

# Legal Gray Area Foreskin

Male circumcision is for many Jews and Muslims part of their religion. As opponents argue, it is seldom legal. Now a dispute over discrimination has ignited. by CIGDEM Akyol

For some it is only a small cut, for many Jews and Muslims it is an important act: the removal of the foreskin. Now, religiously motivated circumcision has triggered a dispute between the Islamic Community Milli Görüs (IGMG) and authors of Deutsches Ärzteblatt. Engin Karahan of the IGMG (which has 87,000 members) accuses the authors of an article which was published in August of massive discrimination and paternalism.

In the article "Criminal penalties for circumcision on religious grounds" the physicians Maximilian Stehr, Hans-Georg Dietz, and the jurist Holm Putzke advise against religious circumcisions without medical indication, because the removal of the foreskin represents a "not insignificant loss of substance, it is therefore a violation of the physical integrity" one for which the surgeon could be liable to prosecution for assault. Whether a doctor in this country is obliged to circumcise children for religious reasons is not clearly defined by law. While critics point to the violation of the physical integrity of children, proponents counter with the fundamental right of religious freedom.

Because of the legal gray area there is no uniform approach in Germany. Karahan reports of desperate parents who cannot find a professional who is willing to perform a circumcision of their sons. In 2006, a Turkish pensioner in Düsseldorf was sentenced to pay a fine because he had circumcised boys without having a medical license. The man defended himself by stating that in Turkey, he was deemed a respected circumciser, and there it was not the task of physicians to perform circumcision procedures.

Holm Putzke knows that he has hit a raw nerve with his article. "There is no unlimited freedom of religion," said Putzke and warns of a legal vacuum in constitutionally protected areas. "A taboo subject must also be discussed. Only then can integration work" a perspective that Karahan cannot understand. On the contrary: He accuses Putzke of onesidedness and lack of insight. "A similar article by Putzke was sent unsolicited to many doctors. What is the intention behind

this?", he asks. "If I were to write a post about farming, I do not automatically send it to all farmers."

Ulrich Hofmann, president of the German Society for Pediatric Surgery, is aware of the heated debate. "We are in Germany, and German law applies here," he says and recommends that his colleagues protect themselves contractually, because maybe someday the circumcised will sue the doctors.