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Bris Mila without consent

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In loving memory of

Emil W. Heman ז"ל ר' מנחם זאב בן פנחס ז"ל
who loved and supported Torah learning.

Beaalotcha

Bris Mila without consent

Good Shabbos!

This Shabbos, I'd like to speak about a troubling trend that's been popping up here and there in America and other places in the world in recent years: a movement to ban bris milah, or circumcision.

A lot of this movement is centered around S. Francisco.

Thankfully, the movement in that city failed, but had they succeeded, they would have legally banned the performance of circumcision in the city. What they did accomplish, however, is gather thousands of signatures with the goal of putting the issue on a city ballot in November of 2011.

This group argued that they merely wanted to "protect" the city's children—arguing that it's not right to inflict circumcision, an irreversible wound, on a person without his consent. They argued that circumcision on anyone under age 18 should be considered a crime punishable with up to one year in prison and a \$1,000 fine.

Now as we all know, circumcision has always been something that Jew-haters have always fought against throughout all the generations. And we don't need to look too far back in Jewish history—it was only one generation ago that in the Soviet Union, circumcision was a serious violation of the law.

In the 1930s, in the Russian city of Gomel, a Jewish man came to court asking to divorce to his wife immediately after she gave birth to their first-born son. The reason for the divorce was that the woman had circumcised the baby.

Predictably, the Communists were thrilled about this development—here they finally had the opportunity to show Gomel's young Jewish generation that here was a young Jew who was prepared to sacrifice even his own marriage for the sake of Communism, which opposed circumcision.

But the Communists took it one step further—they organized a public hearing and publicized it all over the city.

On the day of the trial, the hall was packed from wall to wall. The judge was himself Jewish. He summoned the baby's father to the witness stand and asked him, "Comrade, are you a faithful member of the Party?" The father answered yes, and proceeded to tell the judge all about the important position he had in the Communist Party.

Then the judge asked him, "Did you have a good relationship with your wife until now?" The man answered affirmatively. The judge smiled: "If so, what happened now that you want to divorce her?"

The man answered: "Your honor, my wife gave birth to a son and I was looking forward to raising him as a true Communist. But one day, I came home and to my shock, I discovered that the baby had been circumcised! So what was I supposed to have done? Sit all day at home and guard him?!"

"It's my wife's fault!" he concluded.

The crowd nodded its collective head in agreement with the husband.

The judge then turned to the woman and asked her: "Is it true what your husband claims?"

With tears in her eyes, the wife responded: "Your honor, it's not true! But he won't believe me. What happened is that we live in an apartment with other tenants. My baby fell asleep and I went out shopping. But when I got back home, I went into my baby's bedroom and I discovered to my shock that the baby was missing!"

"I immediately ran outside to look for him and to my joy, I saw my parents and my in-laws holding the child. I was so happy to discover that my son was in good hands. My mother held up our son and said, 'We took him on a little walk.' So I took him back from her and went in upstairs."

"Later, when I changed the baby, I couldn't believe that my parents could do something like that to me—I discovered that the baby had been circumcised."

Now the judge summoned the two sets of parents to the witness stand and asked them if the story is true. So one of the grandmothers turned to the judge and said, "Your honor, I confess that I do not know what is so bad about our grandson being circumcised like every Jewish boy—but I want you to know that we did not plan to do this. It simply 'happened.'"

Everyone in the hall burst out in laughter. The judge called for silence. He then cynically asked the grandmother, "Explain to me, babushka, exactly how a circumcision just 'happens' by itself."

So the older woman said, "Well, we took the baby on a walk so that he could get a little fresh air, and we turned on to a side street. Suddenly, a strange man appeared from somewhere. We don't know his name. He asked us if we want our grandson to be a Jew. We answered, "yes, of course." So he quickly pulled out a knife and before we knew what was happening, the baby was circumcised."

The crowd in the hall rolled in laughter at hearing this description of events from the grandmother.

The judge addressed her again and said, "Grandma, are you done with your story?"

But the grandmother answered yes—and added: "And I want to say to you that I am very happy." The judge asked, "Why?" The woman answered, "I am happy that my grandson got a circumcision just like you did, your honor! Are you not proud that you are Jewish?"

It was with great difficulty that the judge managed to take control of the chaos that erupted in the hall after that.

He then summoned the husband to the stand again and asked him, "Tell me, Comrade—if not for this circumcision story, would there be another reason for you to divorce your wife?" No, said the man—this is the only reason.

"If you were told that she is not at fault, would you be prepared to change your mind?" asked the judge. "Absolutely," said the father.

"If so," said the judge, "this is the court's verdict: Your wife is not at all guilty. The fault lies entirely with the grandparents, and I hereby sentence them with a fine of 50 rubles for continued stubbornness in observing illegal Jewish customs."

As the crowd was departing the court, everyone marveled at the cleverness of the young Jewish couple—not only did they circumcise their child, but the husband even managed to protect his important job with the Communist Party, and without revealing who the mohel had been.

But the mohel hadn't been some angel or Elijah the Prophet, as you may have guessed. He was none other than the legendary Chabad Chasid, Rabbi Yitzchok Elchonon Shagalov, who was ultimately arrested in 1937 for being a mohel and shot to death in a Gomel prison. (May G-d avenge his blood.)

The Midrash tells us that when G-d commanded Avraham Avinu, our Patriarch Abraham, to circumcise himself, he went to ask his close friends what they had to say about it.

These friends were Aneir, Eshkol and Mamrei.

Aneir said to him, "You want to disable yourself?! The relatives of the kings whom you killed will come along to kill you, and you won't be able to flee from them!"

So Avraham went to Eshkol, who said to him, "You're old now—if you circumcise yourself, you'll lose too much blood and you won't be able to survive it and you'll die."

So Avraham finally went to Mamrei, who said, "Did He not save you from the fiery furnace and do all those miracles for you? Do as He commands."

So here, we already have public opinion opposing circumcision—out of three friends, only Mamrei advised Avraham to circumcise himself.

But right after that, Avraham not only circumcised himself, but also circumcised his son Yishmael, who was 13 at the time and agreed to let his father circumcise him.

Now when Yitzchak was born, he became the first Jewish boy who was circumcised at the age of eight days. The Midrash tells us that Yishmael taunted Yitzchak, saying that he was better than him because Yitzchak was not asked whether he wanted a circumcision but he, Yishmael, was circumcised with his own full consent.

That, after all, brings one very close to G-d—as Rashi (Bereishis 22a) says, “Yishmael would boast to Yitzchak that he was circumcised at age 13 and he did not protest.”

Nevertheless, we see that G-d specifically wants circumcision to be carried out at the age of eight days, even though this negates the self-sacrifice of a circumcision at age 13 as Yishmael had it. On top of that, a bris at eight days is missing the ingredient of free choice. With every other mitzvah, the Jew has free choice whether to keep the mitzvah or not—but circumcision is the only mitzvah that is done without the consent of the infant.

Perhaps we might say that there are other things that happen without our consent, as the Mishnah in Ethics of the Fathers (4:22) says: “Against your will are you created, against your will are you born and against your will do you live.”

This means that the most basic fundamentals of human existence entail no free choice—you’re not asked if you want to be born, you’re not asked which parents you want, and you’re not even asked if you want to be born as a Jew.

And so the one mitzvah that involves the human body, the mitzvah that symbolizes one’s existence as a Jew, specifically that mitzvah is done against one’s will—to underscore that one’s existence as a Jew is not something that depends on one’s free will. A Jew can fight against this as much as he wants—but it’s “against your will”: he was already born as a Jew.

And now, we finally come to this week’s Torah portion: Behaalos’cha.

In this week’s Parshah, we read about the travels of the Jewish Nation across the desert. The Torah tells us that the entire journey through the desert was not controlled by them but rather, by the supernatural Pillar of Cloud that traveled before them and dictated to them which way they should go. Sometimes, the Cloud would stay in one place “from evening to morning”—just one single night. And sometimes it would stay in one place for years—one such location was for 18 years! But regardless, it was totally not up to them—as the verse (Bamidbar 9:20) states, “According to G-d would they encamp and according to G-d would they travel.”

Now, the travels throughout the desert followed our Nation's exodus from Egypt—and the Exodus, the "birth of the Jewish Nation"—was not with our consent, as the verse states: "With a strong hand will he banish them from his land." And likewise was the entire journey through the desert not under our ancestors' control..

Why? That was all to implant in the Jewish Nation the notion that its essential existence as a Nation does not depend on its free choice.

Just like a normal person is happy that he or she was born even though they weren't asked whether they wanted it, so too does a "normal" Jew feel happy that he was given a bris even though he was not asked.

The lesson from this week's Torah portion is to celebrate and embrace those variables, those factors, in our lives over which we have no choice. Let us embrace ourselves as we were born. Let us embrace our parents. And let us embrace our natural-born Jewishness.

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