

Dvar Torah,

First Day Passover 2015.

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Every time I do a bris, or a circumcision in the office, there is always a moment of fear, fear of a complication or a poor result. Fear is a good thing. It keeps me focused and not taking anything for granted. Doing a bris is a huge honor. The last thing I want to do is cause harm to the baby or increase the stress level on the family which already high. So I take steps to ensure the safety of the baby. I sterilize the equipment and use a safe careful technique.

What does this have to do with Passover? The mitzvot of brit milah and Pesach are tightly linked. There are only two cases in which karet, being cut off from the nation is decreed for inaction. Not keeping Pesach and brit milah. Both are signs of the covenant and the uncircumcised male is not permitted to partake in the Pesach. So not surprisingly, one of Joshua's first acts upon entering the land of Israel is to renew the covenant, circumcise the males, and bring the Pesach. In today's Haftarah, Joshua, presumably with help from others, circumcises the 600,000 Israelite men before they enter the land of Israel. On this holiday of freedom, we recall that Jews have fought and often died for the freedom to do circumcision, brit milah.

I wonder when Joshua circumcised the 600,000 men, what technique he used. Only a Mohel would ask right? He couldn't have used any clamp since they didn't exist. Maybe not even a shield. Did he do priah, peeling back the mucous membrane? Did he do Metzitzah, the drawing of blood from the cut? No one really knows, but I would guess probably not.

So where did these rules come from? And what is really required for a kosher bris? There has been a lot in the news these past several years about Metzitzah being done with the mouth, called Metzitzah B' Peh, and of babies dying. On this holiday celebrating religious freedom, this issue raises a number of questions about competing values such as freedom versus safety and tradition versus law.

By way of quick review, there are 3 steps in a bris, Milah is cutting the foreskin, Priah is peeling back the mucous membrane and Metzitzah is drawing blood from the wound. Milah and priah are definitely required. The Talmud states very clearly: "Mal v'lo para, k'ilu shelo mal." "Someone who was circumcised but for whom priah was not performed, it's as if he was never circumcised." Metzitzah is not mentioned

In Nedarim 32a, we read that if the mohel forgot to perform metzitzah, the milah was valid. So Metzitzah is not really even a part of a bris. But assuming you want to do some form of Metzitzah of for tradition, there are no sources in the Mishnah, Talmud or Rishonim that talk about using the mouth to do Metzitzah. There is a Mishnah that reads, "We perform all the necessities of circumcision on Shabbat: We may circumcise, uncover and draw out." Rav Pappa adds, "The expert surgeon who does not draw out is a danger." The Gemara clarifies that Rav Pappa's comment tells us that drawing the blood out is a Shabbat violation, but is allowed on Shabbat to prevent harm to the infant. Rambam codifies this stating: "one draws out the milah until the blood comes out of the distant places so that no danger shall prevail". You will notice that B Peh, with the mouth is never mentioned.

What is this danger they are talking about?

Perhaps not surprisingly, the concern about danger is based on ancient Greek theories of medicine which held that disease resulted from any of the humors: blood, phlegm, yellow bile or black bile being out of balance. They thought the blood would stagnate, which would lead to decay and pus. Hippocratic literature states: "in every recent wound...it is expedient to cause blood to flow from it abundantly." This was thought to reduce the risk of inflammation and seems to be Rambam's source.

So Metzitzah was done for medical benefit to prevent decay or reduce inflammation based on ancient Greek theories of disease. Remember, there was no concept of infection due to microorganisms. We now know that there is no basis whatsoever for these Greek theories and no medical benefit whatsoever to Metzitzah. But is there any harm?

Over the past decade we have heard about babies in New York dying of Herpes Simplex infections after their brises. But infections after brises are not a new problem.

Dr. Rust, a 19th century surgeon in Krakow described an outbreak of Syphilis among the newly circumcised infants in Krakow which he traced to an active lesion in the Mohel's mouth.

In 1837 Dr. Wertheim in Vienna observed a spate of fatalities among newly circumcised infants all with rashes on the brit milah wound. With approval from the Hatam Sofer, gauze was substituted for the mouth to accomplish Metzitzah and there were no more cases.

In 1873 four Jewish infants developed Syphilitic lesions thought to be from their bris. From 1879-1883 five babies in Germany contracted Syphilis that was linked to two Mohelim. All this Syphilis in Mohelim kind of makes one wonder!

In 1888 a number of infants developed genital lesions after circumcisions by London's most senior mohel. The parents were paid off not to sue. In response, the London Rabbinate instructed all the mohelim to stop doing Metzitzah b'peh.

An article in JAMA in 1946 linked 72 out of 89 primary cases of tuberculosis to Jewish ritual circumcision.

Regarding the recent cases of Herpes in New York, the Haredi community argues that it has not been proven beyond a shadow of a doubt that the mohel caused the herpes. To me, viewed in this historical context, there is no doubt that Metzitzah b'peh can transmit disease. Prior generations of rabbis took steps to stop the Metzitzah by mouth when problems arose. And remember, some of those rabbis lived at a time before we even knew that germs existed.

I mentioned above that the Hatam Sofer, R Moses Sofer 1763-1839 allowed use of gauze rather than the mouth to draw the blood out. In fact in his response in 1837 he states, "one may trust the experts regarding which method is as effective as drawing with the lips. Furthermore, I declare that even if it had been explicitly stated in the Gemara "draw with the mouth" nevertheless this is not part of what validates the circumcision, it is rather for the purpose of medical danger".

Rabbi Samson Raphael Hirsch and Rabbi Azriel Hildesheimer, the chief rabbis of Frankfurt and Berlin respectively, publicized a halakhic ruling that metzitzah could be performed using a new instrument, a glass tube. It could be placed over the circumcision site and the mohel could use the tube to suction the blood with his mouth without any direct physical contact. This is the position of the RCA who in a 2005 statement said, it is the position of the RCA that the requirement of Metzitzah is fulfilled completely and unambiguously by the use of oral suctioning through a tube, which they said is actually the preferred method due to safety concerns.

When the Hatam Sofer lived, it was inconceivable that circumcision would be subject to reform pressures. All babies had a bris or a baptism. So his ruling was solely based on halachic grounds not sociological considerations.

But in 1844 at a **Reform** synod the attendees endorsed a ban on Metzitzah b'peh and they noted that even in the very traditional community the practice was declining. This is what led to a forceful counterattack by the Orthodox movement who tried to suppress the ruling of the Hatam Sofer.

Even the late 19th century Lithuanian gedolim didn't require Metzitzah B Peh. In 1972 Rabbi Moshe Pirutinsky, a student of the Haffetz Hayim Yeshiva in Poland, wrote a book called Sefer Ha-Brit. Appended to the book were approbations from nearly all the Litvishi Roshei yeshiva including Rabbis Hutner, Feinstein, Kotler, and Schmulevitz.

Here is a quote from his book: "As far as Metzitzah that is mentioned in the Mishneh, the Talmud and the Codes, it has no bearing or connection to the mitzvah of milah that we have been commanded by the Torah, rather it is a matter of health and healing of the newborn, The entire matter of Metzitzah is only to remove the danger. It is not recorded any place in Hazal in what manner to perform Metzitzah because it is known that therapeutic measures change from period to period and location to location. In the Talmud we find many therapeutic measures provided for many illnesses but in our time we never heard that anyone should utilize these therapies recorded by Hazal. Rather we follow the therapies selected by contemporary physicians, "...The entire matter is not something that requires rabbinical input, but rather requires the input of expert physicians."

So the current Litvishe alliance with the Hasidic community to preserve Metzitzah b'peh is not actually a preserved tradition.

The earliest mentions we have of MBP being anything other than a health measure come in the 16th century and primarily come from kabbalists who saw the act of metzitzah b'peh as a rectification of the sin of Adam HaRishon. The connection is that man possesses a foreskin because of Adam's sin in the Garden of Eden. The mouth which caused Adam's sin must restore the body through the mouth of the mohel performing Metzitzah. It was only in the past few hundred years that Haredim starting claiming that MBP was a Halacha Le Moshe Mi Sinai.

The Hatam Sofer responded to this by stating, "We only find Metzitzah b'peh as a requirement by the kabbalists, who assert that one must mitigate the strict attribute of justice with the mouth and lips.

However, we have no dealing with hidden matters if there is at all even the slightest concern of a health hazard...

In my view, an unsafe procedure that is not legally required and is based on a relatively recent tradition should be banned. With over 50% of adults showing antibody evidence of prior herpes infection and the fact that many will shed the virus even without open sores, there is a distinct risk to babies. It seems silly to argue about exactly what the risk is, given the principal of pikuach nefesh, the preservation of life, overriding virtually all other laws, and the fact that Metzitzah b'peh is not halachically required. The Israelites stopped doing bris during the 40 years in the desert, because it was too dangerous. That needs to be the guiding principle.

So what should our response be? As I was preparing this Dvar Torah, I found myself getting angry and thinking of all sorts of ways to force people to stop doing Metzitzah B' Peh. But then two other thoughts came to mind.

First: When Hanna and I were in Nashville last year, we came across an anti-circumcision demonstration with graphic fake blood on the front of their pants and signs to stop circumcision mutilation. I realize that they view me, and us, the way we view the Haredim doing Metzitzah B' Peh, as misguided people who are harming babies. We all do things that aren't completely rational.

And the second thought was asking myself how effective will anger be at understanding and influencing another person. It's really part of a bigger question of when and how we should intervene when we see someone doing something potentially harmful like hitting their child, or not putting a small child in a car seat. What are some examples of things you have witnessed? (Wait for answers)

How should we respond?

Take a minute to picture yourself confronting a situation like this. Have you thought of one? Really picture it? Picture yourself responding. What is motivating you to get involved? What words are you saying? (Pause)

What emotion were you feeling when you thought of getting involved? (Wait for answers). Which emotions will be helpful (love, caring, compassion) and which harmful (anger)?

Educating ourselves needs to be the first step before intervening. I hope this Dvar Torah has helped. And I hope the next time I confront a situation like this, whether about Metzitzah or something else, I can react with positive constructive emotions which ultimately is the only way progress can be made.

Shabbat Shalom and Chag Sameach.

