



Written by [Bruce Walker](#) on June 27, 2012

German Court: Circumcision of Young Boys Constitutes “Illegal Bodily Harm”

A regional court in Cologne, Germany, has  determined that [religious circumcision of young boys constitutes “illegal bodily harm,”](#) even when performed with the consent of the parents, and that the “fundamental rights of the child to bodily integrity outweighed the fundamental rights of the parents.”

The case arose after the circumcision of a four-year-old Muslim boy led to severe bleeding and other complications. The German physician who performed the operation, identified in the proceeding only as “Dr K,” was charged by German prosecutors. The Cologne court declined to convict the physician, noting that “Dr K” had no way of knowing that the circumcision would be ruled illegal; however, the court held that the procedure itself was criminal.

The ruling provoked immediate outrage from Germany’s Muslim community as well as its Jewish citizens. Dieter Graumann, president of the Jewish Central Council, declared that the verdict constituted

an unprecedented and dramatic intervention in the religious communities’ right to self-determination. The book of Genesis instructs believers that men should be circumcised. Circumcision of newborn boys is a fixed part of the Jewish religion and has been practiced worldwide for centuries. This religious right is respected in every part of the world.

Ali Demir, Chairman of the Islamic Religious Community in Germany, protested:

This is a harmless procedure with thousands of years of tradition behind it and high symbolic value. The decision of the Cologne State Court that the religious circumcision of boys is illegal and punishable by law is a wholly inappropriate interference with freedom of religion. I feel the ruling is hostile to integration and discriminatory for those affected.

The Cologne ruling is part of a general repudiation of the rights of religious communities in Europe to practice the laws of their faith if it notionally violates human, or even animal, rights. In April of this year, the Federal Constitutional Court of Germany upheld lower court rulings which banned the halal slaughter of animals — the ritual killing of animals by a single cut to the throat — which is required under both Islamic and Jewish law.

In this case as well, devout Jews in Germany have sided with Muslims. Rabbi Reuven Yaacobov of Berlin is a shochet — a Jewish man who slaughters animals for human consumption according to the laws of Kashrut (or Kosher killing). The rabbi points out that the kosher and the halal method of butchering animals is actually more humane than non-religious methods of slaughter.

Rabbi Yaacobov explains: The knife does not have a point. Its shape is rectangular so it cannot be used to stab only to cut. And it must be as sharp as a razorblade.”

Not only is the kosher (and halal) slaughter of animals relatively painless, but kosher killing acknowledges the sacrifice of the animal and recognizes the inherent value of its life.



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The state regulation of religious practices of Jews in Germany has unsavory roots. The Nazis banned kosher slaughter on the grounds of cruelty to animals. The first law passed by the Nazi government in East Prussia was to ban vivisection — the use of live animals in experiments. Some old Nazi propaganda posters show a room of grateful animals, wearing swastikas, returning a salute to Hermann Göring, dictator of Prussia, after he made vivisection a crime. On August 17, 1933, Göring announced that anyone in Prussia performing a vivisection of any kind on any animal would be sent to a concentration camp.

Though many find such a stance odd, given the Nazis' widespread use of human beings in brutal medical experiments, Heinrich Himmler, for instance, was not only a vegetarian but also a keen supporter of animal rights. And Adolf Hitler had for decades publicly supported the humane treatment of animals and often spoke of his love of animals. Wallace in 1942 wrote that "Hitler ... abhors the taking of all animal life."

The Soviet Union also banned ritual circumcision (as well as almost every other practice of religious Jewish life). On holy days, the Soviets organized vitriolic anti-Semitic street campaigns, and Jews in the Soviet Union were not even able to find something as simple as a Jewish calendar. By a decree which came into force on November 1, 1930, "all...rabbis, Jewish cantors, Kosher slaughterers [were to be] deprived of ration cards." The Soviets, like the Nazis, relentlessly persecuted Jewish and Christian religious practices, and more than one writer at the time noted that devout Jews and Christians were "canaries in the mineshaft."

What Germany is doing today reflects a direction taken by much of Europe. The Netherlands last June passed a law which banned the kosher or halal killing of animals. Avi Beker, former Secretary-General of the World Jewish Congress, noted that Sweden, another country which banned kosher killing, has also tried to pass legislation which would criminalize ritual circumcision: "This is a trend that is very much worrying us. We regard this as interference in Jewish religious practices," stated Beker.

This movement is not limited to Europe. San Francisco recently had a ballot initiative to ban circumcision, although the author's connection with an overtly anti-Semitic online comic book ended that effort. Tina Kimmel, a secular Jew and a retired physician, led this campaign to ban circumcision. As she put it, "We protect children from their parents all the time, in the case of child abuse, kidnapping and torture. A lot of that applies when you're talking about holding a boy down, cutting off the most sensitive part of his body, and throwing it away."

As is true with much of medicine, there is no consensus about either the harm or benefits of circumcision, which is also routinely performed on Christian babies in America. Removal of the foreskin has been found to help prevent the spread of HIV and other infections. Studies in Africa, where HIV infection is an extremely serious public health issue, the World Health Organization has found that the rate of HIV infection in circumcised males is 60 percent lower than among uncircumcised males. As a consequence, the organization had said that circumcision is a valuable weapon in fighting HIV infection.



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