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A German Judge Bans Judaism, Islam

Circumcision verboten in Germany? Believe it.

By JOSEF JOFFE

A Cologne court has decreed that a child's circumcision is "bodily harm" and thus verboten. Unless the German Bundestag intervenes, which it has pledged to do, about four million Muslims and 100,000-plus Jews will have to practice a central part of their religion in the catacombs of Berlin, Frankfurt and Munich.

It is all God's fault. "This is my covenant," He ordered in Genesis 17:10, "which ye shall keep, and thy seed after thee. Every man child among you shall be circumcised." The original criminal was Abraham, who laid hand on himself—without sterile equipment, let alone novocaine. Then he inflicted the same on his son Isaac on the eighth day after his birth, circa 4,000 years ago.

We are talking about a few millimeters of foreskin, not about female mutilation (clitoris out, labia excised or sewn together). But if you believe the Cologne judge and the chorus of yeah-sayers, this is a "barbaric ritual," as the children's ombudswoman of the Social Democrats put it. Matthias Franz, a psychiatrist at the University of Düsseldorf, bemoans "grave genital injuries with psychological and sexual damages down the line."

Tell that to about six million Jewish men, half a billion Muslim males and about three-quarters of America's manhood.

The Cologne judge ruled that the "physical integrity" of a baby boy beats religious ritual. Plus: The baby's unuttered will trumps his parents' say-so. Hence the state must step in, never mind parental rights or a pillar of faith. If this author's parents weren't dead, he would love to sue them for his unwanted tonsillectomy when he was age 5, for we now know that these tissues, a lot more voluminous than a tiny foreskin, are the body's first defense against pathogens. He would also sue them for various involuntary vaccinations and their painful after-effects.

How about soccer moms who send their boys into the mayhem on the pitch? Or all those ambitious parents, medals dancing before their eyes, who risk the limbs and lives of their offspring on the ski-run, balance beam or show-jumping horse?

Yet this debate is not about facts or faith, as hundreds of letters to the editor testify. One "expert" argues to me that the American practice has nothing to do with health. The intent was "anti-libidinous," aimed at stopping boys from "masturbating." Another put circumcision into the same category as Nazi sterilization and forced abortion in China. This is not funny, but serious hatred of things American, Jewish and Muslim.

Leave aside fear and loathing, a large chunk, and you are left with the biggest headache of them all: state versus church in a Europe that is de-Christianizing. The closer the historical tie between throne and altar, as in Germany and Protestant Europe, the more control the state has arrogated unto itself. In Germany, which invented "cuius regio, eius religio" (the ruler's faith determines his subjects' faith), the government collects the tithe, mandates religious instruction in public schools, and decides which churches are "established" (Protestants, Catholics and Jews, but not Mormons or Baptists).

Thomas Jefferson's "wall of separation," justified by "religion [being] a matter which lies solely between man and his God," has always been a low fence in Europe. As secularization grew, so did

the scope of the state as scourge of superstition and unreason. Hence, the Cologne judge is hardly alone; 45% of German people think he is right. The state trumps both parents and a few thousand years of sanctified practice.

The irony of it all is that the state, as represented by the legislature, will have to reverse the judge. The temporal power as savior of the faith is not exactly a liberal's dream, but neither is the "wall of separation" that now divides Jews and Muslims from the rest.

While the parliament ponders, let the stand-up comics have the stage. A good start is the War of Jenkins' Ear, fought from 1739 to 1742 over three inches of epidermis and cartilage belonging to Captain Robert Jenkins. His merchant ship was boarded by the Spanish coast guard in the West Indies. In the scuffle, the skipper's auricle was sliced off. He took it to London as Exhibit A, where a furious Parliament called for retribution. Spain didn't back down and war ensued, sliding into the War of the Austrian Succession, which embroiled almost all of Europe.

Such a small piece of flesh, and such a big war. If the Cologne judge had known his history, he would have let discretion prevail over secularist rigor. "Live and let snip" might have been the wiser choice. Who wants to tangle with the Man in Heaven above?

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Germany's Circumcision Police

Here's an idea: Send an international delegation of rabbis and imams to seek arrest in protest.

By SHMULEY BOTEACH

There was a head-spinning moment in Germany last week: News emerged that a rabbi had been criminally charged for performing his religious duties. Rabbi David Goldberg of northern Bavaria, who shepherds a 400-member community, is the first person to run afoul of a ruling by a Cologne judge earlier this year that criminalized circumcision, a basic religious rite.

There is some precedent outside of Germany for such a ruling. In 2001, a Swedish law sparked a protest from Jews and Muslims by requiring that a medical doctor or anesthesia nurse accompany registered circumcisers, and that anesthesia be applied before the procedure. The law is still in effect.

In 2006, a Finnish court charged a Muslim mother with assault for circumcising her baby, and this was followed by a Jewish couple being fined for causing bodily harm to their son. The Muslim mother wasn't ultimately punished, and in 2006 the Finnish Supreme Court said her actions weren't criminal and religious circumcision not a crime. In the United States, a San Francisco ballot initiative tried last year to make circumcision an offense punishable by a \$1,000 fine and up to a year in prison; it failed to get enough votes. (In Germany, the Cologne judge seems not to have not yet specified punishment for violations.)

The ban by the court in Cologne, however, is the most troubling. For decades Germany has been an example of how a nation can take responsibility for its previous crimes. It is very moving to see Germany's Holocaust memorial in Berlin, just two blocks from the country's parliament. But the circumcision ban deserves universal scorn.

The American and European rabbinate should lead a delegation of mohelim (ritual circumcisers) to Germany to seek arrest for civil disobedience in protest against government persecution. I would join them and call upon Islamic imams to stand with us.

Does the German government really want to get into a public battle over whether they are better guardians of the health and welfare of Jewish (and Muslim) children than their parents?

The Los Angeles Times recently cited a study predicting that as the number of circumcisions goes down in the U.S., the cost of health care will steadily climb. Eryn Brown reported that "If circumcision rates were to fall to 10% ... lifetime health costs for all the babies born in a year would go up by \$505 million. That works out to \$313 in added costs for every circumcision that doesn't happen."

Why? Because circumcision has been proven to be the second most effective means—after a condom—for stopping the transmission of HIV-AIDS, with the British Medical Journal reporting that circumcised men are eight times less likely to contract the infection.

The New York Times echoed these findings in an Aug. 27 report that projected "declining U.S. circumcision rates could add more than \$4 billion in health care costs in coming years because of increased illness and infections." The story focused on the American Academy of Pediatrics updating its 13-year-old policy on circumcision and declaring that the health benefits of circumcision—in reducing chances of HIV infection and other STDs, urinary tract infection, and cancer—outweigh the risks.

While the Germans decry the barbarity of circumcision for men, they also overlook the benefit to women who are the men's partners. Male circumcision reduces the risk of cervical cancer—caused by the human papillomavirus, which thrives under and on the foreskin—by at least 20%, according to an April 2002 article in the British Medical Journal.

While some attempt to equate male circumcision with female clitoridectomy, the comparison is absurd. Female circumcision involves removing a woman's ability to have pleasure during sexual relations. It is a barbarous act of mutilation that has no corollary to its male counterpart. Judaism has always celebrated the sexual bond between husband and wife. Attempts to malign circumcision as a method of denying a man's sexual pleasure are ignorant. Judaism insists that sex be accompanied by exhilaration and enjoyment as a bonding experience that leads to sustained emotional connection.

We Jews must be doing something right in the bedroom given the fact that, alone among the ancient peoples of the world, we are still here, despite countless attempts to make us a historical footnote.

A German judge may think he is a better guarantor of Jewish well-being than Jews themselves. No thanks.

Rabbi Boteach's books include "Kosher Jesus" (Gefen, 2012) and "Kosher Sex" (Doubleday, 1999). He is a Republican candidate for the U.S. Congress from New Jersey's ninth district.

Notes

¹<http://online.wsj.com/article/SB10000872396390443343704577550854160191664.html>

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