



Rambam on Berit Mila
By Rabbi David Silverberg

Toward the end of Parashat Lekh-Lekha we read of the *mitzva* of *berit mila*, circumcision, which serves as the sign of the eternal covenant between God and Avraham and his descendants.

Amidst his discussion of the laws of circumcision (Hilkhos Mila 1:18), Maimonides writes, “Only a newborn who has no illness whatsoever is circumcised, for [avoiding] danger to life overrides everything, and it is possible to circumcise afterward, whereas [even] a single [lost] Jewish life can never be restored.” Maimonides gives two reasons for his ruling that a sickly infant must not be circumcised. The first is the familiar principle of *piku’ach nefesh*, which suspends virtually all Torah laws when a risk to human life is entailed. Curiously, however, Maimonides felt compelled to add a second reason: “...and it is possible to circumcise afterward, whereas [even] a single [lost] Jewish life can never be restored.” The concern for the infant’s life takes precedence over circumcision on the eighth day because a *berit mila* is valid even past the eighth day. Since there is no final “deadline” for circumcision, we delay this *mitzva* until the infant recovers rather than risking his life by performing the procedure while he is ill.

Many later scholars struggled to explain why Maimonides added this factor. The obvious implication of his comment is that had circumcision been limited to the child’s eighth day, it would be required even at risk to the infant’s life. It is only due to the flexibility of *berit mila* that *Halakha* allows (and requires) delaying a sickly child’s circumcision until he recovers. How can this be reconciled with the principle of *piku’ach nefesh*, the fundamental rule that *mitzva* observance yields to the concern for human life?

Some writers noted that Maimonides here requires delaying circumcision in any case of illness, regardless of its level of severity. He emphasizes that an eight-day-old infant is circumcised only if he “has no illness whatsoever,” implying that even a child with a mild illness, for whom undergoing circumcision would not necessarily pose a serious risk, may not be circumcised on the eighth day. Perhaps, then, Maimonides speaks here of a provision that extends beyond the parameters of the standard rule of *piku’ach nefesh*. Rav David Menachem Babad of Ternopil (Galicia, early 20th century), in his work *Chavatzelet Ha-sharon* (Y.D. 73), indeed suggests such an approach. He writes that whereas normally *Halakha* forbids endangering one’s life for performing a *mitzva*, this is permissible in situations where the risk is minimal. Under such circumstances, although one is certainly not obligated to undertake the risk for the sake of fulfilling the *mitzva*, he is allowed to do so. In the case of an infant with a minor illness on his eighth day, then, we would, according to the standard guidelines of *piku’ach nefesh*, perhaps allow the circumcision to proceed, given the low level of risk entailed. However, Maimonides forbids circumcising a child in such a case, because of the additional factor – “it is possible to circumcise afterward, whereas [even] a single [lost] Jewish life can never be restored.” There is no justification in this case to subject the

infant to even minimal danger, since his condition will likely improve and he will have the opportunity to undergo a valid circumcision in good health at some later point.

In other words, Maimonides invokes two factors in reference to two different situations. In a case where circumcision would pose a considerable risk to the child's life, then the standard principle of *piku'ach nefesh* would mandate postponing the *berit mila* until the child recovers. But in a situation where only a small risk is involved, the ordinary guidelines of *piku'ach nefesh* would not necessarily forbid performing the procedure. The *berit mila* must nevertheless be delayed because circumcising on the eighth day, as opposed to delaying the *mitzva*, is not worth even a small risk to the child's life. Since the *berit mila* is valid even when performed after the eighth day, we may not subject the infant to even a small risk in the interest of performing the *mitzva* at its preferred time.