

ANESTHESIA AND B'RIT MILAH

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The Committee on Jewish Law and Standards of the Rabbinical Assembly provides guidance in matters of halakhah for the Conservative movement. The individual rabbi, however, is the authority for the interpretation and application of all matters of halakhah.

שאלה

May anesthesia be used during a ברית מילה?

תשובה

The mitzvah of ברית מילה is one of the most important and long standing of all Jewish traditions. Periodically throughout history there have been attacks against the ritual. The enemies of the people of Israel have seen it as a barbaric rite and members of the Jewish people who have serious concerns about the ritual and its practice have raised significant issues.

Recently questions have been raised concerning the pain experienced during circumcision. Most circumcisions are performed on eight-day-old male babies, and therefore it is very difficult to evaluate the nature of the pain that may be present at that time. However, circumcisions can also be performed on males who are older than eight days. These can occur when a male converts to Judaism and is not circumcised or when a Jewish male has not, for some reason, undergone the halakhic procedure at the proper time. Examples of this latter omission may include the population that was born during the Holocaust when a ברית מילה was a death sentence; Jews who have joined the Jewish people from Eastern Europe and the former Soviet Union where circumcision was not practiced among the general population; and even some Jews born in the lands of freedom whose parents did not wish them to undergo the procedure.

The question has arisen whether it is possible to use anesthesia for the person undergoing a ברית מילה. This question has been raised not only by those who are affiliated with the Conservative movement but by those of other movements as well. Rabbi Michael

Herzbrun raises the issue of pain during the circumcision.¹ Rabbi Ovadiah Yosef also raises the question.² But perhaps Lisa Braver Moss offers the most serious challenge.³ She is a freelance writer whose two sons underwent the ברית procedure. Having witnessed her two sons crying during the procedure, she now wonders whether the procedure should be reexamined. Her concerns are probably those of many parents who contemplate the procedure, and since their lives are not totally enveloped within the halakhic framework, they therefore look for opportunities not to perform a ברית מילה.

She writes, "We must also address the reality that Jewish parents are questioning circumcision more than ever before. Some find the pain and risks problematic. . . . This reality is far from bleak: Each of these concerns reflects a deep regard for Jewish values. Jews are questioning circumcision for Jewish reasons. In my own case, questioning the rite has only deepened my love for Judaism and strengthened by Jewish identity." Thus it behooves us to reexamine the issue of pain during the circumcision and possible solution which might be available both from a medical and a halakhic point of view.

In the case of an adult, there is no doubt that pain is present during this surgical procedure. Is pain a necessary requirement for a proper ברית מילה to take place? Rabbi Meir ben Aaron Judah Arik (1885-1926) in his work, *Imrei Yosher*,⁴ contends that pain should accompany the circumcision ritual. He bases his proof on Abraham, the first person to be circumcised. He suggests that the patriarch received a double reward from heaven for enduring the pain of the procedure. He also bases his argument on an element of omission. Since the rabbis knew of and accepted pain-reducing medication during medical procedures, the fact that they never wrote about them in the context of circumcision suggested to him that they should not be used.

His view has been severely criticized by two recent scholars. Rabbi A.L. Baron suggests that in the matter of enduring pain during circumcision we do not follow the example of Abraham our Patriarch. "We follow the commandment of Moses, our Rabbi, from Sinai and there we did not learn that one must endure pain during circumcision." It is his contention that, "pain during circumcision is not a necessary requirement of the commandment."⁵ Rabbi Ovadiah Yosef⁶ agrees with this opinion since, "there is no obligation to be in pain during circumcision," and the fact that the Rabbis did not mention the use of pain-reducing medication is not proof whatsoever to disallow it.

In fact, most halakhic authorities agree that in the case of an adult male, local or a general anesthesia is permitted. For example, Ephraim Oshri was asked the question whether it was permitted to administer an anesthetic to a ten-year-old child.⁷ A group of boys had been hidden during the Holocaust, and the parents had deliberately avoided circumcising them so that they could pass unnoticed among the gentiles. One ten-year-old boy refused to be circumcised unless it could be promised to him that he would not suffer pain. Rabbi Oshri allows the anesthetic to be administered

¹ Michael B. Herzbrun, *CCAR Journal* 38 (fall 1991).

² Rabbi Ovadiah Yosef, *Sheelot u'Teshuvot Yabea Omer*, helek 5, siman 22.

³ Lisa Braver Moss, *Tikkun* 5, (Sept./Oct. 1990) no. 5; *Midstream* 38 (Jan. 1992), no. 1.

⁴ Rabbi Meir ben Aaron Judah Arik, *Imrei Yosher*, vol. 2, siman 140, ot 3.

⁵ Rabbi A.L. Baron, "In the matter regarding whether it is permissible to circumcise by means of spreading anesthetic on the member prior to circumcision so as not to feel the pain of circumcision." (Hebrew) *HaDarom*, 1989, pp. 13-22.

⁶ Rabbi Ovadiah Yosef, *Noam* 12 (Hebrew): 1-10.

⁷ Ephraim Oshri, *Sheelot U'Teshuvot Mimama'akim* 2, no. 1.

since the halakhah does not mandate pain as part of the circumcision ritual.

The second question that needs to be answered is does the נמול, the individual being circumcised, need כוונה – intentionality? Rabbi Jehiel Jacob Weinberg⁸ believes that, “if we induce a general anesthetic then he will be as an inanimate stone and we do not establish a covenant with a stone.” However, his view seems to be definitely in the minority. Rabbi Ovadiah Yosef, as but one example, does not see this as a problem. First of all, the person upon whom the ברית is performed does not need כוונה, as evidenced from the ברית of an infant who cannot have כוונה and, secondly, even if it were an issue, one can appoint another to perform the ברית before the anesthetic has been administered.⁹

Since these scholars have permitted the use of anesthetics on an adult during the circumcision, what should our opinion be with regard to an eight-day-old child? The issue of כוונה, even if it is a category that must be present, does not apply since any anesthetic that might be administered will be a local one. In fact, if כוונה is an issue, it is important to recognize that the mitzvah of מילה is incumbent on the father, and he can either do the ברית מילה himself or appoint a מוהל to do it.

The major issue left to answer is that concerning the issue of pain. While it is difficult to judge the pain element in such a young baby, many medical researchers do believe the baby does endure some pain. While this pain may be inconsequential, researchers do believe that infants do experience pain with at least short-term significant sequelae.¹⁰ If indeed some pain is present in the circumcision procedure, then a study reported in the Journal of the American Medical Association, that newborns that received an anesthetic had significantly less pain, could be used to our advantage.¹¹ Even if this is the case, it should make no difference whether the person being circumcised is eight days old or older; we should be able to use the same reasoning to allow the use of anesthetic medication in the circumcision procedure. While this will not alleviate the concern of all parents with regard to the procedure on their young children, having it available will at least allow the מוהל to use it and calm their concerns. We can, therefore, respond positively to the concerns of parents such as Lisa Braver Moss who wish to follow Jewish tradition but have reservations about the procedure.

As to what type of anesthetic application should be used, I leave that to medical professionals. There are some that perform the procedure who are also physicians and who use either a dorsal penile nerve block or a ring block through an injection.¹² Recently a new topical cream, EMLA, has appeared on the market. There are some מוהלים who find it very useful and still others who are not sold on its use.¹³ However, all agree that these methods can be used during the procedure for an eight-day-old child. As for a person who is older, either a local or a general anesthetic can be used.¹⁴

⁸ Rabbi Jehiel Jacob Weinberg, *Sridei Eish* 3:6.

⁹ Rabbi Ovadiah Yosef, *ibid*.

¹⁰ Franca Benini, C. Celeste Johnston, Daniel Faucher, and J.V. Aranda, “Topical Anesthesia During Circumcision in Newborn Infants,” *JAMA*, (Aug. 1993): 2.

¹¹ Janice Lander, Barbara Brady-Fryer, James B. Metcalfe, Shemin Nazarali, and Sarha Muttit, “Comparison of Ring Block, Dorsal Nerve Block, and Topical Anesthesia for Neonatal Circumcision,” *JAMA* 278 (24) (24-31 Dec. 1997).

¹² Discussion with Dr. Larry Veltman, graduate of ברית קודש Program.

¹³ See Dorothy Greenbaum, “In Pursuit of the Painless Bris,” *Berit Mila Newsletter* of the National Organization of American Mohalim/ot (Reform); Rabbi Eric Silver, private communications with Rabbi Andy Sacks (Conservative); Rabbi Moshe Tendler, Discussion and Lecture before ברית מילה Board of New York, 1993 (Orthodox).

¹⁴ Rabbi Isaac Klein, *Responsa and Halachic Studies*, p. 125.

Conclusion

It is permissible to use either a general or a local anesthetic during the procedure of ברית מילה whether the person is a baby or an adult. I would leave up to the individual מוהל the decision as to what type of anesthetic may be used. However, if its use alleviates some of the concerns of the parents as to whether they wish to have a ברית מילה for their child, the מוהל should seriously consider using a form of anesthetics which is acceptable to him or her.