

Section 19

Circumcision

Circumcision (*milah*) is among the Torah's most important commandments. It serves as a mark of Israel's covenant with God (Genesis 17:10) and it is a prerequisite for conversion (Exodus 12:48). Furthermore, it is one of only two positive commandments that can result in the severe penalty of *karet* for those who fail to fulfill the commandment (§1.3).

The topics covered in this section are:

1. What is *Milah*
2. When Should *Milah* be Performed
3. Who Should Perform *Milah*

"[The punishment of] karet, as found in the Torah, is in the majority [of cases] applied to negative commandments; and in the minority, to positive commandments, such as the mitzvah of milah and of the Pesach, which are among the chief, essential commandments of the faith" -Adderet Eliyahu's Inyan Avodah Zarah Ch. 1.

§19.1 What is Milah

Milah (circumcision) is the removal of the male foreskin. The Rabbanites, unlike the Karaites, required that an additional act, known as *priah*, be performed. *Priah* is the removal or peeling back of the thin layer of epithelial tissue connecting the foreskin to the corona. The Rabbanite Sages state that with respect to "one who has undergone *milah* but not *priah*; it is as if he has not undergone *milah*"¹.

As justification for the practice of *priah*, the Rabbanite Sages cite God's command to Joshua: "Make yourself knives of flint and circumcise again the children of Israel a second time" (Joshua 5:2). The Rabbanite Sages understand the command to circumcise "a second time" as a reference to *priah*, with *milah* being the "first" circumcision. However, the Karaite Sages explained that the "children of Israel" had to be circumcised "a second time" because the wandering Israelites were not always circumcised due to the difficulties of travel and the need for rest after circumcision. In other words, the "second time" does not refer to a second operation performed on individuals who had already had their foreskin removed. Rather, the phrase refers to circumcision of the children of Israel as a whole. The children of Israel practiced circumcision when living in Egypt², then stopped being circumcised while in the desert, and finally resumed the practice of circumcision "a second time" during Joshua's time.

¹ Mishnah Shabbat 19:6.

² Circumcision has been practiced by the Jewish people since the time of Abraham (Genesis 17:10).

Notes on §19.1*Further Support for the Karaite View on Priah*

The Karaite view that the command to circumcise “a second time” was given because not all the people had been circumcised while travelling in the desert is more than mere conjecture. It is directly stated in Scripture: “and this is the cause why Joshua circumcised [a second time]; ... for all the people that came out [of Egypt] were circumcised but all the people that were born during the travels in the desert as they came out of Egypt had not been circumcised” (Joshua 5:4-5).

Historical evidence also supports the Karaite view that *priah* is not ritually required. Although the Rabbanites trace the practice of *priah* to the time of Joshua, modern historians have argued that it originated during the Roman rule of Israel. The Romans viewed circumcision contemptuously. Therefore, assimilated Jews often attempted to have their circumcision undone. It was possible to recreate something resembling a foreskin through an operation involving the corona's epithelial tissue. Thus, according to these historians, the Rabbanites or their precursors began to require *priah*³ (removal of the epithelial tissue) to prevent any attempt to “recreate” the foreskin.

Metzitza B'Peh

Some Rabbanites practice *metzitza b'peh*. In this practice, the mohel removes the blood from the baby's wound. Traditionally, the *mohel* would accomplish this by applying suction with his mouth, although some Rabbanite Sages have approved other methods. Karaite circumcision does not in any way require *metzitza b'peh*. In fact, the Rabbanite Sages themselves debate whether this act is truly mandatory.

Present Day Practice

I spoke with an Israeli Karaite Mohel about how the *brit milah* is performed today. In accordance with traditional Karaite *halakha*, neither *priah* nor *metzitza b'peh* is performed ritually. He noted, however, that even though *priah* is not a ritual requirement, the implement used in modern Karaite *milah* removes (in addition to the foreskin) the same epithelial tissue removed during *priah*. Thus, a Karaite *milah* accomplished with modern implements appears identical to that of a Rabbanite *milah*. This would not be the case if the traditional Karaite tools were used. The modern implement is used because it reduces pain and bleeding, not because it removes the epithelial tissue. In fact, Rabbanite *halakha* forbids using such a tool.

§19.2 When Should *Milah* be Performed*§19.2a The Jewish Newborn*

In the case of a Jewish male newborn, *milah* should be performed when the baby is eight days old. This command was given to Avraham: “and he that is eight days old shall be circumcised among you” (Genesis 17:12), and again to Moshe: “and on the eighth day the flesh of his foreskin shall be circumcised” (Leviticus 12:3). Some of the Sages argued that the eight days in question refer to eight 24 hour periods counted from the time of the baby's birth. For example, a baby born at noon should be circumcised eight days later at noon. The majority of the Sages, however, held that these eight days refer to calendar days.

³ David Gollaher. *Circumcision: A History of The World's Most Controversial Surgery*. Basic Books 2000. p. 17.

On rare occasions a male child is born without a foreskin. In such situations, *Karaite halakha* deems the child adequately circumcised and no further action needs to be taken. This is in contrast to the Rabbanite practice in such situations, which is to draw a drop of blood from the penis.

All Sages agree that if the baby is weak, his circumcision may be delayed out of concern for the baby's life. This is consistent with the principle that almost all mitzvot are superseded by the requirement to save lives (§3.18).

Sometimes a child is born near nightfall (*i.e.*, the start of the calendar day), leaving unclear which calendar day he was born on. In this case, one should make a best guess as to which day he was born using the method of approximation (§2.5). If no reasonable guess can be made, then the child should be circumcised on the day that might constitute either the eighth or the ninth day, but not the day that might constitute either the eighth or the seventh day. This is because there is precedent in the case where a baby's health is in danger that circumcision may be delayed. However, we have not seen that circumcision may be done before the eighth day.

§19.2a Converts

In the case of a male convert, *milah* should be done upon conversion. One should not wait eight days after the conversion ceremony to perform the *milah*. If he has been circumcised prior to conversion, there is no need for any sort of "second circumcision". This is in contrast to the Rabbanite practice, which is to draw a drop of blood from the penis as a "second circumcision".

§19.3 Who Should perform *Milah*

An uncircumcised minor is not mandated to ensure his own *milah*. Rather, the responsibility of *milah* rests upon a child's father. This is just as it is a father's job to prevent his child from violating *Shabbat*. Should a child have no known living father, the child's closest relative becomes responsible for the *mitzvah*. Should a child have no known relatives, those who know him best and who live close to him are required to ensure he is circumcised. If the minor is not properly circumcised, the punishment of *karet* applies to the adults obligated to circumcise him, not the minor himself.

He who performs *milah* should believe in the teachings of Moses and, in particular, understand the significance of *milah*. However, if *milah* is performed by someone not meeting this criteria, the circumcised individual is considered validly circumcised for all purposes. There is no need for any sort of "second circumcision".

§19.4 Conversion

The laws of conversion are explained partially in Adderet Eliyahu's section on marriage and partially in its section on circumcision. I combine material from both sections in my summary here.

Keeping the mitzvot is a crucial aspect of being Jewish. Thus, the aspiring convert must first learn about and accept all the burdensome and important mitzvot. Circumcision should be taught first to him

because it is one of the first *mitzvot* as it was given to Avraham (Genesis 17:10). Furthermore, in the case of male converts, it is extremely painful and thus serves as a test to see if the aspiring convert is truly interested in the faith. After learning of the *mitzvot*, the aspiring convert should be informed as to how difficult it is to obey the *mitzvot*. He should then be taught about the reasons for obeying the *mitzvot*. Accepting and understanding all this, he then proceeds to the ritual steps of conversion. The ritual steps of conversion differ for male and female converts.

The Torah's prototype case for ritual conversion of female converts is the "beautiful woman" who is taken captive during war time. The Torah gives the following ruling for a "beautiful woman" captured in war:

*"When you go forth to battle against your enemies and Hashem your God delivers them into your hands and you carry them away as captives and you see among the captives a beautiful woman and you desire her and you would take her as a wife; then you shall bring her home to your house and **she shall shave her head and pare her nails and she shall remove the dress of her captivity from herself** and shall remain in your house and bewail her father and her mother a month's worth of days and after that you may go to her and be her husband and she shall be your wife"* (Deuteronomy 21:10-13).

Because engagement and marriage to a gentile is impossible (§18.4b), the Sages understood this passage to incorporate rituals relevant to conversion. Namely, conversion requires: shaving of the head, paring the nails, and removal of the clothes that one used to wear. One should also wash themselves so as to become ritually pure upon conversion⁴.

Male converts must be circumcised⁵ (§19.2a). If the male is already circumcised, there is no need for any kind of "second circumcision". As with female converts, male converts must also wash their bodies and change their clothes.

Notes on §19.4

Paring the Nails of the Captive woman

The Torah does not state unequivocally that a captive woman need pare her nails. Literally, the Torah states that she should "do (*asta*) her nails" (Deuteronomy 21:12). Some, including Rav Bashyatzi, understood this to mean that she should pare her nails. Others Sages, including Rav Yaakov ben Reuven, however, understood this language to mean she should let her nails grow. I cite opinions from both groups of Sages below.

The Classical Karaite View on Shaving the Head

The classical Karaite Sages whose works I reviewed on this topic analogize from the case of the captive gentile woman who marries an Israelite to the general case of female converts to Judaism. Under this analogy, a woman who converts to Judaism must shave her head and pare her nails. Some of the Sages understood a female

⁴ The ritual purity requirement is presumably related to the concept of joining a holy nation. Impurity is often contrasted with holiness and so one should be pure upon conversion.

⁵ Presumably this is known from Exodus 12:48

convert's shaving her head as an act analogous to a male's circumcision. This is because the loss of head hair is a difficult thing for many women. Like circumcision, the loss of head hair serves as a test of faith⁶.

The Sages also consider another explanation for the command to shave the head. Rav Yosef Lutzki hypothesizes that this requirement, along with paring the nails, might be a measure intended to make the captive woman sexually undesirable⁷. This would protect her from rape or unwanted sexual advances by her captor. The test then is not of the woman's faith, but of the captor's interest in the woman. If his interest is limited to his immediate or short term satisfaction, the requirements of Deuteronomy 21 are more likely to induce the captor to leave the woman alone. Interestingly, Rav Lutzki ultimately abandons this position and accepts the more common view that the head shaving and nail growing are acts of conversion. He does not explain why he prefers the more common view, however.

Similarly, Rav Ya'akov ben Reuven accepts that the captive woman *grows* her nails in order to become undesirable to her capture. He even suggests that the command to "remove the dress of her captivity" is a command for the woman to remove her nice clothing, so that she becomes less attractive to her captor. In contrast, however, he does not believe shaving the head is done to make her less attractive, and he maintains that it is an act of conversion⁸.

Contrary to the view of most Sages, it seems likely to me that both shaving the head and growing the nails are not intended as prerequisites for general conversion. Rather, they are meant to protect a captive woman from rape or unwanted sexual advances. I prefer this reading of the verse to the classical one. This is because the classical reading adopts the surprising assumptions that the general laws of conversion should be learned through the specific and far from ideal case of a captive woman converting.

Although I believe that shaving the head and paring the nails are not done for the purposes of conversion, I am not suggesting that the captive woman (who marries her captor) does not convert through *other means*. A marriage between a gentile and an Israelite is *halakhically* impossible (§18.4b); so the passage must implicitly assume that the captive woman converts. There may even be textual references to this conversion within the passage (see the subsection "Study of Torah" below). Finally, conversion ensures that the captive woman is protected by all the safeguards of Jewish marriage laws: among them, the right to veto any proposed engagement (§18.2d). This further protects her from any unwanted sexual advances.

Modern Practice Regarding Shaving the Head

Prior to 2007, the last recorded conversion to Judaism through the Karaite movement was in the middle of the 15th Century. In 2007, the Karaite Jewish movement formally began accepting non-Jewish converts. Among the topics of discussion was whether female converts would be required to shave their heads. At the time, the decision was made that female converts would not have to shave their heads, but they were requested to cut their hair short to express their love and commitment to the faith.

Study of the Torah

Both male and female converts must learn Torah and mitzvot before converting. The basis for this requirement is clearly rational, for in order to accept the faith one must first know what it entails. Arguably, Scriptural reference to this practice can also be found in the laws of the captive gentile woman. The Torah commands that the captive gentile woman whom one intends to marry be brought home to one's house: "then you shall bring her

⁶ See *Sefer HaOsher* on Deuteronomy 21:12 and *Sefer Hamivchar* on Deuteronomy 21:12.

⁷ *Tirat Kesef* Parashat Ki Tetse Note 7

⁸ *Sefer HaOsher* on Deuteronomy 21:12

home to your house” (Deuteronomy 21:12). This command does not refer to metaphorically “bringing her into one’s house” by way of marriage because marriage can only happen after she has been brought into one’s home *and* shaved her head, pared her nails, bewailed her parents for a month, and changed her clothes (Deuteronomy 21:12-13).

What then is the purpose of the command to “bring [the gentile woman] home to your house”? Rav Ya’akov ben Reuven argues that the Torah requires as much “So that she sees everything because she will sit with your mother and sisters and they will teach her the way of the Torah”⁹. In other words, she is required to live among Jews in order to properly learn the mitzvot.

⁹ See Rav Ya’akov Ben Reuven’s *Sefer HaOsher* on Deuteronomy 21:12 (translation by Nehemia Gordon).