



N.Y. mayor must outlaw dangerous circumcision rite before another baby dies

Bill de Blasio should be more concerned about the deaths of Jewish children due to metzitzah b'peh and less concerned about the clout of ultra-Orthodox rabbis who do

nothing to prevent them.



Circumcision (illustration) / Photo by Dreamstime

By Rabbi Eric H. Yoffie

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New York Mayor Bill de

Blasio needs to be more concerned about the death of Jewish children and less concerned about the clout of ultra-Orthodox rabbis who have done nothing to prevent those deaths. His administration needs to do whatever is necessary to outlaw *metzitzah b'peh* (MBP), the controversial circumcision ritual according to which the *mohel*, the ritual

circumciser, cleans the wound by sucking the blood from the circumcised penis with his mouth.

This is a matter of great urgency. Last week, New Yorkers learned that yet [another newborn](#) has contracted herpes after undergoing a *brit milah*, a ritual circumcision, that included MBP. The failure to

put an end to a practice that is killing and maiming children is political cowardice. De Blasio is not the first mayor to confront the problem; he inherited it from his predecessor, who should have done something to stop it and did not. Nonetheless, it is on de Blasio's plate now, and the city looks to him to find a solution before more lives are lost or irreversibly damaged.

The risks of MBP are well-known. Jewish religious authorities have been worried about the health dangers [since the 1830s](#). More recently, health officials have noted that when oral suction is carried out by someone infected with oral herpes, the procedure is potentially fatal to infants, who have an undeveloped immune system. Israeli pediatricians [raised](#)

the issue in 2004, and in 2005, the Commissioner of the New York Department of Public Health called for MBP to be halted. In 2012, the department's deputy commissioner for disease control declared emphatically that “there is no safe way to perform oral suction on an open wound in a newborn.”

One might think that in light

of the strong views of medical experts, the religious authorities committed to the practice might reconsider. But that has not happened. When New York first contemplated taking some kind of action, 200 ultra-Orthodox rabbis signed a statement condemning the “evil plans” of the health department, adding that “it is clear to us that there is not even an iota

of blame or danger in this ancient and holy custom.”

The department has confirmed 17 cases of herpes resulting from MBP since the year 2000. Two of the babies died, at least two suffered brain damage, and the strong possibility exists that there may be many other unreported cases.

Nonetheless, the city

estimates that MBP is performed 3,600 times per year in New York.

The reasons for the mayor's reluctance to tackle this matter are hardly a mystery. Hasidic Jews, the element of the ultra-Orthodox world most committed to the practice of MBP, are a large and influential constituency in New York City. Members of

their community vote, usually the way that their *rebbe*s, rabbinical leaders, tell them to. Mayor de Blasio, like other mayors before him, wants the *rebbe*s in his camp. All of that is understandable, to a degree. But there are times when responsible leaders need to defend the helpless – in this case infants threatened with bodily harm. They need to care more about principle

than politics and more about the next generation than the next election. This is one of those moments.

The city currently deals with the problem by requiring *mohels* to advise parents of the dangers of MBP and then obtain a written consent form before performing it. This procedure was implemented in 2013 by the Bloomberg

administration. Although the Hasidic community challenged the rule in court, where the matter is still under review, it was of little help to the children. The requirement has been enforced sporadically, if at all, and parents may or may not understand what they are being told. More fundamentally, parents are still permitted to subject their

infant children to a medical procedure that could endanger their lives.

When the physical welfare of children is threatened, the institutions of the state have an obligation to intervene. If parents deny their children essential medical care or allow them to ride in an automobile without an approved car seat, the

government can take action under U.S. law to protect the children. So too must the government do what is necessary to prevent parents from subjecting their children to a procedure that can infect them with herpes and threaten their lives.

To be sure, first amendment issues are at stake here. If MBP were prohibited by the

city, the Hasidic community would surely challenge the policy on first amendment grounds. Such a challenge would be appropriate, even welcome. As a religious minority, American Jews attach special importance to the first amendment, the noble sanctuary of our most precious freedoms.

But constitutionally-

guaranteed freedom of religion does not give a religious group the unrestricted right to put the lives of their children in danger. Religious practice is given a great deal of latitude, but the general rule is that the authorities may intervene if there is a compelling government interest to do so and if the proposed law is drawn in as narrow a way as

possible to respond to the need in question. It should be possible to draft a statute prohibiting MBP that meets these requirements.

The de Blasio administration, to its everlasting shame, has not even tried. It keeps asserting that it will find a way to protect children through dialogue “with the community.” But there’s not

the slightest indication that dialogue will work, or even that's it's been seriously attempted. And if Hasidic authorities won't cooperate in putting an end to MBP, the mayor must take action.

It should be noted that virtually all of the great legal authorities of the Jewish world – [the Chofetz Chaim](#), [the Chazon Ish](#), [Rav Moshe](#)

Feinstein, Rabbi Yosef Dov

Soloveitchik – permitted methods other than MBP to be used to clean the circumcision wound. And at a time when efforts are being made to ban circumcision altogether, the use of MBP alienates young Jews and discourages them from practicing ritual circumcision at all. This is a tragedy since *brit milah* is an ancient and

sacred ritual that is fundamental to Jewish practice. And when done in a way that is acceptable under Jewish law whilst remaining consistent with modern medical standards, it is not only perfectly safe but medically beneficial.

But these are Jewish concerns and not mayoral concerns. The mayor's job is to set aside

political pressures and protect infant children who are being subjected to life-threatening procedures on his watch. Let us hope that Mayor de Blasio will do so, and soon.

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