**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH PROJECT (VBM)**

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**Laws of Conversion and Circumcision**

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In loving memory of Rabbi Dr. Barrett (Chaim Dov) Broyde zt”l

הוֹלֵךְ תָּמִים וּפֹעֵל צֶדֶק וְדֹבֵר אֱמֶת בִּלְבָבוֹ

Steven Weiner & Lisa Wise

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**Shiur #05:**

**The Proper Time for a *Brit Mila* (1)**

***Zerizin Makdimin Le-mitzvot* and**

**Delaying a *Brit Mila She-lo Bi-zmanah***

The Torah explicitly relates to the time during which one must circumcise a newborn male.

On the eighth day the flesh of his foreskin shall be circumcised (*Vayikra* 12:3).

The next few *shiurim* will discuss the ramifications of this verse. The Talmud *(Shabbat* 132a) teaches that the *brit mila* must be performed on the eighth day, during the daytime, even on Shabbat. This week, we will discuss the proper time for a *brit mila* on the eighth day.

**Determining the Proper Day of the *brit mila***

It is important to first determine which day is the eighth day upon which the *brit mila* is to be performed.

The infant is circumcised on the eighth day from the birth. These days are not twenty-four hour units (*me-et le-et)*; rather, *brit mila* is to take place upon the eighth calendar day (see, for example, Radbaz 4:282). Therefore, even if the child is brought to a different time zone, the child is circumcised on the eighth calendric day at his destination.

What is considered to be the “birth” regarding the eight-day count? The Talmud (*Nida* 42b) teaches that the child is considered to have been born after his head emerges from the birth canal. It is therefore important for the parents to note the exact time at which the head emerges, in order to determine the proper day upon which to hold the *brit mila*.

The Mishna (*Shabbat* 137a) teaches that if the child is born during *bein ha-shemashot*, i.e., the time between sunset and when three medium stars appear (*tzeit ha-kokhavim*), the *brit mila* must be performed assuming that the baby was born at night, which is considered the next calendar day in Halakha. As the identity of *bein ha-shemashot* is considered to be in doubt, i.e., whether it is part of the day before or the day after, the circumcision can only be held after it is certain that at least seven days have passed. As the *Poskim* differ regarding the time of *tzeit ha-kokhavim*, a local halakhic authority should be consulted in case of doubt.

**The Proper Time for a *brit mila***

The Mishna (*Megilla* 20a; see *Shulchan Arukh YD* 262:1) relates to the earliest time at which one may perform the *brit mila*.

One may not read the *Megilla*, nor perform a circumcision… until the sun has risen. And with regard to all these [activities that are supposed to be performed during the day], if one did them after daybreak [i.e., after the appearance of the first light of the sun, even before sunrise], they are valid.

The *brit mila* should preferably be performed after sunrise, known as *hanetz ha-chama*, but if it was performed earlier, after dawn, known as *alot ha-shachar*, the *brit mila* is valid.

The Talmud (*Pesachim* 4a; see also *Yoma* 25b) teaches that although the mitzva may be fulfilled throughout the entire day, it should be performed as early as possible.

And it was taught: The entire day is suitable for performance of the mitzva of circumcision; however, the diligent are early in the performance of *mitzvot* [and circumcise in the morning]. As it is stated [with regard to the Binding of Yitzchak]: “And Avraham arose early in the morning” (*Bereishit* 22:3).

The verse indicates that Avraham arose early in his eagerness to perform God’s commandment. This principle is known as *zerizin makdimin le-mitzvot*.

The commentaries discuss whether *zerizin makdimin le-mitzvot* reflects an ethic of mitzva performance or imposes an actual, formal obligation. On the one hand, R. Yosef Engel (1859-1920), in his *Gilyonei Ha-Shas* (*Pesachim* 4a), cites the Me’iri (*Yoma* 28b), who writes that *zerizin makdimin le-mitzvot* teaches that “one should not appear to be hesitant due to his compassion for the child.” He adds that this is not a binding obligation, but rather, it teaches us to “grasp onto the ways of our forefathers.”

On the other hand, some authorities (*Radakh* 2:5; *Shevut Ya’akov* 2:30; *Turei Even*, *Rosh Hashana* 4b; *Sedei Chemed*, *Asifat Dinim Ma’arekhet Yom Ha-kippurim* 1:14) assume there is a formal obligation to perform *mitzvot* with alacrity.

Due to this principle, a number of Acharonim warn that one should ensure that the *brit mila* is performed as early as possible in the morning. For example, the *Shevut Ya’akov* (1:30, see *Pitchei Teshuva* 2) criticizes *chazanim* who unnecessarily lengthen the Shabbat and Yom Tov prayers when a *brit mila* is scheduled after the prayers.

**May One Delay a *brit mila* in Order that More People Can Attend?**

The Acharonim discuss an extremely fundamental, and at times, practical question: when *zerizin makdimin le-mitzvot* clashes with another extra-halakhic principle, which principle take precedence?

The Poskim discuss a clash between *zerizin makdimin le-mitzvot* and *hiddur mitzva* (see *Sefer Chassidim* 878). For example, should one recite *Kiddush Levana* as soon as the new moon is large enough; or should one wait until Motza’ei Shabbat, when one is wearing nicer clothing (*Terumat Ha-deshen* 35; Gra, *Ma’aseh Rav* 129)? Additionally, should one take a completely kosher but aesthetically underwhelming set of *arba’at ha-minim* early in the morning on Sukkot, or wait until a more *mehudar* set is available later in the day (*Shevut Ya’akov* 1:35)? In these cases, we might analyze the weight and nature of each principle, and how significant, for each mitzva, is the performance of the mitzva with *hiddur*.

Similarly, they discuss a clash between *zerizin makdimin le-mitzvot* and *tadir ve-eino tadir*, the principle which states that the performance of a more regularly fulfilled mitzva precedes the performance of another, less frequent mitzva (see *Magen Avraham* 25:2), as well as a conflict between the principle of *mitzva bo yoter mi-bishlucho* (it is preferable to fulfill a mitzva oneself, and not through an agent) and *zerizin makdimin le-mitzvot* (see *Peri Megadim*, *Eshel Avraham* OC 625).

Regarding the mitzva of *brit mila*, the Acharonim discuss a very common question: May one schedule a *brit mila* in the afternoon in order that more people may attend? While *zerizin makdimin le-mitzvot* may dictate that the *brit mila* should be held as early as possible, another principle, known as *“Be-rov am hadrat melekh,”* “With multitudes of people is the King's glory” (*Mishlei* 14:28), which teaches that *mitzvot* should preferably be performed in the presence of a larger crowd, might lead one to hold the ceremony later in the day, when more people can attend.

Let us consider the principle of *be-rov am hadrat melekh,* which appears in three contexts, each presenting a different meaning and application.

One passage (*Pesachim* 64b) relates that the priests would pass the blood of the *korban pesach* from hand to hand to the Altar in order to fulfill “*be-rov am hadrat melekh*.” In this context, the Gemara teaches that one should involve numerous people in the performance of a mitzva (Rashi s.v. *Be-rov*). (This appears to contradict the principle of “*Ha-matchil ba-mitzva omerim lo gemor*,” “We tell whoever starts to perform a mitzva to complete it as well,” *OC* 585*:*4.) A similar idea emerges from other passages, such as *Torat Kohanim* (*Dibura Di-ndava* 9), which attributes the practice of including many *kohanim* in the ceremony of offering a *korban mincha* to this principle (see also *Menachot* 62a regarding the *korban shelamim*). The *Chayei Adam* (68) writes that any mitzva which one can perform in a group (*chabura*) should be performed in a group, and not individually, due to this principle.

Next, *Yoma* 70a describes how in the *Beit Ha-mikdash* on Yom Kippur, people would watch the *Kohen Gadol* read certain Torah portions in order to fulfill *be-rov am hadrat melekh*. Similarly, the Mishna (*Bikkurim* 3:2-4) describes how the *bikkurim* were brought to the center of the cities, and then to Jerusalem. The Rambam (*Hilkhot Bikkurim* 4:16), describing this ceremony, writes: “All of [the inhabitants of] the towns in a region gather in the central town of the region, so that they will not ascend to Jerusalem as individuals, for the verse teaches: ‘With multitudes of people is the King's glory.’” These passages imply that certain *mitzvot* should be performed publicly, as they sanctify God’s name.

Finally, another passage (*Berakhot* 53a) cites Beit Hillel, who rule that when making *Havdala* in front of many people, one person should recite the blessing over the fire, in order to fulfill *be-rov am hadrat melekh*. In this case, the principle of *be-rov am* teaches that one person should publicly fulfill the mitzva for many, as “With multitudes of people is the King's glory.” This principle emerges from another passage (*Rosh Hashana* 32b) which suggest that the shofar is blown on Rosh Hashana during the *Mussaf* prayer, which is attended by more people, due to this principle. According to these sources, it is preferable to fulfill other people’s obligation publicly, due to the principle of *be-rov am hadrat melekh*.

Regarding *brit mila*, we might first ask if the principle of *be-rov am hadrat melekh* even applies to *brit mila.* As we saw above, *be-rov am hadrat melekh* applies when the *tzibbur* participates in the mitzva, or when the mitzva is performed for the *tzibbur*. Seemingly, we would not say, for example, that wearing *tzitzit* or donning *tefillin* in public is a fulfillment of *be-rov am hadrat melekh*.

However, the *Shulchan Arukh (YD* 265:6) cites R. Tzemach Gaon, who writes that if possible, the *brit mila* ceremony should be performed in the presence of ten. Similarly, *Pirkei De-Rabbi Eliezer* (19) teaches:

"Upon a ten-stringed instrument and upon the psaltery" (*Tehillim* 92:4) — all testimonies reliable to Israel are (celebrated) with ten (males), just as the harp upon which David played had ten strings.

* The testimony for the dead is through ten (males).
* The testimony for the (public) benediction of (God's) Name is through ten (males).
* The testimony of the covenant of circumcision is through ten (males).
* The testimony for *chalitza* is through ten (males), as it is said, "And he took ten men of the elders of the city" (*Rut* 4:2).

These sources imply that the principle of *be-rov am hadrat melekh* may apply to the mitzva of *brit mila*, although this is far from certain.

The Poskim discuss whether one may delay the *brit mila* until later in the day in order that more people may attend.

R. Chaim Chizkiyahu Medini (1834–1904), in his *Sedei Chemed* (7:3), discusses this question. He notes that the Gemara (*Rosh Hashana* 32b) implies that fundamentally, *zerizin makdimin le-mitzvot* take precedence over *be-rov am hadrat melekh*. Therefore, in light of this passage, he criticizes those who push off the *brit mila* until the afternoon in order that more people may participate. The *Chayei Adam* (68:6) also rules that the principle of *zerizin makdimin le-mitzvot* takes precedence over *be-rov am hadrat melekh*, and therefore rules that it is preferable to pray *Arvit* immediately after the stars come out, even if one can pray in a larger *minyan* later. The *Arukh Ha-shulchan* (YD 262:8) concurs and severely criticizes the practice of pushing off the *brit mila* until all of the invited guests can participate.

However, some Acharonim defend the practice of delaying the *brit mila* until later in the day. For example, R. Ovadya Yosef (*Yabia Omer YD* 2:18) cites R. Shlomo Ha-Kohen of Vilna, in his *Mekor Chaim (*3), who suggests that *zerizin makdimin le-mitzvot* and *be-rov am hadrat melekh* are of equal halakhic weight, and therefore one may delay a *brit mila* until the afternoon, when more people can attend. Some cite the *Bei’ur Halakha* (426:2, s.v. *Ela*) who writes that although one may say *Kiddush Levana* alone, without a *minyan*, one should preferably wait until Motza’ei Shabbat, in order to say the blessing with a *minyan*, fulfilling *be-rov am hadrat melekh*. Interestingly, R. Ovadya Yosef (*YD* 2:18) disagrees and rules, in accordance with the view of the Maharsham, that it is preferable to say *Kiddush Levana* alone, and not to wait until Motza’ei Shabbat.

In addition to the clash between *zerizin makdimin le-mitzvot* and *be-rov am hadrat melekh*, there may be other considerations, unique to *brit mila*. On the one hand, the Rambam (*Hilkhot Mila* 1:8) writes that “it is a mitzva to [perform the circumcision] early, in the beginning of the day, since ‘the diligent are early in the performance of *mitzvot.’”* Elsewhere (*Hilkhot Ma’aseh Ha-korbanot* 4:6), regarding other *mitzvot*, he merely writes that “the diligent are early in the performance of *mitzvot*,” without describing this behavior as a mitzva. The Rambam may be implying that while *zerizin makdimin le-mitzvot* usually teaches an ethic of mitzva performance, there may be a special mitzva to perform the *brit mila* as early as possible.

On the other hand, the *Sefer Sha’arei Mila* (*Seder Ha-Brit* 54) writes that *brit mila* is meant to be performed joyously (*be-simcha*). The Gemara (*Shabbat* 130a) teaches: “Rabban Shimon ben Gamliel says, Every mitzva that the Jews initially accepted upon themselves with joy, such as circumcision, as it is written: ‘I rejoice at Your word as one who finds great spoil’ (*Tehillim* 119:162), they still perform it with joy.” Therefore, it may be permitted to delay the *brit mila* until later the day if the circumcision will be performed “with joy.”

Interestingly, in a biography of R. Shlomo Zalman Auerbach, *Ve-aleihu Lo Yibol* (Jerusalem: 1999, pg. 114), R. Nachum Stefansky relates that once R. Auerbach was asked whether a *brit mila* may be delayed out of concern for other family members. He answered, “Behave like a person” (*Titnaheg ke-ven adam*), meaning that the person may take the participation of his relatives into account. Similarly, R. Moshe Sternbuch (*Teshuvot Ve-hanhagot* YD 4:226) writes that one should not cause others to miss the *brit mila* in order for it to be performed early.

There were some pious individuals who insisted that the *brit mila* be performed immediately after the earliest possible *Shacharit* service, *Vatikin*. In fact, The *Chashukei Chemed* (Shabbat 137b) relates that R. Zerach Braverman, one of the “*neki’ei ha-da’at bi-Yerushalayim*,” “the most virtuous of Jerusalem,” asked the Maharil Diskin to be the *sandak* at his son’s *brit mila* after *Vatikin*. After the *Vatikin* prayers, when R. Braverman saw that the Maharil Diskin was still praying, he decided not to wait, in order not to delay the *brit mila*, and to act as the *sandak* himself.

However, the custom is not in accordance with this stringency; rather the *brit mila* is held during the morning hours (see *Chazon Ish* cited by *Teshuvot Ve-hanhagot,* YD 4:226; R. Shlomo Zalman Auerbach, cited [here](https://www.zomet.org.il/?CategoryID=160&ArticleID=7324); *Yabia Omer*, ibid.). Of course, in practice, the time of the *brit mila* is most often determined by the availability of the *mohel*, and the ceremony is therefore often held in the afternoon.

In the next *shiur*, we will continue our study of the proper time for a *brit mila*, and we will discuss the status of a *brit mila* performed at night or before the eighth day.