

Jörundur Kristjánsson  
Parliament of Iceland (Althingi)  
101 Reykjavík  
Iceland

Þingskjal: 183-114. mál Umsögn um breytingu á almennum hegningarlögum nr. 19/1940  
(bann við umskurði drengja)

25 March 2018

Dear Mr. Kristjánsson,

The Board of Deputies of British Jews is the democratically elected, cross-communal, representative body in the Jewish community. It comprises nearly 300 deputies directly elected by synagogues and communal organisations, from youth movements, to social welfare charities and regional councils.

In your House of Parliament (Althingi), there is currently a bill making its way through parliament which aims to make the practice of Brit Milah – non-therapeutic neonatal Jewish male circumcision, as part of a traditional ceremony – illegal. The effect of this bill would be to make a core Jewish practice a criminal offence.

The Board of Deputies is deeply troubled by the proposed anti-circumcision bill, which poses a threat to Jewish and Muslim life in Iceland by infringing upon religious freedom in the country. Banning circumcision would set a precedent and encourage other countries to follow suit.

A key hallmark of liberal democracy, as is the case in Iceland, is that a state should not, except in absolute extremis, seek ways to criminalise hitherto completely law-abiding citizens. Indeed, it should find the idea repugnant. Activities of citizens are only made illegal if there is overwhelming evidence that they cause significant harm or are an unqualified infringement of rights. The question that needs to be answered is: have either of these tests been passed? We believe that the answer to both of these questions is no, but, to respond to these questions in more detail, we must first address the question: “What is Brit Milah?”

### **What is Brit Milah?**

Brit Milah literally means “Covenant of the Circumcision”. When Jews undergo Brit Milah, they follow every generation of Jewish men, going back to the father of the religion, Abraham, in entering into a covenant with God. It is a covenant that they enter into not only as an individual, but also as part of a people, which explains why Brit Milah is regarded both as an expression of faith and of deep identity. The covenant indicated by Brit Milah underpins the obligations and practices that define Jewish life, both personally and communally.

There is a stark contrast between Brit Milah and Female Genital Mutilation (FGM). Making analogies between them maligns the Jewish traditions. FGM is carried out in several cultures as an act of sexual control over women, frequently causing permanent pain and interfering with sexual intercourse. None of these elements are features of Brit Milah.

It is important that Brit Milah should not be considered exclusively as a surgical procedure. It is performed according to specific instructions. The most obvious example of this is the biblical injunction to perform it at eight days old, or as soon as the health of the baby allows. This is part of a structured ceremony during which the boy is usually given his name.

### **Does Brit Milah cause harm?**

Common sense tells us that Brit Milah, when carried out correctly, does not cause harm.

Almost all Jewish men in history have been circumcised. A majority of American men have been circumcised. The vast majority of Muslim men – around one billion people – have been circumcised. If circumcision caused significant harm, injuring the physical, mental or emotional development of men, entire societies would be affected, which they are not.

In the UK Brit Milah is carried out in clean conditions by a trained person, known as a Mohel (Plural: Mohelim). Mohelim operate under a regulated scheme which includes audit and appraisal. There are two UK reference groups for this: the Initiation Society, and the Association of Reform and Liberal Mohelim. Brit Milah is recognised by the UK General Medical Council as a procedure that can be performed for religious, social, and cultural reasons.

### **Does Brit Milah infringe a child's rights?**

The argument that Brit Milah infringes a child's rights is based on the idea that it is an irreversible procedure to which the child has not given consent. It is true that a circumcision is an irreversible physical procedure. But so is the decision not to undertake Brit Milah.

There are many ways that parents make choices for their children which have a profound impact on them: where they sleep, what they eat, and whether they should have their ears pierced. Vaccination has known therapeutic advantages. Indeed, there is robust scientific evidence that not immunising children creates serious risk of illness or even death, but the parental option of non-immunisation is permitted. A liberal democracy would not criminalise parents if they do not follow the majority view on such matters.

In contrast with these choices, a Jewish man who has undergone Brit Milah in the traditional way, at the traditional time, knows that he has entered his covenant with God in the way his people have done for millennia. This profound knowledge is a keystone of his faith and identity. Failing to enter a relationship with God at the earliest opportunity undermines his sense of Jewish identity. His parents will have made an irreversible decision without his consent. They will have denied him his right to his own cultural heritage. They will have removed from him a key element in his ability to participate in the religious life of his community and thus also interfered with his freedom of religion.

It may be difficult for some people in an increasingly secular society to understand this element of spiritual irreversibility in comparison to physical irreversibility, but the regret and sorrow of an observant Jewish man would be considerable, and go beyond the physical way that he would be different from all his Jewish male relations.

Those parents who opt for Brit Milah make their decision based on the only data available to them – the experience and opinion of most Jewish men they know, who would say either that they are glad to have gone through Brit Milah as an expression of their faith and identity, or that they are indifferent. The number of Jewish men who express dissatisfaction is relatively small.

Professor Freeman, the leading British authority on children’s legal rights, maintains that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the “best interests” of the child must be the primary consideration. He says that this is an overarching mandate; and that “best interests” does not exist in a vacuum - it must be situated in its cultural context. Thus, he believes that “best interests” of Jewish (and Muslim) boys can be abstracted from the generality of children - ritual circumcision is in their “best interests”. Furthermore “best interests” should not be looked at in the short-term only: “a longer-term perspective must be taken, and long-term benefit will override transient trauma”.

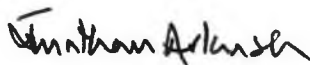
In summary performing Brit Milah is how centuries of law-abiding Jews have raised their children, as part of an interwoven matrix of beliefs and practices that have guided them and their children spiritually, ethically and practically.

### **Conclusion**

Brit Milah has been performed for thousands of years, without causing significant harm, and has enabled Jewish families to pass on their faith and identity to their sons. Iceland should not seek to criminalise such behaviour. Rather, it should recognise that, for Jews, to deny them the right to perform Brit Milah infringes not only Jewish religious practice in general but also the interlinked rights of their male children. We are well aware that banning circumcision in Iceland would also harm the fundamental rights of the Muslim community there. Brit Milah – male circumcision – is not only a concern for the Jewish community in the United Kingdom and around the world but for Muslims and the Muslim community in Iceland as well.

We strongly encourage you to take our grave concerns into account and to withdraw your legislative initiative to ban male circumcision.

Best regards,



Jonathan Arkush

President

Board of Deputies of British Jews