**YESHIVAT HAR ETZION**

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

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**Laws of Conversion and Circumcision**

**Rav David Brofsky**

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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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**The Stages of *Brit Mila* (1)**

**The *Mila***

[Please note: We will continue our study of the proper time for a *brit mila (part 2) in a few weeks*.]

This week we will study the stages of the ritual circumcision, *brit mila*. It is important, however, to first provide an anatomical description of the male sex organ and the circumcision procedure, and then discuss the halakhic aspects of this procedure.

The glans penis is covered by a retractable, double-layered fold, known as the foreskin or the prepuce. The outer layer (*or ha-mila*) is smooth, muscular tissue; the inner layer (*or ha-peria*) is a mucous membrane. As we will discuss, the *mohel* cuts the outer layer with a blade; this act is known as *mila*. The *mohel* then tears and strips back the remaining inner mucosal lining of the foreskin; this is known as *peria*.

We will discuss both technical and conceptual aspects of *mila* and *peria* in the upcoming *shiurim*.

**Introduction**

The Mishna (*Shabbat* 133a), while describing how ritual circumcision is performed on Shabbat, mentions the different stages of *brit mila*:

When the eighth day of a baby’s life falls on Shabbat, he must be circumcised on that day. Therefore, 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.

This *mishna* presents the stages of ritual circumcision — *mila*, *peria*, and *metzitza —* and teaches that all three stages, as well as placing the bandage on the wound, are permitted on Shabbat.

The two central actions associated with ritual circumcision are the *mila*, the removal of the foreskin (*or ha-mila*); and *peria*, uncovering the glans by pulling back and even removing the thin membrane (*or ha-peria*) below the foreskin. In addition, the Talmud discusses those pieces of stray flesh which must be removed, known as *tzitzin ha-me’akkevin*; there are also other bits that one need not remove, *tzitzin she-ein me’akkevin.*

This week, we will define and discuss the first stage of the ritual circumcision – the *mila*.

**Definition of *Mila* and the *Atara***

How much of the foreskin must be removed to fulfill the commandment of *mila*, and for the child to be considered to be *mahul*? The Mishna (*Shabbat* 137b) describes the extent to which the foreskin must be removed.

These are the strands of flesh that invalidate (*tzitzin ha-me’akkevin*) the circumcision if they are not cut: the flesh that covers most of the *atara*. [A child that was not circumcised in this manner is considered uncircumcised (*arel*)] and he must not eat *teruma*.

According to this *mishna*, the *mohel* must remove “the flesh that covers most (*rov*) of the *atara*.” The Gemara further qualifies this and explains: “When the Mishna says most of the *atara*, this means the flesh that covers most of the height of the *atara*.”

The term *atara*, employed by the Mishna and Gemara, has been the source of much confusion. What part of the male organ is the *atara*? On the one hand, the word *atara* connotes a crown placed on one’s head, for decoration and honor (see *Tehillim* 21:4, *Ester* 8:15), possibly implying that the *atara* refers to the entire glans penis. Alternatively, the word *atara* also relates to the circumference, as the verse says, “Saul and his men were **encircling** David and his men” (*I Shemuel* 23:26), which might imply that the *atara* refers to the protruding ring at the base of the glans, known as the corona (i.e. crown).

Rav Moshe Bunim Pirutinsky (d. 2009), in his *Sefer Ha-brit* (pp. 226-230; see also *Brit Eliyahu,* pp. 154-180) discusses the definition of these terms. He writes: “Regarding the laws of the *tzitzin ha-me’akkevin* and *einan me’akkevin*, the words of the Talmud, the Rishonim and the early Poskim are vague and unclear.” After much discussion, he writes that there are three central opinions.

Rashi (ad loc. s.v. *Atara*; see also *Yevamot* 47b, s.v. *Atara* and ibid. 75b, s.v. *Atara*) explains that the *atara* mentioned by the Mishna refers to the protruding ring around the base of the glans penis. Rashi (s.v. *Rov*) further explains that the Gemara adds that while the Mishna might have been understood as invalidating a circumcision which leaves enough of the foreskin to cover the majority of the circumference of the protruding ring, the Gemara teaches that the majority of the height of the ring itself must not be covered by the foreskin, even in one place. The *Bekhor Shor* (*Shabbat* 137) therefore warns that *mohalim* must be careful to remove all of the skin covering the ring at the base of the glans.

The Acharonim raise numerous difficulties with this view. First, as the mitzva of *brit mila* is to remove the flesh which covers or blocks the glans (see Ramban, *Bereishit* 17:14), this suggests that the *atara* is more than the protruding ring at the base of the glans. Furthermore, according to Rashi, why should such a tiny bit of flesh invalidate the *brit mila*?

The Rambam (*Hilkhot Mila* 2:3; see also *Shulchan Arukh* *YD* 264:5) offers a different interpretation. He writes that the *atara* refers to the entire glans penis.

There are strands of flesh that invalidate a circumcision [if they are not removed], and strands of flesh that do not invalidate a circumcision.

What is implied? If [after circumcision] a portion of the foreskin is left **that covers the majority of the crown of the penis's height,** the child is considered to be uncircumcised, and this flesh is considered a strand that disqualifies the circumcision. If only a small portion of flesh remains which does not cover the majority of the crown of the penis's height, it is considered to be a strand that does not invalidate the circumcision.

The Rambam understands that the Gemara interprets the Mishna as referring to a piece of flesh, of any width, which covers the majority of the height of the glans, even if the corona is exposed. It seems that if the foreskin covers the majority of the circumference of the glans, while not reaching the upper area (*rov govho*), even in one place, the circumcision is valid.

The *Beit Yosef* (*YD* 264) cites a third approach. He relates that when “Spain was still standing” (R. Yosef Karo was forced to flee Spain with his family and the rest of Spanish Jewry in 1492), the scholars debated the definition of the *atara*. While some assumed that the Gemara refers to the glans penis, others understood that the Gemara refers to the protruding ridge around the base of the glans, i.e., the corona.

He then cites an unknown certain scholar (*chakham echad*) who rules that the *atara* refers to the entire glans, and the mitzva is to uncover the entire glans penis, including the corona. He concludes that there are two situations in which the *brit mila* must be corrected: If the majority of circumference of the corona remains covered, or even if a small piece of flesh rises up the majority of the glans.

Interestingly, despite R. Karo’s discussion of the unknown scholar, he does not mention him in *Shulchan Arukh*. In practice, however, it is customary to follow the ruling of the unknown scholar (see *Taz* 264:8 and *Shakh* 264:9). Therefore, preferably, the *mohel* should remove all flesh covering the corona and the glans penis. However, if there is no flesh covering the majority of the circumference of the corona or reaching the top portion of the glans, the *mila* is valid. (The Acharonim discuss whether to be strict when the foreskin covers a small part of the corona, around the majority of its circumference; see *Chatam Sofer* *YD* 248).

**The Source and Nature of the Obligation to Remove *Tzitzin Ha-me’akkevin***

Regarding the source for the obligation to remove the *tzitzin ha-me’akkevin*, the Babylonian Talmud (*Yevamot* 71b) derives this from the verse (*Bereishit* 17:13): “He shall surely be circumcised (*himol yimol*).”Rav, however, cited in the parallel discussion in the Yerushalmi (*Shabbat* 19:2), appears to derive the obligation to remove the *tzitzin ha-me’akkevin* from *sevara* (logic).

What role do the *tzitzin ha-me’akkevin* play in the mitzva of *brit mila*? We might suggest that the Gemara is teaching the *shiur*, i.e., the amount of skin which one must cut. The Gemara maintains that ritual circumcision includes not only the foreskin at the tip of the glans but also the other bands of flesh. Other Acharonim, however, explain that we have two separate *mitzvot*: in addition to **cutting** the foreskin, the *mohel* must also completely **reveal** the glans.

Some suggest when one incurs the *karet* punishment may shed light on our question. The Maharshal, in his *Yam Shel Shlomo* (*Yevamot* 8:3) explains that one who does not remove the *tzitzin ha-me’akkevin* does not incur *karet*, since after the *mohel* removes most of the foreskin, he has fulfilled “half of the mitzva.” Clearly, the *Maharshal* appears to believe that these are two parts of the same mitzva.

R. Avraham Maskil Le-Eitan (1778-1848), in his *Nachal Eitan* (*Hilkhot Mila* 2:1), offers a different understanding. He writes that although *tzitzin ha-me’akkevin* prevent one from eating *teruma*, as one is considered to be an *arel* (*Shabbat* 137b), such an individual is not liable to the *karet* punishment, as he “only incurs *karet* from the main *mila*, i.e., when he was not circumcised at all, and not for the *tzitzin ha-me’akkevin*.” He further notes that the obligation to remove the *tzitzin* is derived from a different verse, cited above, which does not mention *karet*. It appears that according to the Maharshal, in addition to the obligation to perform the act of *mila*, there is an additional requirement to completely reveal the glans. Only one who does not perform the initial act of *mila* incurs the *karet* punishment.

This question arises regarding the blessing over the *brit mila*. What if the *mohel* must return and remove the *tzitzin ha-me’akkevin* on a different occasion; is the *birkat ha-mitzva* recited again? The Rema (*YD* 265:3) writes that the blessing should be recited again. This is especially curious, as regarding one who was born *mahul*, without a foreskin, the *mohel* does **not** say a blessing before performing *hatafat dam brit*. The Acharonim discuss whether this is because the removal *of* *tzitzin ha-me’akkevin* is a continuation of the original mitzva.

**The Definition and Nature of the Act of *Mila***

This question may lead to a broader discussion: whether the mitzva is to cut the foreskin, reveal the glans or possibly both.

The Acharonim discuss this issue at length regarding whether the entire foreskin must be cut or whether the *mohel* may cut only the tip of the foreskin and peel back the rest, below the corona.

The *Pitchei Teshuva* (264) cites the *Chamudei Daniel*, who relates that some *mohalim* only cut a bit, and then roll back the remaining skin with the *peria*. These *mohalim*, before the advent of the *magen* (shield), were clearly concerned about cutting too close to and injuring, the glans penis. The *Pitchei Teshuva* questions whether this method is acceptable, since the Rambam and *Shulchan Arukh* use the word “*chotekhin*” (cut). Is there a need to actually cut the entire prepuce, as long as it is pulled back to reveal the entire glans?

Does the *mohel* need to cut at all, and even if he does, if he doesn’t cut the entire foreskin, is it sufficient to roll back the rest of the prepuce while doing the *peria*?

The *Chokhmat Adam* (149:17) criticizes those *mohalim* who do not cut enough of the foreskin, and insists that children should be examined a few days after the *mila* to ensure that enough flesh was cut. In the notes to the *Chokhmat Adam*, the *Binat Adam*, he acknowledges that the *Taz* (264:9) and *Shakh* (264:11) write that if the *mohel* does not cut off enough flesh, he doesn’t need to cut more; rather, he performs a proper *peria*, which will completely uncover the *atara*.

R. Yehuda Assad (*Yehuda Ya’aleh* *YD* 251) agrees with the *Chokhmat Adam*. Indeed, the Rambam (*Hilkhot Mila* 2:2) writes: “How is the circumcision performed? The foreskin that covers the crown of the penis is cut off until the entire crown is revealed.”

Some *Acharonim* accept the *Chokhmat Adam’s* assumption that the foreskin must be cut, but they reject his insistence that the **entire** prepuce must be removed by cutting. For example, the *Tzemach Tzedek* (*YD* 201; see also *Ein Ha-bedolach* 9 and *Iggerot Moshe,* *YD* 2:120) explains that while the foreskin must be cut with a blade, the *tzitzin* may be removed with the *peria*.

R. Chaim Halberstam of Sanz (1793–1876), in his *Divrei Chaim* (*YD* 2:114-118), strongly disagrees and insists that fundamentally there is no need to cut the foreskin at all. He cites the *Chatam Sofer* (*YD* 249) who explains that *mila* implies removal and uncovering, not cutting. He acknowledges that while the custom in all places is for the *mohel* to cut the entire prepuce, if he leaves a bit behind, he merely peels back the rest with the *peria* and fully uncovers the glans His brother, R. Chaim Elazar Leibush, in his *Nefesh Chaya* (*YD* 73) also strongly argues that there is no need for a second circumcision, and as long as at the time of the *mila*, the entire foreskin was pulled back, completely revealing the *atara*, the *mila* is valid.

Maharam Schick (*YD* 245) suggests somewhat of a middle position. The Gemara (*Chullin* 87a) teaches, regarding the mitzva to cover the blood of an animal with dirt after it is slaughtered (*kisui ha-dam*), that once a person covered the blood, even if it is uncovered afterwards, he does not need to cover the blood again. Based upon this he explains that even according to the *Chokhmat Adam*, who rules that one who hasn’t cut enough and then rolls back the rest of the foreskin must still go back and cut the rest of the foreskin, it seems that once he has pulled back the foreskin, while he hasn’t fully fulfilled the mitzva, the child is not considered to be an *arel*.

R. Mordechai Sasson, in his *Sefer Torat Ha-brit* (1), includes a letter written by R. Ya’akov Yisrael Kanievsky, known as “the Steipler.” The Steipler insists that the custom of the *mohalim* is in accordance with the *Divrei Chaim*, who rules that even if the entire foreskin has not been cut, the remaining skin is peeled back with the *peria*.

***Tzitzin She-Ein Me’akkevin***

The Gemara (*Shabbat* 133b) teaches that in addition to the *tzitzin ha-me’akkevin*, even pieces of flesh which do not invalidate the *brit mila*, known as *tzitzin she-ein me’akkevin*, are also removed. The explanation is based on the verse “This is my God and I will glorify Him (*anveihu*), the Lord of my father and I will raise Him up” (*Shemot* 15:2). The Sages interpret *anveihu* homiletically as linguistically related to *noi*, beauty, and interpret it in the following way:

Beautify yourself before Him in *mitzvot*. Make before Him a beautiful *sukka*, a beautiful *lulav*, a beautiful *shofar*, beautiful ritual fringes, beautiful parchment for a Torah scroll, and write in it in His name in beautiful ink, with a beautiful quill by an expert scribe, and wrap the scroll in beautiful silk fabric.

The Gemara explains that although these pieces of flesh are not essential to the *mila*, they are removed due to the principle of *hiddur mitzva*.

The Acharonim note that the application of *hiddur mitzva* to the mitzva of *brit mila* is somewhat curious. In general, *hiddur mitzva* applies to a *cheftza shel mitzva*, an object used to perform a mitzva, like the examples listed above.

It seems that we can understand this passage in two ways. On the one hand, we might suggest that *hiddur mitzva* applies to the male organ itself, assuming, as we mentioned previously, that the mitzva is to be *mahul* (circumcised). Indeed, the Talmud (*Menachot* 43b) teaches:

King David entered the bathhouse and saw himself naked, he exclaimed: “Woe is me! I am no longer clothed with any mitzva.” When, however, he remembered that he was circumcised, he regained his calm.

This passage may imply that the *mila* itself is the object of the mitzva.

On the other hand, there may be another type of *hiddur mitzva* — one which applies to the act (*ma’aseh*), and not the object (*cheftza*). Tosafot (*Berakhot* 21b, s.v. *Ad*), for example, assert that it is a greater *hiddur mitzva* to answer Amen than to fulfill one’s obligation by merely listening.

This question may be subject to a debate among the Rishonim regarding whether one who finishes performing a *brit mila* should return and fix the remaining strands of flesh. The Gemara (*Shabbat* 133b) teaches:

One who circumcises, as long as he is engaged in the circumcision, he may return [and remove strands of flesh that were not cut properly]. This is the ruling both for the strands of flesh that invalidate the circumcision, and for strands that do not invalidate the circumcision [if they are not cut]. But if the *mohel* has withdrawn, he may return for strands that invalidate the circumcision, but he may not return for strands that do not invalidate the circumcision.

Rashi interprets this passage as referring to one who performs circumcision on Shabbat. Although the *tzitzin she-ein me’akkevin* are not an integral part of the *mila*, the *mohel* may still cut them while in the middle of performing the *brit mila*. If the *mohel* stops and withdraws, he may not resume and violate *Shabbat* for the *tzitzin she-ein me’akkevin*. However, on a weekday, the Gemara implies that one should certainly go back and remove the *tzitzin she-ein me’akkevin*.

Interestingly, the *Beit Yosef* (*YD* 264) notes that the Rambam cites this passage twice, in the context of circumcision on a weekday and on Shabbat. He explains that according to the Rambam, the phrase “he may not return” means that on Shabbat, it is prohibited, and on a weekday, he does not need to return and remove the *tzitzin she-ein me’akkevin*. The Rema (ibid. 5) writes that the *mohel* should preferably return and remove the *tzitzin she-ein me’akkevin*. The *Sha’agat Aryeh* (50; see *Pitchei Teshuva* 264:15) disagrees and writes that if the child is slightly ill, the *mohel* should not return and remove the *tzitzin she-einan me’akkevin*.

Regarding our question, it seems that if the *hiddur mitzva* of correcting the *tzitzin* *she-ein me’akkevin* applies to the act of *mila*, then after he has finished the *mila*, there is no reason to return and remove the remaining *tzitzin she-ein me’akkevin*. If, however, it relates to the male organ itself, then it would apply even afterward.

Regarding Shabbat, the *Shulchan Arukh* (*OC* 331:2) rules that as long as the *mohel* has not withdrawn, he may cut the *tzitzin she-einan me’akkevin* as well. The *Beit Ha-Levi* (2:47), as well as his grandson, R. Yitzchak Ze’ev Soloveitchik (*Chiddushei Ha-Griz*, *Hilkhot Chanuka* 4:1), prove from this that *hiddur mitzva* is only significant when performed as part of the mitzva, and not when done separately. Therefore, after the *mohel* has withdrawn, he may no longer return and remove the *tzitzin she-einan me’akkevin*. It is worth noting that the *Ittur* (*Hilkhot Mila*) maintains that even on a weekday the *mohel* does not return and remove the *tzitzin she-einan me’akkevin*.

Next week we will continue our discussion of the process of the *brit mila* and discuss *peria*.