

# Brit Milah: A Study Of Change In Custom

**Summary:** Jewish scholar Nissan Rubin examines the extensive evidence that ancient Jewish circumcision was modified at a later date to be much more severe – in an attempt to prevent its reversal.

## “*Brit Milah*: A Study of Change in Custom”

By NISSAN RUBIN

In traditional Jewish society two criteria determine the affiliation of males to the congregation of Israel: birth to a Jewish mother, and circumcision, which is a Torah obligation.<sup>1</sup> These set permanent and unequivocal bounds to the membership group of the Jewish people. A male who was not born to a Jewish mother may join Jewish society by conversion, during which he undergoes either circumcision or, if already circumcised, the ritual drawing of blood from his penis. Following this he is “like a newborn child,”<sup>2</sup> which means literally that he is to be regarded as one who was born a Jew.<sup>3</sup> A male who was born to a Jewish mother that was not circumcised, whether because of circumstances beyond control (such as illness, or other conditions that prevented his circumcision) or as a result of deliberate parental choice, is considered Jewish but is precluded from observing a small number of commandments.<sup>4</sup> This symbolically places him in a marginal position, a status that, according to talmudic sources, is also the lot of one who was born circumcised (i.e. without a foreskin), in which case the halakhic question is whether he is to be regarded as an *arel* (uncircumcised), since the foreskin (*orlah*) was not removed, or as circumcised, since he has no foreskin.<sup>5</sup> A similar question addresses the status of one whose brothers died due to circumcision, and whose life would therefore be threatened if he were to undergo such a procedure. Should he be put at risk and circumcised?<sup>6</sup> In all these cases, the *halakhah* finally determined clear norms, so that every male can locate himself within the boundaries of these norms.

The question facing us in this essay is how the Talmudic sages related to a *mashukh*, a man who physically disguises his circumcision.<sup>7</sup> The practice of *meshikhat orlah*—the drawing down of the foreskin (in English, decircumcision or epispasm)—was known between the second century B.C.E. and the second century C.E. By stretching vestigial penile skin tissue to cover the glans penis, a man who desired to pass beyond Jewish communal boundaries to join non-Jewish society could remove the identifying mark of Jewish identity. The Rabbis discussed whether or not a repeated circumcision might offer him a way back, but they also took action to thwart this blatant transgression of the boundary. As this essay will show, until the middle of the second century C.E. the sanctioned method of circumcision allowed for the possibility of

stretching and drawing down remaining foreskin tissue and thereby “crossing the border” of Jewish society, leaving no physical sign. I maintain that the requirement of *periah* (the splitting and peeling back of the mucosal membrane lining the foreskin, thus fully uncovering the glans penis) was instituted by the Rabbis following the Bar Kokhba Revolt for the purpose of sealing this breach. If so, this constitutes a striking example of change instituted in one of the most deeply rooted norms in Jewish law and society. After reviewing the evidence for the occurrence of this change, I will address the cultural mechanism that facilitates the process of change in a society closely guarding its textual foundations.

In the uncircumcised male, the foreskin that covers the glans penis (*atarab*) is actually a continuation of the skin covering the shaft of the penis. When foreskin tissue is excised by circumcision (*milah*), the membranous underlying tissue thereby exposed undergoes a process of epithelialization, eventually taking on the character of an outer skin covering. Evidence from the recent foreskin restoration movement in the United States, involving numbers of men attempting to expand penile tissue in order to create pseudo-foreskins, shows that the more tissue that remains after circumcision, the more successful are the attempts to achieve the appearance of an intact foreskin. It is clear from numerous textual references that the Rabbis’ introduction of *periah* resulted in a change in surgical procedure that required a radical removal of tissue and the complete uncovering of the glans penis. The intention of the Rabbis was to make decircumcision no longer a feasible undertaking for Hellenizing Jews,<sup>8</sup> and the reports of present-day foreskin restorers support the inference that the Rabbis’ halakhic intervention effectively served their goal. After a radical circumcision that removes the maximum outer skin and rolls back completely the inner membrane, the stretching of a sufficient amount of skin from the shaft of the penis to create a pseudo-foreskin would take years, according to reports from foreskin restoration groups, and the new covering might not remain in place without continued stretching. Such a lengthy time frame would hardly solve the circumcision problem facing the ancient world Jew.<sup>9</sup>

According to the extant sources, *meshikhat orlah*, the drawing down of the foreskin, has a long history in Israel, extending from the second century B.C.E. to the second century C.E.<sup>10</sup> To review the well-known ancient testimonies: the first is from the time of the Hellenists, during the rule of the Ptolemaids and the Seleucids in Judea. *I Maccabees* (1:11-15) tells of “wicked men” from Israel who “built a gymnasium in Jerusalem, in the heathen fashion, made themselves uncircumcised, renounced the holy covenant, intermingled among the heathen, and became the slaves of wrongdoing.” The drawing down of the foreskin was done willingly, and was accepted among the Hellenists in Judea, who were under the influence of the Hellenist culture of the Ptolemaid-Selcucid period. There were those among the Jerusalem nobility, the priesthood, and the leadership strata who drew close to the non-Jews of equal standing, and who introduced Hellenist culture into the Jewish community. Jason the High Priest turned Jerusalem into a Greek *polis*, with the establishment of a gymnasium in which youths appeared nude. The circumcised who wished to participate in the games and were ashamed of their circumcisions drew down

the foreskin.” A circumcised individual who appeared nude in public was undoubtedly subject to scorn and derision. For example, several generations later, Martialis (40-104 C.E.) ridiculed Jewish circumcision in general,<sup>12</sup> and in particular that athlete whose penis sheath (*fibula*) fell when he was on the sportsground, revealing to the surprise of his companions his circumcision. Even this athlete's close friends who bathed with him in the nude did not know that he was circumcised, because he constantly wore the penis sheath that was alleged to protect a man's voice by shielding him from sexual contact.” This episode plainly reveals how embarrassing it was to be circumcised, to such an extent that the fact was concealed even from those closest to the athlete.<sup>14</sup>

In the wake of the Hasmonean rebellion against Antiochus Epiphanes, the monarch imposed decrees against the inhabitants of Judea and, according to Josephus, “put pressure upon the Jews to violate the code of their country by leaving their infants uncircumcised and sacrificing swine upon the altar.”<sup>15</sup> Anyone transgressing these decrees was punished, and Josephus even claimed that “they put to death the women who had circumcised their children, hanging the newborn babies around their necks; and they also put to death their families as well as those who had circumcised their children, hanging the newborn babies around their necks; and they also put to death their families as well as those who had circumcised them.”<sup>16</sup> Remarkably, we do not hear of instances of the drawing down of the foreskin as a result of these decrees against circumcision but only of assimilationists who did so of their own volition prior to the anticircumcision edicts.<sup>17</sup> Thus, the author of the book of *Jubilees*, composed during the early Hasmonean period, predicts God's wrath upon the Jews because some have refused to circumcise their sons, adding: “they have made themselves like the Gentiles,” a likely reference to *meshikhat orlah*.<sup>8</sup>

The terseness of the textual references to the phenomenon of epispasm suggests that it was well known in the cultural context of the audience. No explanation was needed. For example, the Babylonian Talmud, reporting the story of an individual who had intercourse with the daughter of an idolater, matter-of-factly states that his foreskin was drawn down.<sup>19</sup> Various midrashim mention people who are held in low regard by the Rabbis; the drawing down of the foreskin is mentioned among their negative attributes, and the readers' comprehension was taken for granted. R. Judan b. Masparta (a second-generation Land of Israel Amora) says: “Achen was an epispaetic.”<sup>20</sup> R. Johanan, or other Amoraim, say of King Jehoiakim: “that he drew down his foreskin.”<sup>21</sup> If *meshikhat orlah* had been remarkably uncommon, such laconic references would not have sufficed. Additionally, the New Testament provides clear evidence that the voluntary drawing down of the foreskin was a familiar phenomenon of the period. As Saint Paul wrote to the Corinthians, “Was anyone at the time of his call already circumcised? Let him not seek to remove the marks of circumcision.”<sup>22</sup> The next source may allude to decircumcision among just such converts to Christianity. R. Eleazar ha-Moda'i pronounces in the Mishnah: “He who profanes the sacred things, and he who despises the festivals, and he who shames his fellow in public, and he who violates the covenant of our father Abraham (peace be upon him), and he who interprets the Torah not according to the *halakhah*

[...] he has no portion in the world-to-come.”<sup>25</sup> “Violates the covenant of our father Abraham” is a version of “violates the covenant in the flesh” found in *Avot de-Rabbi Nathan*.<sup>24</sup> The Palestinian Talmud is more explicit: “Violates the covenant in the flesh’—this refers to the one who draws down the foreskin.”<sup>25</sup> Scholars have generally understood R. Eleazar ha-Modai’s dictum as directed against converts to Christianity, and especially against Paul, who abolished circumcision,<sup>26</sup> but he may also have had in mind another group of Jews: the wealthy, possessing Hellenistic education, who sought to attain Greek citizenship, either for themselves or for their offspring, in Hellenistic cities such as Alexandria, at the beginning of the Roman period. Education in an *ephebeion* and physical training in a gymnasium<sup>27</sup> constituted an essential condition for the acceptance of a youth to the body of citizens.<sup>28</sup> Tcherikover has already shown<sup>29</sup> that from the time of Augustus many Egyptian Jews, especially large numbers of the Jews of Alexandria, desired to receive municipal citizenship. Augustus distinguished between Greeks and other Egyptians; the former enjoyed various benefits and participated in the governmental institutions, while the Egyptians were regarded as subjects upon whom the burden of taxes was imposed. Augustus instituted a poll tax known in Egypt as the *Laographia*,<sup>10</sup> which was greatly humiliating and proved to be extremely onerous for inhabitants who were not Greek citizens. This tax was doubly belittling for educated Jews who were steeped in Greek culture, since it attacked their dignity as well as their pocketbooks. According to the extant testimonies, the Jews made every effort to attain rights, one method of which was registering youths for the *ephebeion* and training in a gymnasium, with the completion of these studies granting civil rights. The struggle was difficult, and despite their efforts the successful applicants were immediately identifiable as Jews because of circumcision. They therefore had a powerful incentive to engage in decircumcision to preserve their right to attend the gymnasium.

Alon interprets R. Eleazar ha-Modai’s pronouncement as a reference to those who performed the act of decircumcision only because of the extreme anticircumcision pressure of the Hadrianic persecutions.” However, its context in the mishnah and in parallel sources is not anti-Jewish oppression. Rather, the one “violating the covenant” in the sources is joined together with the one “who profanes the sacred things,” and “he who despises the festivals,” that are unrelated to the Hadrianic decrees, suggesting that this is a reference to individuals who engaged in decircumcision willingly in order to exit across the boundary of the Jewish community.

Another source, from the time of Bar Kokhba, reports a halakhic argument that might also be understood to imply that the drawing down of the foreskin was a reluctant action undertaken only in response to the persecutions:

The one with a drawn down [foreskin] must undergo circumcision. R. Judah says: He is not required to undergo circumcision if he drew down, because this entails danger. They said: Many underwent circumcision in the time of Bar Kozeva (Bar Kokhba), had children, and did not die.

What emerges from this source is confirmation that in the period of the Bar Kochba revolt there were individuals who had undergone decircumcision and who might have been subject to the death penalty if they chose to renew their circumcisions. The Rabbis obligated them nevertheless to undergo a second circumcision, despite the danger this posed. R. Judah alone exempted them, but the text seems to imply that were it not for the death penalty he too would have required a **mashukh** to undergo a second circumcision. The force of the Rabbis' negative attitude implies that they viewed decircumcision as a deliberate act of defection from the Jewish public, not justified by external duress. After all, the authorities had forbidden circumcision but had not required the physical reversal of circumcision. Possibly the statement "They said: Many underwent circumcision in the time of Bar Kozeva, had children, and did not die" teaches of a movement of "repentants" in the wake of the revolt and the fervor it aroused. One might understand this sentence as conveying the subjective impression of the "sayers" that there was a large movement of those who had undergone decircumcision, repented, and were circumcised a second time.

The Amoraim continued to deliberate this issue and clarified several points. They raised the question as to whether renewed circumcision for a *mashukh* was a Torah commandment or of Rabbinic force.<sup>33</sup> Is the "letting of the blood of circumcision" necessary?<sup>34</sup> May the one with a drawn down foreskin eat *terumah* (the priest's share of the offering), or is he forbidden to do so, as one who is not circumcised?<sup>35</sup> One Tannaitic midrash had already expressed the view that one "in whom the commandment of circumcision was fulfilled, even for a moment, even if the flesh returned and covered the *atarah* [glans penis], is not hindered from eating either the Paschal sacrifice or *terumah*,"<sup>36</sup> The *mashukhim* might have been included in this group, but the Amoraim do not relate to this Tannaitic midrash, perhaps because they rejected the idea that those who had chosen decircumcision deserved to be regarded as people "in whom the commandment of circumcision was fulfilled, even for a moment."

All the sources reviewed above assume that the drawing down of the foreskin to disguise circumcision is technically possible. Indeed, the Tannaitic midrash just cited considers a spontaneous re-covering of the glans to be possible. There are other echoes of that view. For example, in the Amoraic discussion in the Palestinian Talmud, we find, "Either he drew down his foreskin, or it was drawn down by itself."<sup>37</sup> But a study of the Talmudic sources suggests that after the Rabbis included *periah* in the act of circumcision, the drawing down of the foreskin was no longer feasible. Accordingly, we may conclude that those who engaged in decircumcision did so in the period before the generalized adoption of *periah*. Even after the institution of *periah*, many years probably passed before it was accepted and firmly rooted, and therefore the phenomenon of decircumcision was known to the first generations of Amoraim, possibly also from first-hand knowledge, and not only on the basis of what they had heard.

M Shabhat (19:2) reports: "One may circumcise, and tear [the membrane], and suck,<sup>38</sup> and put on it a bandage and cumin." According to this mishnah, circumcision and *periah* are both part of a single process

in which the circumciser excises some or all of the foreskin and immediately afterwards performs *periah*; that is, he splits the thin layer of mucosal membrane that is under the foreskin and rolls it downward, thus fully uncovering the head of the penis. In this method, circumcision and *periah* are considered to be a single act.<sup>39</sup> The cutting of the foreskin was usually done with a knife,<sup>40</sup> although according to late sources, there were two traditions regarding *periah*: it was done either with a fingernail or with a knife. The exact time when these methods were instituted has not been determined. A responsum of R. Hai Gaon teaches that there already was a tradition of *periah* in Babylonia, either by hand or with an instrument.<sup>41</sup>

Notwithstanding that the mishnah explicitly requires circumcision and *periah* at the same time, we find the sources warning that if one “circumcised but did not perform *periah*, it is as if he did not circumcise.”<sup>42</sup> If *periah* had been included from the outset in the circumcision process and universally practiced, it is unlikely that the sources would have related to it as a separate function that might be omitted. We can infer, therefore, that *periah* was an innovation instituted over the course of time, most likely in response to the drawing down of the foreskin that was known from the time of the Hellenists and was still practiced during the time of the Hadrianic persecutions. The Rabbis sensed the need to reinforce their new ordinance both with warnings and by emphasizing the importance of *periah*. Thus, the Palestinian Talmud adds to the mishnah that states “if one circumcised but did not perform *periah*, it is as if he did not circumcise” the additional pronouncement that the punishment for omitting *periah* is *karet* (being “cut off from one’s kin”; see Gen. 17:14). In order to give even more force to this, the sages proved that the obligation of *periah* is of Torah origin, and equated *periah* with actual circumcision. Following the exegetical method of R. Akiva, they taught: “*Himolyimol* [he must be circumcised—double wordings]’ (Gen. 17:13)—from here you learn of two circumcisions, one [*himol*] for circumcision, and the other [*yimol*] for *periah*.” And according to the method of R. Ishmael, who did not infer from double wordings, the supportive exegesis was: “She [Zipporah, who circumcised her son] added: A bridegroom of bloods [*damim*, pl.] of circumcision” (Exod. 4:26). The use of the plural implies two acts: one the blood of the actual circumcision and the other the blood of the *periah* incision.<sup>43</sup>

Proof that *periah* is an innovative requirement is to be found as well in the tradition that the Patriarch Abraham did not practice it. According to Rav: “The commandment of *periah* was not given to the Patriarch Abraham.”<sup>44</sup> This tradition, accepted in midrash, enabled the exegetes to resolve a problem they faced; namely, how could the Israelites have received the Torah when they were uncircumcised, for they did not engage in circumcision while in Egypt: “For they [the Egyptians] were uncircumcised, and they [Israel] were uncircumcised.”<sup>45</sup> Was it not inconceivable that the Israelites would stand at Mount Sinai uncircumcised to receive the Torah?<sup>46</sup> The response by the exegete is that they were circumcised both in Egypt and in the wilderness, but they had not undergone *periah*, “and when they came to the Land of Israel [...] [Joshua] circumcised them a second time.”<sup>47</sup>

All of these exegeses that speak of a distinction between circumcision (*milah*) and *periah* reflect a specific reality in which circumcision without *periah* had been practiced. When the requirement of *periah* was instituted, we are witness to the addition of expositions in praise of Israel for fulfilling the commandment of circumcision with *periah*. For example: “Ah, you are fair, my darling, ah, you are fair’ [Cant, 1:15; 4:1]— you are fair in circumcision, you are fair in *periah*” ; “How fair you are, how beautiful’ [Cant. 7:7]— how fair you are in [observing] *neta reva’i* [the fourth year’s fruits of a tree], and how beautiful you are in [observing] circumcision; how fair you are in [observing] *periah*, and how beautiful you are in prayer.”<sup>48</sup> Quite possibly, these expositions were intended to strengthen the faith of those who questioned *periah* and support those who properly fulfilled the commandment.

Significantly, the institution of *periah* was accompanied by the prohibition against leaving *tzitzin* (shreds of foreskin), thus emphasizing the Rabbis’ intent to force the removal of as much tissue as possible, both foreskin and mucosal tissue, so as to preclude the stretching of vestigial tissue in a process of decircumcision. In the words of the Mishnah: “These shreds render the circumcision invalid [for if they are not removed, the infant is not considered circumcised]: the flesh that covers most of the *atarah*” (Shabbat 19:6). In such an instance, there is still sufficient skin (“flesh”) to cover most of the glans penis. The Amoraim in both Talmuds were stricter, and established that not only skin that covers, that is, encompasses, most of the glans penis, is regarded as *tzitzin*, but also if it “covers the greater part of the height of the *atarah*,” that is, in only one place, and not all around.<sup>49</sup> Clearly, a full and complete uncovering of the glans was the desired outcome.

The sages found support for the prohibition of *tzitzin*, and not just for *periah*, from the Torah: “*Himol yimol* [he must be circumcised—double wordings]’ (Gen. 17:13)—one [*himol*] for circumcision and one [*yimol*] for *tzitzin*,” according to the exegetical method of R. Akiva; and according to R. Ishmael: “She added: A bridegroom of bloods [*damim*, pl.] of circumcision” (Exod. 4:26)—one [blood] for circumcision and one [blood] for *tzitzin*.”<sup>50</sup> The Rabbis were so stringent regarding anyone who left shreds that “R. Judah says: One who does not remove [the shreds] is liable to the death penalty,”<sup>51</sup> thus equating the removal of *tzitzin* with the circumcision itself.<sup>52</sup>

Additional support for the view that *periah* was an innovation is to be found in the circumcision practices of the Samaritans. Historical studies of the Samaritans note their zealous observance of the commandment of circumcision, despite the decrees forbidding this act. The Jewish sources, which accuse the Samaritans on many counts, do not criticize them for the nonobservance of circumcision.<sup>53</sup> In the third century the Romans forbade the Samaritans to practice circumcision, as is attested by the Church Father Origen, in his book *Contra Celsum*.<sup>54</sup> The situation of the Samaritans worsened during the Byzantine persecutions, but then as well they continued to circumcise their sons, a practice they strictly observe to the present.<sup>55</sup>

The historical reports suggest that the Samaritan practices preserved early elements of the circumcision rite. *Periah*, however, is absent from Samaritan circumcision.<sup>56</sup> The order of the Samaritan circumcision is as follows: the infant is always circumcised on the eighth day, with no possibility of postponement.<sup>57</sup> The day before the circumcision the infant is bathed in water (cf.: M Shabbat 19:3). His mother, or another woman, holds the baby during the ceremony.<sup>58</sup> The circumcision is preceded by a reading from the book of Genesis, from the beginning until the creation of Adam, along with other verses relating to the commandment of circumcision given to Abraham. Beginning in the fourth century, it was customary to chant a special hymn by the Samaritan *paytan* Marka that tells of the act of Germanus, the Bishop of Neapolis who, despite the standing prohibition, permitted the circumcision of Baba Rabbah.<sup>59</sup> During the recitation of this hymn, the priest (or someone else, in the absence of a priest who is capable of circumcising) circumcises the infant. The priest asks the child's father the name of the infant, which he then loudly announces. Refreshments are served to those present after the circumcision. The Samaritans emphasize that their circumcision does not include *periah*, nor did it in the past. Jacob b. Aaron, a Samaritan High Priest at the beginning of the twentieth century, states that the Jews improperly add to the words of the Torah and require the tearing of the membrane, while the command is only for circumcision (*milah*) itself.<sup>60</sup>

The Jews and the Samaritans reject each other's circumcision. In the fourth generation of Tannaim, the students of R. Akiva, R. Yose, and R. Judah discuss whether a Cuthean (a Samaritan) may circumcise an Israelite, and whether an Israelite may circumcise a Cuthean,<sup>61</sup> with different opinions on this issue. The requirement of *periah* might not have been definitively enacted in their time, thus allowing for the view that permitted circumcision by a Cuthean. On the other hand, we possess testimony from the late fourth century that the Samaritans rejected Jewish circumcision and required those who had undergone such circumcision to undergo a ritual recircumcision. In his book *De Mensuris et Ponderibus*, Epiphanius of Salamis relates that both the Samaritans who converted to Judaism and the Jews who became Samaritans were, respectively, required to undergo a second circumcision,<sup>62</sup> thus attesting to the mutual negation of the other group's practice. This report is not supported by additional testimonies, but all the above sources together attest that the Samaritans scrupulously observed their method of circumcision, which differed from the Jewish procedure of circumcision/*periah*.

We accordingly see that both Rabbinic and external sources point in the same direction: the obligation of *periah* as well as the accompanying prohibition against leaving *tzitzin* were established after the Hadrianic persecutions, and following the process of assimilation in the Hellenistic cities where there were many instances of Jews engaging in decircumcision. This regulation was enacted for the purpose of ensuring that no tissue remained that might facilitate the successful accomplishment of *meshikhat orlah*. The addition of *periah* raised even further the barrier between Jew and Gentile. Pre-*periah* circumcision, which was supposed to imprint an indelible mark, did not withstand the test. It could be annulled,

enabling the individual to cross the boundaries, leave the Jewish community, and subsequently reenter it. The regulation of *periah* put an end to this possibility, and after its enactment there are no further reports of drawing down the foreskin in Israel. Since the Rabbis wanted to seal this boundary breach firmly, they placed the obligation of *periah* and the removal of the *tzitzin* on the same level as circumcision itself, so that a circumciser who did not tear and roll back the membrane or cut away all the remaining “shreds” did not perform his duty and the circumcision was considered ritually invalid.

The modification in the practice of circumcision thus instituted by the Rabbis represents their method of interpreting the halakhah during a time of change. In order to understand the interpretive process, we must discuss the anthropological question of the relationship between text and context. Jewish society is based on the written text, considered sacred and unchanging. The context, the social reality, however, is likely to change as a result of political and economic shifts. The text, which accompanies the society and serves as a source for its values and norms, must undergo an interpretive process in order to constitute a source of authority under new conditions as well. Classical anthropologists such as Robertson-Smith and Boas,<sup>63</sup> who investigated societies lacking a written language, could not relate to the historical dimension in their analysis of the culture of these societies. They deliberately disregarded the interpretation of their customs by members of these societies, because they viewed this interpretation as subject to change in accordance with changing circumstances. These researchers therefore interpreted the practices from an external theoretical perspective. Goldberg<sup>64</sup> considers this long-established method unsuitable for the analysis of a society with a sophisticated and written culture, because this would ignore the historical dimension of the text and the custom, and the contribution that could be made by a diachronic approach to the interpretation. Goldberg maintains that we must also listen to the interpretation given by the members of the culture under study over the course of history in order to understand the interaction between actual practice and the written interpretation set forth by the recognized interpretive authority. In the final analysis, loyalty to the text, as perceived by the members of each generation, and as based on the authoritative-traditional interpretation, assures uniformity within the nonnative framework, even though change has occurred in content.

This problematic nature of the connection between the *halakhah* and the reality was noted by Jacob Katz in his discussion of Jewish/non-Jewish relations.<sup>65</sup> While the *halakhah* forbids contact between Jews and non-Jews, especially during the latter’s holidays,<sup>66</sup> in practice everyday contact continued in medieval Germany, on non-Jewish festivals as well. Katz argues that the *halakhah* took care to maintain a balance between adaptation to contemporary conditions and concern for the preservation of Jewish identity. At times the *halakhah* was forced to find ways to adapt to the changing social conditions, but it safeguarded the sense of Jewish continuity by finding *ex post facto* justification for such a course of action.<sup>67</sup> This same phenomenon explains how the *halakhah* managed the drastic change in *circumcision* practice instituted by the Rabbis. A means was found to introduce change in response to contemporary

circumstances, but the rabbis camouflaged the change by attributing both *periah* and the removal of the “shreds” to the Torah commandment. Thus, the received tradition continued to define the Jewish practice of circumcision as an unchanging ancient rite dating back to God’s command to the first patriarch, while at the same time accommodating an innovation in practice that effectively addressed a contemporary challenge perceived as threatening to community survival.

From *The Covenant of Circumcision: New Perspectives on an Ancient Jewish Rite*, ed. Elizabeth Wyner Mark Brandeis (April 1, 2003), pp. 87-97.

## NOTES

This research was supported by the Schnitzer Foundation for Research on the Israeli Economy and Society. Portions of this article appeared as “On Drawing Down the Prepuce and Peri’ah,” *Zion* 54 (1989):105-17 (Hebrew). My thanks go to Samuel Cooper for his important comments.

1. According to PT Yevamot 5:1:6 (c); BT Yevamot 45b. See also N. Rubin, *The Beginning of Life: Rites of Birth, Circumcision and Redemption of the First-born in the Talmud and Midrash* (Tel-Aviv: Hakibbutz Hameuchad, 1995), 85 (Hebrew).
2. BT Yevamot 22a.
3. For the process of conversion, see: S. Bialoblocki, “The Attitude of Judaism towards Proselytes and Proselytism,” *Bar-Ilan* 2 Jerusalem: Kiryath Sepher, 1964), 44-60 (Hebrew); M. Samet, “Conversion in the First Centuries C.E.,” in I. Gaftii, A. Oppenheimer, and M. Stem, eds., *Jews and Judaism in the Second Temple, Mishna and Talmud Period* (Jerusalem: Yad Izhak Ben-Zvi, 1993), 316 -43 (Hebrew). For the significance of conversion, see A Sagi and Z. Zohar, *Conversion to Judaism and the Meaning of Jewish Identity* (Jerusalem: Bialik Institute and Shalom Hartman Institute, 1995) (Hebrew); A. Sagi and Z. Zohar, “The Halakhic Ritual of Giyyur and Its Symbolic Meaning,” *Journal of Ritual Studies* 9.1 (1995): 1-13.
4. E.g., he may not circumcise another Jew (PT Yevamot 8: i:8[d]), he is not permitted to offer the Paschal sacrifice (M Pesahim 5:3), and other restrictions. See Rubin, *Beginning of Life*, 85 n.i, and 173, n.38.
5. PT Yevamot 8:1:8(d); BT Shabbat 135a; Yevamot 71a. For one born circumcised and his status, see N. Rubin, “Historical Time and Liminal Time: A Chapter in Rabbinic Historiosophy,” *Jewish History* 2.2 (1988): 8-22 (Hebrew).
6. T Shabbat 15(16): 8; PT Yevamot 6:6:7(d); BT Yevamot 64b. See also Rubin, *Beginning of Life*, 93.
7. See, e.g., T Shabbat 15(16): 9; PT Shabbat 19:2:17(a); BT Yevamot 72a.
8. On the process see H. Romberg, *Bris Milah* (Jerusalem and New York: Feldheim, 1982), 110-11; G. C. Denniston “Modern Circumcision: The Escalation of a Ritual,” *Circumcision* 1.1 (1996): 3-11 <<http://faculty.Washington.edu/gcd/circumcision>>. The first written testimony concerning the

circumcision laws appears in *Kelalei ha-Milah* (The Rules of Circumcision) by R. Jacob ha-Gozer and his son R. Gershom ha-Gozer (thirteenth century). *Kelalei ha-Milah* was published in the book *Sichron B'rith Larischonim* by A. J. Glassberg (Berlin: Itzkowski, 1982 [photocopy edition: Jerusalem, 1978]). These rules are generally followed to the present, and certainly represent a long tradition.

9. For recent mechanical and surgical methods look at the websites under “foreskin restoration.”
10. We do not know of any challenge raised against the practice of circumcision in Jewish society from the time of the Bar Kokhba Revolt to the era of the Enlightenment (*haskalah*). See R. Judd in this volume for the history of the nineteenth-century circumcision debates in the German-speaking lands.
11. For the spread of Hellenism in this period, see A. Tcherikover, “The Decrees of Antiochus and Their Problems,” *Eshkolot* I (1954): 86-109 (Hebrew); idem. “The Hellenistic Movement in Jerusalem and Antiochus’ Persecutions,” in A. Schalit, ed., *The World History of the Jewish People*, vol. 6, *The Hellenistic Age* (London: W. H. Allen, 1972), 115-44; M. Stern, “The Period of the Second Temple,” in H. Ben-Sasson, ed., *A History of the Jewish People* (Cambridge, Mass.: Harvard University Press, 1976), 196-205.
12. Martialis, *Epigrammata* 7:55.
13. Ibid. 7:82.
14. See also Tacitus’s opinion regarding circumcision: *Historia* 5:2-5; and also J. Levy, *Studies in Jewish Hellenism* (Jerusalem: Bialik Institute, 1960). See also the contempt exhibited by the Greek writers toward circumcision, and especially toward the Egyptians and the Phoenicians: Aristophanes, *Ornithes* 507; *Ploutos* 267; Strabo, *Geographical Sketches* 16:2:37, 17:2:5. Among the Roman satirists, see also Petronius, who mocks a wise servant who has only two drawbacks: he is circumcised, and he snores while sleeping (*Satyricon* 68:8).
15. Josephus, *War* 1:34 (trans. H. St. J. Thackeray, *Loeb Classic Library* 1, London: Heineman, 1966, 19); cf. 1 Maccabees 1:48. See R. Abusch, in this volume, for a discussion of the anticircumcision campaign in the context of the Roman prohibition against genital mutilation.
16. 1 Maccabees 1:60-61 (trans. S. Tedesche, *The First Book of Maccabees* [New York: Harper and Brothers, 1950]), 79; cf. Josephus, *Ant.* 12:254.
17. See G. Alon, *The Jews in Their Land in the Talmudic Age* (Jerusalem: Magnes, 1984), 2:586-87.
18. Jubilees 15:33-34, *The Book of Jubilees* (trans. O. D. Wintermute, in J. H. Charlesworth, ed., *The Old Testament Pseudepigrapha* [Garden City, N.Y.: Doubleday, 1985]), 2:87. Note that Wintermute translates 15:33 as follows: “And now I shall announce to you that the Sons of Israel will deny this ordinance and they will not circumcise their sons according to all of this law because some of the flesh of their circumcision they will leave in the circumcision of their sons.” This apparently could be evidence that there was concern about leaving flesh that could be drawn down. But not all scholars

agree about the translation of the Ethiopian text. Some read the text in different ways. E.g., Charles translates: "... for in the flesh of their children they will omit this circumcision of their sons" (R. H. Charles, *The Apocrypha and the Pseudepigrapha of the Old Testament* [Oxford: Clarendon, 1913/1973], 2:32). Therefore it is not clear whether 15:33 talks about leaving flesh.

19. Eruvin 19a; see *Dikdukei Soferim*.
20. BT Sanhedrin 44a. For Esau drawing down his foreskin, see Ruth Rabbah 1:13 (ed. M. B. Lerner, in "The Book of Ruth in Aggadic Literature and Midrash Ruth Rabbah," Ph.D. diss., Hebrew University, 1971, 2:12-14 [Hebrew]); *Midrash Tanhuma, Gen., Toledot 4; Aggadat Bereshit, Noah 4* (ed. Buber [Cracow: 1903], 119). See also Ex. Rabbah 19:4, where God draws down the foreskin of the wicked after death so that they will enter Gehennom
21. Lev. Rabbah 19:6.
22. 1 Cor. 7:18-19.
23. M.Avot 3:11.
24. Avot de-Rabbi Nathan (*version A*, 26)
25. PT Peah 1:1:16[b]. See also the parallel versions: PT Sanhedrin 10:1:27(c); *Sifrei, Num., Shelah 112* (ed. H. S. Horowitz [Leipzig: Gustav Fock, 1917], 121); *Avot de-Rabbi Nathan* (ed. Schechter [Vienna, 1887]), Version B, 44a; T Sanhedrin 12:15; BT Sanhedrin 99a. For a discussion of this subject and the version, see L. Finkelstein, *Mabo le-Massektot Abot ve-Abot d'Rabbi Natan (Introduction to the Treatises Abot and Abot of Rabbi Nathan)* (New York: Jewish Publication Society, 1951), 72-74, 160-61 (Hebrew); idem, "An Ancient Tradition about the Beginnings of the Sadducees and the Boethusians," in M. Ben-Horin, B. D. Weinryb, and S. Zeitlin, eds., *Studies and Essays in Honor of Abraham A. Neuman* (Leiden: Brill, 1962), Hebrew section, 622-39, esp- 632-33. See also T Horayot 1:5: "The one who eats forbidden reptiles is an apostate [...] the one who eats the flesh of a swine, the one who drinks Gentile wine, the one who desecrates the Sabbath, and the one drawn down."
26. See: I.[J.] H. Weiss, *Dor Dor ve-Dorshav* (—*Zur Geschichte der Jüdischen Tradition*) (New York, 1924), 131 n. 1 (Hebrew); W. [B. Z.] Bacher, *Aggadot ha-Tannaim* (Jerusalem: Dvir, 1922), 142, n.3 (Hebrew trans. of *Die Agada der Tannaiten* [Strassburg, 1903]).
27. In the Hellenistic period the *epebion* was a cohort of youngsters aged 17–18, from the wealthy classes, who had their physical training in the gymnasium.
28. See: V. A. Tcherikover, *Hellenistic Civilization and the Jews* (Philadelphia: Jewish Publication Society, 1959), 162; V. A. Tcherikover and A. Fuks, *Corpus Papyrorum Judicarum* (Cambridge, Mass.: Harvard University Press, 1957), 1:38.
29. *Tcherikover*, *Hellenistic Civilization and the Jews*, 310-26.
30. See: V. A. Tcherikover, "Syntaxis and Laographia," *Journal of Juristic Papyrology* 4(1950): 179-207.
31. G. Alon, *The Jews in Their Land* (Jerusalem: Magnes, 1980), 1:75-76.

32. Tosefta Shabbat 16:9. The version in the PT [Shabbat 19:2:17(a) and Yevamot 8:1: 9(a)] differs in its ending: “R. Yose said: There were many drawn down ones in the time of Bar Kozeva. They all underwent circumcision and lived, and had sons and daughters.” See also Gen. Rabbah 46:13; BT Yevamot 72a.
33. BT Yevamot 72a-b.
34. PT Shabbat 19:2:17(a).
35. T Yevamot 10:2; PT Yevamot 8:1:8(d); BT Yevamot 72a.
36. *Mechilta d’Rabbi Ishmael*, ed. H. S. Horovitz and I. A. Rabin (Jerusalem, 1955), Bo 15, 54.
37. Yevamot 8:1:8[d].
38. *Metzitzah*, the sucking of the wound (apparently for healing purposes).
39. See: *Kelalei ha-Milah*, 10, and the glosses of *B e’er Yaakov* ad loc.
40. M. Shabbat 19:1; PT Shabbat 19:1:16(d), and more.
41. *Tesbuvoth ha-Geonim Shaarei Tzedek* (Jerusalem: Kelal u-Perat, 1967), 1, 5:10.
42. M Shabbat 19:6. See also PT Shabbat 19-6:17(b); *Midrash Lekah Tov* on Genesis, *Lekh Lekha* 17:13 (ed. Buber [Vilna, 1880], 76); *Pirkei de-Rabbi Eleazar* 29.
43. PT Shabbat 19:2:17(a). See also PT Yevamot 8:6:8(d); Nedarim 3:14:38(b); Gen. Rabbah 46:17; *Midrash ha-Gadol*, Genesis, *Lekh Lekha* 17:13 (ed. Margoliouth [Jerusalem: Mossad ha-Rav Kook, 1947], 275).
44. BT Yevamot 71b. See also *Midrash Aggadah, Lekh Lekha* 17, ed. Buber (Vienna, 1894), 40. “Because he [Abraham] engaged in intercourse, he had no [fore]skin, and there was no need for *periah* .” Compare also Gen. Rabbah (47:8 trans. H. Friedman, ed. Soncino), 1:403.
45. Cant. Rabbah 2:6 (ed. S. Donsky [Jerusalem-Tel Aviv: Dvir, 1990], 53).
46. See also Exod. Rabbah 1:8 (*Midrash Shemot Rabbah*, ed. A. Shinan [Jerusalem-Tel Aviv: Dvir, 1984], 46); *Aggadat Bereshit* 17 (ed. Buber, 35). This is despite the verse: “Now, whereas all the people who came out of Egypt had been circumcised” (Josh. 5:5). In contrast with these midrashim, others state that the commandment of circumcision was observed in Egypt (see M. Kasher, *Torah Sheleimah*, 8 [New York: Schlesinger Bros., 1944], on Exod. 1:8, p. 19, para. 86), or, alternately, that only the tribe of Levi practiced circumcision in Egypt (Num. Rabbah 3:6).
47. *Pirkei de-Rabbi Eleazar* 29. According to some traditions, it is self-understood that circumcision was practiced in the wilderness. E.g., Num. Rabbah 12:8: “For if they were not circumcised, they could not gaze upon the Divine Presence.” See also Deut. Rabbah 11:3, the dialogue between Abraham and Moses. According to another tradition, circumcision was not practiced all the forty years in the wilderness because of the rigors of the journey, or because “the north wind did not blow on them” (BT Yevamot 71b~72a).
48. Cant. Rabbah 1:62 (ed. Donsky, 48); *ibid.* 17:12 (p. 159). See also *ibid.* 4:1 (pp. 98-99).
49. PT Shabbat 19:6:17(b); BT Shabbat 137b; Yevamot 47b, 71b.

50. PT Shabbat 19:2:17(a); and in the parallels: PT Yevamot 8:1:8(d); Nedarim 3:14:38(b); BT Yevamot 72a; Gen. Rabbah 46:12; *Midrash Lekah Tov*, Gen., *Lekh Lekha* 17:13 (ed. Buber, 76).
51. Tosefta Shabbat 15[16]:4.
52. See also PT Shabbat 19:6:17(b); BT Shabbat 133b.
53. See: Pummer, "Samaritan Rituals and Customs," in A. D. Crown, ed., *The Samaritans* (Tubingen: J. C. Mohr, 1988), 6, who notes that even Josephus, who was one of their most forceful opponents, did not accuse them of neglecting circumcision.
54. Origenes, *Contra Celsum* 2:13. See the English edition: H. Chadwick, trans. and ed., *Origen: Contra Celsum* (Cambridge: Cambridge University Press, 1953), 79 and n.3. Antoninus Pius, who abrogated the prohibition of Jewish circumcision (see E. Smallwood, "The Legislation of Herodian and Antoninus Pius Against Circumcision," *Latomus* XVTH [1959], 334-47; XX [1961], 93-96), maintained the prohibition regarding the Samaritans, who risked the death penalty for practicing circumcision.
55. M. Avi-Yonah, "The Samaritan Revolts against the Byzantine Empire," *Eretz-Israel* 4 (1956): 127-32 (Hebrew); for additional bibliography, see Pummer, "Samaritan Rituals," 6, n.23. Also see Jacob, Son of Aaron, "Circumcision among the Samaritans," ed. W. E. Barton; in *Bibliotheca Sacra* 65 (1908): 695-96.
56. For the Samaritans and circumcision, see Jacob, Son of Aaron, "Circumcision," 649-710; J. Mills, *Three Months' Residence at Nablus, and an Account of the Modern Samaritans* (London. J-Murray, 1864); and recently: P. Pummer, "Samaritan Rituals," 6-10. See also R. Kashani, "The Samaritans: History, Tradition, and Customs," *Bi-Tefutzot ha-Golah* 13 (1971): 202-19 (Hebrew). My thanks to Professor Alan D. Crown of University of Sydney, Australia, who directed me to some of the sources concerning the Samaritans.
57. The version in the Samaritan Torah on Gen. 17:14 is: "And if any male who is uncircumcised fails to circumcise the flesh of his foreskin *on the eighth day*, that person shall be cut off from his kin; he has broken My covenant." The wording "on the eighth day" appears only in the Samaritan Torah, while the Jewish sources allow for a certain degree of flexibility in determining the day of the circumcision. See M Shabbat 19:5. They also permit the postponement of the circumcision due to illness. See, e.g., T Shabbat 16(15): 8; PT Yevamot 8:1:15(a). In later sources, beginning in the medieval period, the Samaritans contend with the Jews, who at times *allow the* postponement of the circumcision. For an eleventh-century controversy, see *M. D. Abd al-'Al*, "Comparative Study of the Unedited Work of Abu 'l-Hassan al Suri and Yussuf ibn Salamah," *Ph.D. diss.*, Leeds University, 1957, 2:689 (text); 530 (trans.). *For a similar dispute in the sixteenth to eighteenth centuries*, see *ibid.*, 690, 698 (text); 532, 541 (trans.). *It should be noted that the fundamentalist approach of the Judean desert sects, like the Samaritan approach, does not allow for any flexibility. See, e.g., Jubilees 15:25.*

58. The custom of the “*sandakit*” (“godfather,” f.) or “*ba’alat ha-berit*” was also known in Jewish circumcision. Sperber has already shown that women functioned as “*ba’alat ha-berit*” until the thirteenth century, when the practice was prohibited by R Meir of Rothenburg. See D. Sperber, “The Custom of Drinking Wine during Circumcision,” *Milet* 1 (1983): 223-24 (Hebrew); see also *Maharam mi-Rotenburg, Teshuvot, Pesakim, ve-Minhagim*, ed. Y. Z. Kahana (Jerusalem: Mossad ha-Rav Kook, 1960), para. 210, p. 262. The word *sandak* (“godfather”) is first mentioned in *Midrash Tehillim* 38:10, ed. Buber (Vilna, 1891), 154b. The talmudic literature is silent as to who held the infant during the circumcision, and how. In later sources the *sandak* is generally termed the “*ba’al berit*.” See, e.g., *Kelalei ha-Milah*, 15, 59, 65-66. See also E. Baumgarten in this volume.
59. R. Kirchheim, *Karmeit Shomron* (Frankfurt, 1851), p. 90. See also Kashani, “The Samaritans,” loc. cit.
60. See: Jacob, Son of Aaron, “Circumcision,” 697; Mills, *Three Months’ Residence*, 196; Pummer, “Samaritan Rituals,” 9.
61. T Avodah Zarah 3(4): 13. See also PT Shabbat 19:2:17(a); Yevamot 8:1:8(d)-9(a); BT Avodah Zarah 27a.
62. See Dean, ed., *The Epiphanius Treatise*, 32; Pummer, “Samaritan Rituals,” 9-10; see also L. Duliere, “La seconde circoncision pratiquée entre Juifs et Samaritans,” *L’Antiquité Classique* 36 (1967): 553-65.
63. W Robertson-Smith, *Lectures in the Religion of the Semites* (London: Black, 1927), 16-18; F. Boas, *Race, Language and Culture* (New York: Macmillan, 1953), 270-80.
64. H. Goldberg, ed., *Judaism Viewed from Within and from Without* (Albany, SUNY Press, 1987).
65. J. Katz, *Exclusiveness and Tolerance* (Oxford: Oxford University Press, 1961), 24-47.
66. M. Avodah Zarah 1.
67. A number of recently published studies examine the relationship between the halakhah and the actual practice. See, e.g., S. Cooper, “On Rules of Mixture: Towards an Anthropology of Halacha,” in Goldberg, *Judaism Viewed*, 55-74; M. Friedman, “The Lost Kiddush Cup: Challenges in Ashkenazic Haredi Culture—A Tradition in Crisis,” in J. Wertheimer, ed., *The Uses of Tradition: Jewish Continuity in the Modern Era* (New York: JTS, 1992), 175-90; N. Rubin, “Birkat Avelim—The Blessing of Mourners,” in H. Basser and S. Fishbane, eds., *Approaches to Ancient Judaism* (New Series, vol. 5) (Atlanta, Georgia: Scholars Press, 1993), 119-41; N. Rubin, “Coping with the Value of the *pidyon ha’ben* Payment in Rabbinic Literature—An Example of a Social Change Process,” *Jewish History* 10.1 (1996): 39-61.