

INDUCTION LEADING TO BIRTH OF A BABY ON SHABBAT AND B'RIT MILAH

Rabbi Vernon H. Kurtz

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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

When labor is induced so that a baby is born on Shabbat, does the ברית מילה occur on the following Shabbat?

תשובה

In checking with obstetrician gynecologists, I learned that there are two reasons that labor may be induced. One reason is for medical issues, the other is for convenience.

If a doctor recognizes that there is a danger in the pregnancy, either for the mother or the baby, the doctor may induce the mother to give birth sooner rather than later. This may occur where there is evidence of fetal distress; problems caused by an elevation in blood pressure; diabetes or other medical problems; or in a case where the mother's waters may have broken but labor itself is not proceeding on course. If a baby is judged late, there may not necessarily be a need to induce the mother unless danger signals are present.

There are times when labor is induced due to the schedules of the parents, doctors or hospital. In this case it may be an elective decision. This should strongly be discouraged since the desecration of Shabbat will no doubt occur, and we should minimize that occurrence under all circumstances.

If induction occurs either on Friday or on Shabbat itself and the baby is born on Shabbat, the question has been asked whether a ברית מילה should take place on the following Shabbat or not. The answer revolves around the question of whether induction

itself is considered artificial and, thus, should not lead to a ברית מילה on Shabbat, or is it the birth itself that is determinative?

The Talmud in Shabbat 135a states:

Rabbi Assi said: He whose mother is defiled through confinement (טמאה לידה) must be circumcised at eight days, but he whose mother is not defiled through confinement is not circumcised on the eighth day because “when a woman at childbirth bears a male, she shall be unclean seven days. . .on the eighth day the flesh of his foreskin shall be circumcised.” (Lev. 12:2-3)

Rashi suggests that a woman who is not confined is one who gives birth by Caesarean section. However, one who has a male child through vaginal birth is considered to be טמאה לידה. The mother, in this circumstance, becomes ritually unclean because of delivery, and according to the Talmudic text, the circumcision takes place eight days later. This view is codified by the S.A. Yoreh De’ah 266:10.

Thus, the act of induction itself is not determinative but the manner of birth is. If a child is born by Caesarean section then a Shabbat brit is not permitted. It will be held on Sunday. However, if the child is born by vaginal birth, a Shabbat מילה should be performed. The rules governing a ברית מילה on Shabbat have already been discussed by the Rabbinical Assembly Committee on Jewish Law and Standards in a תשובה written by Rabbi Arnold M. Goodman and approved by the CJLS in March, 1988.¹

Conclusion

If induction for any reason takes place so that a woman gives birth on Shabbat, arrangements should be made for a Shabbat מילה to take place.

¹ Arnold M. Goodman, “Shabbat and Brit Milah,” *PCJLS 86-90*, pp. 311-315.