

It cuts both ways: A Jew argues for child rights over religious circumcision

Censuring circumcision in Europe is about child protection, not anti-Semitism.

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Two years ago, in response to an article I wrote questioning circumcision, the British historian Geoffrey Alderman dedicated his column to my character assassination, describing me as “a leading anti-Jewish Jew of the younger generation.” Though I appreciated the attention, I was disappointed – why not “the” leading anti-Jewish Jew? It would have brought my parents such *nachas*.

Still, I was luckier than the Council of Europe: After it passed a motion declaring the circumcision of young boys for religious reasons “a violation of the physical integrity of children,” Israel’s Foreign Ministry accused it of fostering “hate and racist trends in Europe.” With accusations flying, the Council’s special rapporteur, Marlene Rupprecht, countered that the “vote does not intend to stigmatize any religious community or its practices,” but to reach “a wide consensus on the rights of children.”

So, who’s right? Those who say censuring circumcision is a manifestation of anti-Semitism, or those who say it’s a necessary step in child protection?

I think the latter are right, but I also understand why some think it’s anti-Semitic: Circumcision is a profoundly meaningful Jewish practice imbued with great cultural value. Consequently, attempts to limit it have sometimes been part of broader efforts to suppress Jewish practice. Antiochus Epiphanes, the draconian ruler of Judea in the second century B.C.E., imposed severe penalties on circumcision as part of his attack on Judaism. The Spanish Inquisition and Nazism were both accompanied by restrictions on circumcision. In 2011, an attempt to ban infant circumcision in San Francisco coincided with the publication of a cartoon called Foreskin Man, replete with anti-Semitic imagery.

Understandably, this has left its imprint on Jews’ collective memory. It makes sense that the journalist Tanya Gold asked whether the recent motion is “an attempt to achieve with paper what other methods could not – the removal of Jews from Europe?”

These are grave concerns. But do they stand up to scrutiny? It seems ethnocentric given that two thirds of the world’s circumcised males are actually Muslims and only 0.8 percent are Jewish. If anything, in Europe, hostility toward Muslims is a more likely motivator, as the anti-circumcision bill recently introduced by the anti-immigration Sweden Democrats party could suggest.

Rather than prejudice against religion, I think it makes more sense to interpret criticism of circumcision as the consistent application of human rights to both boys and girls. This is clear in the special rapporteur’s Explanatory Memorandum. Concern about the genital cutting of children is best understood within the context of Europe’s, especially Germany’s, focus on human rights and medical ethics following the atrocities of the Holocaust.

Hard though it may be to hear, irreversibly removing a healthy body part – in this case, part of a boy’s genitals – without consent, violates a person’s right to bodily integrity, a cornerstone of post-Holocaust human rights law. It also undermines that child’s right to an open future, since a boy who has been circumcised must live forever with his parents’ choice.

Supporters of circumcision counter that parents’ rights to religious freedom, and the significant cultural value they ascribe to the practice, must take priority. They argue that even if the *intention* behind those censuring circumcision in Europe is not to harm Jews, harm to Jewish life and traditions will be the *outcome*.

It’s true that censuring circumcision could curtail the expression of an until-now definitional Jewish practice. But the right to *manifest* one’s religion is not absolute – it is limited by the harm caused to others. In 2011, 11 boys under the age of one were treated for life-threatening hemorrhage, shock or sepsis relating to circumcision in Birmingham Children’s Hospital in the United Kingdom. In the United States, it’s estimated that 100 boys die as a result of circumcisions every year. Can religion per se justify this?

Supporters of circumcision also say it’s an ancient, meaningful practice. But neither longevity nor meaning is usually accepted as sufficient moral justification to override individual rights. As one Orthodox Jewish father, Elie Jesner, puts it, “Mankind has been doing horrendous things for thousands of years: slavery, capital punishment, condemning homosexuals, oppressing women. That is not a club of actions I want to be part of.”

From a Jewish perspective, there are other issues. First, circumcision does not confer Jewish status. As Shaye Cohen, professor of Hebrew literature and philosophy at Harvard University, explains, “Male and female offspring of a Jewish mother are Jewish by birth under Jewish law; the male offspring are Jewish by birth even if they are left uncircumcised.” Second, biblical circumcision was not as extensive as today’s variant, which is actually an innovation of rabbis in the Hellenic period trying to stop Jewish men from restoring their foreskins. Evidently, definitional Jewish practices can and have evolved.

Given all of this, it’s not surprising that some Jews are questioning the practice. A 2006 online survey reported in Haaretz found that nearly a third of parents of boys would prefer to forgo circumcision, but have it done primarily for social reasons. Israel is now home to the intact support group Kahal, while in the United States, Beyond the Bris and Jews Against Circumcision have sprung up.

Jews who question circumcision from the point of view of human rights and medical ethics should be respected, not demonized. But all critics of circumcision must be vigilant about the company they keep, distancing themselves from anyone not exclusively motivated by child protection. There is no place for anti-Semitic arguments or imagery.

Equally, well-intentioned Jews who continue to circumcise their sons should not be maligned. The significant religious and cultural value they ascribe to circumcision must be appreciated and understood. But reconsidering the practice in light of its human rights and ethical implications should be encouraged, as should non-surgical rituals, such as brit shalom.

I know this isn’t easy – the weight of God, history and human rights hangs in the balance – but what we need in Jewish communities is debate, not denunciations.

Meanwhile, the Council of Europe should stand firm. If it backs down and denies some children their rights because their parents adhere to the Jewish tradition, it would single out only those children for lack of protection. Now that really would be anti-Semitic.

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