

EUROPE

German Ruling Against Circumcising Boys Draws Criticism

By NICHOLAS KULISH JUNE 26, 2012

BERLIN — A German court in Cologne ruled on Tuesday that circumcising young boys represents grievous bodily harm, a decision that could have significant repercussions for religious groups.

The president of the Central Council of Jews in Germany condemned the decision as “an unprecedented and dramatic intrusion on the self-determination of religious communities” and called on the German Parliament to pass legislation protecting circumcision as a religious practice.

The case centered on a 4-year-old boy whose Muslim parents had him circumcised by a doctor, which led to medical complications. Although both Muslims and Jews circumcise infant boys as a religious practice and many other people do so for health reasons, the court found that the child’s “fundamental right to bodily integrity” was more important than the parents’ rights.

According to the court, the religious freedom “would not be unduly impaired” because the child could later decide whether to have the circumcision.

Millions of Muslims call Germany home, as do more than 100,000 Jews, as part of a community that has enjoyed a significant resurgence here. Since World War II, many Germans have been careful to consider Jewish sensitivities as a result of the horrible crimes committed against Jews during the Holocaust in the name of the German Reich.

Jewish leaders reacted furiously to Tuesday’s decision. The central council’s president, Dieter Graumann, called it “outrageous and insensitive,” saying in a

statement that circumcision had been practiced worldwide for thousands of years. “In every country in the world this religious right is respected,” Mr. Graumann said.

Germany has no law against male circumcision, as there is against female genital cutting. Experts said that the decision would not be enforceable in other jurisdictions. But the legal uncertainty and threat of possible prosecution could lead doctors to decline to perform the procedure.

The central council said the national Parliament, the Bundestag, should “create legal certainty and thereby protect religious freedom from attacks.”

The decision by the court “places an intolerable burden on the free exercise of religion by Jews and also by Muslims who practice male circumcision as part of their religious faith,” Abraham H. Foxman, the Anti-Defamation League’s national director in New York, said in a statement.

While the ruling did not appear to have specific anti-Semitic intent, Mr. Foxman said, “its effect is to say, ‘Jews are not welcome.’ ”

Holm Putzke, a criminal law expert at the University of Passau, told the German news agency DPA that the ruling was not binding for other courts, but could send a welcome signal.

“After the knee-jerk outrage has faded away, hopefully a discussion will begin about how much religiously motivated violence against children a society is ready to tolerate,” he said.

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