

**YESHIVAT HAR ETZION
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

**TALMUDIC METHODOLOGY
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THE YESHIVA WISHES A WARM MAZAL TOV TO RAV MOSHE AND ATARA TARAGIN, UPON THE BIRTH OF A BABY BOY – SHE-YIZKU LE-HAKHNISO LE-BRITO SHEL AVRAHAM AVINU TUESDAY 17 SIVAN.

Shiur #20: The Act of *Mila*

The Mishna in Shabbat (137a) describes skin fragments which, if they are not removed, invalidate the circumcision: *tzitzin ha-me'akevin et ha-mila*; it also addresses the fragments which do not disqualify the circumcision, but should be severed to enhance the mitzva: *tzitzin she-ein me'akevin et ha-mila*. Basically, skin which covers the *makom ha-mila* (site of circumcision) must be removed, whereas other fragments should be removed to fulfill *hiddur mitzva*, the beautification of mitzvot. By demanding that the top of the *makom ha-mila* be exposed, is the Gemara describing the amount of skin necessary so that the act of cutting is significant? Are these pieces of skin essentially a measurement defining the halakhically recognized act of cutting off the foreskin? As such, the mitzva of *mila* would be defined as removing skin, and the amount of skin described by the Gemara would constitute the PARAMETERS of the *ma'aseh ha-mitzva*, the mitzva act. Alternatively, is the mitzva itself defined as revealing the *makom ha-mila*, so that the cutting is merely a manner of removing the foreskin and unveiling the area?

Clearly the most striking scenario which may indicate that the mitzva is not cutting skin but rather disclosing a *makom ha-mila* is the situation of a *mashukh*,

wherein the foreskin grows back and covers the *makom ha-mila*. The Gemara in *Yevamot* (72a) deliberates whether a *mashukh* requires a new *mila* at a *de-oraita* level or merely *de-rabbanan*. It cites a baseline opinion that the second *mila* is rabbinically required, and though the gemara endeavors to find a dissenting opinion, it cannot identify a view which would classify *mila* of a *mashukh* as a Torah obligation. In fact, even the rabbinical requirement is imputed to secondary intentions: the *mila* is required so that the child not appear to be uncircumcised. Even the rabbis regard the original *mila* as valid and merely mandate a further *mila* for appearances. Should we therefore infer that, in fact, the mitzva of *mila* entails cutting skin, but not necessarily creating a revealed *makom ha-mila*? Or can we still maintain that the mitzva is defined as revealing the *makom ha-mila*, but that once it is uncovered, Halakha is unconcerned with the area being subsequently concealed once again? In a comparable vein, the mitzva of *kissui ha-dam* demands that the blood of slaughtered birds and undomesticated animals be covered. Once this blood is concealed, Halakha ignores the fact that the wind may subsequently uncover the blood. Conversely the mitzva of *mila* may entail exposing the *makom ha-mila*; however, once uncovered, Halakha ignores its subsequent 're-covering.'

An interesting debate may shed some additional light upon this question. The Shulchan Arukh and the Rambam mention that the actual cutting of the foreskin may be performed with any sharp object. The Chatam Sofer – in two responsa in *Yoreh Dei'a* (248, 249) – asserts that *mila* may be fulfilled by simply stripping the foreskin, even without entirely cutting it. For example, he describes a scenario whereby only minimal skin was actually cut, and the rest was slipped off the *makom ha-mila* by hand and pushed back off the *makom ha-mila*. As the Torah does not employ a 'vivid' verb to describe the mitzva, perhaps actual cutting is not necessary. In fact, Onkelos translates Devarim 10:16, "You must circumcise the foreskin of your heart," as "You must cast off"—suggesting that removal is necessary, but not actual cutting. Many Acharonim sharply disagree with the Chatam Sofer and demand that the outer layer of foreskin actually be

cut. In some ways this *machaloket* may reflect our original inquiry. By eliminating the need for actual cutting is the Chatam Sofer, in effect, altering the definition of the mitzva from an action (cutting) to a result (an uncovered *makom ha-mila*)? Or does he still view the mitzva as an action done upon the skin, merely switching the action from cutting to removing?

An interesting *machaloket* between the Taz and the Sha'agat Aryeh may also relate to our question. A child born without a foreskin requires a ceremony known as *hattafat dam berit* in lieu of a real *mila*. (See <http://vbm-torah.org/archive/metho-by-topic/shabbat.html> for a fuller expansion of this concept.) If his foreskin were to grow afterward, would he require an additional *mila*? This situation may differ from that of a *mashukh*, who has already undergone classic *mila* and the removal of his actual foreskin. The Taz (264;9) claims that an additional *mila* would be required, while the Sha'agat Aryeh disagrees. This *machaloket* may reflect our question. If the mitzva of *mila* is defined as uncovering the *makom ha-mila*, our situation may require an additional *mila*; since the *makom ha-mila* was never originally actively uncovered, once the skin grows, an act of uncovering is necessary. However if *mila* entails simply cutting a certain piece of skin and the uncovered *makom ha-mila* is merely a byproduct, our situation may not warrant a new act of *mila*. A viable form of *mila* – *hattafat dam berit* – has already been performed, and no new action is necessary!

Of course, one could argue that even according to the Taz, who required new *mila*; the mitzva still does not mandate uncovering the *makom ha-mila*. Perhaps *hattafat dam berit* is NOT considered an alternate form of *mila*, and it is required for some ulterior purpose. As such, this child has never undergone the basic act of *mila*, and if a foreskin develops, conventional *mila* is mandated. Even if only an act of cutting is required, we would still be forced to examine the nature of *hattafat dam berit* in order to fully excuse this child from an additional *mila*.

The Gemara in Shabbat (137b) discusses a situation of a chubby child whose skin covers the *makom ha-mila*: as long as the *makom ha-mila* is even partially visible when rigid, the original mila is valid. This gemara further diminishes the need for a fully visible *makom ha-mila*, suggesting that the mitzva demands merely cutting requisite skin, rather than uncovering a *makom ha-mila*.

However this halakha can be justified in two manners. Firstly, the gemara may be referring to a situation in which the original *mila* was valid and uncovered the ENTIRE *makom ha-mila*, but subsequently obese tissue began covering the *makom ha-mila*. As such, this situation would not be much different from a *mashukh*! Alternatively, even if this scenario refers to a situation in which the *makom ha-mila* was never originally uncovered (thus differentiating it from *mashukh*), we may be able to ignore flesh which is not foreskin but happens to obscure the *makom ha-mila*. Even if the mitzva demands uncovering the *makom ha-mila*, we may not be concerned with 'foreign' matter which covers it; fatty skin which covers the *makom ha-mila* may not constitute an invalidation of the original act of *mila*.

Presumably, the ultimate *nafka minah* would be in a situation in which the foreskin was never fully removed. If the skin was only partially cut and immediately covered the *makom ha-mila* again, would a new *mila* be necessary? There seems to be a debate between the Maharil, who requires a new *mila*, and the Eshkol, who does not. Presumably, this scenario would be directly impacted by our question. The requisite amount of skin has been cut, but no act has decisively uncovered the *makom ha-mila*. Requiring new *mila* would suggest that uncovering the *makom ha-mila* is not merely a byproduct of the mitzva, but entails the essence of the mitzva.

To be sure, adopting the position of the Maharil, who requires additional *mila*, does not necessarily indicate that uncovering the foreskin is part of the

mitzva; if the skin immediately re-covers the *makom ha-mila*, perhaps the act of cutting itself is retroactively shown to be deficient. Even though enough skin is cut to MOMENTARILY expose the *makom ha-mila*, since the situation is not sustainable, the act of cutting is flawed, and the *mila* is invalid. We still may not have absolute proof that achieving an uncovered *makom ha-mila* is the primary goal of this mitzva.

The ensuing shiur will prove the correspondence between *mila* and *peri'a*, a question which may further highlight the definition of the act of *mila*.