitzah b'Feh*. The vast majority of parents are not experts in these sources, nor might they comprehend or decode<sup>13</sup> Hebrew.<sup>14</sup> As such, I employ a specific format when quoting Hebrew or Aramaic texts. Example:

וּמַעֲבִירֵינּוּ לֵיהּ - (*um'abrinan leih* - and we remove him)

The Hebrew or Aramaic is provided with vocalization, then the phonetic pronunciation of that text in italics, and finally, a best effort at translation.<sup>15</sup> This is intended to assist the parent or their representative<sup>16</sup> in using terms a *Mohel/Mohelet* will appreciate and comprehend.<sup>17</sup>

Aside from *Tziporah*, who circumcised *Gershom*<sup>18</sup>, the Bible is bereft of women performing *Brit Milah*.<sup>19</sup> Nonetheless, when I refer to the ritual circumciser, I use the form *Mohel/Mohelet* with the intention of reminding the reader that the *Mitzvah* is fulfilled regardless of the practitioner's gender.<sup>20</sup> I pray it serves as encouragement to include qualified women when choosing a *Mohel/Mohelet*.<sup>21</sup>

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<sup>13</sup> Reading Hebrew assumes some level of comprehension, whereas decoding is limited to the ability to properly enunciate the language from its lettering.

<sup>14</sup>

<https://www.ajc.org/news/ajc-surveys-of-us-israeli-jews-reveal-inadequate-education-on-israel-diaspora>

<sup>15</sup> I agree that every translation is an interpretation, and I have made every effort to ensure accuracy. However, I acknowledge that there may be better word choices available, and I welcome any suggestions that can help improve the quality of the translation.

<sup>16</sup> In my personal experience, many of the first calls or emails regarding a potential bris, are made by someone other than the parent.

<sup>17</sup> The goal is that this work will be valuable to parents, grandparents, and others who benefit from explanations, footnotes, and glossary terms.

<sup>18</sup> Exodus 4:25

<sup>19</sup> SA: Yoreh Deah 264:1 Everyone is fit to circumcise, even a non-circumcised Jew or a woman, but this source prefers an adult male Jew with expertise.

<sup>20</sup> In quotes from texts or people where only the term *Mohel* appears, I did not alter the translation. The same is true generally of capitalizations and spellings.

<sup>21</sup> Konig, "A Woman's Touch."

Hebrew grammar holds that *Metzitzah b'Feh* should be written and pronounced without a *dagesh* (hardening dot) in the letter *Peh* when the prefix has a *schwa* vowel. Examples abound.

Genesis 8:1

וַתָּבֵא אֱלֹהֵי הַיּוֹנָה לֵעֵת עָרֵב וְהָיָה עָלֶיהָ-זֵית טָרֶף בְּפִיהָ וַיֵּדַע נֹחַ כִּי-קָלוּ הַמַּיִם מֵעַל הָאָרֶץ:

Proverbs 11:9

בְּפִה חָנֵף יִשְׁחַת רַעְיוֹ וּבִדְבַר צַדִּיקִים יִחְלֹצוּ:

*Metzitzah b'Feh* is the correct and more appropriate pronunciation. That said, for decades, the widely accepted pronunciation has been with a *dagesh*, i.e., *Metzitzah b'Peh*. This appears in press coverage, journals, books, and even the New York City Department of Health & Mental Hygiene website.<sup>22</sup> Given the prominence of the *Metzitzah b'Peh* pronunciation and the potential for confusion in the abbreviation between the P and the F, my initial plan was to use the term *Metzitzah b'Peh* exclusively.

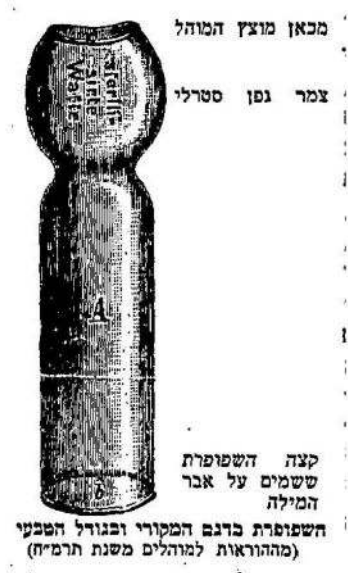
In the course of this research, I was surprised to discover that MBP is also an abbreviation for something very Jewish albeit very different. *Mishnayos B'al Peh* refers to the practice of memorizing teachings from the *Mishnah* to the point of being able to recite them without a text upon which to rely. In many largely observant Jewish communities, *Mishnayos B'al Peh* is highly competitive, especially among Jewish day-school students. Events abound in these communities, referred to as MBP contests. Due to the potential confusion with dangerous practices that could lead to fatal illnesses, I have decided to use *Metzitzah b'Feh* exclusively and its abbreviation, *Mb'F*, in this thesis.

*Metzitzah b'Feh* is to be defined as direct oral-genital suction; that is, employing the lips and/or mouth of the mohel directly on the circumcision wound. The word מוֹצֵזִין - *motzetzin* (suctioning) is frequently used in sources from the *Mishnah* onward.<sup>23</sup> The Mishnaic meaning may or may not have been the current act of *Metzitzah b'Feh*. Throughout this thesis, the word *Metzitzah* without the modifier “*b'Feh*” is defined as simply suctioning or drawing out. When specific methods to provide suction other than *Metzitzah b'Feh* are discussed, they will be identified

<sup>22</sup> “Safe Bris - NYC Health.”

<sup>23</sup> *Shulchan Arukh*, *Yoreh De'ah* 264:3, *Mishneh Torah*, Circumcision 2:6, Rashi on Song of Songs 5:1:2 are but three of the many examples that exist.

as such e.g., *Metzitzah Bis'fog* (suction with a sponge)<sup>24</sup>, *Metzitzah* by the Cahn glass tube,<sup>25</sup> *Metzitzah* by a sterile straw (pipette),<sup>26</sup> *Metzitzah* by cotton swab,<sup>27</sup> and any other specific method discussed or referenced.



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## Statement of Purpose

Among many expecting parents, as soon as they hear the words, “it’s a boy,” and even before, they seek out a *Mohel* or *Mohelet* as their agent to perform ritual circumcision.<sup>30</sup> Despite a great deal of press coverage in recent years, the vast majority of Jews are unaware of *Metzitzah b’Feh*. A sensitive subject, it is avoided by Jewish professionals. Thus, with the happy arrival of a baby boy in the family, a *Mohel* or *Mohelet* is engaged, unaware of this subject in making this important choice.

<sup>24</sup> As described by the *Chatam Sofer*, facsimiles of the letters of correspondence in German and Hebrew and their translations are available at multiple locations. In the course of this 2 year research project, I found many otherwise excellent articles with links that elicited a frustrating Error 404 page. At the time of the submission of my thesis all links are operable. Because of the importance of this particular correspondence, I am providing three current web-based sources.

<http://onthemainline.blogspot.com/2012/04/chasam-sofers-ruling-on-metzitzah-be.html>

[http://ou.org.s3.amazonaws.com/pdf/ja/5767/winter67/24\\_41.pdf](http://ou.org.s3.amazonaws.com/pdf/ja/5767/winter67/24_41.pdf)

[https://www.google.com/books/edition/\\_/M6M9AAAAcAAJ?hl=en&gbpv=1&pg=PA4](https://www.google.com/books/edition/_/M6M9AAAAcAAJ?hl=en&gbpv=1&pg=PA4)

<sup>25</sup> Katz, *Divine Law in Human Hands*. 393.

<sup>26</sup> Davis, “Ritual Circumcision: Ban Metzitzah b’peh.”

<sup>27</sup> Jachter, “Brit Milah, Contemporary Brit Milah Issues.”

<sup>28</sup> A diagram of the Cahn Tube origins used in the correspondence to the *Chatam Sofer*.

<sup>29</sup> Photograph credit: Rabbi Hayim Leiter, Jerusalem Mohel, [www.saferbrit.com](http://www.saferbrit.com).

<sup>30</sup> Marcus, *The Jewish Life Cycle*.



The purpose of this thesis, as stated in its title, “An Argument for Proactively Eliminating *Metzitzah b'Feh*”, is to both increase awareness and call for a complete abandonment of *Mb'F*, as defined in the introduction above.<sup>31</sup> Unprotected *Metzitzah b'Feh* results in the opposite of its original intention. With the abundance of medical and scientific knowledge we currently possess, it is necessary and fitting that *Metzitzah b'Feh* be committed to the annals of Jewish history.

*Metzitzah b'Feh* has been well-documented as the cause of life-altering illness and death since the early 19th century. This practice of direct oral-genital suction has been the subject of much controversy. The involvement of government agencies has stoked fear in fervently observant Jewish communities with a strong collective memory of systematic abuse and persecution. By fully examining the issues and their sources, this thesis may serve to mitigate against the emotionally-charged reactions of some who may mistake regulation for oppression.

At the outset of the 21st century, a board of rabbis and doctors was assembled and charged with the task of developing a procedure to allow the practice of direct oral *Metzitzah b'Feh* while meeting the Department of Health's responsibility to protect public health. The record of this protocol (which compromised medical standards) was removed from the New York State Department of Health website. The guiding document has been highly referenced in articles that deal with aspects related to *Mb'F* and is preserved in internet archives.<sup>32</sup>

In our most recent decade, numerous cases of *Mohalim/Mohalot* violating the procedure have been reported.<sup>33</sup> Unfortunately, in many of these cases, the community has failed to unite and expose these offenders, hindering efforts to ensure justice and prevent future abuses.<sup>34</sup> In a letter dated April 22, 2013, Rabbi Moshe Morsiano, chair of the Division of Circumcision for the Chief Rabbinate of Israel, stated that “*Metzitzah b'Feh* need not be avoided unless the

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<sup>31</sup> Direct oral genital suction; from the lips and/or mouth of the *Mohel/Mohelet* to the circumcision wound.

<sup>32</sup>

[https://web.archive.org/web/20070205033348/http://www.health.state.ny.us/diseases/communicable/herpes/newborns/circumcision\\_protocol.htm](https://web.archive.org/web/20070205033348/http://www.health.state.ny.us/diseases/communicable/herpes/newborns/circumcision_protocol.htm)

<sup>33</sup>

<https://abcnews.go.com/Health/baby-dies-herpes-virus-ritual-circumcision-nyc-orthodox/story?id=15888618>

<sup>34</sup> <https://www.newsweek.com/rabbi-infant-penis-herpes-1460790>

*mohel* tests positive for an infectious disease.”<sup>35</sup> Medical authorities were already aware that testing negative or having no visibly active HSV-1<sup>36</sup> sores does not preclude transmission of the virus. The issue even reached the 2013 NYC Mayoral campaign<sup>37</sup> with candidates lining up for or against regulation.

In 2014, the powerful Agudath Israel, an ultra-Orthodox organization, endorsed the safety of *Metzitzah b'Feh*. Director of Public Affairs, Rabbi Avi Shafran was asked if he considered *Mb'F* safe. He responded by email,

“We do indeed, certainly safer than skiing. Or driving. Or crossing a street in Manhattan, for that matter.”<sup>38</sup>

A six-month sequence of male infant herpes contracted through *Metzitzah b'Feh* was discovered by the Times of Israel in February 2020. These babies were medicated in the hospital with intravenous antiviral meds and likely will endure lifelong effects.<sup>39</sup>

Neglecting *Brit Milah* outright is a violation of a positive commandment for which one is liable for *karet*<sup>40</sup>; a penalty that cuts one off from the people of Israel and may even extend beyond the grave to one's afterlife.<sup>41</sup> While *Metzitzah b'Feh* is not synonymous with *Brit Milah*, the power of perceived tradition combined with the defensive adage; “*this is the way we have always done it*” has a strong influence on parents.<sup>42</sup> A legitimate concern exists that the ritual links to our past have been reduced to a point that the current generation finds all traditional Jewish observances non-obligatory.<sup>43</sup> I chose this subject because direct oral

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<sup>35</sup> JTA April 24, 2013,

<https://www.jta.org/2013/04/24/global/israels-chief-rabbinate-backs-metzitzah-bpeh-rite-for-bris>

<sup>36</sup> HSV-1 is commonly known as oral herpes and can lead to genital herpes. See

<https://www.who.int/news-room/fact-sheets/detail/herpes-simplex-virus>

<sup>37</sup> <https://forward.com/news/175874/ny-mayoral-candidates-mostly-support-consent-forms/>

<sup>38</sup> <https://www.thedailybeast.com/why-ultra-orthodox-jewish-babies-keep-getting-herpes>

<sup>39</sup>

<https://www.timesofisrael.com/4-ny-babies-get-herpes-from-jewish-circumcision-rite-in-past-6-months/>

<sup>40</sup> SA YD 261:1

<sup>41</sup> Richard C. Steiner, *Disembodied souls: the Nefesh in Israel and kindred spirits in the ancient Near East, with an appendix on the Katumuwa inscription* (SBL Press, 2015), p. 126

<sup>42</sup> Zackary Sholem Berger, “*The Way We Always Do It: Why Some Jews See Value in Metzitzah B'peh (Oral Suction at Circumcision)*.”

<https://medium.com/@ZackBergerMDPhD/the-way-we-always-do-it-why-some-jews-see-value-in-metzitzah-b-peh-oral-suction-at-circumcision-7dd8305b96b8>

<sup>43</sup> “Mezizah Be-Peh Therapeutic Touch or Hippocratic Vestige? - Hakirah,” accessed November 24, 2022, <https://www.hakirah.org/Vol%203%20Sprecher.pdf>, 47-50.

suction by the *Mohel/Mohelet* on the circumcision wound goes against everything we have known scientifically for about 200 years.<sup>44</sup>

I pray my efforts will provide a compelling and broad view that can influence current and prospective parents as well as present and future *Mohalim/Mohalot*. To those whose minds are already firmly planted against *Metzitzah b'Feh*, I am optimistic that my work will not only reinforce this position but also encourage activism on the issue. Those who insist that this practice be maintained may, in fact, be unreachable. To the extent that is true, I aspire to reach and impact their followers. I invite colleagues to join me in this endeavor, offer corrections and additions to this thesis, and proactively call for complete elimination of direct oral suction of the circumcision wound.

This project will serve to support these statements:

- The practice of *Metzitzah b'Feh* puts babies and *Mohalim/Mohalot* at greater risk of serious lifelong illness and death
- *Metzitzah b'Feh* is a rabbinic extension from the circumcision commandment in Genesis
- Omission of *Metzitzah* in any form has no bearing on the validity of the *Brit* (covenant) entered through ritual circumcision
- *Metzitzah*, if necessary at all, can be fulfilled without direct contact.
- *Halakha* has evolved and adapted over time with the same process that must be applied to *Mb'F* and permanently end the harm it causes.

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<sup>44</sup> Germ theory was proposed by Ibn Sina in 1025, Girolamo Fracastoro in 1546, and Marcus von Plenciz in 1762. By the early 19th century, the refutation of Galen's miasma theory was unanimous.

## The Sources

### Biblical sources

Circumcision is central to Judaism. It is the physical manifestation of the *Brit* (covenant) that runs throughout the evolving and interwoven narrative of the Tanakh. Circumcision is first mentioned in the middle of Genesis 17 but rabbinic *Midrash* suggests that the concept of covenant preceded this.<sup>45</sup> At the very outset of our chapter, Gd's promises of riches and fertility are sweetened and made personal with the addition of the Divine letter *Hay* to *Avram*'s name making him known heretofore as *Avraham*.

#### Genesis 17:1-6

<p>When Abram was ninety-nine years old, the LORD appeared to Abram and said to him, "I am El Shaddai,<sup>46</sup> walk in My ways and be blameless. I will establish My covenant between Me and you, and I will make you exceedingly numerous." Abram threw himself on his face; and God spoke to him further, "As for Me, this is My covenant with you: You shall be the father of a multitude of nations. And you shall no longer be called Abram, but your name shall be Abraham, <i>Understood as "father of a multitude."</i> for I make you the father of a multitude of nations. I will make you exceedingly fertile, and make nations of you; and kings shall come forth from you.</p>	<p>וְיְהִי אֲבְרָם בֶּן־תְּשַׁעִים שָׁנָה וַתֵּשַׁע שָׁנִים וַיֵּלֶךְ אֱלֹהֵי אֲבְרָם וַיֹּאמֶר אֵלָיו אֲנִי־אֵל שְׁדַי הַתְּהִלָּךְ לִפְנֵי וְהָיָה תָמִיד: וְאֶתְנָה בְרִיתִי בֵּינִי וּבֵינְךָ וְאַרְבֶּה אוֹתָךְ בְּמֵאֵד מְאֹד: וַיִּפֹּל אֲבְרָם עַל־פָּנָיו וַיְדַבֵּר אֵתוֹ אֱלֹהִים לֵאמֹר: אֲנִי הִנֵּה בְרִיתִי אֵתְךָ וְהָיִיתָ לְאָב הַמּוֹן גּוֹיִם: וְלֹא־יִקְרָא עוֹד אֶת־שִׁמְךָ אֲבְרָם וְהָיָה שִׁמְךָ אֲבְרָהָם כִּי אֲב־הַמּוֹן גּוֹיִם תִּתֵּן: וְהִפְרִתִּי אֶתְךָ בְּמֵאֵד מְאֹד וְנִתְּתִיךָ לְגוֹיִם וּמְלָכִים מִמֶּךָ יֵצְאוּ:</p>
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In Gd's own name, (*Yud - Hay - Vav - Hay*), the letter *Hay*, is the most prominent of the letters. Elucidating Genesis 2:4 with Genesis *Rabbah* 12:10 we learn that Gd even created the world with the letter *Hay*. At a traditional *Brit Milah*, parents announce the baby's name for the very first time connecting in a sense to Gd's model of naming that comes as a result of entering the covenant.

**בְּהִבְרָאָם** <sup>47</sup>

#### Genesis 2:4

<sup>45</sup> Cecil Roth, "Circumcision." *Encyclopaedia Judaica* 1972 Edition, Vol 5, 568.

<sup>46</sup> Often translated as "God Almighty"

<sup>47</sup> In the Torah scroll, the letter "*Hay*" appears smaller than the other letters in the word. These variations and differences in the written scroll are carefully observed and analyzed by the rabbis, who offer insights and interpretations based on these nuances.

Such is the story of heaven and earth when they were created. When God made earth and heaven—	אֵלֶּה תּוֹלְדוֹת הַשָּׁמַיִם וְהָאָרֶץ בְּהִבְרָאָם בְּיוֹם עָשׂוֹת יְהוָה אֱלֹהִים אֶרֶץ וּשְׁמַיִם:
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Genesis *Rabbah* 12:10<sup>48</sup>

<p><b>When they were created — behibbaram:</b></p> <p>Rabbi <i>Abbahu</i> said in the name of Rabbi <i>Yochanan</i>: With the letter <i>Hay</i> Gd created them. And what is this <i>Hay</i>? All (other) letters grasp one's tongue (demand an effort to pronounce them), whereas the <i>Hay</i> does not grasp the tongue (requires no effort)...</p>	<p><b>בְּהִבְרָאָם, רַבִּי אֲבָהוּ בִּשְׁם רַבִּי יוֹחָנָן</b> אָמַר בְּהִבְרָאָם, בֵּה"א בְּרָאָם, וַיִּמָּה ה"א זֶה כָּל הָאוֹתִיּוֹת תּוֹפְסִין אֶת הַלָּשׁוֹן וְזֶה אֵינוֹ תּוֹפֵס אֶת הַלָּשׁוֹן...</p>
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Just as Gd created the world effortlessly with the letter *Hay*, by Gd changing *Avram* and *Sarai* to *Avraham* and *Sarah*, Gd effortlessly alters the names of the future patriarch and matriarch of this newly minted people, by putting some of Gd's own self into them with the Divine letter *Hay*.<sup>49</sup>

At no point in the combined 304,901 verses of the Five Books of Moses, the Prophets or the Writings is detailed instruction provided for circumcision. No enduring method<sup>50</sup> is directed, no exceptions to the rule of circumcision or the 8th day are provided, and no healing treatments appear. Indeed, most of our current Jewish practices are derived from but not found directly in *Torah*. Layer upon layer of interpretation, commentary and law published over the last 2000 years, are more responsible for how we live Jewishly today.<sup>51</sup>

Genesis 17:10-14 brings additional information and instruction concerning who is to be circumcised but not how it is done.

Such shall be the covenant between Me and you and your offspring to follow which you shall keep: every male among you shall be circumcised. You shall circumcise the flesh of	זֹאת בְּרִיתִי אֲשֶׁר תִּשְׁמְרוּ בֵּינִי וּבֵינֵיכֶם וּבֵין זֶרְעֵךְ אַחֲרַיִךְ הַמּוֹלֵל לָכֶם כָּל-זָכָר: וּנְמַלְתֶּם אֶת בְּשָׁר עֶרְלַתְכֶם וְהָיָה לְאוֹת בְּרִית בֵּינִי וּבֵינֵיכֶם: וּבֶן-שְׁמֹנֶת יָמִים
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<sup>48</sup> *Bereishit Rabbah* 12:10 - translation adapted from multiple sources

<sup>49</sup> Tishby, *The Wisdom of the Zohar: An Anthology of Texts*. Vol 3, 1176.

<sup>50</sup> In Exodus 4:25, *Tziporah* circumcises *Gershon* with a flint and throws the foreskin at Moses' feet. This method is not seen again, and is not taken by the Sages as a direct instruction for future circumcision practices.

<sup>51</sup> Adin Steinsaltz, *Concise Guide to Halakha* (S.I., CT: TOBY PRESS LTD, 2021), p. ix-ix.

<p>your foreskin, and that shall be the sign of the covenant between Me and you. And throughout the generations, every male among you shall be circumcised at the age of eight days. As for the homeborn slave and the one bought from an outsider who is not of your offspring, they must be circumcised, homeborn and purchased alike. Thus shall My covenant be marked in your flesh as an everlasting pact. And if any male who is uncircumcised fails to circumcise the flesh of his foreskin, that person shall be cut off from his kin; he has broken My covenant.” And God said to Abraham, “As for your wife Sarai, you shall not call her Sarai, but her name shall be Sarah.</p>	<p>יְמוּל לְכֶם כָּל־זָכָר לְדֹרֹתֵיכֶם יְלִיד בְּיֹת וּמִקְנֵת־קֶסֶף מְכָל בֶּן־נָכָר אֲשֶׁר לֹא מִזְרַעְךָ הוּא: הַיְמוּל   יְמוּל יְלִיד בְּיֹתְךָ וּמִקְנֵת כֶּסֶף וְהִיְתָה בְרִיתִי בְּבָשָׁרְכֶם לְבְרִית עוֹלָם: וְעַרְל   זָכָר אֲשֶׁר לֹא־יְמוּל אֶת־בָּשָׁר עָרְלָתוֹ וְנִקְרְתָה הַנֶּפֶשׁ הַהִוא מֵעַמִּיָּה אֶת־בְּרִיתִי הַפֶּר: וַיֹּאמֶר אֱלֹהִים אֶל־אַבְרָהָם שְׁרִי אֲשֶׁתְּךָ לֹא־תִקְרָא אֶת־שְׁמָהּ שְׁרִי כִי שָׂרָה שְׁמָהּ:</p>
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The word בְּרִית - (*Brit - covenant*) occurs often in the *Torah* and, in many instances, with no connection to circumcision. Only *Brit Milah* (circumcision) is an act upon the flesh. By verse 10, we can see a shift, and Gd commands *Avraham*<sup>52</sup> (וּנְמַלְתֶּם - You shall circumcise) to perform *Brit Milah* (circumcision) on himself. Abraham does not hesitate or ask questions when commanded by Gd to circumcise himself and, somehow, he knows what to do and how to do it.

It is worth noting that these verses indicate that circumcision was performed beyond the Israelites as Gd extends the act beyond *Avraham* and his offspring. Genesis 17: 12 -13

<p>And throughout the generations, every male among you shall be circumcised at the age of eight days. As for the homeborn slave and the one bought from an outsider who is not of your offspring, they must be circumcised, homeborn and purchased alike. Thus shall My covenant be marked in your flesh as an everlasting pact.</p>	<p>וּבְן־שָׁמֹנֶת יָמִים יְמוּל לְכֶם כָּל־זָכָר לְדֹרֹתֵיכֶם יְלִיד בְּיֹת וּמִקְנֵת־קֶסֶף מְכָל בֶּן־נָכָר אֲשֶׁר לֹא מִזְרַעְךָ הוּא: הַיְמוּל   יְמוּל יְלִיד בְּיֹתְךָ וּמִקְנֵת כֶּסֶף וְהִיְתָה בְרִיתִי בְּבָשָׁרְכֶם לְבְרִית עוֹלָם:</p>
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For *Avraham* and all those in his camp, including the slaves, the circumcision covenant is a marker of both Israelite identity and loyalty. Much later in Genesis,

<sup>52</sup> Many English translations anglicize the Hebrew *Avraham* as Abraham. Both are to be distinguished from *Avram* (Abram) the name by which he was called until shortly before he circumcised himself, when Gd told *Avram* (Abram) he would no longer be called *Avram* (Abram) but rather *Avraham* (Abraham).

the same physical identity enables brothers *Shimon* and *Levi* to commit mass murder<sup>53</sup> avenging the rape of their sister, *Dinah*.<sup>54</sup>

Circumcision is central to a less-known brief passage in Exodus. The episode known as “*Tziporah* at the Inn” in the book of Exodus, is compelling in that it provides two very important details of circumcision. A mother, *Tziporah*, rather than the father (*Moshe*)<sup>55</sup>, performs the circumcision act on their son *Gershom*, an unusually powerful role for a woman of the Bible. From this, we learn a method for circumcision when *Tziporah* takes charge of the situation and performs circumcision with a צר - a sharpened rock or flint.

While Abraham’s action engraves a permanent sign on his most sensitive and vulnerable appendage, that same action initiates a distinctive status upon him, meriting the term - אַות בְּרִית (*oht brit* - the sign of the covenant). This term אַות is used only five times in Genesis.<sup>56</sup> Gd’s work is completed on the sixth day, and Gd rests on the seventh day.<sup>57</sup> The seventh day, *Shabbat* (Sabbath), is later described in Exodus as both an אַות (*oht* - sign) and as a weekly reminder of the *Brit Olam*, בְּרִית עוֹלָם, Gd’s everlasting covenant.<sup>58</sup>

When the flood episode is nearing completion in Genesis, Gd provides a rainbow that adorns the sky.

#### Genesis 9:13-15

<p>I have set My bow in the clouds, and it shall serve as a sign of the covenant between Me and the earth. When I bring clouds over the earth, and the bow appears in the clouds, I will remember My covenant between Me and you and every living creature among all flesh, so that the waters shall never again become a flood to destroy all flesh.</p>	<p>אֶת־קִשְׁטִי נָתַתִּי בַעַן וְהָיְתָה לְאוֹת בְּרִית בֵּינִי וּבֵין הָאָרֶץ: וְהָיָה בַעַנִי עֵנָן עַל־הָאָרֶץ וְנִרְאָתָה הַקִּשְׁת׃ וְזָכַרְתִּי אֶת־בְּרִיתִי אֲשֶׁר בֵּינִי וּבֵינְכֶם וּבֵין כָּל־נֶפֶשׁ חַיָּה בְּכָל־בָּשָׂר וְלֹא־יְהִי עוֹד הַמַּיִם לַמַּבּוּל לְשַׁחַת כָּל־בָּשָׂר:</p>
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The colorful post-40-day and night downpour display<sup>59</sup> is expressed in the 1st person (Gd speaking) possessive אֶת־קִשְׁטִי “*My (rain)bow*”, and it is referred to as

<sup>53</sup> Genesis 34:25-30

<sup>54</sup> Genesis 34:2

<sup>55</sup> In contrast to the circumcisions of *Yitzchak* and *Yishmael* by their father, *Avraham*

<sup>56</sup> Mandelkern, *Concordantiae*. 24. Genesis 1:14 in plural referring to the lights Gd created, Genesis 9:12, 9:13 and 9:17 refer to the rainbow, 17:11 referring to circumcision

<sup>57</sup> Genesis 2:2

<sup>58</sup> Exodus 31:16; 31:17

<sup>59</sup> Genesis 9:13

an *oht* (sign), a noteworthy term.<sup>60</sup> The *keshet* (rainbow) of chapter 9, is a visual splendor that represents Gd's covenant with humankind. It also serves as an *oht* (sign) between Gd and the earth; Gd's commitment to never again cause a flood that destroys all living things, Gd's very own creations.

The penis is not the sole body part that is considered circumcised or uncircumcised in scripture, but only in the case of circumcision does the word *עָרְלָה* (*orlah* - foreskin: here indicating when removed) associate with the rank of *oht* (the sign of the covenant). Moses refers to his own *עָרְלַיִם שְׁפָתַיִם* (*arel s'fatayim* - foreskinned lips).<sup>61</sup> Having foreskin on his lips weakens and compromises him as it impedes him from speaking clearly.<sup>62</sup> Likewise, when Israel has foreskin on their hearts, it denotes that their hearts are uncaring, and Gd tells them to cut away that thickening.<sup>63</sup>

In the books of the Prophets, the very word for foreskin - *עָרְלָה* (*orlah*) is synonymous with the uncircumcised gentile.<sup>64</sup> Gd makes graphic promises to take special note of the uncircumcised for punishment.<sup>65</sup> In the book of Jeremiah, foreskin blocks the ear and prevents one from hearing; from hearing Gd. And in the Book of Jeremiah, Gd promises to reward the circumcised and punish the uncircumcised.<sup>67</sup>

The *Torah* clearly instructs us that circumcision is central to the Israelites and that this covenant, struck between Gd and Abraham, extends to all future generations. A Jewish male that was not circumcised represents a portrayal of imperfection.<sup>68</sup> The Sages of the *Talmud* even state; *גְּדוּלָּה מִיָּלָה, שִׁשְׁקוּלָּה כְּנֶגֶד כָּל הַמִּצְוֹת שֶׁבַּתּוֹרָה*<sup>69</sup> - so great is the commandment to circumcise that it is equal to all the *Mitzvot* combined.<sup>70</sup>

<sup>60</sup> Some examples include the word *oht* (sign) associated with *Shabbat* in *Exodus* 31:16, and *Tefillin* in *Ex.* 13:9

<sup>61</sup> *Exodus* 6:12

<sup>62</sup> *Exodus* 4:10 Abarbanel comments that Moses had a medical condition referred to by physicians as a harelip and could not pronounce the consonants p, b, m, and w.

<sup>63</sup> *Deuteronomy* 10:16

<sup>64</sup> *Judges* 14:3 and *Samuel* 17:26; The word for foreskin, *עָרְלָה* becomes a modifier for a person or group of people - The Philistines were foreskinned - *מְפֹלְשֵׁתִים הָעִזִּים* - meaning uncircumcised.

<sup>65</sup> The term *עָרְלָה* (*orlah*) in this horticultural setting means forbidden, i.e., the first fruits forbidden for 3 years to Israelites upon entering the land. The '*orlah*' can refer to this law and its details. For more depth see *The Anchor Bible Dictionary* (Yale University Press, 2008), 1677-1680.

<sup>66</sup> *Jeremiah* 9:24

<sup>67</sup> *Jeremiah* 9:25

<sup>68</sup> Preuss and Rosner, *Biblical and Talmudic Medicine*. 247.

<sup>69</sup> *BT Nedarim* 32a

<sup>70</sup> Judd, *Contested Rituals*. 3-4.



While I've presented several Biblical references to make my case for the centrality and importance of *Brit Milah*, this section is not exhaustive. By moving on now to rabbinic sources, we can examine the limited instructions provided as the requirements for *Brit Milah* expand.

## Rabbinic Sources

Despite the emphasis attached to the *Mitzvah* of circumcision, until the first few centuries C.E., the time of the earliest rabbis known as the *Tannaim*, no instructions as to how a circumcision is performed appears in writing.<sup>71</sup> The *Mishnah*<sup>72</sup>, the first major work of rabbinic literature, takes up the matter of circumcision. Still, the matter is raised only to clarify potential changes to the procedure when a *Brit Milah* coincides with *Shabbat*.<sup>73</sup> Given that the *Mishnah* raises the question of this special case (*Brit Milah* on *Shabbat*), one can assume widespread, existing knowledge of the procedure.

BT Shabbat 19:2<sup>74</sup>

<p>When the eighth day of a baby's life occurs on<sup>75</sup> Shabbat, he must be circumcised on that day. Therefore, <b>one performs all the necessities of the circumcision, even on Shabbat: One circumcises the foreskin, and uncovers the skin by removing the thin membrane beneath the foreskin, and sucks the blood from the wound, and places on it both a bandage [ispelanit] and cumin as a salve. If one did not grind the cumin from Shabbat eve, he chews it with his teeth and places it on the place of circumcision as a salve. If he did not mix wine and oil on Shabbat eve, a mixture designed to heal and strengthen the child, this, the wine, is</b></p>	<p>עוֹשִׂין כָּל צָרְכֵי מִילָה בְּשַׁבָּת, מוֹהֲלִין, וּפּוֹרְעִין, וּמוֹצְצִין, וְנוֹתְנִין עָלֶיהָ אֶסְפְּלָנִית וְכֻמוֹן. אִם לֹא שָׁחַק מִעֶרֶב שַׁבָּת, לוֹעֵס בְּשָׁנָיו וְנוֹתֵן. אִם לֹא טָרַף יַיִן וְשֶׁמֶן מִעֶרֶב שַׁבָּת, יִנָּתֵן זֶה בְּעֶצְמוֹ וְזֶה בְּעֶצְמוֹ. וְאֵין עוֹשִׂין לָהּ חֲלוּק לְכַתְחָלָהּ, אֲבָל כּוֹרֵךְ עָלֶיהָ סְמֶרְטוּט. אִם לֹא הִתְקִין מִעֶרֶב שַׁבָּת, כּוֹרֵךְ עַל אֶצְבָּעוֹ וּמִבֵּיא, וְאִפְלוּ מִחֲצֵר אַחֲרָת:</p>
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<sup>71</sup> While Romans 2 and Philo both emphasize the importance of circumcision, I found no references to the circumcision procedure itself.

<sup>72</sup> In Hebrew, an appropriate reference is שישה סדרי משנה – *Shisha Sidrei Mishnah* - The Six Orders of the *Mishnah*

<sup>73</sup> The *Mishnah* speaks only of *Shabbat*, but these adjustments to the practice are taken to be applicable in the case of *Shabbat* or *Yom Tov*.

<sup>74</sup> In some manuscripts this text appears in *Mishnah Shabbat* 19:3 (rather than 19:2) The *Mishnah* of the JT *Shabbat* 19:2 contains no relevant differences. MS Parma, Biblioteca Palatina - 3173 (De Rossi 138) includes the word בשבת (in the first phrase) in the margin rather than in the body of the text and this word is lacking in Kaufmann A 50.

<sup>75</sup> In Rabbi Adin Steinsaltz's z"l edition of the *Talmud*, only the verbiage of the original text is presented in bold font while the accompanying translations are provided in regular font. These translations are Rabbi Steinsaltz's understanding of the passages in the *Talmud* and are based on the William Davidson Edition made available by Sefaria.

**placed** on the wound **by itself and that**, the oil, is placed **by itself**. **And** on Shabbat **one may not make a pouch** to place over the circumcision as a bandage *ab initio*, **but he may wrap a rag over it** as a dressing. **If he did not prepare** the bandage **on Shabbat eve** by bringing it to the place where the circumcision was performed, **he wraps** the bandage **on his finger and brings** it on Shabbat, **even from a different courtyard**. While the Sages permitted it to be brought, they required that it be performed in an unusual fashion, by wearing it in the manner of a garment

Examining this passage in the *Mishnah*, it is important to emphasize that the context is an 8th-day bris which falls on *Shabbat* with no mitigating factors that would postpone the event to Sunday.<sup>76</sup> *Shabbat* restrictions prohibit cutting, tearing, suctioning a wound, and many instances of carrying and mixing. Still, the positive commandment in *Torah* to circumcise on the 8th day overrides these restrictions<sup>77</sup> or, as is the case with the bandage and the oil and wine mixture, the *Mishnah* provides a method that makes the activity permissible without being considered a transgression.<sup>78</sup>

While the *Mishnah* presents several elements to a *Brit Milah*, only the act of מוֹחֵלִין - (*mohalin*<sup>79</sup>, the cutting of the foreskin), is found in the actual words of the *Torah*. The act expands to include more steps over time.

#### Genesis 17:10

Such shall be the covenant between Me and you and your offspring to follow which you shall

זאת בריתי אשר תשמרו ביני וביניכם  
ובין זרעך אחריך המול לכם כל-זכר:

<sup>76</sup> SA *Orach Chaim* 331:5 Several circumstances can postpone the *Brit Milah* of a baby boy born on *Shabbat* to the 9th day (Sunday). The most common exception that prohibits *Brit Milah* on *Shabbat* is delivery by C-section.

<sup>77</sup> BT *Shabbat* 133a - the comment of Rabbi *Shimon ben Lakish* - יבא עשה ויִדְחָהּ לֹא תַעֲשֶׂה - the positive *Mitzvah* will come and override the negative *Mitzvah*.

<sup>78</sup> Workarounds are a common phenomenon in observant Jewish life and in this *Mishnah* we see ancient roots of these bypasses. With a constant flow of products seeking coveted rabbinic endorsement, these are but an extension of bypasses similar to that which is prescribed for the grinding of cumin for the אֶסְפָּלִית (*isplanit* - bandage) and the need to mix oil and wine.

<sup>79</sup> In Mishnaic Hebrew, the *yud/nun sofit* (final letter nun) ending - ין - is the masculine plural form just as *yud/mem sofit* - ים - is the plural form in Modern Hebrew.

keep: every male among you shall be circumcised.	
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### Yevamot 71b

<p><b>Rabba bar Yitzhak said that Rav said: The mitzva of uncovering the corona during circumcision was not given to our Patriarch Abraham.</b> The command given to Avraham included only the mitzva of circumcision itself, i.e., the removal of the foreskin, but not the uncovering of the corona, i.e., the folding back of the thin membrane that lies under the foreskin.</p> <p><b>As it is stated: “At that time the Lord said to Joshua: Make yourself knives of flint, and circumcise again the children of Israel a second time” (Joshua 5:2).</b> Why was it necessary to circumcise them? Apparently, it is because before the Torah was given on Mount Sinai, some of them had been circumcised in the manner of Abraham, without uncovering the corona, and therefore they needed to be circumcised a second time in accordance with the Torah law that requires uncovering the corona</p>	<p>אמר רבה בר יצחק אמר רב: לא ניתנה פריעת מילה לאברהם אבינו, שנאמר: “בעת ההיא אמר ה' אל יהושע עשה לך חרות צרים וגו'”.</p>
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The *Gemara* above purports that only מוהלִין (*mohalin* - cutting the foreskin), was demanded of Abraham by Gd, and brings the episode of re-circumcising the Israelites in Joshua 5:2 as a proof-text.<sup>80</sup> The case is made that the second circumcision of the Israelites was actually the completion (the 2nd step - *Priyah*) of circumcision that had taken place in Egypt (in the way of *Avraham* sans *Priyah* - uncovering the corona). This also suggests the development and honing of the circumcision procedure over time.

*Mishnah Shabbat* 19:2 asserts that all of the צרכי מילה (*tzorchei milah* - the requirements of *Brit Milah*) are permitted on *Shabbat*. Accordingly, the first two steps, *Milah* and *Priyah* are performed even on *Shabbat*. The *Mohel/Mohelet* who neglects proper preparation for a *Brit Milah* on *Shabbat*, is provided with a workaround solution. The first two steps need no workaround to make them

<sup>80</sup> The *Tosafot* appear to be uncomfortable with this position and state that *Avraham* did in fact perform *Priyah* although he was not commanded to do so.

acceptable on *Shabbat*; thus, they are performed in exactly the same manner as they are on a weekday.

This second term פורעין - *por'in* refers to the act of *Priyah* - the removal of the עור הפריע (*Ohr haPriyah* - the inner skin. Often referred to as a membrane, the *Ohr haPriyah* is situated between the foreskin and the glans, which is commonly referred to as the head of the penis.<sup>81</sup> Traditionally, this act is accomplished with the *Mohel's/Mohelet's* fingernail tearing and pulling back this membrane.<sup>82</sup>

The definition of the third term, מוצצין, may seem simple in that the most logical Hebrew root of מוצצין - *motzetzin* is מ-צ-ץ.<sup>83</sup> As we will learn from 19th-century sources, there are those who make an argument that the etymology of מוצצין - *motzetzin* is not the root מ-צ-ץ but rather מ-צ-ה. This root מ-צ-ה brings a great deal of detail in the Jastrow<sup>84</sup>; the first is “to squeeze, wring, esp. to wring out the blood of the bird sacrifice.” Nonetheless, the proponents of *Metzitzah b'Feh* consider *Metzitzah* as sucking with the lips, that is, emanating from the root מ-צ-ס.

*Mishnah Shabbat* 19:2 states that מוצצין *motzetzin* is performed on *Shabbat*, providing no further details/explanation. Fifteenth-century Rabbi Ovadiah Bartenura of Italy is known for his basic, straightforward commentary on the *Mishnah*. His relevant comment provides blood secretion as a reason for suctioning the wound.

<p><i>u'Motzetzin</i>: [to suck] the blood [and compress the blood vessels of the wound in the process] and even though he is making a wound, for the blood does not ooze/secrete [from its junction other than through sucking].<sup>85</sup></p>	<p>ומוצצים: את הדם, ואע"פ שהוא עושה חבורה שאין הדם ניתק מחיבורו אלא ע"י מציצה:</p>
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<sup>81</sup> The word 'glans' is represented in Hebrew as עטרה (*atarah* - crown).

<sup>82</sup> MT *Hilchot Milah* 2:2 and SA *Yoreh De'ah* 264:3 This custom persists despite the significant risks however, a fingernail, properly covered by a surgical glove, can effectively tear the membrane, fulfilling *Priyah* by fingernail.

<sup>83</sup> *The Brown-Driver-Briggs Hebrew and English Lexicon*. 595

<sup>84</sup> Jastrow, Marcus. *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi and the Midrashic Literature*. Peabody, MA: Hendrickson, 2005. 826.

<sup>85</sup> This is a new translation of the Bartenura commentary on the *Mishnah* by Rabbi Robert Alpert that is made available by Sefaria. It was commissioned by the Rabbinical Assembly and completed and celebrated at a virtual *Siyum*, March 2, 2023.

Bartenura's comment begs the question, what if there is an effective alternative to sucking? If the blood will secrete from its junction using a different method, is sucking with the lips still a requirement for a proper *Brit Milah*?

*Yachin*, the first section of a commentary by leading 19th-century Ashkenazi rabbi, Israel Lifschitz, elaborates below.

<p><i>Umotzetzin</i>: suckle the blood from the wound. Even though by [means of] this the blood is detached from its place and a wound is made. In any event, when one does not suck there is the potential for danger...</p>	<p>ומוצצין: יונק הדם מהחבורה. אף שע"ז ניתק הדם ממקומו ונעשה חבורה ע"ז. עכ"פ כשלא ימצוץ אפשר שישתכן...</p>
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What is the danger? Rabbi Lifschitz cites the *Gemara* below.

BT *Shabbat* 133b

<p>We learned in the mishna that <b>one sucks</b> blood from the wound after the circumcision was performed on Shabbat. <b>Rav Papa said: A craftsman who does not suck</b> the blood after every circumcision <b>is a danger</b> to the child undergoing circumcision, <b>and we remove him</b> from his position as circumcisor.</p>	<p>מוצצין וכו'. אמר רב פפא: האי אומנא דלא מציץ<sup>86</sup> — סכנה הוא ומעברין ליה.</p>
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The *Gemara*, in the name of *Rav Papa*, brings two important elements.

- A. He attaches סכנה (*sakanah* - danger) status to the neglect of *Mb'F*.
- B. He warns the practitioner<sup>87</sup> who might omit this step, ומעברין ליה - (*um'abrinan leih* - and we remove him).

It would be curious for *Rav Papa*<sup>88</sup>, a fifth-generation *Amora*, to insist *Mohalim/Mohalot* be removed from their post for neglecting a practice everyone included. Deduce from this, there were *Mohalim/Mohalot* in *Rav Papa*'s world who neglected or refused to perform *Metzitzah*. What is unclear is whether *Rav Papa* meant absolute and irrevocable removal or if the statement was intended

<sup>86</sup> MS Oxford Opp. Add. fol. 23 reads מציץ; MS Moscow - Guenzburg 1337-1339 reads מאיץ.

<sup>87</sup> The *Gemara* uses the Aramaic אומנא (*umana* - artisan) for the practitioner rather than *Mohel*. This Aramaic term can mean an artisan, bloodletter, circumciser, or barber. See Sokoloff, *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods*. 90.

<sup>88</sup> Beyond the scope of this thesis is an in-depth analysis of the contributions and perspectives of *Rav Papa*.

only for that specific *Brit Milah* in which *Metzitzah* was neglected.<sup>89</sup> If an absolute and irrevocable removal, it is equivalent to losing one's license to practice,<sup>90</sup> a serious consequence. Any *אומָנָא* (*umana*<sup>91</sup> - artisan or craftsman) hearing *וּמַעֲבִירֵין לֵיהּ* - (*um'abrinan* - and we remove him) would fear that omitting *Metzitzah* would damage their standing in the community and be tantamount to the loss of their livelihood from *Brit Milah*. The gravity of such censure in any vocation is significant and palpable.

### *Mishnah Shabbat 19:6*

If one circumcised but did not uncover the flesh at the area of the circumcision by folding back the thin membrane beneath the foreskin, it is as if he had not circumcised.	מָל וְלֹא פָרַע אֶת הַמִּילָה — כְּאִילוֹ <sup>92</sup> לֹא מָל.
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The *Mishnah* above reads on the surface to mean that a specific circumcision is deemed improper, and the baby may need to be re-circumcised. This one line is used often<sup>93</sup> to devalue the work of practitioners who utilize surgical instruments such as hemostats, probes, and clamps<sup>94</sup> in the performance of circumcision. Some consider it improper for *Milah* and *Priyah* to be combined into one step. Note that the *Mishnah* requires both *Milah* and *Priyah* to take place; it does not dictate that these outer and inner skins must be excised simultaneously.

### Medieval Sources

When attempting to understand the *Talmud*, among the first questions, if not the very first, asks, “what did Rashi<sup>95</sup> write on the topic?” My research has not revealed any relevant comments by Rashi on *Metzitzah* itself, but he did comment on Biblical verses containing iterations of this word. In both the books

<sup>89</sup> The commentaries I have encountered for this work, do not address this as a question.

<sup>90</sup> Most states do not have a license for a religious functionary performing ritual circumcision.

<sup>91</sup> The term employed by *Rav Papa* referring to the *Mohel/Mohelet*

<sup>92</sup> The word *כְּאִילוֹ* - (*k'ilu* - as if) appears in the margin in MS Kaufmann A 50.

<sup>93</sup> I use the term “others” to avoid making a sweeping statement regarding an entire class of Jews by simply stating “the Orthodox”, “Chareidim”, the “Ultra Orthodox” or “Radical sects”. Within each class, there are subclasses who differ on this and other subjects.

<sup>94</sup> A surgical probe is used to loosen the membrane from the glans after which hemostats grasp both skins together. Clamps such as the Gomco, the Plasti-Bell and the Mogen are designed to excise the foreskin together with the membrane. The Mogen clamp was designed and produced by Harry Bronstein z”l in 1954.

<sup>95</sup> *Shlomo Yitzchaki* was an 11th century French rabbi and author of numerous commentaries. His works remain a major focus of contemporary Jewish study.

of Proverbs<sup>96</sup> and Judges<sup>97</sup> Rashi explains the related word as squeezing, juicing, or pressing. Rashi's commentary on the *Talmud* does support the primacy of the obligation to circumcise (on the 8th day) over the laws of *Shabbat*.<sup>98</sup>

In the *Machzor Vitry*, a prayer book composed by Rabbi *Simcha* of Vitry in the 11th century, *Metzitzah* is identified as a way to avoid danger but is not explicitly mentioned as part of the *Brit Milah* process. This provides insight into the *Talmud's* challenge to the necessity of *Rav Papa's* teaching on *Metzitzah*, suggesting that it may not be solely required for reasons of danger that would allow someone to violate *Shabbat*. Rabbi *Simcha's* rulings on Jewish legal matters help to further unpack the assumption behind the *Talmud's* challenge.

Guided by the *Talmud's* rhetoric, the *Machzor Vitry* emphasizes the danger as the reason for the permission of this act on *Shabbat*, reinforcing *Rav Papa's* viewpoint.

The *Mishnah*<sup>99</sup> supports the interpretation that *Milah* and *Priyah*, as crucial components of *Brit Milah*, are distinct from the subsequent steps of *Metzitzah*, the *Isplanit* bandage with cumin, and the oil/wine mixture.

The *Machzor Vitry*, influenced by the *Talmud*, emphasizes the danger posed by circumcision as the reason for allowing *Metzitzah* on *Shabbat*, thus reinforcing *Rav Papa's* viewpoint. In contrast, the *Mishnah* distinguishes *Milah* and *Priyah* as essential components of *Brit Milah* from the subsequent steps of *Metzitzah*, the *Isplanit* bandage with cumin, and the oil/wine mixture.

Excerpt from *Machzor Vitry*<sup>100</sup>

<p><i>u'Motzitzin</i>. Rav Papa said "the craftsman who did not suck, it is a danger and we remove him. This is obvious that it is a danger based on the fact that we violate <i>Shabbat</i> for this. What might you say? This blood is pooled; this comes to teach that it is attached<sup>101</sup> and this is similar to the (<i>isplanit</i>) bandage with cumin; just as when the bandage and cumin are not applied there is danger, so too here also if it (<i>Metzitzah</i>) is not done, there is danger" (BT <i>Shabbat</i> 133b) The</p>	<p>ומוצצין. אמר רב פפא האי אומנא דלא מיץ סכנתא היא ומעברין ליה. פשיטא מדקא מחליין עליה שבתא סכנתא היא. מהו דתימא האי דם מיפקד פקיד. קמ"ל דחבורי מיחבר. ודומיא דאיספלנית וכמון. מה איספלנית וכמון כי לא עביד סכנה הוא. אף האי נמי אי לא עביד סכנה הוא. פי' מהו דתימא מתני' לא</p>
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<sup>96</sup> Proverbs 30:33

<sup>97</sup> Judges 6:38

<sup>98</sup> BT *Yoma* 85b

<sup>99</sup> *Mishnah Shabbat* 19:2

<sup>100</sup> *Machzor Vitry*, Part 2, page 617. Translation adapted from the Sefaria Community Translation.

<sup>101</sup> *Ketubot* 5b

<p>explanation: "what might you say?" [that] our Mishnah does not teach us anything because the blood is pooled, it is pooled and staying and gathered there as if it were put in a vessel; and through metzitzah there is no wounding and there is no biblical prohibition and for this reason it is permitted and not because of danger, and the craftsman who did not suck... there is no danger and we should not remove him.</p>	<p>אשמעין מיד. דדם מיפקד פקיד. מופקד ועומד וכנוס הוא שם. כנתון בכלי. ובמציצה אין חבורה. ואין כאן איסור תורה ומשום הכי שרי. ולא משום סכנה. ואומנא לא מיץ בהול לאו סכנתא הוא. ולא ניעבריה</p>
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Continuing chronologically through relevant Medieval sources, Rabbi Moses Maimonides (also referred to by the acronym רמב"ם - Rambam), a 12th-century Sephardic philosopher and highly influential *Torah* scholar, wrote specifically on *Metzitzah* in his *Mishneh Torah*.

*Mishneh Torah*, The Laws of *Milah* 2, Law 2

<p>How is the circumcision performed? The foreskin that covers the crown of the penis is cut off until the entire crown is revealed. [This step is referred to as milah.]</p> <p>Afterwards, the soft membrane that is beneath the skin should be split along the mid-line<sup>102</sup> with one's nails and peeled back to either side until the flesh of the crown is revealed. [This step is referred to as pri'ah.]</p> <p>Afterwards, one should suck the place of the circumcision until all the blood in the further reaches is extracted, lest a dangerous situation arise. [This step is referred to as metzitzah.] Any [mohel] who does not perform metzitzah should be removed from his position. After one has performed metzitzah, one should apply a bandage, a compress, or the like.</p>	<p>כיצד מוהלין. חותכין את כל העור המחפה את העטרה עד שתתגלה כל העטרה.</p> <p>ואחר כך פורעין את הקרום הרך שלמטה מן העור בצפרן ומחזירו לקאן ולקאן עד שיראה בשר העטרה.</p> <p>ואחר כך מוצץ את המילה עד שייצא הדם ממקומות רחוקים כדי שלא יבוא לידי סכנה. וכל מי שאינו מוצץ מעבירין אותו. ואחר שמוצץ נותן עליה אספלגית או רטיה וכיוצא בהן:</p>
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There are significant additions and omissions to be gleaned from Rambam's commentary. In regards to the act of sucking, he states that blood must be extracted from the *m'komot r'chokim* (מקומות רחוקים - the faraway places).

<sup>102</sup> *Mishneh Torah*, trans. by Eliyahu Touger. Jerusalem, Moznaim Pub. c1986-c2007. This translation obtained from Sefaria, adds the words "along the mid-line" which are not found in the text. The bracketed sections are added by the translator.



Maimonides never indicates a method for this extraction nor that this suctioning or expressing has been or must be accomplished orally. He does go to the trouble of providing alternatives to the bandage labeled an אֶפְלָנִית (*isplanit*), namely the רְטִיָּה (*r'tiyah* - compress) and numerous other possibilities by stating - וְכִיּוֹצֵא בָהֶן (*v'chayotzei bahen* - and the like)<sup>103</sup> and this phrase - וְכִיּוֹצֵא בָהֶן (*v'chayotzei bahen* - and the like), raises a legitimate question. Had Rambam, himself a physician, been informed of the health risks associated with direct oral suction, would he have provided safer alternatives?

In order to advocate for *Mb'F* as a necessary and integral step in *Brit Milah*, its defenders bring the writings of 13th century German Rabbi and *Mohel* Rabbi Jacob Hagozer. Hagozer does specify direct oral suction as the method for performing this act and emphasizes that *Mb'F* is required for medical reasons, to prevent any danger to the child. His explicit instructions are to suck with all one's strength for fear that blood will coagulate within the organ.<sup>104</sup> Furthermore, the proponents of *Mb'F* bring the works of late 14th-century and early 15th-century German Rabbi Yaakov ben Moshe Levi Moelin, known as the *Maharil*,<sup>105</sup> and the 18th-century rabbi, Jacob Emden,<sup>106</sup> both of whom emphasize the importance of *Mb'F* and specify the mouth for its employ.<sup>107</sup>

*Shulchan Arukh, Yoreh De'ah* 265:10

The Orla (foreskin) must be placed (buried) in sand or dirt. <sup>108</sup> Rama: So too the blood from metzitzah should be spit into dirt.	נותנין את הערלה בחול ועפר (וכן רוקקין דם המציצה אל העפר)
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<sup>103</sup> There are numerous commentaries on the *Mishneh Torah* of Maimonides, however, none that I found or found by the authors of the scholarly articles studied, added useful information for this project.

<sup>104</sup> מציצה כיצד אחר הפריעה מיד מכניס האבר לתוך פיו ומוצץ את הדם בכל כחו משום שהדם נקרב בפי האמה (Zikhroneh Berit LaRishonim, 20). וסכנה הוא אם אינו מוצץ

<sup>105</sup> Sultan, "Metzitzah b'Peh - Paradigm for Halachic Risk Taking."

[https://www.medethics.org.il/wp-content/uploads/2022/01/4\\_Shabtai\\_Sultan\\_Metzitzah-bPeh-Paradigm-for-Halachic-Risk-Taking.pdf](https://www.medethics.org.il/wp-content/uploads/2022/01/4_Shabtai_Sultan_Metzitzah-bPeh-Paradigm-for-Halachic-Risk-Taking.pdf)

<sup>106</sup> Sprecher, Solomon. "Mezizah be-Peh - Therapeutic Touch or Hippocratic Vestige?" *Hakirah*, Volume 3, (2006): 41. <https://hakirah.org/vol%203%20sprecher.pdf>

<sup>107</sup> In personal consultation with Rabbi Hayim Leiter, a prominent Orthodox Jerusalem *Mohel* who regularly witnesses other *Mohalim/Mohalot* and watches closely, the vast majority of *Britot* in which *Mb'F* practiced today, be it directly with the lips or with a tube, are performed for 1-2 seconds with minimal force.

<sup>108</sup> Many *Mohalim/Mohalot* bury the excised foreskin in dirt or give it to parents to do the same.

While often referred to as a matter of Jewish law, this act is considered a *Minhag*. Outside the scope of this thesis, is the challenge even to this *Minhag* given the medical need for human foreskin in the treatment of a number of medical conditions including wound therapy and skin grafting for burn victims. Zhang et al. *BMC Biotechnology* (2021) 21:11

<https://doi.org/10.1186/s12896-021-00672-z> and see

<https://www.discovermagazine.com/the-sciences/why-human-foreskin-is-a-hot-commodity-in-science>

In the mid-16th century, Rabbi Joseph Karo commented on *Brit Milah* in his *Shulchan Arukh* that the foreskin must be buried, but he does not mention *Metzitzah*. Upon this comment, however, Rabbi Moses Isserles (the primary *halakhic* authority for European Jewry in the latter part of the 16th-century<sup>109</sup>) adds in the Gloss above the detail of “spitting” which indicates oral suction.

A detailed explanation of exactly how direct *Metzitzah b’Feh* was performed, may be helpful for some readers. This gripping and graphic description of a circumcision from beginning to end was recorded by Rabbi Leon de Modena (1571–1648). Modena’s family ancestry was French; however, he was born in Venice, Italy, as his parents migrated there after an expulsion of Jews from France. He wrote extensively on a number of subjects, and was especially critical of Jewish mysticism. The volume depicting *Mb’F* includes a lengthy and detailed exposé of all things Jewish, including the birth of a boy and his circumcision. About *Brit Milah*, he put into words exactly what he saw from the moment the ceremony began. This is only part of his exposé within section 6, describing the *Metzitzah b’Feh* he witnessed.

6. ...in the mean time [sic], the Circumciser going on in his businesse[sic], with his mouth sucketh the Blood, which abundantly floweth from the wound, doing thus two or three times, and so spitteth it forth into a Bowl of wine. Then doth he clap upon the wound some Sanguis Draconis, Powder of Corall, and other Restrington things, wrapping it about with plaisters of Oyl of Roses; and so binding it up close, the Child is swathed again.<sup>110</sup>

The end of the 18th century saw the beginnings of the *Haskalah*<sup>111</sup> period in Central and Eastern Europe. The largest and most influential hubs of the *Haskalah* were those of Vilna and Odessa. Many of the followers of this movement were young *Torah* scholars who absorbed material from resources outside the traditional rabbinic canon and engaged intellectually with philosophy, science, and history.

The movement prioritized the secular, seeking reform in Jewish education and encouraging scientific and philosophical knowledge. Advocates of the *Haskalah* (known as *Maskilim*) challenged the rabbinic authorities, especially the Hasidic movement.<sup>112</sup> Coinciding with the loosening and cessation of legal discrimination of Jews, the *Maskilim* took great interest in the possibilities of economic, social,

<sup>109</sup> See Glossary entry on *Haga* for more.

<sup>110</sup> Modena, Leo, *The history of the rites, customes, and manner of life, of the present Jews, throughout the world*, Trans. Edmund Chilmead, LONDON, 1650, 206-207.

<sup>111</sup> The Jewish Enlightenment Period. *Haskalah* translates more literally to knowledge and wisdom.

<sup>112</sup> Zaban, “Haskalah.”

<https://www.oxfordbibliographies.com/view/document/obo-9780199840731/obo-9780199840731-0095.xml#obo-9780199840731-0095-biblitem-0002>

and cultural integration.<sup>113</sup> They championed the inclusion of liberty, tolerance, and rationalism in Jewish culture.

To the more traditional European Jew, the growing Enlightenment period, which extended well into the 19th century, was motivated to destroy the Judaism to which they were committed and obligated. With the emphasis of the *Haskalah* on acculturation and assimilation, the traditional Jew suspected their devotees favored the end of Jewish society as a distinct entity.<sup>114</sup>

These Medieval sources raise legitimate questions even as they may intend to clarify the issues surrounding *Mb'F*. Despite the aforementioned assertions of the *Maharil*, and Rabbi Jacob Emden, the lack of any direct reference to the mouth is glaring in the *Mishneh Torah*, the *Machzor Vitry*, and the *Shulchan Arukh*.

## 19th Century

In 1831, Dr. Ph. Wolfers, a German physician, published a Mohel's guidebook in which he argued that medical science does not recognize any health advantages to the *Metzitzah* procedure.<sup>115</sup> He further argued that due to the potential for venereal infections (rampant at the time) being transmitted from the *Mohel* to the infant, the practice should not be performed due to the potential risks it posed. He also labeled the practice as one that is uncivilized and repugnant, suggesting that it should not be continued in the modern age. Wolfers' arguments caused an understandable stir in the Jewish community, with many religious authorities defending the traditional practice.

Just six years later in 1837 Vienna, an alarming number of infant boys developed lesions on the circumcision site and later over the rest of their bodies. For some, the condition proved fatal.

Dr. Wertheim, a university professor and the chief doctor of the Jewish Vienna Hospital, expressed his concerns about the traditional *Metzitzah* practice of suctioning blood from the circumcision wound. In order to address this issue, he approached Rabbi Eliezer Horowitz,<sup>116</sup> the chief rabbi of Vienna at the time.

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<sup>113</sup> Etkes, "Haskalah." <https://yivoencyclopedia.org/article.aspx/haskalah>

<sup>114</sup> Schumacher-Brunhes, "Enlightenment Jewish Style: The Haskalah Movement in Europe." [http://jeg-ego.eu/en/threads/european-networks/jewish-networks/marie-schumacher-brunhes-enlightenment-jewish-style-the-haskalah-movement-in-europe#InsertNoteID\\_79](http://jeg-ego.eu/en/threads/european-networks/jewish-networks/marie-schumacher-brunhes-enlightenment-jewish-style-the-haskalah-movement-in-europe#InsertNoteID_79)

<sup>115</sup> Katz, 358.

<sup>116</sup> Roth, "Horowitz, Lazar (Eleazar) Ben David Joshua Hoeschel."



Rabbi Horowitz, who had studied extensively under Rabbi Moses Sofer (1762-1839), also known as the *Chatam Sofer*<sup>117</sup> of Pressburg, considered him his revered teacher. As a result, Rabbi Horowitz wrote a letter to the *Chatam Sofer*, asking whether it would be permissible to modify the *Metzitzah* procedure by using gauze to squeeze out the blood rather than performing direct oral suction.

Rabbi Sofer's response has been preserved in Hebrew in the 1845 issue of the periodical *Kochvei Yitzchak*. The reader should bear in mind that the *Chatam Sofer* was not known for leniency; rather, he usually provided very strict rulings.<sup>118</sup>

Sofer was considered widely to be a brilliant *Torah* scholar and his opposition to the Jewish Reformers who were gaining traction in Europe, was public.<sup>119</sup> Among his most famous statements is חדש אסור מן התורה "*Chadash assur min HaTorah*," usually translated in the way it is understood, "Innovation is forbidden by *Torah*." More literally, it translates as "new(ness) is forbidden from *Torah*."<sup>120</sup> Although he was known for a strict approach, when faced with this life-or-death situation involving infants, he provided a detailed and permissive response. The end of the German letter (below left) is signed by Dr. Wertheim and forwarded by Rabbi Horowitz. It begins sweetly, "To my dear(precious) student, you have written well..."

<sup>117</sup> Born Moses Schreiber in Frankfurt am Main, he was a prominent posek of Central Europe known as Rabbi Moses (Moshe) Sofer and earned the respectful title *Chatam Sofer*, meaning "the seal of the scribe" which was also the title of his main work.

<sup>118</sup> Graetz, *History of the Jews*. Volume V. 606.

<sup>119</sup> The tension here with the Reform Movement in Europe is important to the development of this subject but not a focus in this thesis. The language that some Reformers used in regards to circumcision in general included words like "barbaric" and "disgusting" was offensive to traditional Jews. Given the threats of legislation against circumcision in Europe over the last ten years or so, it is interesting to note that among traditionalists, there was real fear that, should they give in at all to the concerns of Dr. Wertheim and others, next they would see objection and legal action against *Brit Milah* itself. See Meret, "Denmark's Politics of the Foreskin."

<https://www.faiobserver.com/region/europe/susi-meret-anita-nissen-danish-peoples-party-df-islam-male-circumcision-ban-anti-semitism-europe-news-15511/> and Liphshiz, "Proposal to Ban Male Circumcision Scrapped from Finland Bill."

<https://www.timesofisrael.com/proposal-to-ban-male-circumcision-scrapped-from-finland-bill/>

<sup>120</sup> The statement, "*Chadash assur min HaTorah*," is a play on a phrase that appears in the *Mishnah* (*Orlah* 3:9 - [https://www.sefaria.org/Mishnah\\_Orlah.3.9?vhe=Torat\\_Emet\\_357&lang=bi](https://www.sefaria.org/Mishnah_Orlah.3.9?vhe=Torat_Emet_357&lang=bi)), החדש, אסור מן התורה בכל מקום, which refers to the consumption of new produce. See Katz, Jacob, *Divine Law*, 437-453. and Glick, *Marked in Your Flesh*. 130.

jedesmaligen Gebrauche desselben geeignet sei, die Schärfe des blutigen Eingriffes zu mildern?

So erklären wir in vollkommener Uebereinstimmung mit dem Geiste, und selbst den uns unterlegten Worten des Fragestellers:

ad primum. Das Bespritzen der frischen Beschneidungswunde mit Wein, so wie das Saugen und Schöpfen derselben mittelst der Lippen des Operateurs, betrachten wir einerseits als unnöthig, nutzlos, unzweckmäßig und ekelhaft, andererseits aber sogar als verwerflich, weil dieses Verfahren unter manchen Umständen allerdings geeignet ist, gewisse Krankheiten des Operateurs möglicher Weise auch auf den Säugling zu übertragen. Ein gelindes Andrücken der Wunde mittelst eines in kaltes, in warmes Wasser, oder nach Erforderniß selbst in Wein getauchten Schwämmchens ist zweifelsohne anständiger, und satzsam genügend, das Maß der Blutung zu regeln, d. h. es nach Umständen zu begünstigen, oder zu mäßigen.

ad secundum. Sind wir allerdings überzeugt, daß das Befeuhen des zur Abtragung der Vorhaut nöthigen Bistouris mit reinem Oel, wie dies bei andern Operationen üblich ist, die Schärfe des blutigen Eingriffes zu mildern im Stande sei.

Wien den 6. März 1837.

Dr. Freiherr von Türckheim, k. k. Hofrath.

Reg. M. Professor Edler von Wattmann.

Professor von Verres.

A.

שילת יום א' ט"ז שבט תקצ"ז לפ"ק פה וויען הבירה יצו.

החיים והשלום, למשמרת עולם, לכבוד י"נ אר"מו הרב הגאון הגדול תפארת ישראל רשכב"הג נקש"ת מוהר"ר משה סופר נ"י אב"ר ור"מ דק"ק פרעסבורג יע"א.

למרנו רבינו, מה משפט הרבר אשר נשאלתי עליו מאת ידידי האדון הרופא ווערטהיים מפה, והוא אם עפ"י דין ודת תורתנו הקדושה צריך תמוהל לעשות המציצה לאחר המילה בפיו

ושפתיו דוקא, או אם נכון הדבר לעשות פעולת המציצה ע"י המצאה אחרת אשר המציא לטבול ספוג בין או במים ולסחוט איזו פעמים על מקום החבורה ויפעול כמו כן רפואת התנוק הנמול כמו מציצת הפה, וכבת השאלה נהיתה, באשר חדשים מקרוב קרה מקרה פה עירנו בכמה ילדים נמולים ממוהל אחד מומחה אשר פרח בעור בשרם צרעת ממארת וכסתה הצרעת את כל בשר המילה ומשם פשתה בכל גופם והרבה ילדים מתו מחמת הצרעת ההיא כי אין דין דינם למזור ורפאות תעלה לא עלתה להם, ועוד איזו מהם בחיים חיותם נאנחים ונחלאים, ושפטו הרופאים כי פן באה להם הרעה הזאת מחמת המציצה שבפה המוהל, הגם כי בדקו המוהל ונמצא טהור ונקי ולא עולתה בו לא מיני' ולא מקצתי' מהחולי הלזה, עכ"ו למיחש מיהת בעי בעלמא. והנה אנכי השבתי כי לפע"ד אני רואה שום דבר אשר יתנגד לזה מצד דתינו הקדושה, ואע"ג שאמר ר"פ (שבת קל"ג ע"ב) האי אומנא דלא מייץ סכנתא הוא ומעברין לי' מ"מ הרי לא פורש שצריכה להיות המציצה דוקא בפה ושפתים ובוראי נכון ג"כ לעשות פעולת המציצה בדבר אחר העושה פעולה ההיא להוציא הדם ממקומות הרחוקות דו"ל בתר טעמו למה הצריכו חז"ל כל עיקר המציצה משום רפואת הנמול, והרי מעידים רופאים מומחים שגם הספוג עושה פעולה ההיא כיוצא בה, וא"כ הא נעשה פעולת הרפואה, ולמה לא נאמין להרופאים בדבר הזה כמו בכמה רפואות אשר המציאו בדורות האחרונים אשר לא שערו הראשונים.

ואין להשיב ולומר כי הלשון מייץ הנזכר בדברי ר"פ הנ"ל מורה דוקא על מציצת הפה בשפתים, דהא מצינו (שבת פ"ח ע"א) דמלה זאת סובלת פירוש אחר והיינו דמייתי שם חש"ס עוברא בההוא צדוקי דחויא לרבא דקא מעיין בשמעתא ויתבה אצבעתא ידיו' תות יכרעי' וקא מייץ בהו וקא מבען אצבעתי' דמא, ופירש"י דהי' ממעך ברגליו על אצבעות ידיו עד שפך דם מבין קשרי אצבעותיו,

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חרי דלשון מייץ אינו דוקא לשון יניקה ומציצה אויסוויגען כ"א גם לשון כנישה ומעיכה אויספרעסען, אויסדריקען, וכן פירש"י (ויקרא א' ט"ו) ע"פ ונמצה דמו לשון מיץ אפים כי אפס המץ כובש בית השחיטה על קיר המזבח והדם מתמצה ויורד, וכן פירש"י (משלי ל' ל"ג) ע"פ כי מיץ חלב וגו' מיץ סחיטה empreindre כמו וימץ טל וגו' ומעתה הגם כי נראה לע"ד פשוט להחזיר הרבר הזה, עכ"ז אין דעתי לעשות דבר חדש כזה עד אשר יסכים עמדי אר"מו נ"י. ולכן ימחול נא במחכ"ת להודיעני דעתו הרמה בענין הזה בקרב הימים. והיות כי חלש המזג אנכי כעת מחמת כאב בראשי ל"ע אשר כלאני בחדר המטות זה איוו ימים על כן דברי לעו, והנני תלמידו, אוהבו וידידו, משתחוה מול הדרת כבודו.

חק' אלעזר הלוי אי"ש הורוויץ

שילת פ"ב נגחי ליום ה' כ' שבט תקצ"ז לפ"ק.  
שלום וכ"ט ואורך ימים ושנות חיים לידידי תלמידי הרב וכו' מוה' אלעזר סג"ל הורוויץ נ"י אב"ד בע"מ וויען.

יקרתו הגיעני ויפה כתב כי לא נמצא מציצה בפה דוקא כ"א למקובלים שאומרים למתק הדין על ידי פה ושפתים, ואין לנו עסק בנסתרות היכא דאיכא למיחש לסכנתא כל דהו, והנה שרש מיץ מציץ הכל אחד וכתוב מיץ אפים (משלי ל') וימץ טל מן הגיזה בשופטים בגדעון, ובכולם פירש"י לשון סחיטה וכבישה להוציא דבר מכתו. וכן פירש רד"ק והרא"ע יע"ש, וא"כ אין לנו אלא להוציא דם ממקומות רחוקות יחי' על איוה פעולה שיהי', ויש להאמין המומחים על זה איוה פעולה תפעול כמו מציצת שפתים, ועוד אני אומר אפילו הי' מפורש בש"ס מוצץ בפיו, מ"מ כיון שאין זה מהכשר מילה אלא משום סכנה והמל ופרע ולא מציץ כבר גמר מצותו והתנוק מותר בתרומה ואביו עושה פסח אלא שהוא בסכנה עד שיעשה פעולה להוציא דם ממקומות רחוקות ובפרק ר"א

ועוד אני אומר אפילו הי'  
מפורש בש"ס מוצץ בפיו, מ"מ  
כיון שאין זה מהכשר מילה  
אלא משום סכנה והמל ופרע  
ולא מציץ כבר גמר מצותו  
והתינוק מותר בתרומה...

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דמילה יליף ר"פ דומיא דאספלונית וכמון שהוא משום סכנה ה"נ מציצה, והרי אספלונית וכמון גופי' אין אנו נוהגין בכמון כלל גם לא באותן אספלוניות שנזכרו שם בש"ס באב"י ורבא, ש"מ כיון דמשום רפואה הוא אין להקפיד אם המציאו הרופא רפואות אחרות במקומם והוא הדין נמי מציצה אפילו הי' מוזכר במשנה מציצה בפה מ"מ יכולים להמיר בדבר אחר כיוצא בו, אך יזהירו הרופאים המומחים שיעירו באמת אם הספוג עושה פעולת מציצה בפה, יותר מזה אין לחוש לפע"ד. ה' ירפאהו ויחלימוהו כנפשו היקרה ונפש א"נ דש"ת. משה הק' סופר מפפ"דמ.

An den Herrn Dr. E. Bertheimer, Primararzt im  
israelitischen Spital zu Wien.

Hochzuverehrender und wohlgeborner Herr Doctor! Ihrer

אפילו הי' מוזכר במשנה  
מציצה בפה מ"מ יכולים  
להמיר בדבר אחר כיוצא  
בו,<sup>121</sup>

<sup>121</sup> I have typed out these most relevant sections.



The images of the pages above are as they appeared in the first volume of the journal *Kochvei Yitzchak* (1845) and the translations below.<sup>122 123</sup>



...we do not find a stipulation that Metzitzah be performed with the mouth exclusively, except among kabbalists<sup>124</sup> who say that the din (law) is sweetened through the mouth and the lips,<sup>125</sup> and we do not concern ourselves with these hidden matters in a situation in which there is even the slightest suspicion of danger ... and furthermore, I say that even if it were explicitly stated in the Talmud that one must do Metzitzah with one's mouth, in any case this is not an intrinsic part of the Mitzvah of Brit Milah, but is done because of danger to life, and one who circumcises and splits the membrane and does not perform Metzitzah has

nevertheless completed the Mitzvah, and the child is eligible for trumah [i.e., if he is a Kohen], and his father may bring the Pesach offering; the child, however, is at risk until an action is performed to extract blood from the further reaches.

And in Pirkei d'Rabi Eliezer, Rav Papa learns (teaches), "Like a bandage or a medicinal powder to stop bleeding, which is necessary because the circumcised infant is in a situation of danger, Metzitzah, too, is necessary

<sup>122</sup> *Hakira*, Volume 3, 61-62.

<sup>123</sup> Stern, *Kōkebē jīshāq*. These and additional images of the original pages of this journal can be found at this link -

[https://www.google.com/books/edition/\\_/M6M9AAAAcAAJ?hl=en&gbpv=1&pg=PA4](https://www.google.com/books/edition/_/M6M9AAAAcAAJ?hl=en&gbpv=1&pg=PA4)

<sup>124</sup> The statement of the Chatam Sofer, "except among kabbalists" makes a point that *Kabbalah* does not determine *Halakha*.

<sup>125</sup> The Kabbalistic material supports *Mb'F* in that it "sweetens the law" is described in a number of sources. Katz, 375. Halperin, 26.



for a similar reason (since it is done for therapeutic reasons, we need not be particular if the doctors devise a different therapy as a substitute), and this is the law pertaining to metzitzah. Even if the Mishnah had mentioned Metzitzah by mouth, one may still use an alternative means to accomplish the aim. But the doctors must be warned that they must be able to testify that the sponge is truly performing the same action as metzitzah performed by mouth. Beyond this, there is no concern, in my humble opinion.

...and in the Gemara Rav Papa compares it to the plaster and cummin which are applied because of danger; so also with Metzitzah. Furthermore with regard to the plaster and cummin themselves, we do not now use cummin at all, nor that kind of plaster referred to in the Gemara... which proves that as they are a medical remedy, there is no need to be insistent on their use if doctors have discovered other remedies in their stead.<sup>126</sup>

Rabbi Sofer makes several important statements here.

1. Only the kabbalists required *Metzitzah* by the mouth and lips.
2. *Metzitzah* is not an intrinsic part of *Brit Milah*.
3. If a *Mohel/Mohelet* performs only *Milah* and *Priyah*, the *mitzvah* is satisfied.
4. He includes a caveat that doctors' opinions are relied upon.
5. The replacement of cumin with more effective substances justifies the replacement of direct oral *Metzitzah* with safer methods.

The *Chatam Sofer* went on to assert that the word מציצה (*Metzitzah*) is associated with the root מצה, the same root for the word מיץ (*mitz* - juice or drain), and therefore should be defined as pressing or juicing the wound. The mouth is certainly not necessary for pressing or juicing. This is illustrated well in the article of Dr. Yehudi Pesach Shields 1972 issue of the journal, *Tradition*,<sup>127</sup> in which he brings the following verses to support his view.

1. "And he squeezed (*Vayametz*) dew out of the fleece," (Judges 6:38)
2. "You drank the cup, even the cup of staggering, and you drained it (*Matzith*)" (Isaiah 51:17)

<sup>126</sup> Kochvei Yitzchak, *Ueber Metzitzah*, 1845, 44-50.

<sup>127</sup> Shields, "The Making of Metzitzah." 42.

3. "So that you may suck (*Tamatsu*) with delight of the abundance of her glory" (Isaiah 66: 11)<sup>128</sup>

Considering the unequivocal words of Rabbi Sofer, it is remarkable that *Metzitzah b'Feh* did not cease altogether, but Horowitz's willingness to work with Reform rabbis played a significant role in tainting him in the eyes of others. It is not possible to predict how history might have unfolded if the process and chain of inquiry had been different. Rabbi Horowitz was forced to defend himself from virulent verbal attacks, including being accused of fabricating the matter between him and Rabbi Sofer, and even forging the response from his teacher.<sup>129</sup>

Moreover, the opposition's objections extended beyond Horowitz himself to encompass his association with Dr. Wertheim, which implied endorsement of the latter's negative language regarding *Brit Milah* in general. The open letter sent by Dr. Wertheim to the representatives of the Jewish community in Vienna was undoubtedly a provocative call for his detractors, who feared that the discontinuation of *Mb'F* was merely the initial move towards a full prohibition banning *Brit Milah* as the 8-day-old male's initiation into the covenant.<sup>130</sup>

The *Mb'F* crisis of the early 19th century did not end in Vienna. In late 19th century Germany, chief rabbis Samson Raphael Hirsch and Azriel Hildesheimer issued a joint statement advocating *Metzitzah* using a glass tube.<sup>131</sup> While these rabbis were known to have advocated for the use of the intermediary device, there is no written response or edict upon which we can rely. The lack of proof leaves the path free for opposing narratives based upon letters and hearsay.<sup>132</sup>

## 20th century

Forty-two prominent Hungarian rabbis publicly affirmed their commitment to the traditional practice of (oral) *Metzitzah b'Feh* in the year 1900. They released a

<sup>128</sup> Today, a pacifier, which babies clearly suck, is called a מוצץ *motzetz* but modern Hebrew is by no definition completely aligned with the Hebrew of the *Mishnah*. Nothing resembling מוצץ - *motzetzin* appears in the Torah.

<sup>129</sup> Katz, 380.

<sup>130</sup> Katz, 362. Wertheim indicated in this letter that he had another motivation: "the wish to remove from this important religious act any ugliness which affronts the eye of the expert as it does the emotions of the layman;" he termed the act of *Metzitzah* "disgusting" (*ekelhaft*) and claimed that the procedure of *Mb'F* emanates from "unclean soil" (*auf schmutzigem Boden wurzelndes Herkommen*).

<sup>131</sup> Hakira, 34.

<sup>132</sup> Goldberger and Marmorstein, *Sanctity and Science*. 173.

letter in which they condemned anyone deviating from the oral procedure.<sup>133</sup> The next year, a similar letter was issued by leading rabbis in Israel, including *Rav Shmuel Salant*, *Rav Yaakov Alishar*, and *Rav Shneur Zalmen Ladier*, who affirmed their commitment to the traditional practice. Thus, even at the beginning of the 20th century, there were ongoing conversations and controversies within the Jewish community surrounding the practice of *Metzitzah*, and a significant number of rabbis were strongly advocating for its continuation.

This period through the end of World War II, witnessed a persistent rise in antisemitism, including discrimination, hostility, and persecution of Jews. The media played a significant role in perpetuating negative perceptions by disseminating negative portrayals of Jews and Jewish rites, particularly those related to *Mohalim*. Newspaper cartoons on both sides of the Atlantic were particularly malicious, portraying Jews in a negative manner through the association of their religious customs with avarice and stereotypical caricatures.<sup>134</sup>



This example (left) from the year 1912 is from Vienna, Austria. The title “*Beschneidung*” refers to circumcision<sup>135</sup> and the caption translates to, “It makes a profit: that is why the Jews practice it.”<sup>136</sup> These antisemitic caricatures became even more widespread in these decades and continued even after the defeat of Germany.

<sup>133</sup> Bohm, “Halacha Berurah.”

<https://matzav.com/halacha-berurah-halachic-historical-and-medical-overview-of-metzitzah-bpeh/>

<sup>134</sup> Judd, *Contested Rituals*. 99.

<sup>135</sup> Beschneidung translates more literally to ‘clipping’.

<sup>136</sup> Judd, *Contested Rituals*. 100.



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During the mid-20th century, a limited amount of halakhic discourse on the topic of *Metzitzah b'Feh* took place. The dire circumstances of the Holocaust likely played a significant role in the lack of documented discussion on the topic during this time. Post-liberation, some medical journals discussed reasons for and against circumcision, but the next significant period of discourse on the subject of *Mb'F* coincided with the

spread of A.I.D.S. in the late 1980s and throughout the 1990s.

As the underlying causes of HIV and A.I.D.S. were still being discussed and uncovered, the fear of transmission was palpable. In 1981, Rabbi J. (Jack) Simcha Cohen (1936–2014) responded to the following query.

Does the current widespread occurrence of AIDS in any way affect the performance of circumcision?

Rabbi Cohen, the 18th in a line of distinguished Cohen family rabbis, was held in high esteem for his work as a columnist in *The Jewish Press*<sup>138</sup> and as the author of several highly regarded books. History records his detailed response as an exceptional demonstration of confidence and bravery.

**Cohen's Response:** Yes. At the Brit Milah, the Mohel (person who performs the circumcision) is required to suction the blood of the open wound. This process is called *metzitzah*. Traditionalists insist that the Mohel actually place his mouth on the wound and physically ingest blood, which is subsequently discarded. This is termed *metzitzah b'peh*. A modern method, sanctioned by a number of Halachic scholars, is to utilize

<sup>137</sup> *C'es Povres Juifs Quand Même...!!* (Antisemitic Cartoon Satirizing a Frenchman Expressing Pity for Jews. Accession Number: 2016.184.421. Used without restrictions from the Katz Ehrenthal Collection at the United States Holocaust Memorial Museum.

<https://collections.ushmm.org/search/catalog/irn544586>

The Frenchman mocks sympathy by expressing "these poor Jews", The Jew, with exaggerated features, burns a globe with flames from a burning stack of bills.

<sup>138</sup> <https://www.jewishpress.com/author/rabbi-j-simcha-cohen/>

a tube or gauze so that the process of suctioning blood takes place without the Mohel putting his mouth on an open wound or taking any blood into his mouth. Most Hasidic scholars decry this process as an unwarranted change in the traditional ritual of circumcision.

In Los Angeles recently, a noted scholar met with the rabbinate to discuss a variety of Halachic issues. The first question was posed by a Hasidic Rav who is a Mohel. The issue was whether metzitzah b'peh was still operational due to the AIDS epidemic.

At present there is no cure for AIDS. Once afflicted with the sickness, it is comparable to a sentence of death. It is also well established that the ingestion of liquids, especially blood, is a primary means of transferring AIDS. Accordingly, a frum (observant of Jewish law) Mohel may himself get AIDS as a result of metzitzah b'peh. This question, the Hasid noted, is particularly pressing at the circumcision of children of Baalei Teshuvah and nonreligious families.<sup>139</sup> A secondary question relates to the fact that the Mohel may, if he is a victim of AIDS, contaminate the children of the community at large. This, in turn, could generate a widespread public denouncement of circumcision altogether.

The Rav's response was that metzitzah b'peh is an ancient ritual that some authorities contend may even be a biblical mitzvah. To the extent that most people, certainly most Jews, do not have AIDS, the Mohel should not alter the traditional practice. He should be guided by the principle that "whoever observes [a] commandment will not experience evil [shomair mitzvah lo yaida davar ra]" (Kohelet 8:5). Accordingly, whoever is apprehensive over contracting AIDS "should simply cease being a Mohel."

With reverence to this pious rabbi, I humbly submit that sources indicate a different Halachic position.

HaGaon R. Baruch HaLevi Epstein (author of *Torah Tmimah*) ruled that the concept of shomair mitzvah is applicable only in an occasional, accidental endeavor. It is not operational as a regular, permanent principle to safeguard performance of Mitzvot. In such conditions, the rule is that "one does not rely on miracles" (see *Tosefet Beracha*, Parshat Va'Ayra,

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<sup>139</sup> The assumptions in this statement, while short sighted and even offensive, are not within the scope of this thesis.

Shemot). One simply cannot apply the concept of *shomair mitzvah* to guide the actions of a Mohel on a regular basis.<sup>140</sup>

Rabbi Shlomo Zalman Auerbach (1910-1995) of Jerusalem recorded his thoughts on this issue in his commentary on the *Shulchan Arukh*.<sup>141</sup>

A baby born following artificial insemination or in-vitro fertilization should not be circumcised on the Sabbath or a Festival.<sup>142</sup> In a case of suspected acquired immunodeficiency syndrome (AIDS), the mohel is allowed to perform the *metzitzah* using a glass tube or the back of a 5cc syringe.

These are but a few examples of 20th-century reactions to the *Mb'F* dilemma. Similar to previous decades, there is a fear that any non-oral approach to *Metzitzah* during circumcision may fuel the anti-circumcision movement and result in additional restrictions, a concern that persists to this day.

## 21st century

In November 2004, the NYC health department was notified of three newborns with herpes, one of whom died. In this instance, all the boys had been circumcised by the same practitioner. While the Department of Health forced the *Mohel* to have blood tests and desist from *Mb'F*, the ultra-Orthodox community yelled fowl. They lobbied Mayor Michael R. Bloomberg and proclaimed impingement upon their freedom to practice Judaism, a freedom guaranteed by the US constitution. Rabbi David Niederman told the New York Times,

“Many believe that if a *metzitzah b'peh* circumcision is not performed, the boy is not truly Jewish.”<sup>143</sup>

The Department of Health for New York State issued a protocol in May 2006 for the performance of *Metzitzah b'Feh*.<sup>144</sup> At the time, the department knew of seven

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<sup>140</sup> “Rabbi J. Simcha Cohen | The Jewish Press - JewishPress.Com.”

<https://www.jewishideas.org/article/aids-and-circumcision>

<sup>141</sup> Summarized by Abraham S. Abraham in *Nishmat Avraham*, vol. 4, Yoreh De'ah 264:1 which explores who is qualified to perform *Brit Milah*.

<sup>142</sup> The same delay applies to births by C-section.

<sup>143</sup> Rutenberg and Newman, “Mayor Balances Hasidic Ritual Against Fears for Babies’ Health - The New York Times.”

<https://www.nytimes.com/2006/01/06/nyregion/mayor-balances-hasidic-ritual-against-fears-for-babies-health.html>

<sup>144</sup> “Circumcision Protocol NY Dept Health.” 36-39.

[https://web.archive.org/web/20070205033348/http://www.health.state.ny.us/diseases/communicable/herpes/newborns/circumcision\\_protocol.htm](https://web.archive.org/web/20070205033348/http://www.health.state.ny.us/diseases/communicable/herpes/newborns/circumcision_protocol.htm)

cases of herpes linked to the practice of *Mb'F* since 1998, many of them traced to a specific *Mohel*. A New York State health department response meant a great deal of negative publicity for the Orthodox Jewish communities surrounding Manhattan. The pressure to refrain from the practice of direct oral *Mb'F* was met with intense resistance.<sup>145</sup> *Mohalim/Mohalot* were required to supply families with a form to give consent for *Mb'F* under the threat of a \$2000 fine. The health department made the effort to print informative pamphlets for *Mohalim/Mohalot* and the parents of newborn boys, but the practice continued.

The NYC Board of Health offers a downloadable PDF on their website for parents who, despite the associated risks, choose to go forward with *Mb'F*.<sup>146</sup> Titled "Have a Safe Bris for Your Baby," the colorful guide appears identical to the brochures found in medical waiting rooms on any number of topics. While the words do counsel parents to choose a *Mohel/Mohelet* who does not perform *Mb'F*, it also demonstrates an awareness that the practice will continue regardless of the transmission of illness (sometimes fatal).

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<sup>145</sup> Korobkin, "Metzitzah B'peh, Rabbinic Polemics and Applying the Lessons of History." 32. [https://jewishaction.com/jewish-world/metzitzah\\_bpeh\\_rabbinic\\_polemics/](https://jewishaction.com/jewish-world/metzitzah_bpeh_rabbinic_polemics/) also [http://ou.org.s3.amazonaws.com/pdf/ja/5767/winter67/24\\_41.pdf](http://ou.org.s3.amazonaws.com/pdf/ja/5767/winter67/24_41.pdf)

<sup>146</sup> <https://www1.nyc.gov/assets/doh/downloads/pdf/std/safe-bris.pdf>





## Metzitzah B'Peh: Know the Risk

When a baby is circumcised, some ritual Jewish circumcisers (mohelim) do a practice called metzitzah b'peh. Metzitzah b'peh is when the mohel uses their mouth to suck blood away from the baby's circumcision wound as part of the circumcision ritual.

**After metzitzah b'peh, some babies can get sick with herpes, which can even lead to death.**

## Before the Bris

- Talk with your baby's doctor about metzitzah b'peh.
- Before you hire a mohel for the bris, ask if they have received an order from the Commissioner of Health to not perform metzitzah b'peh. If a mohel answers "yes," you should not hire that mohel.
- Whichever mohel you choose, ask the mohel to make sure they rinse their mouth with mouthwash (Listerine Original Gold, with 26.9% alcohol) for at least 30 seconds immediately before performing metzitzah b'peh.

## After the Bris

- If a mohel performed metzitzah b'peh during your baby's circumcision, watch your baby's skin for little bumps or blisters, especially on or around the genitals and buttocks. If you see this or any other sign that your baby may be sick, or if your baby is not acting normally, seek medical attention right away.



The risks of Covid-19 have further complicated matters. Many responsible *Mohalim/Mohalot* and Jewish leaders take every possible precaution in performing these sacred Jewish rituals in a safe manner.<sup>147</sup> Not so for everyone in Monsey, NY where Rav Gedalia Oberlander is the rabbi of synagogue Heichel Menachem. At the outset of our national shutdown due to the pandemic, he stated;<sup>148</sup>

“The holy practice of *Metzitzah b'Peh* should be continued. The mohel should rinse his mouth with Listerine,<sup>149</sup> as this destroys the virus. The Herpes virus is more dangerous to infants than the Coronavirus, and Boruch Hashem no child has ever been infected with Herpes due to *metzitzah b'peh*.”<sup>150</sup>

There are also voices of reason within the Orthodox community. Some strictly Orthodox *Poskim* (see glossary) of the present day, view *Metzitzah b'Feh* with a lens that recognizes the risk of direct contact. Highly respected authorities insist babies need not be put into danger for a practice that was intended to keep them from danger. Three generations of Soloveitchik rabbis have stated that *Metzitzah b'Feh* is forbidden in their circles because of the risk of disease transmission.<sup>151</sup> Rabbi Moshe Meiselman is an American-born descendant of the Soloveitchik rabbinic dynasty. He is currently the *Rosh Yeshiva* (Dean) of *Yeshiva Toras Moshe* in Jerusalem. Consider this excerpt from his work, *Torah, Chazal and Science*.<sup>152</sup>

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<sup>147</sup> Pink, “Many Jewish Parents Press on with Circumcision amidst Outbreak - While Others Opt for Delay.” <https://forward.com/news/national/442655/jewish-parents-circumcision-brit-milah-coronavirus-covid/>

<sup>148</sup> Oberlander, “HALACHA: SHABBOS UNDER CORONAVIRUS.” <https://anash.org/halacha-shabbos-under-coronavirus-2/>

<sup>149</sup> Dennison et al., “The Antiviral Spectrum of Listerine Antiseptic.” <https://pubmed.ncbi.nlm.nih.gov/7614202/>.

<sup>150</sup> This claim has been challenged and the matter of mouthwash and the coronavirus is more completely explored here with inconclusive results. Xu et al., “Differential Effects of Antiseptic Mouth Rinses on SARS-CoV-2 Infectivity In Vitro.” <https://www.mdpi.com/2076-0817/10/3/272>

<sup>151</sup> Sprecher, Shlomo, “Mezizah Be-Peh Therapeutic Touch or Hippocratic Vestige?” *Hakirah* 3 (2006): 15-66 accessed November 24, 2022, <https://www.hakirah.org/Vol%203%20Sprecher.pdf>, 47-50.

<sup>152</sup> Moshe Meiselman, “Chapter Seventeen: Overruling the Doctors,” in *Torah, Chazal and Science* (Lakewood, NJ: Israel Bookshop Publications, 2013), pp. 245-246.

...Chazal possessed profound and reliable medical knowledge. When there is reason to believe that circumstances have changed, the practical halachah is often determined by contemporary medical opinion.<sup>153</sup> Chazal's advice may be superseded through advance[sic] in technology and the availability of new treatments. It may be rendered obsolete by changes in the biological reality. However, this is no shortcoming on their part and in no way detracts from the truth of their teachings.<sup>154</sup>

Rabbi Moshe Tendler z"l, who died recently in September of 2021, was a well-known Orthodox rabbi and *Mohe!* in the New York area. A professor of biology and an expert in medical ethics, he was a strong advocate for using only a sterile tube for *Metzitzah b'Feh*. Tendler held his ground on the subject despite physical threats and much public criticism.<sup>155</sup> A novel part of his reasoning involves punctuation.<sup>156</sup> He reads into the *Mishnah*<sup>157</sup> and states that it speaks to the lack of legal necessity of *Metzitzah*.<sup>158</sup>

Rabbi Tendler wrote extensively on this subject among others and was often quoted in the press. It is powerful to hear him speak about *Metzitzah* and specifically *Mb'F* in a podcast recorded at Yeshiva University in 2017.<sup>159</sup> The *Mishnah* had no punctuation in its original form, as most languages in the Middle East were unpunctuated or lightly punctuated in ancient times. Tendler, however, makes a case for the intention of a semicolon in the *Mishnah*. The semicolon he states should be thought of after the first two actions, (*mohalin* and *por'in*) and before the next two (*motzetzin* and *isplanit ch'mon*) in the *Mishnah*.<sup>160</sup> His

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<sup>153</sup> Meiselman, *Torah, Chazal and Science*, 245.

<sup>154</sup> Ibid, 246.

<sup>155</sup> Weiss, "Rabbi Targeted After Call for Bris Change."

<https://forward.com/news/3099/rabbi-targeted-after-call-for-bris-change/>

<sup>156</sup> The punctuation seen in Talmudic texts quoted in this thesis were added by later publishers and as such, can be challenged.

<sup>157</sup> *Mishnah Shabbat* 19:2 was examined earlier in the Sources section.

<sup>158</sup> It is unclear whether he meant simply *Metzitzah* or solely *Metzitzah b'Feh* which is not in the *Mishnah*.

<sup>159</sup> Tendler, Rabbi Moshe D., YUTorah Podcast, October 30, 2017

<https://www.yutorah.org/lectures/lecture.cfm/887517/rabbi-moshe-d-tendler/bris-milah-clamps-and-metzitzah-bapeh/> In this lecture, Rabbi Tendler also states that if a father insists on *Mb'F*, the father can do so himself and incur the risks. *Mb'F* does not require special training or judgment as does the actual circumcision.

<sup>160</sup> *Mishnah Shabbat* 19:2

implication is that a semicolon here separates the essential from the non-essential. Instead of

מוהלִין, ופּוֹרְעִין, וּמוֹצִצִין, וְנוֹתְנִין עָלֶיהָ אֶסְפְּלִיט וְכֻמוֹן  
he reads

מוהלִין, ופּוֹרְעִין; וּמוֹצִצִין, וְנוֹתְנִין עָלֶיהָ אֶסְפְּלִיט וְכֻמוֹן.

While this view is consistent with the 19th-century response of the *Chatam Sofer* Tendler takes it further. That is, he asserts that suction and the cumin bandage are treatments rather than essential parts of the ritual, and therefore, he views them to be on a lower level than the cutting of the foreskin and the removal of the membrane. His position is that there are only two essential steps to *Brit Milah*.<sup>161</sup> According to Tendler's reading of the *Mishnah*, the actual act of circumcision is the removal of both the *Orlah* (the foreskin) and the *Priyah* (the membrane). He notes that without both of these acts, the religious validity of a *Brit Milah* is unsure,<sup>162</sup> whereas the absence of suction and the cumin bandage has no bearing on its legitimacy.

The Rabbinic Council of America<sup>163</sup> has not updated its statement since 2012 but it supports the use of safe substitutes to fulfill *Metzitzah*. That said, the language there is weak and indecisive.<sup>164</sup>

“The RCA maintains that parents should use methods, in strict conformity with Jewish law (regarding *Mb'F*) which enable them to hand down our religious legacy to a new generation safely and appropriately.”<sup>165</sup>

Rabbi Hayim Leiter, a medically and ritually trained Orthodox *Mohel* in the Jerusalem area, has written a number of recent pieces in the media advocating for responsibility and safety in *Brit Milah*.<sup>166</sup> He writes in the Times of Israel;

<sup>161</sup> Note that only these steps are visible after circumcision. The act of *Metzitzah* and the placement of a bandage cannot be verified by anyone other than witnesses of the actual *Brit Milah*.

<sup>162</sup> Note that without both *Milah*, and *Priyah*, the penis will not appear circumcised.

<sup>163</sup> An Orthodox rabbinical organization <https://rabbis.org/>

<sup>164</sup> Attributed to Rabbi Shmuel Goldin

<sup>165</sup> Goldin, “RCA Statement On Metzitzah B'peh.”

<https://www.theyeshivaworld.com/news/headlines-breaking-stories/139658/rca-statement-on-metzitzah-bpeh.html>

<sup>166</sup> “Rav Hayim Leiter - Certified Mohel מוסמך מוהל חיים לייטר.” <https://www.saferhabrit.com/>; Leiter, “A Tip From the Mohel | Elmad Online Learning Torah Podcasts.

<https://elmad.pardes.org/2013/02/a-tip-from-the-mohel/>; Leiter, “The Baby Comes First.” <https://blogs.timesofisrael.com/the-baby-comes-first/>

The key is for all mohalim to use a pipet when doing Metzitzah and for parents to require them them [sic] to do so. The pipet has a few benefits. The lack of direct contact insures[sic] that both parties are safe from infectious transfers and it's halachically equivalent to doing it orally. It's the best possible scenario because we can continue the tradition in a way that's safe for all parties involved. If your mohel refuses to use a tube then find another mohel.<sup>167</sup>

The opposing view remains entrenched. *Metzitzah b'Feh* is practiced regularly among Orthodox *Mohalim* in Israel, but there is little on record aside from quotes in newspaper articles. There is, however, a book completely devoted to the subject *Brit Milah* and to promoting *Metzitzah b'Feh*. The Hebrew volume, ברית כרותה לשפטים - *Bris K'rusa Ls'fasim*[sic]<sup>168</sup> was authored by Rabbi Yonason Goldberger of Boro Park. In 1990, it was translated into English by Rabbi Avrohom Marmorstein and published under the title, *Sanctity and Science: Insights Into the Practice of Milah and Metzitzah*.

Rabbi Goldberger briefly mentions the *Chatam Sofer's* role as a prominent figure in the fight against Reformers in 19th century Europe, but surprisingly, does not mention his influential position on the practice of *Metzitzah b'Feh*. Goldberger relies on loose references and makes unverified claims about the essential nature of *Mb'F*,<sup>169</sup> such as, *Metzitzah b'Feh* was "always absolutely vital."<sup>170</sup> Unlike earlier sources, the references and footnotes in the book are often unreliable and none of the quoted letters are supported by images, making it difficult for readers to verify their authenticity.

The Chief Rabbinate of Israel, established in 1921 by the British Mandate government, has played a central role in the development of Judaism in Israel. It is recognized by law as the supreme rabbinic authority for Judaism in the country, and its influence extends beyond the borders of Israel as well. Moreover, a committee within the Chief Rabbinate is responsible for overseeing the certification and regulation of *Mohalim*. In 2017, the committee issued a

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<sup>167</sup> Leiter, Hayim. "Following Tradition to a Fault." Newspaper. *Hayim Leiter* (blog), July 9, 2018. <https://blogs.timesofisrael.com/following-tradition-to-a-fault/>.

<sup>168</sup> This incorrect transliteration "*Bris K'rusa Ls'fasim*," appears on the title page of the book. The Hebrew word שפטים (laws) with the Hebrew letter *Tet* is correctly transliterated "*sh'fatim*".

<sup>169</sup> Goldberger and Marmorstein, *Sanctity and Science*. 103.

<sup>170</sup> *Ibid.*, 71

statement on *Metzitzah b'Feh* that plays down the risks and emphasizes the importance of the continuation of *Mb'F*.<sup>171</sup>

Nearly two centuries ago, in 1831, it was first suspected and documented that disease was a likely consequence of *Metzitzah b'Feh*. Unfortunately, despite the passage of time, the issue of *Mb'F* continues to elude a definitive solution that could ensure the safety of all the הילדים הרכים הנמולים (*hayeladim harakim hanimolim* - the tender and vulnerable circumcised boys).<sup>172</sup>

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<sup>171</sup> Quoted directly from the statement from the Chief Rabbinate: In general, there are situations in daily life, involving adults and children alike, that involve far greater risks than the assumed risks of *Mb'F*. Examples of these are: parents allow cosmetic surgery for their children even when there is no real medical indication; parents allow their children to participate in dangerous competitive sports, parents allow children to cross busy streets, etc. In such instances there is no demand to eliminate these activities even though they have associated risks which are far greater than those associated with *Mb'F*.

[https://www.gov.il/BlobFolder/generalpage/horaot\\_leachar\\_bris/he/Metzitzah%20BePeh%20in%20traditional%20Jewish%20ritual%20circumcision\\_0\\_0.pdf](https://www.gov.il/BlobFolder/generalpage/horaot_leachar_bris/he/Metzitzah%20BePeh%20in%20traditional%20Jewish%20ritual%20circumcision_0_0.pdf)

<sup>172</sup> Adapted from the *Birkat HaMazon* liturgy associated with the meal at a *Brit Milah*. It refers to the infant in this sweet manner and petitions Gd to bless him and his future.

## The Argument

The Jewish religious tradition has undergone a dynamic process of evolution characterized by adaptation, innovation, and modification, all with the aim of fulfilling Jewish law. Throughout history, Jewish communities have encountered new challenges and unique circumstances that required creative solutions. As a result, Jewish religious practice has continually evolved to meet the needs of the community and to ensure the preservation of Jewish Law and tradition. The *Talmud* and later rabbinic literature contain numerous examples of rabbis adapting traditional laws to unforeseen circumstances. This demonstrates the fluidity and adaptability of Jewish religious practice. Indeed, this ability to adapt and evolve has allowed Jewish religious practice to thrive and remain relevant for centuries.

Rabbi J. (Jack) Simcha Cohen's 1981 aforementioned responsum<sup>173</sup> demonstrated bravery, dedication to *Pikuach Nefesh*, and a clear understanding and appreciation of this dynamic process that is Jewish Law. He cited an unnamed Rav who misused this verse from Ecclesiastes to promote *Mb'F* as an act that cannot result in evil (i.e., contract or spread disease).

### *Kohelet* 8:5

He who keeps the commandment shall feel no evil thing: and a wise man's heart discerns both time and method.	שׁוֹמֵר מִצְוָה לֹא יֵדַע דְּבַר רָע וְעַתָּה וּמִשְׁפָּט יֵדַע לֵב חָכָם:
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Indeed there are others who insist upon *Metzizah b'Feh* based on this one verse.<sup>174</sup> Read in this absolute manner, it conflicts with everyday headlines of natural disasters and man-inflicted tragedies. Such a narrow view and absolute assertion limits the value of human discovery and crushes our responsibility to *Tikun Olam*, the repair and betterment of the world.

Rabbi Dr. Moshe Zemer's book *Evolving Halakhah* offers valuable insight into the adaptability and flexibility of Jewish religious law.

Halakhah has always known how to preserve its vitality and flexibility. Our Sages set forth these rules and principles to make it possible to amend Halakhah without explicitly labeling the process

<sup>173</sup> Cohen, "AIDS and Circumcision | Jewishideas.Org."  
<https://www.jewishideas.org/article/aids-and-circumcision>

<sup>174</sup> *Sanctity and Science*, 256.

as “change.” These tools, intrinsic to Halakhah, enabled decisors to cope with changing circumstances and ethical problems.<sup>175</sup>

The next section of this argument will give an overview of some of the examples that further the case against *Mb’F*. While these examples are not exhaustive, it is my goal that they provide every parent sufficient justification to refuse *Mb’F* on their sons. Change in the tool employed for circumcision is just one small element of the Jewish legal system. It illustrates how our Sages adapted laws to the changing circumstances of their time while adhering to the halakhic principles and sacred goal of fulfilling Jewish Law.

### Example #1 The Circumcision Knife

In the *Torah*, the only tool portrayed for *Brit Milah* is a צר – *tzor*<sup>176</sup> usually translated as a flint. A theory exists that the צר – *tzor* was actually obsidian, a naturally occurring volcanic glass found in much of the Middle East.<sup>177</sup> It is quite effective for tools, as it is sharper than a metal blade.<sup>178</sup> Nonetheless, *Mohalim/Mohalot* have used a metal knife to perform circumcision for many centuries. These vary from the *mohelmesser*<sup>179</sup> (*Yiddish*, literally; *mohel* knife) that may have ornate handles and blade etchings to disposable scalpels.



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<sup>175</sup> Zemer, *Evolving Halakhah*; Vermont, 2003

<sup>176</sup> Exodus 4:25

<sup>177</sup> Campbell et al; Diversity in obsidian, 2018, 141.

<sup>178</sup> Shadbolt, “How Obsidian Stone Age Knives Still Cut It in Surgery | CNN.”

<https://www.cnn.com/2015/04/02/health/surgery-scalpels-obsidian/index.html>

<sup>179</sup> One can view more circumcision knives on the sites of many Jewish museums. “Circumcision Knife with Inscription and Agate Handle with Wooden Case Used by a Mohel - Collections Search - United States Holocaust Memorial Museum.”

<https://collections.ushmm.org/search/catalog/irn7117> “The Jewish Museum.”

<https://thejewishmuseum.org/collection/7311-circumcision-knife>

<sup>180</sup> Personal collection of the author

The Sages of the *Talmud* reject stalks that are capable and effective for cutting but carry unacceptable risks.

BT Chulin 16b

<p><b>Rav Hisda says that Rabbi Yitzhak says, and some say it was taught in a <i>baraita</i>: Five matters were said with regard to the stalk of a reed, which is used for cutting due to its sharpness. One may neither slaughter with it, due to the concern that splinters will be separated and become embedded in the <i>simanim</i>, invalidating the slaughter; nor circumcise with it for the same reason, due to the potential danger; nor cut meat with it, lest splinters become embedded in the meat and endanger one who eats it; nor pick one's teeth with it, lest he wound himself; nor wipe with it after relieving oneself.</b></p>	<p>אמר רב חסדא א"ר יצחק ואמרי לה במתניתא תנא ה' דברים נאמרו בקרומית של קנה אין שוחטין בה ואין מלין בה ואין מחתכין בה בשר ואין מחצצין בה שינים ואין מקנחים בה</p>
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Maimonides gives instructions for the circumcision knife as recorded in *Hilchot Milah* 2:1 of his *Mishneh Torah*:

<p>Any [utensil] may be used for circumcision, even a flint, glass, or any article that cuts. One should not circumcise with the sharpened side of a reed, because of the danger involved.<sup>181</sup> The optimum manner of performing the mitzvah is to use an iron utensil, whether with a knife or scissors. And all Jews practice [circumcision] with a knife.<sup>182 183</sup></p>	<p>בכל מלין ואפילו בצור ובזכוכית ובכל דבר שפותר. ולא ימול בקרומית של קנה מפני הסכנה. ומצוה מן המבחר למול בברזל בין בסכין בין במספרים. ונהגו כל ישראל בסכין.</p>
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Throughout Jewish history, our practices have evolved as we gain knowledge and experience. While stone tools were used for circumcision in the past, cutting tools with undesirable aftereffects were eventually rejected, and metal

<sup>181</sup> BT *Chulin* 16b explains that we are afraid that a splinter from the reed may damage the penis.

<sup>182</sup> JT *Shabbat* 19:6 uses the same word סכין (*sakin*) for knife, reinforcing the use of metal.

<sup>183</sup> *Targum Yonatan* on Joshua 5:2 indicates that iron was used for circumcision. See the *Prishah* (*Yoreh De'ah* 284:7).



instruments were adopted. It's important to note, especially for new or expecting parents, that metal circumcision instruments must be properly sterilized.<sup>184</sup>

### Example #2 Shmita

The *Shmita* year is outlined with great detail in the *Torah*. Every seventh year, we are commanded to observe *Shmita*.

Exodus 23:10-11

And six years thou shalt sow thy land, and shalt gather in its fruits: but the seventh year thou shalt let it rest and lie fallow; that the poor of thy people may eat: and what they leave, the beasts of the field shall eat. In like manner thou shalt deal with thy vineyard, and with thy olive grove.	וְשֵׁשׁ שָׁנִים תִּזְרַע אֶת־אֲרָצְךָ וְאָסַפְתָּ אֶת־תְּבוּאָתָהּ: וְהִשְׁבִּיעַתָּ תְּשַׁמְטָנָהּ וְנִטְשָׁתָהּ וְאָכְלוּ אֲבִינִי עִמָּךְ וְיִתְּרָם תֹּאכַל חֵיט הַשָּׂדֶה כֹּן־תַּעֲשֶׂה לְכַרְמְךָ לְזִיתָךְ:
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Although intended to promote fairness, equality, and the protection of the land, laws in this category have presented significant challenges for both farmers and creditors, particularly as the *Shmita* year approaches and during the year itself. In an effort to address the issue of credit during the *Shmita* year, the Jewish leader and legal authority *Hillel* was granted the authority to create a legal loophole known as פְּרוֹסְבוּל - *prosbul*. This solution enabled creditors to continue lending money and receiving payments, bypassing the debt cancellation requirement while still upholding the spirit of the *Shmita* law.<sup>185</sup>

### Example #3 Lex Talionis<sup>186</sup>

In Exodus<sup>187</sup> and again in Leviticus<sup>188</sup> the *Torah* demands עֵין תַּחַת־עֵין - *ayin tachat ayin* an eye for an eye. On the surface, one might assume that if someone causes another to lose an eye, the perpetrator should also lose an eye.

<sup>184</sup> In 1679, physicist Denis Papin, invented a prototype of the autoclave, known as the steam digester. Over a century later, in 1879, French microbiologist Charles Chamberland developed a modified version called the autoclave, which was designed for medical purposes. There are *Britot* performed with instruments that are not properly sterilized.

<sup>185</sup> *Mishnah Shevi'it* 10.3-4

<sup>186</sup> The Latin term for the reciprocity principle of "an eye for an eye" is *lex talionis*, literally "law of retaliation."

<sup>187</sup> Exodus 21:24

<sup>188</sup> Leviticus 24:20

However, in Jewish tradition, the phrase is not understood literally but rather as a principle of proportionality and fairness in determining punishment. Already in the *Mekhilta*,<sup>189</sup> the idea of reciprocal justice, measure for measure, is challenged.

<p>"an eye for an eye" money. You say "money," but perhaps an eye (literally) is intended? R. Elazar was wont to say (Leviticus 24:21) "One who strikes a beast shall pay for it, and one who strikes a man shall be put to death." Scripture likens the injuries of a man to the injuries of a beast, and the injuries of a beast to the injuries of a man. And just as the injuries of a beast are subject to monetary payment, so, the injuries of a man.</p>	<p>עין תחת עין ממון. אתה אומר ממון, או אינו אלא עין ממש. היה רבי אלעזר אומר, ומכה בהמה ישלמנה ומכה אדם יומת. הקיש הכתוב נזקי אדם לנזקי בהמה (נזקי בהמה לנזקי אדם). מה נזקי בהמה לתשלומין אף נזקי אדם לתשלומין.</p>
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Likewise, rather than the identical injury, the *Talmud* teaches that in these very cases, we should attach a value to the harm done and levy a monetary cost.<sup>190</sup>

BT *Bava Kamma* 86b

<p><b>MISHNA: One who injures another is liable to pay compensation for that injury due to five types of indemnity: He must pay for damage, for pain, for medical costs, for loss of livelihood, and for humiliation.</b></p> <p><b>How</b> is payment <b>for damage</b> assessed? If <b>one blinded another's eye, severed his hand, broke his leg</b>, or caused any other injury, the court <b>views</b> the injured party <b>as though he were a slave</b> being <b>sold in the slave market</b>, and the court <b>appraises how much he was worth</b> before the injury <b>and how much he is worth</b> after the injury. The difference between</p>	<p>מתני' החובל בחבירו חייב עליו משום חמשה דברים בנזק בצער בריפוי בשבת ובושת:</p> <p>בנזק כיצד סימא את עינו קטע את ידו שיבר את רגלו רואין אותו כאילו הוא עבד נמכר בשוק ושמן כמה היה יפה וכמה הוא יפה:</p>
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<sup>189</sup> *Mekhilta d'Rabbi Yishmael* on Exodus 21:24  
[https://www.sefaria.org/Mekhilta\\_d'Rabbi\\_Yishmael.21.24?lang=bi&with=Navigation&lang2=en](https://www.sefaria.org/Mekhilta_d'Rabbi_Yishmael.21.24?lang=bi&with=Navigation&lang2=en)

<sup>190</sup> BT *Bava Kamma* 83b the *Gemara* commenting on *Mishnah Bava Kamma* 8.1

these two sums is the amount that one must pay for causing damage.	
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*Rashi's* commentary on Exodus 21:23 states essentially the same.

"eye for an eye" -- If he blinded someone's eye, he must pay him the value of the eye, as determined by how much his value in the slave market is lessened by the loss of an eye. The same applies to all other organs mentioned. As our sages explain in chapter 8 of tractate Bava Kamma, his own eye or other organ is not removed.	עין תחת עין. סמא עין חבירו נותן לו דמי עינו כמה שפחתו דמיו למכר בשוק, וכן כלם; ולא נטילת אבר ממנו, כמו שדרשו רבותינו בפרק החובל (בבא קמא דף פ"ג):
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#### Example #4 A Life-Threatening Birth

##### *Mishnah Ohalot 7:6*

If a woman is having trouble giving birth, they cut up the child in her womb and brings[sic] it forth limb by limb, because her life comes before the life of [the child]. But if the greater part has come out, one may not touch it, for one may not set aside one person's life for that of another	האשה שהיא מקשה לילד, מחתכין את הולד במעיה ומוציאין אותו אברים אברים, מפני שחיה קודמין לחיהו. יצא רבו, אין נוגעין בו, שאין דוחין נפש מפני נפש:
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Contrary to the most common Ultra-Orthodox position on *Mb'F*, even the most hardline Orthodox Jewish communities, do not insist on the *Mishnah's* technique to end a pregnancy when the life of a woman is in danger from her labor toward childbirth. What is clear is that the *Mishnah* favors the life of a living woman over the potential life of the fetus. While this is the must-read *Mishnah* for the Jewish view of abortion, it is also a proof-text of the Jewish principle of *Pikuach Nefesh*, the Jewish value of preserving human life. In nearly every circumstance, preserving life takes precedence over every other commandment and is considered of the highest importance. As illustrated in the next excerpt from the *Mishnah*, efforts to cure life-threatening illness override *Shabbat*.

##### *Mishnah Yoma 8.6*

In the case of <b>one who is seized</b> with the life-threatening illness <b><i>bulmos</i></b> , causing him	מי שאחזו בלמוס, מאכילין אותו אפלו דברים טמאים, עד שיאורו עיניו. מי
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<p>unbearable hunger pangs and impaired vision, <b>one</b> may <b>feed him even impure foods</b> on Yom Kippur or any other day <b>until his eyes recover</b>, as the return of his sight indicates that he is recovering. In the case of <b>one whom a mad dog bit, one may not feed him from the lobe of the dog's liver</b>. This was thought to be a remedy for the bite, but the Rabbis deem it ineffective. <b>And Rabbi Matya ben Harash permits</b> feeding it to him, as he deems it effective. <b>And furthermore, Rabbi Matya ben Harash said:</b> With regard to <b>one who suffers pain in his throat, one may place medicine inside his mouth on Shabbat</b>, although administering a remedy is prohibited on Shabbat. This is <b>because</b> there is <b>uncertainty</b> whether or not it is a <b>life-threatening</b> situation for him, as it is difficult to ascertain the severity of internal pain. <b>And</b> a case of <b>uncertainty</b> concerning a <b>life-threatening</b> situation <b>overrides Shabbat</b>.</p>	<p>שֶׁנֶשְׁכּוּ כָּלֵב שׁוֹטָה, אֵין מֵאֲכִילִין אוֹתוֹ מִחֲצֵר כֶּבֶד שְׁלוֹ, וְרַבִּי מַתְיָא בֶן חֲרָשׁ מְתִיר. וְעוֹד אָמַר רַבִּי מַתְיָא בֶן חֲרָשׁ, הַחוֹשֵׁשׁ בְּגִרְוֹנוֹ, מֵטִילִין לוֹ סֵם בְּתוֹךְ פִּיו בְּשַׁבָּת, מִפְּנֵי שֶׁהוּא סָפֵק נִפְשׁוֹת, וְכָל סָפֵק נִפְשׁוֹת דּוֹחָה אֶת הַשַּׁבָּת:</p>
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Indeed the principle of *Pikuach Nefesh* should have laid this matter to rest in the 19th century. Without the conflation with the intimidating wave of Reform's changes, alternatives to *Mb'F*, such as the Cahn tube, may have been more universally accepted. Innovation and creativity within Jewish law may be seen as workarounds and loopholes, but they have been widely employed in observant Jewish circles for centuries.

In the earliest rabbinic sources of *Brit Milah*,<sup>191</sup> creativity is prescribed to avoid violating *Shabbat*. Chewing the cumin, applying the soothing wine and oil separately, and wrapping the dressing are all solutions provided by the *Mishnah* itself, that avoid transgressing *Halakha*.

#### *Mishnah Shabbat 19:2*

<p><b>If one did not grind</b> the cumin <b>from Shabbat eve, he chews it with his teeth and places it</b></p>	<p><b>אם לא שחק מערב שבת, לועס בשניו ונותן. אם לא טרף יין ושמן</b></p>
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<sup>191</sup> *Mishnah* 19:2 is first presented herein on p.24 in the Rabbinic sources section.

<p>on the place of circumcision as a salve. <b>If he did not mix wine and oil on Shabbat eve</b>, a mixture designed to heal and strengthen the child, <b>this</b>, the wine, <b>is placed</b> on the wound <b>by itself and that</b>, the oil, is placed <b>by itself</b>. And on Shabbat <b>one may not make a pouch</b> to place over the circumcision as a bandage <b>ab initio</b>, <b>but he may wrap a rag over it</b> as a dressing. <b>If he did not prepare</b> the bandage <b>on Shabbat eve</b> by bringing it to the place where the circumcision was performed, <b>he wraps</b> the bandage <b>on his finger and brings</b> it on Shabbat, <b>even from a different courtyard</b>. While the Sages permitted it to be brought, they required that it be performed in an unusual fashion, by wearing it in the manner of a garment</p>	<p>מַעֲרֵב שַׁבָּת, יִנָּתֵן זֶה בְּעֶצְמוֹ וְזֶה בְּעֶצְמוֹ. וְאֵין עוֹשִׂין לָהּ חֲלוּקָה לְכַתְחֹלָה, אֲבָל כּוֹרֵךְ עָלֶיהָ סִמְרָטוּט. אִם לֹא הִתְקִין מַעֲרֵב שַׁבָּת, כּוֹרֵךְ עַל אֶצְבָּעוֹ וּמְבִיא, וְאִפְלוּ מִחֲצֵר אַחֶרֶת:</p>
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The *Talmud* contains extensive discussions regarding the selling or giving of *Chametz* to a resident alien or a gentile.<sup>192</sup> Looking back, we know people lived much simpler lives. Without the benefits of canning, vacuum packaging, and refrigeration, households generally held a much smaller stock of food. As time went on and methods evolved, the idea of wasting cabinets and freezers full of valuable food became an issue begging for a solution. Today, even among the most observant Jews, the legal fiction of selling *Chametz* to a non-Jew, is a staple procedure in the final days before the holiday.

Two elements of circumcision were prevalent enough at the time of the *Talmud* that they appear in BT *Shabbat* 133a, and yet, these very elements, the cumin bandage, and the oil/wine mixture, were abandoned hundreds of years ago in favor of better methods. Even at the time of the *Talmud*, The *Mohel/Mohelet* is even provided a solution and not punished for his neglect to prepare for *Shabbat* properly. The solution is essentially a workaround.

Among the best-known and most common halakhic workarounds is the electronic timer and newer tech inventions.<sup>193</sup> With programming, functions can be automated on *Shabbat* that were previously impossible for the observant Jew. The use of timers on outdoor lighting, for example, can have a positive impact on

<sup>192</sup> BT *Pesachim* 21a

<sup>193</sup> Heilman, "Is Kosher Switch Really Kosher for Shabbat? - Jewish Telegraphic Agency." <https://www.jta.org/2015/04/16/united-states/is-kosher-switch-really-kosher-for-shabbat>.

both mobility and safety, which is particularly important for individuals who observe Jewish customs and practices. However, it's important to consider the potential ethical implications of using the same timer for other activities, such as watching TV, which may be seen as a violation of the spirit of the law.<sup>194</sup>

A solution to the use of a motorized wheelchair on *Shabbat* will not satisfy the letter of the law for every strictly observant Jew, and yet, such a solution does follow and exemplify the spirit of *Shabbat*.<sup>195</sup> Such innovation allows the population of mobility-challenged Jews to attend synagogue.

This argument is severalfold.

1. Evolution, within *Halakha*, is as old as the *Torah* itself.
2. This evolution includes change, innovation, and adaptation within the halakhic system.
3. Just as this evolution can be used to improve our lives with greater safety and wider inclusion, it can also be misused.
4. By recognizing the halakhic solutions of our past, we can realize a more universal solution to *Metzitzah b'Feh* that incorporates the principles of *Pikuach Nefesh*, honors the spirit of Jewish law, and protects both the baby boys and their *Mohalim/Mohalot*.

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<sup>194</sup> Woodruff, Augustin, and Foucault, "Sabbath Day Home Automation: 'It's like Mixing Technology and Religion.'" <https://arxiv.org/pdf/0704.3643>.

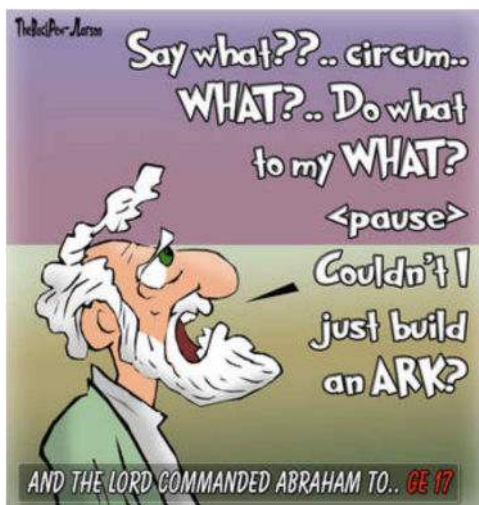
<sup>195</sup> Consider the isolation felt by observant Jews who are wheelchair bound. Changing the laws of Shabbat is a non-starter in the *Torah*-observant world. Technologies that accommodate specialized needs, have been deemed acceptable when they adhere to the strict letter of the law. In this article, Rabbi Yisrael Rozen, Dean of the Zomet Institute provides a *Halakhic* solution for the wheelchair-bound. Rosen, "The Freedom of Mobility." <https://www.zomet.org.il/eng/?CategoryID=198&ArticleID=438>

## Conclusions

Many involved, well-informed Jews are entirely unaware of *Metzitzah b'Feh* as an element of *Brit Milah*. We rarely conduct surgery (albeit minor) in our homes, followed by celebrating and eating.<sup>196</sup> The *Brit Milah* ceremony is otherwise adorned with beautiful pageantry and meaningful texts. A baby boy receives a name that is traditionally unknown, announced only when the procedure of *Brit Milah* enters him into the covenant. Upon learning about *Metzitzah b'Feh* for the first time, people express feelings of bewilderment and disgust. These are reasonable emotional responses given our current standards of hygiene, the implications of an adult giving oral suction on an infant penis, and trepidation regarding the spread of illness.<sup>197</sup>

Until the moment Gd commanded Abraham to circumcise himself, the word ברית (*Brit*) meant covenant without a definition that includes circumcision. Gd identifies Abraham as the father of a multitude of nations<sup>198</sup> and, as the first to seal this covenant in the flesh, Abraham must perform circumcision on himself. In the 21st century, just the idea of such an act on oneself makes people shudder.

That which involves intimacy or private areas of the body makes many uncomfortable, even without self-circumcision. Matters that are uncomfortable are rich fodder for comedians.<sup>199</sup>



<sup>196</sup> The meal at a *Brit Milah* is considered one in a special category - *Seudat Mitzvah*, on par with a *Bar Mitzvah* and Wedding meal.

<sup>197</sup> Goren, "Ashamed Over Metzitzah." <https://www.jta.org/2015/03/11/ny/ashamed-over-metzitzah>

<sup>198</sup> Genesis 17:4: וְהָיִיתָ לְאֵב הַמְּנוֹן גוֹיִם: You shall be the father of a multitude of nations.

<sup>199</sup> "Abraham - do what?," appearing in cartoon series, *The Back Pew* by Jeff Larson and used with permission.

Dozens of television series have aired a “*bris* episode”<sup>200</sup> that are memorable to viewers of all faiths. A church blog even poked a little fun recently:

Basically, Abraham did exactly what God told him to do. At 99 years old, he was circumcised! Ouch! Can you imagine? What about his teenage son? You think your teenagers have a hard time listening to you? Think about poor Ishmael being told he had to get circumcised when he was only just becoming a man—not exactly the bar mitzvah he was expecting!<sup>201</sup>

*Metzitzah b’Feh*, however, is not a laughing matter.

Circumcision is a simple and overwhelmingly safe medical procedure. The persistent practice of *Metzitzah b’Feh* by present-day *Mohalim/Mohalot* introduces serious risks unassociated with the act itself. While some rabbis, even in strictly Orthodox communities, are known to deny access<sup>202</sup> to *Mohalim/Mohalot*<sup>203</sup> who persist in *Metzitzah b’Feh*, more often, the topic is met with silence and avoidance. Speaking out against the direct oral practice brings an onslaught of criticism from radical Orthodox leaders who contend that the number of baby boys affected is statistically insignificant.<sup>204</sup>

There are matters of Jewish law; indeed, there are matters throughout religious and secular life that deserve an open mind, even a pluralistic approach.<sup>205</sup> The famous debates of *Hillel* and *Shammai* are splendid examples of arguments within an environment of tolerance. That said, neither the placement of a *Mezuzah* nor the order for lighting the *Chanukah menorah* bears life-threatening consequences. A zealous intransigent reading of the sources makes for a tradition that is stagnant and potentially fatal.

The benefits of circumcision itself are regularly debated and evaluated, while the procedure itself remains among the most observed *Mitzvot* sans general

<sup>200</sup> <https://www.glantzbris.com/phillybris-humor> At this link, I continue to grow a list of depictions of *Brit Milah* within TV episodes and movies.

<sup>201</sup> Used by permission; *The Blog of Pastor Gregg Hunter*, July 19, 2021 Fort Howard Community Church: Fort Howard, MD.

<sup>202</sup> While many *Britot* are still performed in the home of the family with a newborn baby boy, it is very common for *Britot* to be held in Orthodox synagogues during or after the *Shacharit* service.

<sup>203</sup> Sprecher, Shlomo, “*Mezizah Be-Peh*,” 48-51.

<sup>204</sup> The concept of statistical significance has its deepest roots in the 18th century work of John Arbuthnot and Pierre-Simon Laplace. Significance was never intended to connote importance.

<sup>205</sup> Levin and Academy for Jewish Religion, *Studies in Judaism and Pluralism*. 99.



observance of *Halakha*.<sup>206</sup> The last 20 years have seen anti-circumcision legislation in European countries become commonplace, despite outcries from both Jewish & Muslim leaders.<sup>207</sup> In 2019, Andrew Yang, a United States presidential candidate, publicly opposed circumcision aligning himself with *intactivists*, whose mission is to outlaw circumcision.<sup>208</sup> Thus, fear of a societal ban on circumcision remains a real concern today, but eliminating *Mb'F* would only weaken an attack on the act itself and help protect the legality of circumcision.<sup>209 210</sup>

The insistence on *Metzitzah b'Feh* separates the ancient rite not only from the medical community but also from the limited descriptions of circumcision in the *Torah*. And here is the irony. The rabbis (mistakenly) viewed *Metzitzah* as a measure that benefited the baby. As such, and based upon the topmost value of *Pikuach Nefesh*,<sup>211</sup> the following assertion can be defended.

Had the rabbis of the *Talmud* known the risks associated with *Metzitzah b'Feh*, when performed by mouth, they would have certainly forbade it outright or developed safe alternatives.

The Talmud we would be teaching and handing down to our children would quote *Rav Papa* differently or bring a rabbi of higher authority to refute him, stating;

Sucking the blood by mouth is dangerous for the *Mohel/Mohelet* and the baby. The *Mohel/Mohelet* who does so should be dismissed.

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<sup>206</sup> In multiple studies, circumcision is high on this list, on par with the attendance of a seder on Passover.

Feldman, Emanuel, "Odd and Instructive Habits," within Wurzbarger Walter S Reuven P Bulka and Rabbinical Council of America. 2008. 127-131.

<sup>207</sup> "Banning Circumcision Is An Unnecessary Bar To Jewish Belonging In Europe | AJC." <https://www.ajc.org/news/banning-circumcision-is-an-unnecessary-bar-to-jewish-belonging-in-europe>; "Rabbis Mourn Lack of Tolerance in Sweden after Anti-Circumcision Vote." <https://www.jpost.com/diaspora/rabbis-mourn-lack-of-tolerance-diversity-in-sweden-after-circumcision-ban-603976>

<sup>208</sup> Bort, "2020 Candidate Andrew Yang Takes a Stand Against ... Circumcision." <https://www.rollingstone.com/politics/politics-news/andrew-yang-circumcision-809954/>

<sup>209</sup> "Motion to Ban Non-Medical Circumcision Introduced in Sweden." <https://www.haaretz.com/jewish/2013-09-24/ty-article/sweden-to-ban-circumcision/0000017f-e2c0-d7b2-a77f-e3c7b9c40000>

<sup>210</sup> "Scandinavia Wants To Ban Circumcision And Kosher Slaughter - Do They Just Hate Jews?" <https://forward.com/news/395213/why-does-scandinavia-want-to-ban-circumcision-and-kosher-slaughter/>

<sup>211</sup> *Yoma* 84b - 85b

## **Addendum**

In the course of this research, I realized that I must make another case and that is for *Metzitzah Bis'fog*.<sup>212</sup> Many have already agreed that the Cahn tube apparatus is preferable and satisfies *Mb'F*. If we agree that direct lip-to-wound *Mb'F* creates a danger rather than preventing one, we must also consider that there are potential dangers of the Cahn Tube. The tube requires the *Mohel/Mohelet* to be in close proximity (about 4 inches) to the baby's wound, and this proximity increases the risk of infection.

I presented these options to five physicians and an expert in disease control and prevention, and their responses were as follows:

Given our current knowledge of disease, the tube carries more risk than expressing the wound with sterile gauze. The Cahn tube schematic appears to conflict with the wearing of a mask and best practice is a sterile field including sterilized instruments, gloves and gauze. While risk is reduced, it is not theoretically eliminated.

Todd Braun M. D.

Chief (ret.) of Infectious Disease at Abington Hospital, Abington, PA

I would support either the Cahn Tube or the use of a sponge/gauze, giving preference to the method best calculated to reduce the risk of transmitting an infection to or from the baby via blood or close contact with respiratory droplets or aerosols.

Mark A. Rothstein, J.D.

Herbert F. Boehl Chair of Law and Medicine Emeritus

University of Louisville

Former advisor to the Center for Disease Control and Prevention

I would concur that the Cahn tube, although preferable to the oral method, carries its own set of issues which can threaten the health of an infant from an infection standpoint.

Dr. Barry Montague

Family Medicine

Philadelphia, PA

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<sup>212</sup> Suction by sponge or gauze

From a medical viewpoint, the risk of bloodborne diseases is significant for both the newborn and the Mohel. Using a sponge of a gauze would be a much safer medical way to honor this long lasting tradition.

Dr. David M. Schwartzenfeld, DO  
Rochester Hills, Michigan

Worldwide, an estimated 66 percent of the population, and approximately 3.7 billion people under the age of 50, have Herpes simplex-1 [HSV-1]. HSV-1 is often entirely asymptomatic in older children and adults and previous studies suggest that as many as 25% of patients with HSV-1 have NEVER had a history of symptoms like oral/mucosal or genital lesions. Even without symptoms, however, viral shedding occurs which is capable of transmitting the infection. Typically, with or without active lesions or symptoms, HSV-1 infection is transmitted from person to person via infected oral secretions during close contact, and specifically 10 percent of neonatal HSV-1 is acquired postnatally from parental or other contacts with oral HSV-1 infection. It is my medical opinion that Metzitzah b'peh, contrary to its intended purpose of reducing health risks to the young Jewish male undergoing ritual circumcision, actually represents an unnecessary and unintended health threat to those children. Attempts to reduce this risk by converting from the traditional direct mouth-to-wound practice of Metzitzah b'peh to the use of the Cahn tube is unlikely to ameliorate the risk, in my opinion. The design of the tube still creates a short, direct conduit for oral secretions to make their way to the open wound. Using sterile gauze to remove blood after the circumcision will help establish hemostasis while also decreasing the risk of HSV-1 transmission.

Bruce Lockman, M.D. General Pediatrics  
Fort Washington, PA

As I see it, a gauze will absorb any blood that is pooling near the wound. It also draws additional blood up the gauze by capillary action. The Cahn tube, and the practice in general, absolutely increases the risk of infection to the child.

Dr. Larry Cutler, urologist  
Philadelphia

I would support either the Cahn Tube or the use of a sponge/gauze, giving preference to the method best calculated to reduce the risk of transmitting an infection to or from the baby via blood or close contact with respiratory droplets or aerosols.

Mark A. Rothstein, J.D.

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University of Louisville

Former advisor to the Center for Disease Control and Prevention

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