

# **Circumcising the body: Negotiating Difference and Belonging in Germany**

## **Abstract**

The circumcision debate in Germany in 2012 is an exemplary case for symbolic struggles over national boundaries. The debate became a site for the negotiation of traditions practiced by religious minorities. We ask, first, how the clinical gaze constitutes Muslim and Jewish others. Second, we investigate how ‘writing around’ the debate’s center, bodily integrity, became meaningful through analogies to other practices said to harm it. We compare newspaper coverage in Germany, Israel and Turkey, and reveal transnational discursive dynamics that transgress national boundaries. We show how ‘otherness’ of Muslims and Jews remains present in a self-perceived secular, liberal imaginary.

**Keywords:** mnemotechnic, Jews and Muslims in Germany, clinical gaze, discourse, ring composition

Word count 9334 (7949 excluding abstract and references)

## Introduction

National (and other) communities are imagined through stories about past and present traumas and triumphs, calendars and maps, the polity represented by the sovereign and through the bodies of their members (Anderson 1983, Hobsbawm and Ranger 1983, Kantorowitz 2016[1957]). Indeed, as Douglas (1966: 3) claimed, the body is a site of manifesting communal identity, of identification, control and habits which forces individuals into ‘good citizenship’ with ‘certain moral values’ and ‘certain social rules’, often being literally inscribed ‘on’ the flesh in determination of the good versus the dangerous and contaminating. The connection between social cohesion and its manifestation on and through the human body has become central to sociological and anthropological studies of ritual and transformation (Turner 1984, Douglas 1996,); of religious practices (Boyarin 1992); on groups actions and habits (Bourdieu 1985, Connerton 2011); and on social control (Elias 2000, Comaroff and Comaroff 1992, Comaroff 1985).

In this article, we analyze a debate over the relation between ‘proper’ national subjects (and their bodies) and one of the oldest of ritual practices: male circumcision<sup>1</sup>. This debate took place mainly in Germany between June and December of 2012 and solicited a lively discussion over religious and community freedom, ethnic boundaries and national belonging (Yurdakul 2016). We view circumcision as a *mnemotechnic*, inscribing one’s belonging to the Jewish and Muslim religions and cultures (Bilu 2003, Anidjar 1997). This mnemotechnic is not merely performed on Muslims and Jews but also enables them to create an alliance and revisit modes of belonging and tradition (Yurdakul 2016). Asad (1993: 28) argues that modern discourse on religion is ‘at once part of a strategy for liberal seculars, of the confinement, and, for liberal Christians, of the defense of religion’. Indeed, Shilling (1993: 2) argued that ‘[T]he relationship between modernity and religious traditions has considerable implications for our contemporary concern with the body’, reminding us that modern nation states failed to replace religious certainties with scientific certainties of the same order. This is manifested in Judd’s (2007) study of circumcision and kosher butchering in Germany between 1883 and 1943 in which she shows the shift in focus from the legitimate or illegitimate communal identity of Jews to the rituals’ ethical and medical

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<sup>1</sup> It is important to separate the discussion on male circumcision and female genital mutilations (see Earp 2015).

character.

By observing the circumcision debate, we find a case to study the control of the state over bodies and religious practices of different ethnic minorities. To follow Douglas (1966), circumcision can be seen as a ritual of purification in Judaism and Islam, as drawing distinction and marking in-group belonging. However, those watching the practice from the outside view it as ethically polluting the larger community through the act of harming children's bodily integrity.

We thus study the intersection of body management and control, ethnic identity and exclusion by analyzing the social boundary work which took place during the so-called circumcision-debate. The debate echoed similar ones in other countries (Gilman 1996, Judd 2007) and generated particularly strong responses in Israel and Turkey.<sup>2</sup> Here, the body - more specifically: the 'innocent' body of the child - became the paradigmatic site of struggles over values and rules; between articulations of minority identities with their right to difference and community (expressed by their parents) on the one hand, and, on the other hand, self-perceived secular, liberal and individualistic imaginaries of the German state. Studying the ritualized marking of difference offers a perspective on political struggles, otherness and openness of (national) communities (Judd 2007: 3), as well as on the controversy concerning tolerance and multiculturalism, which Munzer (2016) claims was at the heart of this debate.

We ask how a majority constitutes 'others' in debating bodily integrity, and more specifically, how the clinical gaze (Foucault 1976) organizes belonging. We furthermore inquire how, through the clinical gaze practiced by the state's-administered disciplinary apparatus, the majority population of a liberal, secular nation-state rejects the ritual of circumcision that comes from historically situated religious communities as irrationally performed to harm the bodily integrity of children. We further show how belonging is constituted through the practice of 'writing around' bodily integrity. That is, following Douglas's work on ring composition (2007), we inquire how the margins of the debate constitute its core. We illuminate the modes in which analogies between supposedly related bodily marking, such as ear piercing or rituals such as Baptism, constitute and exclude minorities from the

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<sup>2</sup> This is not to indicate that significant Jewish and Muslim life is only to be found in 'their' respective countries, but instead, to illuminate the debate from two pragmatically chosen perspectives which affected it and were affected by it.

body-politik while at the very same time also enable the discussion of related secular as well as religious topics as a form of circumspection, or writing in circles.

We analyze public discourses about circumcision in Germany, Israel and Turkey. We investigate newspaper articles published during the debate, employing quantitative content-analytical elements within a qualitative discourse-analytical framework (Creswell 2003; Tashakkori and Teddlie 2003). That is, we analyze mediated communication via which societies define themselves - communication which is, in turn, rendered through discourse. We understand the latter as a cluster of situated, context-dependent semiotic practices that are ‘socially constituted and socially constitutive’, relate to a macro-topic (in our case: circumcision) and include different points of view (Reisigl and Wodak 2009: 89).

It is through such a discourse-analytical perspective, that we can recognize the meeting point of micro and macro politics of significance and legitimacy of bodies and bodily practices exercised by religious communities. As Fairclough (1989: 54) observes, ‘the hidden power of media discourse and the capacity of powerful groups to exercise this power depend on systematic tendencies in news reporting and other media activities.’ As such, discourse(s) about circumcision, as presented in the analysed texts, are ways of representing and negotiating subjects and subjectivities in the world, at times using competing perspectives that come from competing imaginaries of the minority. Such discursive conflicts are linguistically realized via the selection of lexis that permeates the ideology of the text producer. By analyzing news on the circumcision ruling in Germany we illuminate patterns and intertextual links constructed by the various media, and elaborate on the ways which news agencies, journalists, politicians, religion and minority representatives as well as laypersons represent versions of ‘the truth’.

The significance of this analysis lies not primarily in investigating anti-Semitic or anti-Muslim prejudice which were certainly present, or the history of the debate.<sup>3</sup> We rather aim to take a broader

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<sup>3</sup> Scholarly studies from a German perspective can be found in edited volumes of Heil and Kramer (2012) and Blumenberg and Hegener (2013). There is also an informative pamphlet by Bodenheimer (2012). A mostly juridical, a medical ethical perspective on the debate, and the law in which it resulted, can be found in Merkel and Putzke (2013) and Aurenque and Wiesing (2014).

view on the ways in which the relation between religious and community freedom and ethnicity in modern Germany is played out and affects national inclusion and exclusion. Yurdakul (2016) aptly claims that religious debates are litmus test for social inclusion. We agree, and offer a consideration of multiple voices as agents in the debate. We thus shift the focus from the rights of minorities discourse prevalent in Germany, which observes minorities ‘from without’ (a phenomenon that has been critically analyzed by Bodemann and Yurdakul 2008, and El-Tayeb 2013), to seeing how the discursive practice of ‘writing around’ by the majority Christian society in Germany unleashed the discussion and articulation of tradition by these minorities and was yet another mechanism of coercion, within the liberal national discourse of minority rights.

We introduce the debate over male circumcision in Germany before considering the theoretical framework utilized in our study. This is followed by a discussion of the role circumcision plays in Islam and Judaism, and an introduction to the analysed data. We subsequently turn to our analysis and conclusion.

### **The debate**

Jews and Muslims, mostly Turks, in Germany find themselves in a position of unequal subjects for different historical and political reasons. These include a long tradition of citizenship based on blood relations – *Jus sanguinis* (Brubaker 1992) – which remains at least culturally significant even though there has been a switch to *jus soli*; visibility and invisibility through discourses on the headscarf and conversion (Korteweg and Yurdakul 2014, Ozyurek 2014); and exclusionary inclusion practices of Muslims and Jews in Germany around questions of participating in memory work (Partridge 2008, Bodemann and Yurdakul 2008, Rothberg and Yildiz 2011, Dekel 2014). Concerning circumcision in particular, the debate on (and intended suppression of) circumcision is much older and widespread than Germany in 2012, stretching back to, anti-Jewish and Turkophobia (Wunder 2003) in the Enlightenment. Also, more generally and not directed at Jews or Muslims, the regulation of sexuality by means of curbing masturbation in the 18th century (Turner 1984; Foucault 1979, Gilman 1993), the ‘ritual question’ of the 19th century (Judd 2007); and questioning it together with Kosher butchering in Modern

Germany (Lavi 2011).

Although the debate analyzed here did dominate the second half of 2012, its roots lie in an almost everyday medical intervention by a doctor on 4 November 2010 in Cologne who, following the wish of the Muslim parents, circumcised their four-year-old boy. While initially without complications, minor bleeding started later, resulting in the mother bringing the boy to the emergency room of the Cologne university hospital. The hospital reported the case to the police, and the prosecution pressed charges against the doctor. The local court (Amtsgericht Köln; Az. 528 Ds 30/11) decided on 21 September 2011 that the doctor had not made a mistake, and since he was asked to perform the circumcision by the parents, he was freed of all charges. The court furthermore decided that although circumcision must be regarded 'a bodily injury', it was justified as it was ultimately 'oriented towards the good of the child' as it 'documents the cultural and religious belonging to the Muslim community'.

Further, a comparison between the bodily integrity of the child and the social adequacy of circumcision in the larger community was made, presuming that the two can be equally weighed: The circumcision of a boy who is not able to give consent, properly carried out on religious grounds by a physician, following the request of the boy's parents is not excluded from the point of view of the so-called "social adequacy". The development of the opposite view by Exner (Social Adequacy in Criminal Law - Zur Knabenbeschneidung, Berlin 2011, especially Bl. 189 f.) Is not convincing". The municipal court opinion exonerated the parents and doctor of any abuse or battery utilized the concept of Social Adequacy, and a communitarian argument was thus at the heart of the first ruling - though beneficial medical reasons were also cited. The prosecution authorities appealed.

The subsequent ruling by the regional court (Landesgericht Köln) on 7 May 2012 (Az. 151 Ns 169/11) upheld the decision not to convict the doctor but ruled against the right to circumcise as long as it was not deemed necessary for medical reasons. This was on the basis that the basic law, according to the court's interpretation, itself restricts the rights of the parents. It was the court's perception that while the right to raise the child is not 'unduly' restricted by forbidding the practice, as the child can later decide whether or not to join the community through being circumcised, the violation of a child's bodily integrity, also because it is 'irreparable', is inappropriate. A liberal argument was thus at the heart of the

second ruling. While this too went largely unnoticed by the wider public, a debate ensued following an article in the Financial Times on 25 June 2012 (see Widmann 2012 for this media dynamic). We take this publication as the starting point for our analysis as it heralded a broad, public debate much different from how the case was discussed before.

The debate was not limited to Germany, receiving particular interest in Israel, Turkey and the US. When Federal Chancellor Merkel pushed for legislation allowing circumcision in Germany in July 2012, she called to protect the freedom of religion, stating that otherwise, Germany will become a ‘comedian-nation’ (‘Komikernation’; Die Welt, 16.07.2012). In her claim that Germany cannot afford to become the only European country where Jews are not allowed to practice ritual circumcision, we note the disregard of Muslims in Germany (about 4 million compared to about 150,000 Jews). This was a major component of the debate, in which the focus shifted from the Muslims to Jews as a legitimizing mechanism. The German Bundestag’s ruled to allow circumcision of newborns - even if not necessary for medical reasons and conducted by representatives of religious groups and not doctors if performed by 6 months of age. A public position survey followed (Infratest Dimap 2012) and showed little support for this settling: 70 per cent of those polled rejected the new law with 24 in favor of it. Similarly, a survey reported on June 30<sup>th</sup> in *Bild* newspaper showed that a majority of respondents (56%) found the Cologne verdict against circumcision correct, while 35% opposed the decision to criminalize the circumcision of infant males for religious reasons.

We will read this tension between public opinion, political deliberation and legal resolutions and the way the media discussed them now in light of literature on migration and minorities in Germany and the practice of circumcision among Muslims and Jews living in Europe.

### **Gazing at the other**

As indicated above, our discussion of the core mechanism underlying the debate follows a line of analysis developed by Foucault, whereby the body comes to be subject, first, to a ‘clinical gaze’ that creates *universal* and *objectively given* embodied individuals who are ‘cases’ (Foucault 1973) and, second, to a new disciplinary apparatus that ensures the total and asymmetric visibility of those

embodied individuals (Foucault 1975). The clinical gaze, then, is where the processes of subjectification and objectification meet: the subject of this gaze becomes a subject precisely ‘by acquiring the status of an object’.

In the case of Germany in 2012, the clinical gaze, when exercised on medical personnel who practice circumcision and children of a religious minority group, allows both to subjectify Jews and Muslims as members of an irrational past-time cults, making their religious practices open to discussion and evaluation, and, simultaneously, objects within the enlightened state apparatus. With Foucault’s concept of the clinical gaze we are thus able to shed light on precisely how the logic of ‘freedom from interference’ can be, quite paradoxically given the anti-statist origins of those norms, used in the service of a legal argument that claims that a certain religious practice of bodily manipulation can be allowed only when ordained by a state-sanctioned and state-regulated medical authority.

The crucial determination of the disciplinary apparatus for us is that it gradually articulated ‘an administrative and political space (...) upon a therapeutic space; it tended to individualize bodies, diseases, symptoms, lives and deaths’ (Foucault 1977: 143-144). This is well illustrated by the proposition made in Germany in August 2012 to offer special training for circumcision professionals which the Central Council of Jews in Germany was willing to offer. In the attempt to balance the freedom of religion and of parental education with bodily integrity and self-determination of the child, the court decision ruled against male circumcision (Moghadam 2012: 1134) According to Moghadam (2012), religious freedom was curbed, but most importantly, the court failed to explain why circumcision violates the child’s basic rights. It also neglected to reveal its theoretical approach concerning the scope and limits of proxy consent in criminal law. We agree with this claim and offer a sociological account of this failure: alongside the medical apparatus overlooking the ritual and the provision of possible judgment whether it is necessary or reprehensible, we can see how the very act that is barbaric in one case (when performed on all members of a group for [pre-modern] ritual reasons) is legitimate and even necessary in another case (when performed on a certain subset of entire population for medically-codified and monitored reasons).

The reason is that in the latter case, the disciplinary apparatus has joined the clinical gaze in

ordaining the procedure; while in the former, there is only the arbitrary and unacceptable determination of the sub-population according to its particularistic and non-objective gaze. In the case of the court, the well-being of the child under the state apparatus employed the medical gaze so as to position itself before the by-proxy consent, in order to qualify as best medical practice and be justified, and cannot come after the procedure which included the child in the community. Indeed, Moghadam (2012: 1136) argues similarly that ‘the State pushes itself in front of the parents and decides as *parens patriae*, as father of the nation, positively and uniformly whether circumcision is in the best interest of all children of the nation or not’.

Finally, the clinical gaze and disciplinary apparatus turn their techniques of observation and production to the ‘sex-desire’ of these individuals now known as ‘cases’ This is achieved through the production of the truth about sex well-articulated in articles in the Jewish and Israeli press, as well as the German press. Both the ‘excess’ of sexual production, and the clinical evacuation of the *ars erotica* from the *scientia*, are present precisely in the discourse about circumcision as either enhancing or an eviscerating pleasure. The question whether circumcision contributes to, detracts from, or remain irrelevant for, the sexual pleasure of the men circumcised and their partners, comes together in our data with the question of hygiene and the spread of disease. The circumcision debate, therefore, is a paradigmatic case where the essential disorder of circumcision on religious grounds in modern Germany is described as legitimate only insofar as it fights another essential disorder (circumcision on ‘medical grounds’, see Gilman 2015).

### **Migrants in Germany and the religious ritual of circumcision in Islam and Judaism**

Germany’s constitution and recent migration policies make it possible to think of it as a migration country. Notwithstanding, the public debate is often not in favor of Muslim migrants (Joppke 2014), and Islam often gets racialized (Özyürek 2014, Bunzl 2005). Such racial prejudice presents itself as non-racial and democratic (Augoustinos and Every 2007), alluding to some presumably intrinsic issues that the pariah group has, which often focus on its bodily-related choices (Korteweg and Yurdakul 2015). Jews, on the other hand, are often not perceived as migrants in the German media and if they are, such

as in the case of the Jews migrating to Germany from the former Soviet Union, and especially the recent migration of mostly secular Jews from Israel, is presented in a favorable light of homecoming Europeans.

In thinking about the liberal nation-state and migration discourse in the analysis of the circumcision debate, we advance a better understanding of how scholars have explicitly used the case to think about contemporary liberalism and liberal philosophy (e.g. Brahm-Levey 2013) relations to ‘others’. Abraham (2014) claims that as a consequence of basing citizenship on a contractual model of civic competence that can be literally and metaphorically tested and examined, immigration and migrant practices are constantly questioned on those moral grounds. In a piece on the circumcision debate Abraham (2017: 1747) explains how the practice of circumcision at the core of migrant’s identity was perceived by many in the majority society as a subversion of the constitutional identity of liberal Germany.

This is, first, supported by the discussions of multicultural citizenship which base their moral ground on the right of minorities to express their values and practice their way of life, including religious practices. Second, the contractual model of citizenship celebrates the success of the secular state narrative that has left behind a specific image of a religious past, falsely identifying the present age with the secular and the rational (Lavi 2011). Lavi (ibid.) argues, however, that modernization consists of a twofold process of secularization, that is, of rationalization and ‘ritualization’ of religion. It is important to attend to the specific parallel ritual of circumcision and animal slaughter in Judaism and Islam, as they reveal how questions that were raised two centuries ago about Jews and their ‘oriental’ rituals are raised again in regard to Muslims and Jews, using then and now the language of science and morality. We will now present how the ritual of circumcision in Judaism and Islam is conceived in the Muslim and Jewish communities.

Although there are no direct references to it in the Quran, circumcision occupies a very significant position in Muslim societies. In Turkey, a country with a majority Muslim population, the word used for circumcision is a polysemous loan word, i.e. *sünnet*. It means (1) the words and doings of the prophet Muhammad (in Arabic *sunnah*) and (2) the rite of circumcision (in Arabic *khitan*). Used

in the former meaning, the word *sünnet* refers to 'deeds recommended by the prophet, which are believed to benefit Muslims when performed' (Güzel 2009: 9). Circumcision in its double meaning thus corresponds as much to religious as to cultural and social requirements in Turkey, as well as in the Muslim world. Besides being a *sünnet-i hüda* (strong *sünnet* used in the former meaning) of the prophet (Işık 1967: 176, 263), circumcision also corresponds to social requirements in so far as it signifies a collective tradition symbolizing a form of perfection and in-group membership for Muslim males.

In view of the aforementioned religious, as well as cultural, reasons most Muslim infants in Turkey are circumcised (Yılmaz, Özsoy and Ardahan 2008, Oral, Bahadır and Güven 2011). Precise numbers, however, do not exist since circumcision used to be and is often performed by *sünnetçi* or person trained to perform the ritual of circumcision, and not reported to the state.

In Judaism, circumcision is a *mitzvah* or commandment, and is performed on Jewish male babies on the eighth day from birth, traditionally by a Mohel, who is a person trained to perform the ritual of circumcision. In recent decades, particularly among reform and secular Jews, the Mohel is also a medical doctor or else, the circumcision is performed by a medical professional. There is no official statistics pertaining to how many parents chose *not* to circumcise their newborn. However, it is believed to be about two per cent in Israel (Haaretz 14.06.2012). In Jewish tradition (the Old Testament and Midrash) circumcision is connected to the divine name in two main ways: by the practice god is believed to seal his name on the body and etymologically as the word *mila* stands for 'word' as well as circumcision (the full term is Brit Mila, or the covenant of circumcision).

Bilu (2003) argues that the ritual signifies how the bodily mark is transformed in the ritual into a word, the center of the covenant, and as such, being highly symbolic while also somewhat removed from initiation rites. In this sense the circumcised penis is the mark of the covenant as a speech act. For this reason, circumcision is not just a commandment, but the fundamental commandment. It is however important to note, that circumcision is not a ground for turning into a Jew. As a matrilineal religion, a baby born to a Jewish mother is Jewish even if not circumcised, although in 19th century Germany many rabbis refused to register uncircumcised babies (Judd 2007, Lavi 2011). The fact that circumcision is not ground for inclusion in Judaism, Stein-Kokin (2014) claims, makes the survival of the ritual even

among secular Jews remarkable.

Having a choice to perform to circumcision as ground for inclusion in both religious group was objected in the Cologne Appeal Court's decision: the idea that the bodily integrity and what the state deems as the human rights of the infant would be considered secondary to the commandment made to parents to circumcise their son. Drawing on Foucault (1973, 1975, 1978), we suggest that the fundamental state objection to ritual circumcision rests in the fact that the 'command' comes from a particular and historically situated religious community rather than from the objective and universalizing, then state administered clinical gaze, which turns every embodied individual into a case that can be analyzed and treated through the disciplinary apparatus, thus dismissing the social adequacy that the initial court ruling rested upon. Those developed in order to ensure the obsolescence of such pre-modern and irrational practices as circumcision, *when not medically indicated*. As such, the command of the state-regulated medical practitioner replaces an earlier, outmoded command, that is, the 'mitzvah' of divinely-regulated religious practitioner.

## Data

As noted in the introduction, we utilize a discourse-analytical framework in approaching media texts about the aforementioned case. Our data consists of newspaper articles (excluding letters to the editor) which include the word 'circumcision' published in five main nationwide published newspapers, both broadsheets and tabloids, on a left-liberal - right-conservative (secular and religious) continuum in Germany, Israel and Turkey. The period of investigation ranged from 25 June to 30 September 2012. The decision to limit the discussion to these dates, although the court cases began beforehand, and debate continued until the Bundestag's ruling in December 2012 and beyond, is to focus at the most active parts of the debate and thus observe and analyze the moral drama that unfolded. Indeed, our search in databases also uncovered only few relevant articles before late June in the German, Israeli and Turkish press (see Figure 1 below)<sup>4</sup>. Thus, we started collecting data with the day the *Financial Times* German Edition published the article which initiated the public debate and ended the week the former president

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<sup>4</sup> Munzer 2016 and Widmann 2012 also consider this date as the beginning of the debate.

of the *Central Council of Jews in Germany*, then vice president of the *European Jewish Congress* and the *World Jewish Congress* and president of the *Israelitische Kultusgemeinde München und Oberbayern*, Charlotte Knobloch intervened. We stopped data collection at this point as the debate lost centrality even though the German Bundestag passed a law at 12 December 2012, allowing the circumcision of newborns even if not medically necessary and conducted not by a medical professional.

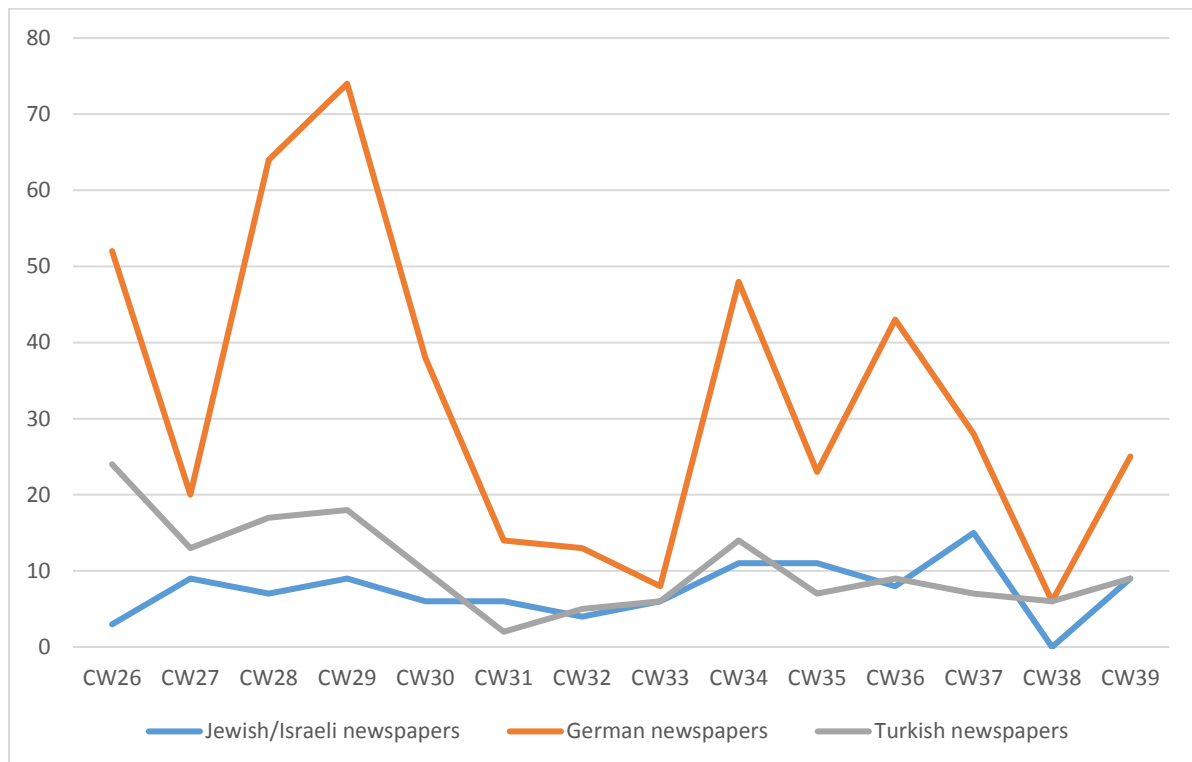


FIGURE 1: NUMBER OF NEWSPAPER ARTICLES PUBLISHED PER CALENDER WEEK

In Germany, newspapers included *Frankfurter Rundschau* (FR), *Süddeutsche Zeitung* (SZ), *Frankfurter Zeitung* (FAZ) and *Die Welt* (WELT). In addition, the most widely read tabloid, *BILD* (BILD), was included. The total number of articles is 456. While public opinion in Germany was strongly against the right to circumcise (as was indicated by the abovementioned survey results), published opinion was in fact mostly in favor of the right or, at least, put forward pro and con arguments while only a small minority opposed it. Indeed, having coded three calendar weeks (26, 36 and 39), about 48% of published pieces were fully or rather in favor of circumcision; about 39% neutral and about 13% were fully or rather against the practice.

Furthermore, and interestingly, half of these critical voices were professionals or experts, e.g. related to child protection agencies, and layman. This is not surprising, as the charges concerned child abuse. Among the lay voices, secular Jewish Israelis residing in Germany, who consider circumcision critically, were quoted. In line with the largely critical reception of the second ruling in the German press, voice was given, at least at the beginning of the debate, first and foremost to critics, mostly individualized and not simply aggregated (van Leeuwen, 2007). More than half of these critics came from the religious establishment. Here, the Central Council of Jews in Germany are most strongly represented, followed by Muslim voices and the Christian churches. The second most vocal group of critics was politicians across the political spectrum. In the German press, references made to barbarism were not uncommon, and so were references to female genital mutilations and to the general 'danger' of pollution in allowing this ritual to be performed in Germany of the 21st Century.

In the Israeli and Jewish as well as the Turkish and Muslim context, most articles were in favor of the right to circumcise. The Jews in Germany, together with Muslims and supporters of the right to circumcise demonstrated against the ruling. In the Israeli and Jewish as well as the Turkish and Muslim context, there were almost no voices opposing circumcision and the number of articles being more or less balanced was much smaller. The Israeli-Jewish corpus consists of the online versions of *Ha'aretz*, *Yediot Ahronot*, and *Maariv*. We furthermore analyzed articles from the English daily *Jerusalem Post* and the German weekly *Jüdische Allgemeine Zeitung* which gave voice to the Jewish side of the debate in Germany, reflecting on Israeli interventions and German policy (and showing similar position to the Israeli Press). In total, there were 104 articles. The Turkish corpus consists of three national dailies (*Hürriyet*, *Sabah* and *Zaman*, broadsheet dailies with very high circulation numbers, and two European editions of *Sabah* and *Zaman* (i.e. *Avrupa Sabah* and *Zaman Avrupa*). In total there are 147 news articles on circumcision.

In the following, we proceed with analyzing the content of the debate along four thematic lines which emerged as particularly relevant from our analysis of the discourse: (1) The significance of circumcision for communal identities; (2) enlightenment vs. tradition and claims of anti-Jewish sentiment (3) medical justifications; and (4) relativizing comparisons which stand in a certain tension

with 'being pragmatic'. These themes discursively constitute the practice of writing around introduced above – a practice which itself is a realization of the clinical gaze practiced by state institutions and minorities.

## **Analysis**

### Communal identities

The significance of circumcision for communal identities is of primary importance and prominence in the debate and it is made most explicit by the Jewish and Muslim communities which would be affected by the ban. Most forcefully, this theme was articulated in Knoblauch's intervention (SZ 25.09.2012), titled *Do you still want us Jews here?*. For example, Knoblauch stated that '[u]nlike in Islam, circumcision is constitutive in Judaism. It is at the core of Jewish identity'. Yet, while this constitutive nature was not doubted, its legitimacy was, throughout the debate, questioned. As such, *Markus C. Schulte von Drach* the then politics and science editor in the liberal SZ (28.06.2012) claimed that 'the fact that a tradition has lasted for 4000 years is most notably saying: it dates from a society which is not comparable with ours - and in which probably the fewest of us want to live.' This claim unites the gaze on Jewish and Muslim cultures as belonging in time-past, external to the author's society ('society not comparable with ours', while holding the right to practice their religions in present Germany and Europe.

Against such views, Israeli and Turkish sources stress the importance of the practice. Representatively, Rabbi Metzger [then Israel's chief Rabbi] quoted in *Yediot Ahronot* (23.08.2012) argued: 'Circumcision ritual is the most fundamental command to the Jewish people, and just as Germany will not give up its flag, the Jews cannot give up the indication of the covenant between us and the blessed God'. Metzger connects religious and national identity, a position also present in other Israeli reactions to the debate alongside comparisons of possibly harmful practices in Christianity. The ritual's double character as both sacred *and* civil is also acknowledged - and not viewed in terms of either/or: in a letter that Eli Yishai (then Israel's minister of Inner Affairs) sent to Angela Merkel, Yishai points out: 'don't make Jews living in your country choose between keeping the local law and the godly command [...] don't make them chose between their Judaism and citizenship and do not prevent them

from keeping both simultaneously'. (Ma'ariv 23.08.12).

### Enlightenment vs. tradition and claims of anti-Jewish sentiment

Closely connected to the aforementioned criticism of 'tradition', supporters of the court ruling against circumcision combined their stance against the violation of a child's bodily integrity with an appeal to 'societal development'. One of the major actors in the debate, the jurist Holm Putzke, stated: 'Eventually, it is simply over [‘age-old traditions and religious rules’] because the societal development has come to the conclusion: what you do is not good' (FAZ 02.07.2012). Defenders of the right of minorities to practice circumcision presented enlightenment and rationalism not as clear-cut values or anti-religious and individualistic, but in terms of reflexive properties, as in the following example in the SZ by author Nevid Kermani 02.08.2012: 'The vulgar rationalism, however, which manifests itself in the ruling by the Cologne regional court, posits its own, present-day reason as absolute.' The term 'vulgar rationalism' (*Vulgärrationalismus*) is a counter-attack against those who claimed that the practice is outdated and goes against present values and was later adopted by the then German president Joachim Gauck. Yet, this discursive frontline was present beyond Germany. In Turkey, a significant pro-circumcision arguments referred to a quote from Jürgen Habermas, which can be related to the Turkish experience of state secularism. This is furthermore in line with arguments that Islamists in Turkey had to transform themselves and internalize secularism as part of their challenge to the Kemalist state (see also Bulaç 2005, Yavuz 2003). The following extract from an interview with Habermas is incorporated into *Zaman's* (09.08.2012) pro-circumcision stance: 'Defending that in liberal societies religious communities should live their religion in the public sphere, Jürgen Habermas said that common issues regarding the public sphere should be resolved with secular rationality and logic, and yet religious groups should translate their demands into this language'. However, resting upon competing frames of justification, that of freedom of religion and that of bodily integrity, the task of translation rested on the Muslim and Jewish minority (Moghadam 2012). Indeed, it was thus bound to fail, for the majority society failed to accept the moral ground that the minorities employed.

In Israel, criticizing the need to translate religious and community traditions appeared, for

example, in *Haaretz* (25.08.2012): ‘what the Germans ask is how much tolerance they need to have toward the others with their beards and head scarves, who want to continue their archaic and barbaric deeds that they brought over from the Middle East’. Here, the reflection on one’s group image as, ‘backward’ is indicated via reference to ‘beards and head scarves’—examples of religious visibility, but also explicitly through the reference to ‘archaic and barbaric’. Here the author touches at the core of the debate, that is of the majority Christian, self-proclaimed secular community’s plea for others to recognize its wish to limit its tolerance toward religious communities living in its midst. It also sheds light on migrant communities and more generally on the very possibility of inclusion of others and of a pluralistic society.

Returning to Germany, this public sentiment of limiting tolerance was maybe most forcefully present in a campaign the humanist, religion-critical *Giordano Bruno Foundation* launched, employing the voice of the child. The foundation was a major actor in the debate, organizing the anti-circumcision/children rights campaign ‘Mein Körper gehört mir!’ (‘My body belongs to me!’, Image 1) which was supported by a range of other humanist organizations and anti-circumcision groups. An anti-circumcision demonstration listed cases of babies dying after being circumcised and showed the following sign by the Brandenburg Gate.



Image 1: © 2012 Giordano Bruno Stiftung

This sign helps illuminating what we see as a central tension in the debate: when the focus is on the children’s rights, the discursive elements are of the liberal modern state which oversees the allocation of rights to individuals and groups. In other words: the sign reads ‘My body belongs to me’ but we can ask: whose body is it? From the liberal point of view, it is the child’s body and the child should have the

right to decide about (or protect, as we see in the photo) his body. From a communitarian perspective the parents have the right to decide about their child's body. Notwithstanding, when the focus is on the parents' rights to raise the child within certain cultural traditions, the discourse highlights community rights and religious freedom. Lastly, when the gaze is clinical, we hear the voice of the state-regulated medical practitioners, which is meant to replace an earlier, outmoded command. As the examples so far show, religious and cultural identity are pushed back and appeals are made to 'modern rationality' and the management of the body.

Modern rationality and enlightenment at its limits were also mentioned in relations to antisemitism in the debate. Authors referred directly to anti-Jewish sentiment and the history of persecution. Charlotte Knoblauch, in the aforementioned article *Do you still want us Jews here?*, writes:

'Sixty years long I have, as a Holocaust survivor, protected Germany. Now I ask myself if this was right. Those who know it all [Besserwisser] rant around the theme of circumcision inhibiting children cruelty and trauma. And they achieve one thing with it: to question the existence of the small vanishing Jewish community.'

By relating the Holocaust, contemporary Germany's foundational event, at least in its official discourse, (Olick 2016), to the debate, participants did not only question if Germany had actually learned the lessons from the past, but furthermore suggested that this Germany might now complete what Nazi-Germany had ultimately, though only narrowly, failed to achieve: a Germany without Jews. In the same spirit, *Yediot Ahronot* (23.08.2012) quotes Rabbi Lauin an article headline 'In the Holocaust the Germans were not worried about Jewish blood'. What is remarkable about these examples is the consequential solidarity and alliance between Jews and Muslims, for, even if not explicitly stated, the spilled blood is also of the Muslim boy. It is important to note that the alliance was real, but also problematic on both sides.

First, the spotlight shifted to Jews early on in the debate, and used their visibility and historical victimization in Germany both in the voices of the German and the Jewish-Israeli press. Jews as well as

Muslims used this momentum to fight together for the right to circumcise. For example, the Turkish press and Muslim public expressed solidarity with Jews. most notably, was a demonstration in Babelplatz, Berlin (10.09.2012) in which Jews and Muslims, together with prominent politicians and other citizens, supported each other against the ruling, and many of the supporters of the right to circumcise wore a kippa- a mark of Jewish male religiosity. As we saw in some of the German Jewish examples such as that of Knoblauch, claims were also made to separate the importance of the ritual for Jews and its presumed lesser importance for Muslims.

### Medical justifications

Arguments used by proponents of the right to circumcise were usually followed by arguments supporting the right to pursue faith and tradition. In an article which reports both pro and con positions, the liberal Rabbi Antje Yael Deusel (an urologist and Mohel) reportedly ‘praises the health-fostering character of circumcision: every day, she sees conditions in her clinic which, in case of timelier circumcision, could have been prevented’ (Jüdische Allgemeine 26.07.2012). Here, the voice and authority of religion is strengthened by the medical authority and vice versa. The counter-argument - found as often as the argument in favor - that hygiene is not an issue anymore, is present in the following quote by the head of the Child Protection Association Baden-Württemberg, Iris Krämer (*Bild* 27.06.2012): ‘Removing the foreskin of boys violates this [the right to bodily integrity], the more so as arguments on hygiene do not play any role nowadays.’

*Haaretz* (27.06.2012) refers to female genital mutilation in a discussion of harm done to the child, mentioning the UN children rights declaration of 1989. It stated that both are a surgical intervention that have possible ramifications on the health of the boy and the girl. In Turkey, medical benefits were also foregrounded. Drawing on the medical, i.e. hygiene, benefits of circumcision as well as the compassion of families, Hussein Hamdan, a scholar of Islamic studies (*Zaman* 26.08.2012) claims: ‘Being circumcised prevents certain diseases. Because being circumcised means cleanliness’.

Another medicalized site through which circumcision was made meaningful concerned sex life and sexual well-being, both in making the case for and against circumcision, as mentioned before.

Articles in the German as well as the Israeli press discussed the effects of circumcision on sex life. For instance, a physician from Düsseldorf was interviewed in *Ma'ariv* (27.08.2012) elaborated on the apparent fact that 'my patients suffered from fears as adults, of difficulties in their sex life and they argued a lot with their partners'.

### From relativizing circumcision to pragmatic responses

In this thematic stream, we examine contributions to the debate which attempt to put circumcision 'into perspective' by relating it to banal practices familiar to the majority. In this sense, the strategy was to move circumcision from the realm of the extraordinary to the mundane, something not to be feared, but instead shrug one's shoulders and move on. Perhaps this is most visible in Egemen Bağış's (then European Union minister of Turkey) sarcastic reference to Baptism: 'those who come up with ridiculous claims can tomorrow say that babies may be drowned during baptizing'. (*Zaman Avrupa* 12.09.2012). There is a visible transnational overlap here as an Israeli law scholar in Berlin is quoted in *Haaretz* on 07.09.12, saying that 'nobody asks you when you are one month old whether you'd like to get baptised'.

It is at this point that we further exemplify our argument in regard to 'writing around' the debate. Writing in circles, according to Douglas (2007), entails two practices: the discussion of analogies taken from the margins of the debate which then constitute its core. Additionally, this concept enabled seeing that eminently the debate started and ended in the same place of allowing circumcision. Its center was bodily integrity, but through analogies to other practices, such as piercing, tattoo, baptism, vaccination and female genital mutilation, a concentric discursive procedure managed to touch on quite delicate matters developed. For example, the Turkish *Zaman* claimed: 'If circumcision is being banned, then let earrings and piercing be banned.' (Berger, in: *Zaman* 26.07.2012)

The following image was the poster for an exhibition on the Jewish Museum in Berlin which was triggered by the debate and centered on the practice as one site where the inclusion of minorities is questioned. 'Haut/ab' (Image 2) means 'get out of here', but also 'removed skin'. It is, as the image shows, a quite literal reading of the signification of exclusion with the circumcised erect penis. The exhibition was followed by expert discussions of the debate and the meaning of circumcision for

Muslims and Jews where many of these positioned were elaborated and discussed.



Image 2: Kampagnenmotiv zur Ausstellung »Haut ab! Haltungen zur rituellen Beschneidung« ©

Jüdisches Museum Berlin, Gestaltung: [www.buerominimal.de](http://www.buerominimal.de)

However, while proponents of circumcision drew comparisons to practices performed by the majority, the Jewish Museum in Berlin tried to facilitate discussion by contextualizing the debate in interreligious dialogue, supporters of the right to circumcise rejected the relativization of the constitutive nature of circumcision. Given the centrality of the ritual, the affected communities proclaimed their desire to circumvent the law. For example, Ali Demir, head of the *Islamic Religious Community* (Relionsgemeinschaft des Islam) claimed that ‘a ban will not lead to anything: “We will then see a circumcision-tourism to European neighboring countries”.’ (SZ 27.06.2012) Similarly, Andreas Nechama, Rabbi of the reform Jews in Berlin and director of *Topography of Terror*, in an interview in *Haaretz* (07.09.2012), tells of a Jewish couple who chose to go with the baby to Poland to ‘fulfill the religious command’. And so does a Muslim family whose opinion on the ban is quoted in *Avrupa Sabah* (15.07.2012): ‘now that they banned circumcision, I will then have my son circumcised in Turkey’.

The circumcision tourism argument was important as it brought to the fore the topic of national belonging and transnational identities and loyalties that characterizes Jewish and Muslim minorities discourse as well as the discourse that views them as others. Interestingly, while the Turkish minority listed Turkey as the probable destination for circumcision tourism (and bearing in mind, that this migrant group visits Turkey often), the Jewish minority listed a bordering country, Poland, under-

dramatizing both the Jewish memory of Poland and of Jewish commitment to Israel as a safe haven or as the ultimate place where Jews can practice their tradition.

### **Concluding remarks**

In this article, we explored the circumcision debate as a site of struggle and significance so to shed light on processes that are embedded in everyday exclusion of minorities in Germany. Focusing on the body enabled us to see how the other is signified as an alien, morally corrupt and often harming others. This was seen, for instance, in the Jewish Muslim aforementioned demonstration contesting the court decision, in which demonstrators wore a Kippah in public. It was also present in the headscarf debates in Germany and elsewhere in Europe (Korteweg and Yurdakul 2014). In both cases, demonstrated by the capitulation on religious visibility of Muslims and Jews, Abraham's claim (2017: 1759) concerning German liberal discourse on circumcision in a self-declared secular state is ultimately supported by our analysis: 'Secularism and liberal Protestantism are more closely tied than most advocates of either would care to acknowledge'.

We viewed circumcision as a *mnemotechnic* used by the minorities to mark belonging and form alliances, and as such a source of anxiety for the majority society represented by the state and by experts, and as a mechanism of exclusion in the hand of the Christian majority state. We claimed that this exclusionary mechanism is framed in a discourse that is informed by a 'clinical gaze' as well as proceeded through 'writing around' the body, bringing together seemingly marginal topics to the debate. The debate's margins, as evident in, e.g., the thematic discussion through ear piercing and baptism, helped illuminate and frame its center and give it different, often self-contradicting political and moral weight. Douglas' (2007) analytical framework of ring composition helped us show how the story, though not pre-scripted, started by a conviction that circumcision will be allowed and cannot be prohibited in Germany given the serious deliberative discussion, but also an exploration of the morality of religious minorities and a requirement that they will yield to state law prescribed by the majority society (Moghadam 2012). It also enabled a common ground for the minorities themselves to express solidarity transnationally in reactions that suggested comparison to other religious as well as mundane practices

used by the nation state to determine whether ritual circumcision will be allowed.

The debate contained materials for a good drama: there is blood, but hardly anyone dies; the cut is meaningful and its place symbolic; it is about Jews and also Muslims; it involves sex and purity; and it complements other issues with the modern body and religious practice and visibility. As such, our analysis is not only an analysis of a particular case, but relevant, first, because it illuminates medical and moral justifications for circumcision brought forward in the past and, most likely, still relevant to all involved parties in present and future discussions on the topic. Second, our analysis deciphers discussions that centre on the body, its cleanliness and group practices in the discussion of minorities in Germany (and potentially other countries) and the modes through which these debates may evolve through writing around the bodies of migrants and minorities. We hope that we opened a space for a discussion of moral disquiet on the act and on limiting Muslim, Jewish and other minorities' practices in Germany and illuminated a discursive event which, by turning subjects into objects, contains them still and only as others.

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