

Alþingi
Kirkjustræti
150 Reykjavík

22 March 2018

Ágæta Alþingi / Dear Members of the Parliament:

I am writing in support of the proposed ban on non-therapeutic infant circumcision that is now before a committee of the Alþingi.

Before I go any further, I think it important to disclose three personal but relevant facts about myself: I am male, I am Jewish, and I was subjected to circumcision without my consent as an infant - so I know whereof I speak. And what I say to this committee, to my fellow Jews, and to the world, is that I oppose all forced genital cutting of non-consenting minors for cultural and religious reasons: from the brit milah as practiced in Iceland and elsewhere, to female genital mutilation as practiced in Africa and the Middle East, to routine infant male circumcision as practiced throughout the United States, to metzitzah b'peh as practiced in a few Haredi communities in Brooklyn, to subincision as practiced in Australia. They are all of a piece and I oppose all of them on philosophical and ethical grounds. I see absolutely no moral distinction between non-therapeutic male circumcision - whether performed in the context of the brit milah or performed merely because it has become a cultural norm, as it has in the United States - and any of these other more facilely condemnable practices. They are all a violation of the most important and fundamental human right there is: the right to have the physical boundaries of one's own body respected.

There is no human right more central to contemporary notions of freedom, human dignity, autonomy and self-determination than the right to own and control one's own body. Non-therapeutic infant circumcision violates that right. To me, that notion - the inviolability of the human body - is far more consistent with my conception of Jewish ethics, Jewish tradition and the values of the Jewish Enlightenment than the opposing asserted "right" in this controversy, namely, the "right" to amputate or mutilate part of a child's genitals as an expression of his (or her) parents' personal religious or cultural beliefs. Male genital cutting goes against everything that I, as a proudly Jewish and pro-Jewish man believe in. Hence, my profound opposition to infant circumcision is not *in spite* of my Jewishness but largely *because* of it.

Throughout the history of western civilization (and, indeed, virtually all civilizations), there has been a tension between some rights and other rights. What we do - the things we say and especially the acts we commit - all have the capacity to affect not only ourselves but others. Thus, it is in the nature of things that one person's *right to commit an act* has the potential to impinge upon another person's *even more compelling right not to be harmed by that act*. That is the intrinsic conflict between opposing rights. That is why each person's right to act is circumscribed by every other person's right not to be harmed by that act, and that is why few if any rights are deemed to be absolute. The recognition that rights are often in conflict with one another and that a just and ethical balance between them must therefore be struck has been at the heart of human social, philosophical, spiritual and political development throughout history. The objective of striking an ethical and just balance between opposing rights when they are considered to be fundamental but in conflict with one another is one of the chief challenges - and achievements - of modern democracies.

The custom of male circumcision is therefore a paradigm of the intrinsic conflict between competing rights. The "right" to impose circumcision on one's child is claimed as a right of the free exercise of religious practice, which is held to be fundamental. At the same time and diametrically opposed to this is the countervailing right of the child not to have his (or her) body harmed, disfigured, scarred or surgically altered in any way (with respect to this last named, in the absence of an overwhelming, urgent medical justification for doing so and, then, only as a last resort when all other less invasive interventions have failed). I put it to you, members of the Alpingi, that the second of these two rights - the right to have the physical boundaries of one's body respected - not only is every bit as fundamental as the right of the free exercise of religion but is *more fundamental* and therefore supersedes that other right. The right to bodily integrity - to be left alone, physically unmolested, unharmed and in one piece - *must* take precedence, otherwise, any conceivable act of harm to another person or to one's child might be justified on the grounds of the right of the free exercise of religious practice.

If male genital mutilation (or, to use the euphemism, circumcision) is to continue to be inflicted on children - of any religion, ethnicity, or nationality - in the absence of an overwhelming and urgent medical justification - without the victims' consent and while legally sanctioned under the specious justification of "religious freedom," then why not female genital mutilation, as well? Why not child marriage? Why not slavery? Why not abduction and rape? Why not public stoning for the "crime" of adultery or homosexuality? Why not human sacrifice? Every one of these other practices has at one time or another been - and, several

still are in some quarters - sanctioned by religious doctrine and morally rationalized by cultures and populations that found these practices to be perfectly in accordance with their "deeply held" religious beliefs. Only yesterday we learned of the return of a hundred or so Nigerian schoolgirls who had been kidnapped a month previously by members of Boko Haram. These militants believe that "western education" and particularly the education of girls is an abomination that threatens the viability of their religion and contradicts their sincerely held religious beliefs. Does Boko Haram therefore have the right to deprive those schoolgirls of an education? Should we shrug our shoulders and concede these devout believers the right to deny girls an education simply because their will to do so is based on their sincerely held religious beliefs? Does the fundamental right of religious freedom of Boko Haram supersede the fundamental right of girls to an education? I do not suppose there are many people of any religion - including Islam - who would answer in the affirmative to any of these questions. Why, then, should male circumcision be regarded any differently? Religious freedom ends where another person's body begins. That is especially the case when the exercise of religious freedom by one person results in physical harm to someone else in violation of that second person's fundamental right not to be harmed. Amputating an erogenous, highly sensitive, normal and functional anatomical structure that is an intrinsic and essential part of the penis without the consent of the person who is subjected to the amputation is a harm in and of itself and a human rights violation.

Theodore Parker, the nineteenth-century Unitarian minister and abolitionist observed that "The moral arc of the universe is long but it bends toward justice." Sometimes taking one step back for every two steps that we take forward, human societies the world over have gradually abandoned, one after another, customs and institutions long-practiced but that have inevitably come to be regarded as inconsistent with modern notions of fundamental human rights and human dignity. Sometimes these advances have come at the cost of great internal strife within political entities such as nation-states, sometimes within religions, and sometimes even within religious denominations. Genital cutting of children, which has been practiced for millennia, is an example of a custom once widely accepted but that has increasingly come to be regarded as an anachronism that is inconsistent with contemporary notions of human rights and human dignity. But it is not the only example. Slavery, also, was once widely accepted as legitimate and it, too, persisted for millennia. Nor did the institution die a natural and peaceful death: the opposing views divided the United States geographically, politically, and the campaign to end it during the nineteenth century opened up a schism both between and *within* certain American Christian denominations, with slavery's defenders

finding support within scripture for it and abolitionists regarding slavery as fundamentally incompatible with Christian doctrine. Significantly, slavery was not ended in the United States merely by the force of "moral suasion." It took an act of Congress and passage of the Thirteenth Amendment to the Constitution of the United States to abolish once and for all the legalized practice of enslaving human beings.

Aside from the obvious analogy between slavery and involuntary circumcision, both being practices that deprive individual human beings of their fundamental human rights, there are two important parallels here. First, involuntary male circumcision is by no means any longer universally practiced, let alone embraced, by Jews. Not only have thousands, perhaps tens of thousands of Jews around the world abandoned this custom, finding it to be inconsistent with their beliefs and values as Jews, but many have actively repudiated it and are involved in the worldwide effort - like its sister campaign to eradicate female genital mutilation - to end the practice of male circumcision once and for all. The Jewish community thus is split on this topic, not unlike the way that Christian denominations were split on the subject of slavery during the nineteenth century.

It is imperative, therefore, that the Alþingi recognize that a significant portion of the world's Jews oppose circumcision. Particularly given that much of the opposition to this proposed legislation from some Jewish organizations - organizations that I otherwise admire and respect - has been couched in terms that mischaracterize the proposed circumcision ban as an attack on Jews or Judaism or even as anti-Semitic. That is not how I and who-knows-how-many other Jews around the world see it. I urge the members of the Alþingi to recognize that, on this subject, these venerable Jewish organizations do not speak for all Jews and they certainly do not speak for me. They do not speak for the thousands of Jews around the world who oppose circumcision just as vehemently as they support it. As we see it, this legislation would merely give every boy in Iceland - including every Jewish boy - the right to decide *for himself* whether to undergo circumcision when he is old enough to make that decision for himself. That is not an attack on religious freedom but an affirmation of it.

Second, as I have noted, it took an act of congress to ban slavery in the United States. Courageously, Lincoln and congress did not wait until there was unanimity on ending slavery. They recognized that governments must often lead the way toward social progress. This is particularly true of secular governments that owe special allegiance, fealty or deference to no religion or religious denomination but, instead, govern by the consent of the people and with a mandate

to enact laws that incorporate universal principles of basic human rights and dignity. I urge the Alþingi to bear this in mind when considering this legislation. I believe that, if you do, you cannot conclude otherwise than that you have not only a right to ban non-therapeutic infant circumcision but a legal and a moral obligation to do so.

Respectfully,

David Balashinsky
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