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Circumcision medically, religiously, and legally unjustified

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Dear Editor

As the world's only organisation of lawyers and their supporters devoted to putting an end to all forms of female and male circumcision, we were disappointed by your recent publication of the above-referenced article. Gatrad et al seem to have failed to critically reflect upon the realities of male and female genital cutting in the modern world. In contrast to their attempted distinction between the cutting of the sexual organs of boys and girls, neither practice offers any therapeutic benefit whatsoever, both cause significant harm, and both are frequently justified based on religious or cultural considerations. Lightfoot-Klein, a well-known and tireless opponent of all forms of genital cutting, is one of many scholars who have shown that the same reasons proffered to justify female circumcision in Africa are used to attempt to defend male circumcision in English-speaking countries: minimisation of damage and pain; conceptualisation of the cutting as promoting beautification; invention of false medical indications; misconceptions that the mutilation promotes hygiene, or prevents future problems, or improves sex, or is universal; the medicalisation of the cutting; and the denial of long-term harm.[1] Any attempt to substantiate a distinction in principle between male and female circumcision is fated simply to reproduce the cultural and gender biases that have led to this gender disjunction in the practices of certain countries-but not in others, including continental Europe where both male and female circumcision are quite rare, and certain countries in Africa where both practices are widespread.

We were intrigued to see the citation of the excellent scholar David Gollaher in support of a suggestion of past popular "enthusiasm" in the United States for male circumcision. As Gollaher thoroughly documents, circumcision's high incidence in the Twentieth Century United States is a historical accident resulting from messianic advocacy of the practice for entirely discredited reasons by a small number of histrionic physicians back in the Nineteenth Century, followed by a combination of cultural inertia and physician-profit motive which continually invented new justifications for the procedure to keep it afloat in the following century.[2] It should be noted, however, that not a single national medical association anywhere in the world has agreed that non-therapeutic (i.e., routine) circumcision is medically justified, while countless associations have found that it is not.[3] These include, in the US, the American Medical Association[4] and the American Academy of Pediatrics,[5] and in the UK, the British Medical Association,[6] the General Medical Council,[7] and recently a group of organisations including the Royal College of

Surgeons of England and the British Association of Paediatric Surgeons.[8] We do credit the authors for conceding the "rather uneasy conclusion that professional organisations... and the criminal law sanction, or at least tacitly approve male circumcision for ostensibly non-therapeutic reasons..."

This is the big trick. Medical associations admit that the procedure lacks medical value, but then allow it to proceed for cultural and religious reasons that play no part in deciding the benefits of any other procedure--reasons that necessarily are never fully examined because they cannot withstand scrutiny. Regarding any other procedure, Gatrad et al doubtless would not be as timid as they are here in averring a potential infringement of the right to a private life under Article 8 of the Human Rights Act 1998 "for someone to come along unbidden (by the child) and carry out a procedure which causes pain and is not of any immediate obvious benefit..." The highly problematic status of consent to circumcision is examined more fully in a recent journal article.[9]

It should be noted that Gatrad and collaborators' suggestion that religious circumcision may be justified as "a prerequisite of membership of a particular community (such as a Jewish or Muslim community)" is quite mistaken. Children bear their own right to freedom of religion, independent of the wishes of their parents or guardians. Under Article 14.1 of the Convention on the Rights of the Child,[10] children have the right to demand that states parties respect their right to freedom of thought, conscience, and religion. No infant is capable of consenting to a surgical procedure based on his own religion. Where the procedure is one based on religion, it is therefore the parent's religion that motivates the procedure and not the religion of the person whose genitals are being surgically altered. A parent's consent is therefore again clearly insufficient.[11,12] It should also be noted that medical circumcisions can never satisfy Jewish law, which requires the presence of a mohel to perform the procedure and a sandek to assist by holding the baby, and also stipulates, inter alia, certain specific rituals and the performance of the act on the eighth day following birth.[13,14]

Regrettably, Gatrad and his collaborators are only intermittently capable of glimpsing the many contradictions inherent in male circumcision's perpetuation. The authors are on shaky ground when they surprisingly suggest, "Although medical opinion is currently on the whole against circumcision, as discussed, it is a very important religious symbol for both Muslims and Jews and is here to stay." To the contrary, the recent trend of substantial legal awards both in Britain (£800,000)[15] and the United States (US \$10 million or approximately £7 million),[16] combined with the recognition even by American medical bodies that this barbaric procedure can no longer be defended, suggests that circumcision is a Victorian holdover about to die a well-deserved death.

References

(1) Lightfoot-Klein H. Similarities in attitudes and misconceptions about male and female sexual mutilations. In: Denniston GC, Milos MF (eds.), *Sexual mutilations: a human tragedy*. New York: Plenum Press, 1997: 131-35.

- (2) Gollaher DL. Circumcision: a history of the world's most controversial surgery. New York: Basic Books, 2000:73-108, 125-59.
- (3) Circumcision Information Resource Pages. Circumcision Policy Statements www.cirp.org/library/statements (accessed February 2002).
- (4) Council on Scientific Affairs, American Medical Association. Neonatal circumcision. Chicago: American Medical Association, 6 July 2000.
- (5) American Academy of Pediatrics. Pediatrics 1999;103:686-93.
- (6) Committee on Medical Ethics, British Medical Association. Circumcision of male infants: guidance for doctors. London: British Medical Association, 1996.
- (7) General Medical Council. Guidance for doctors who are asked to circumcise male children. London: General Medical Council, 1997.
- (8) British Association of Paediatric Surgeons, The Royal College of Nursing, The Royal College of Paediatrics and Child Health, The Royal College of Surgeons of England and The Royal College of Anaesthetists. Statement on male circumcision. London: Royal College of Surgeons of England, 6 March 2001.
- (9) Svoboda JS, Van Howe RS, Dwyer JC. Informed consent for neonatal circumcision: an ethical and legal conundrum. J Contemp Health Law and Policy 2000;17:61-133.
- (10) United Nations General Assembly. Convention on the Rights of the Child. United Nations General Assembly resolution 44/25, 20 November 1989.
- (11) Svoboda JS, Van Howe RS, Dwyer JC. Informed consent for neonatal circumcision: an ethical and legal conundrum. J Contemp Health Law and Policy 2000;17: 61-133.
- (12) See also Dwyer J. Parents' religion and children's welfare: debunking the doctrine of parents' rights. California Law Review 1994;82:1371-1447.
- (13) See, e.g., Diamant A. The NEW Jewish Baby Book. Woodstock, Vermont: JEWISH LIGHTS Publishing, 1994:89-109.
- (14) See also Hoffman LA. Covenant of blood: circumcision and gender in rabbinic Judaism. Chicago and London: The University of Chicago Press, 1996:211.
- (15) The Telegraph. Sex operation pilot settles for £800,000. URL: <http://www.telegraph.co.uk/htmlContent.jhtml?html=%2Farchive%2F1998%2F11%2F27%2Fnpain27.html> (accessed February 2002).
- (16) Lake County News Herald. Suit over botched circumcision settled, 26 March 1999.

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Conflict of Interest:

None declared.

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