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MASTER-THESIS

The Accused Foreskin

“The Question of Anti-Semitic Arguments within the
Frame of Religious Freedom and of the Integrity of
Children as Seen from the Perspective against Religious
Circumcision of Underage Boys in the 2012
Circumcision Debate in Germany”

Verfasserin

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Abstract

This thesis deals with the so-called “circumcision debate” in Germany, which reached its peak in the summer of 2012. The decisive event was the Cologne Regional Court ruling of May 7, 2012, which criminalized the religious circumcision of underage boys. From a human rights perspective, one was faced with the dilemma of having to balance two human rights against each other: the right to religious freedom and the right of the child to physical and mental integrity. However, this work does not analyze this conflict rather, it exemplifies the lines of argumentation against religiously motivated circumcision. The ruling was followed by numerous debates, which were conducted in an emotional manner by those who were in favor of permission and those who were against it. This work focuses on the question of to what extent positions assumed by the opponents might possibly be identified as anti-Semitic. The interest in the research question is rooted in the general rejection of the accusation of anti-Semitism. Anti-Semitism constitutes a human rights violation and must, therefore, when uncovered, be paid attention to so that it can be countered.

Vorliegende Arbeit beschäftigt sich mit der sogenannten „Beschneidungsdebatte“ in Deutschland, die ihren Höhepunkt im Sommer des Jahres 2012 fand. Ausschlaggebendes Ereignis bot das Urteil des Landgerichts Köln vom 07. Mai 2012, welches die religiöse Beschneidung an minderjährigen Jungen kriminalisierte. Aus einer menschenrechtlichen Perspektive sah man sich dem Dilemma ausgesetzt, zwei Menschenrechte abwägen zu müssen, nämlich das der Religionsfreiheit und das des Rechtes des Kindes auf körperliche und seelische Unversehrtheit. Es gilt in dieser Arbeit jedoch nicht, dieses Spannungsfeld zu beleuchten, sondern vielmehr ihre Argumentationen gegen die religiös motivierte Beschneidung zu veranschaulichen. So folgten dem Urteil zahlreiche Debatten, die von Seiten der Befürworter_innen der Zulassung und von Seiten der Gegenposition emotional geführt wurden. Die Arbeit fokussiert auf die Frage, inwiefern Gegenpositionen in ihren Argumentationen eventuell als antisemitisch ausgewiesen werden können. Das Interesse der vorangegangenen Fragestellung sieht sich in der generellen Zurückweisung des Antisemitismusvorwurfs begründet. Antisemitismus stellt eine Menschenrechtsverletzung dar und muss daher in ihrer Aufdeckung Beachtung finden, um im Weiteren dagegen vorgehen zu können.

Abbreviations and Acronyms

AG	Amtsgericht (Local Court)
Art.	Article
BMI	Bundesministerium für Inneres (Federal Ministry for the Interior)
BRD/FRG	Bundesrepublik Deutschland / Federal Republic of Germany
CERD	Committee on the Elimination of Racial Discrimination
Civ. Code/BGB	Civil Code / Bürgerliches Gesetzbuch
CRC	Convention on the Rights of the Child
EC	European Council
ECRI	European Commission against Racism and Intolerance
EUMC	European Union Monitoring Centre on Racism and Xenophobia
FGM	Female Genital Mutilation
FRA	Fundamental Rights Agency
GG	Grundgesetz (Constitution)
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
NAP	National Action Plan
OLG	Oberlandesgericht (Higher Regional Court)
PACE	Parliamentary Assembly of the Council of Europe
Res.	Resolution
StGB	Strafgesetzbuch (Criminal Code)
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNGA	United Nations General Assembly
WHO	World Health Organization

Table of content

1. Introduction	1
2. Context	5
2.1. The Cologne Regional Court Ruling	5
2.2. A dilemma: Weighting human rights in a democratic state	8
2.3. When scientific reasoning is not tenable: pro or contra circumcision?	11
2.4. Brit milah	12
2.5. Circumcision	14
2.5.1. Circumcision: origins and evidences	14
2.5.2. Origins of circumcision hostility	16
2.5.2.1. The 19 th -century critique of circumcision	17
2.5.3. The beginnings of circumcision hostility in Christianity	19
3. Theory	21
3.1. Human rights instruments to identify and trace anti-Semitism	21
3.1.1. International human rights instruments	21
3.1.2. The European Commission against Racism and Intolerance	24
3.1.2.1. PACE: Resolution 1952 (2013)	25
3.1.3. The European Union Agency for Fundamental Rights	28
3.2. Anti-Jewish and anti-Semitic Myths and their Formation	31
3.2.1. Religious polemics in the early beginnings of Christianity	31
3.2.2. The Crusades	32
3.2.3. Blood, ritual murder, and host desecration	34
3.2.4. Modern anti-Semitism	37
3.3. Anti-Semitism by Definition	38
3.3.1. A possible definition of anti-Semitism by the expert group for anti-Semitism	38
3.3.2. Shedding light on different categories of anti-Semitism	41
4. Methodology	45
5. Empirical evidence	48
5.1. On the perception of physical integrity, physical injury and its (criminal) prosecution	48
5.2. “Special rights and positions” of the Jewish population	51
5.3. Children’s autonomy - “Parents do not have the right to make decisions for their children that are to their detriment.”	55
5.4. Placing children’s rights above religious freedom	59
5.5. Democracy, rule of law, and secularism	62
5.6. Understanding of religion	65
5.7. Religious freedom – significance and limits	68
5.8. Religion at variance with Enlightenment	71
5.9. Mutilation and abuse: a legacy of archaic rituals	74

5.10.	Christianity versus Judaism	76
5.11.	Mental and physical consequences of ritual circumcision of underage boys	79
5.12.	Genital mutilations of girls versus religiously motivated circumcision of underage boys	81
6.	Conclusion	84
6.1.	Conclusio 1	84
6.2.	Conclusio 2	87
	List of References	91
	Appendix	100

1. Introduction

In the wake of the Cologne Regional Court ruling of May 2012, which criminalized ritual circumcision as “simple physical injury,” there seemed to be hardly any topic in Germany more important than the foreskin. Almost everyone seemed to suddenly have an opinion on the religiously motivated circumcision of boys. The ruling brought about numerous debates that were held on a highly emotional level by all sides.

The so-called “circumcision debate” took place in the summer of 2012. Numerous media reported on this issue. A “Financial Times Germany” article of June 26 probably constituted the first media source. (cf. Cetin/Wolter et al. 2012, p. 15f)

The practice of religiously motivated circumcision of underage boys is thousands of years old. However, no particular attention was paid to this fact until the time of the ruling. Doesn't the question suggest itself of why the foreskin attracts so much interest particularly these days?

Statistics by the World Health organization (WHO) show that one third of the world's male population has a circumcised penis. Motivations for this procedure differ greatly. Thus, from this third e.g., 70% of the world's male Muslim population is circumcised for cultural reasons. In the USA alone, 60-70% of all newborn boys are circumcised, whereby here, hygienic-medical reasons prevail. Relevant is the fact that in European countries shaped by Christianity, the percentage of circumcised men is significantly lower. (cf. Heimann-Jelinek/Kugelmann 2014, p. 19) Insofar it is explicable that such a debate would get under way in Europe and specifically in Germany. Yet, the fact that circumcision is not part of majority culture in Germany – except for medical necessities - cannot offer any explanation for the intensity with which the debate was conducted. Here, additional elements play an important role such as Western notions of body, religious and accompanying cultural influences, historical anti-Judaism, new anti-Semitism, increasing anti-Islamism, historical evolution and significance of children's rights, etc.

To have the most differing views represented in a pluralistic, democratic state is actually a logical consequence of increasingly heterogeneous societies and, naturally, also desirable. However, it seems that especially discussions around religion, faith, and cultural identity are emotionally charged and display deep-seated differences of views. Specifically, in countries shaped by Christianity, these disputes turn virulently more hostile since this is about Islam or Judaism. The fact that non-Christian cultures are rejected, excluded, and defamed because of

their ritual practices, i.e., that there exists a manifest anti-Semitism and Islamophobia, is usually vehemently denied. This is the source of my research interest and has led to the formulation of the research question of this thesis:

Starting with the 2012 “circumcision debate” in Germany: To what extent can arguments used by society in the framework of religious freedom and children’s integrity from the position against the religiously motivated circumcision of underage boys be considered anti-Semitic in some contexts?

Inevitably, the debate brought about the frequent confusion of the two Abrahamic religions, Judaism and Islam. However, the hostile stances of the majority population toward them are differently motivated, which allows focusing the analysis on one religious community, in this case, on Judaism.

The question is of great significance in the framework of human rights: The Federal Republic of Germany likes to view itself internationally at the frontier in the preservation and implementation of human rights. Yet, anti-Semitism and racism are stark contradictions to human rights. Insofar, identifying open and latent anti-Semitism in today’s German society in the framework of the Human Rights-program is of great relevance.

Below, I wish to provide an outline of this thesis.

This work starts with a chapter describing the context. It gives an account and a more detailed explanation of the ruling handed down by the Cologne Regional Court, which triggered the debate. Background and change in the legal argumentations of the Cologne District and the Cologne Regional Court rulings as well as the legal outcome will be dealt with. The following chapter deals with the dilemma of balancing the human right of religious freedom with the child’s right to physical and mental integrity in a democratic state. From a human rights perspective, this is precisely about the rights mentioned, which, however, are in conflict. Here, we follow specialists in their argumentations for religious freedom and the child’s right to physical and mental integrity to obtain an understanding of both rights and their interpretations. The larger focus will be on religious freedom since equality between this right and the child’s right seems less comprehensible to majority societies in democratic states. In the next chapter a legal approach will be omitted, and the question will be asked, which argumentations follow the right of the child and the right to religious freedom. Since in the circumcision debate frequently mental and physical consequences resp. prophylactic

arguments for or against circumcision are named, they must be briefly dealt with to do away with possible myths. A further chapter will deal with religiously motivated circumcision in Judaism in its practical implementation to clear up any ignorance or superficial knowledge in this regard. Then a cultural-historical depiction will be provided of the origins and testimonies of circumcision; otherwise, its identity-building significance for Jewry cannot be properly understood. The account will focus on its historical dissemination, the biblical circumcision commandment as a confirmation of the Covenant between God and the Jews as well as on aspects of religious law. The subsequent chapter focuses on the hostility to circumcision in Antiquity resp. in Late Antiquity. Here, it will be pointed out that while in Antiquity circumcision was practiced by several peoples, it was also subject to hostilities. This knowledge constitutes the foundation for the following chapter, which deals with the beginnings of the rejection of circumcision in Christianity. It is impossible to convey today's debate in its emotionality without also discerning the source of the rejection in Christianity. Numerous intellectuals see the origins of anti-Semitism founded in Christianity's rejection of circumcision.

The contextualization chapter will be followed by a theoretical chapter. Here, the focus will initially be on the human rights instruments to prosecute anti-Semitism. In different chapters various levels of possible instruments will be named. Since the research question deals with anti-Semitism, the link must be established to a human rights perspective. At first, international instruments will be introduced, primarily the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which will be mentioned with its relevant articles in order to show to what extent they have entered national law in the Federal Republic of Germany. When questions of racism and intolerance are addressed, of which anti-Semitism is a part, it is indispensable to mention the European Commission against Racism and Intolerance (ECRI), whose functions will be briefly presented in a subsequent chapter. Then follows a chapter on the Fundamental Rights Agency (FRA), which must be mentioned on the European level when adherence to human rights is addressed. Here, fundamental rights that must be mentioned in the context of anti-Semitism as well as FRA-studies on anti-Semitism are relevant. This is followed by the chapters "Religious polemics in the early beginnings of Christianity," "The Crusades," "Blood, ritual murder, and host desecration," and "Modern anti-Semitism" to show the development of structural and content-related anti-Jewish and anti-Semitic lines of argumentation, which is indispensable in the unmasking of anti-Semitism. Since the human rights instruments fail to provide a more

detailed definition of anti-Semitism, which, however, is necessary to answer the research question, the following chapter will provide and expound on “a possible definition of anti-Semitism” by the expert group for anti-Semitism. In addition, the following chapter will explain the different categories of anti-Semitism. Since – as demonstrated in the historical chapters - anti-Semitism has such a long history, categories have emerged that can only be understood with a background in Jewish cultural history.

This will be followed by a brief chapter on methodology. Here, processing manner as well as research approach of the applied method, that is, of qualitative content analysis, for answering the research question will be explained.

The following chapter constitutes the empirical part. Based on the research question, the attempt is made to present the insights of this thesis in different chapters. The insights gained will be illustrated and combined with the theoretical part of the work to render the results more transparent.

This thesis will be concluded by highlighting critical insights and answering the guiding research question. Questions that remain unanswered here will be addressed and form a possible basis for future research.

2. Context

2.1. The Cologne Regional Court Ruling

The “circumcision debate” was triggered by the Cologne Regional Court ruling of May 7, 2012 concerning the circumcision of boys’ foreskin for religious reasons: this seemed to have provided German society with the “justification” to question religiously motivated circumcision of boys.

The following case formed the basis for the ruling:

A four-year-old Muslim boy was taken to a hospital’s emergency room because of sustained bleeding. There, the bleeding was diagnosed as the result of a circumcision. Since the mother’s verbal command was limited, the police was initially called to file a charge since suspicion of bodily harm immediately suggested itself. These facts of the case in themselves are not unusual since every form of surgical procedure constitutes—from a legal point of view—bodily harm. Moreover, always a prerequisite for any surgical procedure is the consent of therefor authorized individuals. (cf. Cetin/Wolter et al. 2012, p. 16) The accused physician who had performed the boy’s circumcision was acquitted on September 21, 2011 by the district court. (cf. Bodenheimer 2012, p. 8) The sentence sounded partially as follows:

Nach Auffassung des Strafgerichts war die durch den Eingriff tatbestandsmäßig vorliegende Körperverletzung aufgrund der w i r k s a m e n Einwilligung der Eltern des Kindes als Personensorgeberechtigten gerechtfertigt, denn dieselbe richtete sich zutreffend an dem „Wohl ihres Kindes“ aus (§ 1627 BGB). (cit. Az. 528 Ds 30/11)¹

Since the surgery had been preceded by a consent of the parents who were the child’s legal guardians, the judge did not find any reason to convict the accused physician. The “well-being of the child” is at the fore. Here it should be noted that religious education is considered to contribute to the “well-being” since hereby the child learns about his identity and affiliation. (cf. Bodenheimer 2012, p. 8) That is: The judge decided that the parents’ actions were guided by the “well-being of their child.”

However, the prosecution was not satisfied with the sentence and appealed. Here, the argumentation basis constituted a 2008 article by Holm Putzke, a criminal lawyer, who does not see religious education in this sense. If one follows his reasoning, then, as a result of

¹ Engl. trans.: In the opinion of the criminal court, the fact of physical injury caused by the procedure as in the present case was justified because of the v a l i d consent of the child’s parents as legal guardians since it was appropriately guided by the “well-being of their child“ (§ 1627 BGB).

religious education, the act had been to the detriment of “the child’s well-being.” (cf. Cetin/Wolter et al. 2012, p. 17)

On May 7, 2012, the Cologne Regional Court handed down a verdict in this matter. Likewise, the physician was acquitted, the argument being that he had acted out of “mistake regarding prohibition.”² (cf. Wa. 151 Ns 169/11, p. 8) Furthermore, the Regional Court placed the “child’s well-being” at the center. Differing here is the perspective on the position of the “child’s well-being;” from now on, physical integrity should no longer be allowed to be violated. Indeed, according to the Court’s assessment, the parents were not guided by the “child’s well-being.”

Comparable regarding subject matter and hence significant is a 2007 ruling by the Higher Regional Court in Frankfurt am Main. (cf. Bodenheimer 2012, p. 10) In this case, a fourteen-year-old boy filed damages for pain and suffering after he had been circumcised at his father’s behest in a clinic two years earlier. From the verdict emerges that at the time of circumcision the parents had already been divorced and that the mother had been legal guardian. In this causa, it is not insignificant to mention that the father was a Muslim while his former wife was not member of this denomination. (cf. Az. 4 W 12/7) In contrast to the Cologne ruling, this was not a criminal lawsuit. Here, the court focused on the father’s lack of legal guardianship and the accompanying violation of the “general right of personality.”³ From this resulted the father’s lack of right to make decisions that shape the further course of his son’s life. Had he possessed these rights, only then, the circumcision of the foreskin would have been legal. (cf. Bodenheimer 2012, p. 10f) Bodenheimer describes the situation more pointedly:

² Gemäß § 17 StGB: „Fehlt dem Täter bei Begehung der Tat die Einsicht, Unrecht zu tun, so handelt er ohne Schuld, wenn er diesen Irrtum nicht vermeiden konnte. Konnte der Täter den Irrtum vermeiden, so kann die Strafe nach § 49 Abs. 1 gemildert werden.“

Engl. trans.: Pursuant to § 17 StGB (criminal code): If while committing the crime the perpetrator lacks the insight of doing an injustice, then he acts without culpability if he was unable to avoid this error. If the perpetrator could have avoided the error, then the punishment can be mitigated pursuant to § 49 (1).

³ „Das allgemeine Persönlichkeitsrecht ist nicht explizit kodifiziert, sondern leitet sich aus den Grundrechten der Art. 2 I i.V.m. Art. 1 I GG ab. Hierbei zeigt sich auch der hohe Stellenwert des Rechtes und das mögliche Konfliktpotential mit anderen Grundrechten wie der Meinungsfreiheit. Aufgrund der Gleichwertigkeit dieser Grundrechte ist bei verfassungsrechtlichen Erwägungen stets eine Abwägung zwischen Ihnen vorzunehmen. Bezogen auf den Einzelfall kann diese zu unterschiedlichen Ergebnissen zugunsten eines Grundrechtes führen, dass diesem Vorrang einräumt.“ See: <http://www.juraserv.de/medienrecht/das-allgemeine-persoendlichkeitsrecht-apr-01002> [27.06.2015].

Engl. trans.: The general personal right is not explicitly codified but derives from the fundamental rights Art. 2 GG in conjunction with Art. 1 I GG. That shows the high value given to the right and the potential for conflict with other fundamental rights such as the freedom of expression. Due to the equivalence of these fundamental rights careful weighting between the conflicting rights has to be made in constitutional considerations. Based on the individual case this may cause different results in favor of one fundamental right which is given priority.

Es lässt sich erkennen, dass das Kölner Amtsgericht im Wesentlichen der Argumentation des Oberlandesgerichts in Frankfurt gefolgt war, während das Kölner Landgericht sein Urteil auf eine weitgehend andere Basis stützt. Dessen neue Einschätzung äußert sich darin, dass das Sorgerecht nicht mehr ausschlaggebend ist für die Kompetenz, eine Beschneidung aus religiösen Gründen anzuordnen. (cit. ibd., p. 11)⁴

Bodenheimer views this “paradigm shift” also as a result of articles by various authors such as Putzke, Herzberg, Jerouschek, and others published after 2007. (cf. ibd., p. 11f) This seems absolutely plausible since these authors⁵ are explicitly quoted in the Cologne verdict resp. their assessments were used to support the position against circumcision. Additionally, there are numerous articles⁶ written during this period.

But the Cologne sentence elicited not just several in part emotionally vehement debates. Ultimately, it brought about renewed negotiation of the “legal regulation of ritual circumcision of underage boys” in the German Bundestag. The following law was passed in December 2012 under § 1631d of the BGB (German civil code) circumcision of the male child:

(1) Die Personensorge umfasst auch das Recht, in eine medizinisch nicht erforderliche Beschneidung des nicht einsichts- und urteilsfähigen männlichen Kindes einzuwilligen, wenn diese nach den Regeln der ärztlichen Kunst durchgeführt werden soll. Dies gilt nicht, wenn durch die Beschneidung auch unter Berücksichtigung ihres Zwecks das Kindeswohl gefährdet wird.

(2) In den ersten sechs Monaten nach der Geburt des Kindes dürfen auch von einer Religionsgesellschaft dazu vorgesehene Personen Beschneidungen gemäß Absatz 1 durchführen, wenn sie dafür besonders ausgebildet und, ohne Arzt zu sein, für die Durchführung der Beschneidung vergleichbar befähigt sind.⁷

Where the Cologne ruling criminalized the ritual circumcision of male children, the Bundestag enshrined its lawfulness. “Legal certainty” was thus ensured. But there are those who believe that through this law rights have been preserved (see: Bodenheimer 2012), while there are others who see rights endangered. (see: Franz 2015)

⁴ Engl. trans.: It is discernible that the Cologne District Court had essentially followed the argumentation of the Higher Regional Court in Frankfurt, while the Cologne Regional Court largely bases its ruling on a different argumentation. Its new assessment is expressed in that custody is no longer decisive for the authority to order a circumcision for religious reasons.

⁵ See: LG Köln, Wa. 151 Ns 169/11.

⁶ See: http://www.holmputzke.de/index.php?option=com_content&view=article&id=23&Itemid=29 [13.05.2015].

⁷ Engl. trans.: (1) Custody includes the right to consent to a medically not required circumcision of the male child that is unable to reason and to judge if it will be performed according to medical rules. This shall not apply if the child’s well-being is endangered through circumcision even when taking into account its purpose.

(2) In the first six months after the birth of the child also persons designated by a religious community for this purpose are permitted to perform circumcisions pursuant to Section 1 if they are specially trained for this and, without being a physician, are comparably able to perform a circumcision.

That summer's discourse turned out to be multilayered. It is impossible to describe each layer in this context. Rather, the concern here is to present the human rights positions pro and contra religiously motivated circumcision of male children and juveniles in a concise manner.

2.2. A dilemma: Weighting human rights in a democratic state

It is necessary to gauge the child's right to physical and mental integrity against the right to religious freedom. Subsequently it will be shown that these rights are not necessarily mutually exclusive.

In predominantly secular states such as Germany and Austria, whose value systems are, however, marked by Christian tradition, tendencies can be increasingly observed that support the "child's well-being," while affirming religious freedom under any circumstance to a lesser degree.

Germany and Austria are democratic states and as such agents of positive and negative rights. (cf. Blackford 2012, p. 67) Here, state and church as well as non-Christian denominations are by dint of state laws organizationally separated entities. (But unlike in a laicist state such as France there exist, however, agreements between state and religious denominations.) The state is guided by "secular" and not religious guidelines. But there is a religiously motivated basic consensus that has the state act in an "ethical" manner. Even though the state's ideological neutrality toward religious communities is constitutionally anchored and legal regulations observe secular interests, they are supported by a moral code. This moral codex is not necessarily congruent with specific and various religious values and norms. Insofar, it is possible for conflicts between state and various religious value systems to arise. Questions of compatibility of "secular" interests, law, moral codices, and religion are not always easy to answer and, therefore, require political decision-making processes, in which law and proportionality are pondered, as the circumcision debate has shown. (cf. *ibid.*, p.67ff)

The circumcision debate elicited the concern that the state would place religious freedom above children's rights as soon as it would legalize circumcision. The great worry was furthermore that "special rights" would be created for Jews and Moslems. „Rein religiöse Motive müssen hinter die Beachtung der Menschenrechte zurücktreten.“⁸ according to circumcision opponent Schewe-Gerigk. (cit. Schewe-Gerigk 2014, p. 416) But Bielefeldt is right to mention that each human right – in this case that of the child's right to physical integrity and that of religious freedom – has the same weight and that permission for ritual

⁸ Engl. trans.: Purely religious motives must take a back seat to the observation of human rights.

circumcision of underage boys can be exclusively argued with the right to religious freedom since this is a fundamental human right and, hence, not a “special right.” (cf. Bielefeldt 2012a, p. 4)

The right to freedom of thought, conscience, religion, and worldview is the complete title of religious freedom. „[Sie] [...] zielt auf die gleichberechtigte Anerkennung der Menschen in der Vielfalt ihrer religiösen oder weltanschaulichen Grundüberzeugungen und der darauf gegründeten individuellen und gemeinschaftlichen Praktiken[...].“ (cit. ibd., p. 5)⁹ The area of application of religious freedom is very broadly defined. With regard to this debate, it is important to point out that religious freedom also includes the parents’ right to raise their children according to their own religious convictions. Moreover, it must be recognized that it is also the child’s right to be able to grow up according to the convictions of a religious community. (cf. ibd., p. 6)

Religious freedom includes the freedom to criticize it. Striking, however, is the partially vehement tendency to use religion as a generic term or even synonym for something negative. On the part of the opponents of circumcision, “rationalism” in the argumentation is repeatedly demanded. (cf. Bielefeldt 2012b, p. 3) In quoting Putzke, Bielefeldt elucidates what is meant by this: „Welchen Nutzen verspricht die religiöse Beschneidung? Er muss messbar und rational begründbar sein, sonst könnten religiöse Handlungen etwa mit dem Seelenheil nach dem Tod gerechtfertigt werden und ließen jegliche Abwägung beliebig werden.“ (cit. Putzke 2008, p.701)¹⁰ Bielefeldt replies as follows:

Natürlich kann ein Gericht nicht selbst zu theologischen Fragen des „Seelenheils“ Stellung nehmen, die außerhalb juristischer Argumentation verbleiben müssen. Dass eine entsprechende religiöse Überzeugung, einschließlich der davon getragenen Lebenspraxis, innerhalb der Rechtsordnung Berücksichtigung finden soll, ist aber gerade die Pointe des Menschenrechts der Religionsfreiheit. (cit. Bielefeldt 2012b, p. 3)¹¹

In his call for rationalism in argumentation, Putzke is not alone as is substantiated by Schewe-Gerigk when she sums up in her article: „Es gibt weder für die männliche noch die weibliche Beschneidung einen rationalen Grund.“ (cit. Schewe-Gerigk 2014, p. 416)¹² This sentence is

⁹ Engl. trans.: [It] [...] aims at the equal recognition of people in the diversity of their religious and ideological convictions and their individual and communal practices based on them [...].

¹⁰ Engl. trans.: What is the benefit promised by circumcision? It must be measurable and rationally justifiable, otherwise religious acts could be justified by the soul’s salvation after death and would render any deliberation arbitrary.

¹¹ Engl. trans.: Obviously, a court is unable to take a stand in theological matters of “salvation,” which must remain outside of legal argumentation. That an appropriate religious conviction, including a way of life based on it, should find consideration in the legal order is precisely the point of the human right of religious freedom.

¹² Engl. trans.: There is no rational argument either for male or female circumcision.

puzzling from various aspects. To mention male and female circumcision in one sentence is misleading since these circumcisions cannot be compared at any level. Female genital mutilation is not a “circumcision” in the sense of the male circumcision and cannot be traced back to any biblical-religious commandment. Additionally, it seems strange to demand rational justifications in questions of faith. The medieval Jewish philosopher of religion Maimonides has already stated in his *Moreh Nevuchim, The Guide for the Perplexed*, that science ends where philosophy begins. (see: Maimonides/Friedländer [1881] 2007) While it might be possible to rationally explain faith, it is much more difficult to rationalize faith.

Schewe-Gerigk states: „Das Thema ist kein Tabuthema mehr, die Jungenbeschneidung kann nicht mehr bagatellisiert werden und die Diskussion kann auch nicht durch die Legalisierung per Gesetz verhindert werden. Sie wird weitergehen.“ (cit. Schewe-Gerigk 2014, p. 417)¹³

Discussions are not only desirable, but even necessary since they are able to change social structures. Moreover, repeated examination of religious practices is substantial and appropriate. Neither is it reasonable to deny that circumcision raises difficult questions indeed, which must be considered. Naturally, children’s rights must be observed in these delicate issues. Especially from a human rights perspective, the issue of male circumcision must be carefully considered. Here, the Convention on the Rights of the Child¹⁴ offers the most important basis as its signatories undertake to view the “child’s well-being” as paramount. (cf. ibd., p. 403) Obviously, observing these interests does not exclude religious education, but includes it as mentioned above. Already the preamble of the UN Convention on the Rights of the Child points to the necessity of “taking due account of the importance of the traditions and cultural values” of the community, in which the child is raised. Article 3 (2) stipulates that while the parents’ rights must be preserved, the children must be protected and the state is responsible for the child’s well-being. (cf. Bernaerts 2013, p. 43) To obtain insight into a possible human rights violation through religiously motivated circumcision, numerous articles of the Convention on the Rights of the Child must be examined and looked at in relation to other human rights. Thus, it is necessary to take into account the personal integrity of children, to link their health and other articles to the question of what is consistent¹⁵ with the “child’s well-being.” Here, Bernaerts points out that the “child’s well-being” must not be

¹³ Engl. trans.: The topic is no longer taboo, boys’ circumcision can no longer be trivialized, and discussion cannot be prevented through its legalization either. It will continue.

¹⁴ UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577.

¹⁵ Such a legal analysis can be found, see: Bernaerts (2013).

reduced to physical well-being and, therefore, must be embedded in a larger context of socio-cultural factors. It is a matter-of-course that cultural tradition cannot be used to legitimize every course of action whatsoever. (cf. *ibd.*, p. 79f) But when does the state interfere?

The state increasingly intervenes in private matters since the boundaries between public and private concerns are fluid and subject to constant change. (see: Blackford 2012)

Especially the “child’s well-being” assumes increasing significance, which legitimizes state interventions. Yet, before the state interferes with the parents’ education, it should also take into account the pluralistic, social, and thus also individual values of the community that has parental authority. Even if the state was able to include all points of view in its decisions, it would still be unable to make them in an absolutely neutral manner. In “modern” societies, parents are largely conferred all rights over their children. Accordingly, it cannot be argued that the state intervenes in the religious education of parents. Besides, as already mentioned, we live in a model where state and religion are separated, which precludes the teaching of religious views and values dictated by the state. The state assumes that parents have the greatest interest to treat their children well and that it is the responsibility of the legal guardians to adequately socialize them. Usually, no state presumes perfect education; after all, such a definition cannot be provided in a heterogeneous society. But if the considerations mentioned were that simple, the circumcision debate might have been unnecessary. The fact is that eventually, the state does react. And it acts in the case where the question to ask is: Where does the parents’ freedom end? Which decisions are founded on the basis of the “child’s well-being?” (cf. *ibd.*, p. 141-146)

2.3. When scientific reasoning is not tenable: pro or contra circumcision?

If for a change argumentations for or against circumcision disregard the child’s integrity and religious motivation, then health arguments are brought up soon. Depending on the position taken regarding circumcision, positive effects such as the reduction of STDs and cancer, the increase in sexuality, or similar things are listed on one side and negative effects such as medical complications, traumatic experiences, and persistent psychological damages as well as libido decrease on the other side. It is a fact though, that both sides of the argument will likely be disappointed since usually no satisfactory and comparable scientific studies are available providing evidence for the arguments of either side, according to Brumlik. (cf. Brumlik 2013, p. 39f)

However, numerous studies exist that prove that male circumcision is not a life-threatening operation. Studies providing information about complications during and after the circumcision, show an average prevalence of 1.5%.¹⁶

If the argument of scientific evidence for negative and positive effects of circumcision is not sustainable, then, Brumlik argues, „[handelt es sich] bei der Frage nach der Beschneidung einzig um eine Entscheidung über gesellschaftliche Werte, um tiefsitzende weltanschauliche Überzeugungen[...]“. (cit. Brumlik 2013, p. 39)¹⁷ This might well be at the core of the debate and makes the emotional stance of the opposing participants in this discussion more understandable. After all, it is the “deep-seated ideological convictions” that are under attack and shake us humans to our very foundations, hurt us since they rattle us in our different identities.

The author further asks „[...] ob in der auf das Kölner Urteil folgender Empörung über die jüdische und muslimische Beschneidungspraxis nicht auch -keineswegs nur- antisemitische und antimuslimische Affekte im Gewande aufgeklärter Menschenfreundlichkeit mit hineinspielen.“ (cit. ibd.)¹⁸ Brumlik points to anti-Semitic and anti-Muslim resentments because other forms of physical intrusions are not addressed with such emotionally charged vehemence. Numerous examples could be used to substantiate this thesis. Examples might be the gender surgeries of intersexual children, undoubtedly, one of the most drastic forms of such interventions into the body. To question the physical integrity in this case and to demand the children’s freedom of decision has encountered little interest in society. (cf. ibd.)

In the context of the debate around circumcision, the question thus arises when and whether the arguments of the opponents of circumcision contain anti-Semitic and anti-Muslim ideas, which is hidden under the cover of human rights.

2.4. Brit milah

In Hebrew, circumcision is called *brit milah*. *Brit* means covenant and *milah* is the circumcision. Hence, *brit milah* is the covenant of circumcision. Traditionally, it is carried out by a *mohel*, a trained specialist. (cf. Deusel 2012, p. 15) In Jewish orthodoxy, the father is – at least theoretically – in charge of his son’s circumcision. Since the former is usually lacking

¹⁶ See: Weiss et al., <http://www.biomedcentral.com/1471-2490/10/2> [15.05.2015].

¹⁷ Engl. trans.: [...] the question of circumcision is solely a decision about social values, about deep-seated ideological convictions [...].

¹⁸ Engl. trans.: [...] whether in the wake of the Cologne ruling also – but by no means only – anti-Semitic and anti-Muslim sentiments play into the indignation with Jewish and Muslim circumcision practices in the guise of enlightened humanitarianism.

medical and spiritual knowledge in this area, fathers must task a *mohel*. (cf. Silverman 2006, p. 122) During circumcision, a so-called *sandak*¹⁹ holds the boy on his lap. (cf. Heimann-Jelinek/Kugelman 2014, p. 66) The term is borrowed from the Greek language and designates the godparent. This is a very honorable task. Unlike in Christianity, the *sandak* assumes no religious task. (cf. Silverman 2006, p. 127f) The male and female *kvatter*²⁰ are equally often part of the ceremony; they usually bring the newborn. The female *kvatter* brings the newborn into the relevant room and hands it over to the male *kvatter*, who then leaves it with the *sandak*, usually the grandfather. (cf. Deusel 2012, p. 15f)

In three steps – called *milah*, *periah*, and *metzitzah* – the *orlah*, preputium or foreskin, is subsequently removed. (cf. ibd.) *Milah* designates the uncovering of the glans, whereby the *mohel* usually pulls the preputium into a metal cover with a slot. This procedure serves the protection of the glans when the foreskin is removed. The second step is called *periah*, in the course of which the glans is completely uncovered and the foreskin removed. (cf. Silverman 2006, p. 134) *Metzitzah*, suction of the wound, constitutes the final step; it is carried out for therapeutic reasons to benefit the healing process. (cf. Cohen 2003, p. 32f)

There is no commandment telling where a *brit milah* should take place, which, of course, does not preclude individual customs. (cf. Deusel 2012, p. 24)

A boy's circumcision takes place on his eighth day of life. That way, it is said, the child is under God's protection. There are no holidays that postpone circumcision. Exceptions are made only in rare cases. Of course, a child's possible illness has a postponing effect. However, if a circumcision was postponed, then holidays are observed. (cf. Kaminer 2013, p.164) Numerous, entirely different prayer texts can be used in the ceremony and provide it with a ceremonial frame. (cf. Deusel 2012, p. 25)

Then again, the blessings to be recited do not differ and are specified in the Talmud. The first *bracha*²¹ (blessing) is said by the *mohel* already before the child is circumcised and is placed on the *sandak's* lap, usually on a pillow. After the circumcision is completed, the father

¹⁹ Today, the term *sandak* is a Hebrew word which means godfather.

²⁰ *Kvatter* and *Kvatterin* are terms in Yiddish and also mean godfather and godmother.

²¹ „Gelobt seist Du, Ewiger, unser Gott, König der Welt, der uns durch seine Gebote geheiligt und uns die Beschneidung befohlen hat.“ See: Goldschmidt 1996.

Engl. trans.: “Blessed are You, Lord our God, King of the Universe, who has sanctified us through His commandments and commanded us concerning circumcision.” See: <https://www.circumcision.net/ceremony/the-brit-ceremony> [27.07.2015].

recites a concluding *bracha*²². Thereafter, the child's name is announced and a celebration follows. (cf. *ibd.*, p. 26f)

Mothers are not assigned any special role in circumcision. Maintenance of a certain status, that is, to have foremost expertise in religious matters, was probably a male motive for the exclusion of women. Of course, other historical factors must be considered that were thoroughly misogynistic. But from a feminist point of view, circumcision is a sensitive issue anyway and raises several questions that cannot be answered in the framework of this thesis. (cf. Silverman 2006, p.129)

Brit milah is one of Judaism's most important commandments. Even the reform movement was unable to dismiss it since circumcision is part of the Jewish identity by symbolizing the relationship of the individual with God and, at the same time, by manifesting affiliation with the Jewish community. (cf. Deusel 2012, p. 19)

2.5. Circumcision

2.5.1. Circumcision: origins and evidences

As already mentioned, circumcision has been in existence for thousands of years. The earliest image of a circumcision known to us can be seen on an Egyptian tomb from 2400 BCE. The doorposts display a bas-relief showing priests as they perform a circumcision. (cf. Gollaher 2000, p. 1)

It can be assumed that circumcision has its origins in Egypt, but there is no consensus in this regard. There is, however, agreement that it was widely spread, spanning from several peoples in Asia Minor and the Middle East through West Semitic peoples all the way to several sea peoples. (cf. Deusel 2012, p. 48f)

The motives for circumcision cannot be stated with absolute certainty. It can be assumed that it was mainly a ritual that marked the transition from child to man. Insofar, this might be a typical rite of passage. Yet, the author points out that there were additional spiritual motives that might have been a cause of male circumcision. She indicates that the ritual was carried out also in the context of mystery cults and the circumcised was inducted at the time of circumcision into precisely these mysteries. In addition, it can be assumed that removal of the

²² „König der Welt, der uns durch Seine Gebote geheiligt und uns befohlen hat, es [das Kind, den Knaben] in das Bündnis unseres Vaters aufzunehmen.“ See: Goldschmidt 1996.
Engl. trans.: “King of the Universe, who has sanctified us with His commandments and commanded us to enter him [the child, the boy] into the Covenant of Abraham our father.” See:
<https://www.circumcision.net/ceremony/the-bris-ceremony> [27.07.2015].

foreskin was also hygienically motivated since following circumcision, preputial smegma, the sebaceous matter under the foreskin, could no longer accumulate between foreskin and glans. (cf. Gollaher 2000, p. 3-6) Also under the Egyptians, circumcision was carried out by experts who publicly celebrated the ritual. So far, it could not be established, though, which young men in Egypt were actually circumcised, whether they were solely priesthood members. (cf. ibd., p. 4)

The earliest written reference to circumcision can be found in Exodus, whereby Gollaher draws attention to the fact that here, we are not within any biblical chronology. (cf. ibd., p. 7)

At a night encampment on the way, the Lord encountered him and sought to kill him [Moses]. So Zipporah took a flint and cut off her son's foreskin and touched his legs with it, saying "You are truly a bridegroom of blood to me!" And when he let him alone, she added, "A bridegroom of blood because of the circumcision." (Exodus 4:24-26)

At this point, Moses is on his way back to Egypt and about to enter a lodging with his wife Zipporah and their children when a divine messenger attempts at killing him. The biblical narrative provides no explanation for this attack. Zipporah does not hesitate for a moment and out of a momentary intuition, she circumcises her son. By making a (symbolic) bloody sacrifice, she saves her husband's life as the divine fighter leaves him alone immediately. (cf. Haberman 2003, p. 21f) Moreover, this enables Moses „[...] Überbringer der Tora am Sinai zu werden und damit dem Judentum sein >>ureigenes<< Leben zu schenken." (cit. Langer 2014, p.34)²³ After all, in the biblical narrative, Moses will free his people from slavery, guide it to Mount Sinai to deliver the Torah and, ultimately, to the land promised to him.

Thus, through her son's circumcision, Zipporah prevents the sacrifice of her husband. With this act, she demonstrates that all life belongs to God and that it is also accorded to him. (cf. Haberman 2003, p. 26) Astonishing here is the fact that a woman conducts the circumcision. Langer explicitly points out that the act of circumcision - while for a long time unusual - may be carried out by women and that this, indeed, happens. (cf. Langer 2014, p. 33)

The circumcision commandment can be found in the biblical book of Genesis, chapter 17. From a scientific perspective, there is evidence that this is a Torah part that emerged at the

²³ Engl. trans.: [...] to become deliverer of the Torah on Mount Sinai and, thus, present the Jews with a life of their "very own".

latest stage²⁴, but it mentions circumcision as a commandment for the first time. (cf. Glick 2005, p. 15)

Such shall be the covenant between Me and you and your offspring to follow which you shall keep: every male among you shall be circumcised. You shall circumcise the flesh of your foreskin, and that shall be the sign of the covenant between Me and you. And throughout the generations, every male among you shall be circumcised at the age of eight days. As for the homeborn slave and the one bought from an outsider who is not of your offspring, they must be circumcised, homeborn and purchased alike. This shall My covenant be marked in your flesh as an everlasting pact. And if any male who is uncircumcised fails to circumcise the flesh of his foreskin, that person shall be cut off from his kin; he has broken My covenant. (Genesis 17:10-14)

According to this, God appeared before Abraham to announce him his chosenness and that of his people. The circumcision is a sign of the covenant between God and Abraham as well as his descendants; with this, Abraham pledges alliance to God, which also needs to be manifested, in other words, it is not free of conditions. (cf. Glick 2005, p. 17)

In Genesis 17:4-6, God promises Abraham to make him the father of one of the biggest nations, he promises him great fertility. This assertion causes Abraham to ask whether at his advanced age, it would still be possible for him to beget a child. At the same time, he also worries that Sarah at age 90 would be equally unable to bear a child. (cf. Gollaher 2000, p. 9f) Miraculously, Sarah gives birth to Isaac and, thus, the promise was fulfilled.

The circumcision of Ishmael, the son of Hagar and Abraham, constitutes an interesting aspect. It is evidence that Ishmael, too, was destined to become the “father of many,” although, according to Gollaher, he was otherwise excluded from the Abrahamitic covenant with God. (cf. *ibid.*, p. 10) In Genesis 17:14, the significance of circumcision is emphasized once again. There it says explicitly that one breaks the covenant with God by not having himself circumcised and, thus, by no longer being part of the people.

2.5.2. Origins of circumcision hostility

The practice of circumcision has a long history, but so has its massive rejection that traces back to Greek antiquity. (cf. Hegener 2013, p. 57)

Circumcision gained increased significance under the Israelites since it represented a sign of identification, in particular, in the context of the Babylonian exile (587-522 BCE). Especially, the circumcision of infants was essential since they were connected to their cultural origins through circumcision. (cf. Gollaher 2000, p. 13)

²⁴ Around 500 CE, probably all the individual texts that originated in various centuries were compiled in the Torah.

However, a circumcised penis did not conform to the Greek ideal of beauty since the visible glans was considered a sign of arousal and, therefore, was taboo especially in the arena. (cf. ibd.) The rejecting stance of the Romans can be explained differently: they were rather worried that Jewish religion might prevail. (cf. Hegener 2013, p. 58)

At the beginning of the first century, an increasing number of eunuchs was recorded who were subject to certain legal regulations already at that time. Circumcision was seen under the Romans as a kind of genital mutilation and compared to castration. Criminalizing legislation in this matter probably reached its peak under Emperor Hadrian (117-138 CE), with the death penalty being imposed for carrying out castration. Initially, this affected only castration, but most authors equated circumcision with castration. (cf. Abusch 2002, p. 76-79)

Hostility toward circumcision does not end in antiquity. In numerous countries, it remained in existence over thousands of years, to this day. In Reform Judaism, criticism was constantly leveled against archaic traditions, but in this dispute, even this movement held on to circumcision since it saw in its abandonment some sort of cultural “suicide.” (cf. Hegener 2013, p. 59)

2.5.2.1. The 19th-century critique of circumcision

Briefly, the 19th-century critique of circumcision shall be addressed here as well since it reflects current arguments against circumcision and, at the same time, makes Jewish positions in today’s debate understandable. Klaus Hödl divides the circumcision debate in the 19th century into three stages. He calls the first period „Assimilationsbestrebungen in den 1840er Jahren“²⁵, here, internal Jewish arguments against circumcision were not exclusively based on medical reasons rather, they followed ethnologic notions. In that sense, circumcision was declared an act of “backward” peoples, which needed to be overcome as a prerequisite for the Jews’ entry into European society. However, the majority of Jews did not assume a radical position and did not make the case for a general abolition of circumcision, but favored the modification of the ritual. The question of circumcision’s significance as a fundamental component of Jewish affiliation was at the center. Here, it seems not unimportant to ask to what extent circumcision constitutes a non-negotiable requirement for acceptance into Judaism, that is, whether uncircumcised boys resp. men could be considered Jewish according to religious law when women can be considered Jewish without being circumcised. (cf. Hödl 2003, p. 189-192) From Jewish side, the question of the cultural and religious-legal

²⁵ Engl. trans.: assimilation endeavors in the 1840s.

significance of circumcision was thus examined. In contrast, from non-Jewish side, its general abolition was demanded since circumcision was mainly seen as an “attribute of Jewish difference” that would be an impediment to the Jews’ social integration into majority society. These argumentations were partially picked up in the inner-Jewish discourse. In the course of the century, though, medical reasoning against circumcision grew as well, which influenced individual rabbis who proceeded to argue against circumcision for health reasons. The alleged health risks gave Judaism a pathological semblance that generated preposterous explanations. The prejudice that Jews would be unwilling to perform physical work was linked to the loss of the foreskin. This prejudice, in turn, was based on the clichéd perception of Jews as an unproductive part of society. This was an obstacle to Jewish emancipation endeavors. Therefore, some Jewish groups demanded abolition of this ritual in favor of assimilation and accompanying emancipation. (cf. *ibd.*, p. 193-196)

The second stage, „von den Assimilations- zu den Akkulturationsbestrebungen“²⁶ was a period, in which Jewry focused on its identity. Following the Revolution of 1848 resp. the victory of the counterrevolution, hopes for civil equality had diminished. The question of circumcision as a sign of Jewish identity lost its topicality. Rather, modifications to the ritual, such as use of technical-medical tools, were widely and increasingly demanded. In this stage, two positions evolved, a traditional and a liberal. The latter strove for acculturation and distanced itself from traditional Eastern Jewry. Hödl points out that liberal Jewry instrumentalized Eastern Jewry to present circumcision in the “West” -in contrast to the “East”- as a ritual in accordance with modern medical and humanitarian standards. Thus, those who wished to become acculturated were able to ascribe traditional circumcision without medical tools to Eastern Jewry and distance themselves from it. Hereby, they defined the circumcision practice as a “backward” ritual and their own practice as modern. (cf. *ibd.*, p. 197ff) Obviously, there were also Reform rabbis who assumed different positions; but they were so outnumbered that they had no lasting impact. (cf. *ibd.*, p. 202)

In the third and final stage, „Die Selbstbesinnung der Juden“²⁷ Jewry no longer believes in the abolition of circumcision as a means of getting accepted by the majority population. This can be seen as the result of anti-Semitism, which had been on a steep rise since the 1870s. One’s own Jewish identity became the focus again. It must be mentioned here that secular Jewry did not pursue the religious arguments for circumcision, but tried to reinterpret circumcision as a sign of ethnicity. That circumcision allegedly caused impairment mainly referred to sexuality.

²⁶ Engl. trans.: from assimilation- to acculturation endeavors.

²⁷ Engl. trans.: the Jews’ stocktaking.

Jewish defense followed also this line of argumentation. The purported lack of sensitivity as a result of the missing foreskin was used in an argumentative manner to present Jewry as moral, chaste, and not governed by sexual drives. Distinction from pathologizing arguments led to a positive reinterpretation, that is, to the hygienic and health-enhancing aspects of circumcision, which was used by numerous Jewish physicians in this debate. (cf. *ibid.*, p. 205-208)

Ultimately, circumcision was not abandoned after all those various debates, not even by the Reform Movement—it remained a significant cultural and religious identity marker.

„Die Beschneidung ist mithin für das gesamte Judentum ein zentrales Bestimmungsstück, sie ist Ausweis seiner Spezifität und stellt ein, wenn nicht das zentrale Differenzierungsmerkmal gegenüber einer insgesamt judenfeindlichen Umwelt dar.“ (cit. Hegener 2013, p. 59)²⁸

2.5.3. The beginnings of circumcision hostility in Christianity

With the emergence of Christianity, the negative attitude toward circumcision assumes different significance from the one it had in Greek and Roman Late Antiquity. During this time, the arguments change; they are religiously motivated and become relevant in Christianity's detachment from Judaism. (cf. Hegener 2013, p. 60) The first Christians were active as missionaries to spread a new faith. The latter told that Jesus had sacrificed himself and would return as the Messiah. However, most Jews were not susceptible to these teachings. In a time of social and political crises, they had not contemplated the Messiah as a passive sufferer. In Jewish imagination, the Messiah was a warrior from the House of David who would bring about social justice and autonomy. (cf. Glick 2005, p. 35f) The most single-minded and successful apostle among the missionaries was Paul of Tarsus. Paul was the first who formulated „[...] dass der durch die Beschneidung besiegelte Bund durch die neue Religion der Gnade, den >>Neuen Bund<< ersetzt werden sollte.“ (cit. Hegener 2014, p. 60)²⁹ If one adhered to this faith, the faithful (Christians) would experience salvation. According to the first Christian theologian, circumcision has lost its relevance, at least in the physical sense: (cf. Deusel 2012, p.109) “Beware of dogs, beware of evil workers, beware of the concision. For we are the circumcision, which worship God in the spirit, and rejoice in Christ Jesus, and have no confidence in the flesh.” (Phillippians 3:2-3) According to Paul, keeping the commandments, among them that of circumcision, was no longer meaningful since only faith in Jesus' martyrdom promised redemption.

²⁸ Engl. trans.: Circumcision is thus a central determining element of Judaism, it is proof of its specificity and constitutes a, if not the central, differentiating characteristic vis-à-vis an overall anti-Jewish environment.

²⁹ Engl. trans.: [...] that the covenant sealed through circumcision should be replaced by the new religion of grace, the “New Covenant”.

Circumcision was reinterpreted from an actual into a spiritual one. (cf. Gollaher 2000, p. 32) In his letter to the Romans 4:9-11, Paul justifies the lack of necessity to circumcise by emphasizing that Abraham had his faith in the one God already before his circumcision. Salvation, faith in redemption, only requires faith in Jesus' act of redemption and circumcision is replaced by baptism. And everyone baptized partakes in the forgiveness of sins through the death of Jesus as Christ. (cf. Hegener 2013, p. 60f) Indeed, in this manner, every baptized person became - in a broader interpretation - someone who had been crucified by the Jews. Therefore, today's discourse about circumcision cannot be contemplated without considering its cancelation as a commandment in Early Christianity. (cf. Bodenheimer 2012, p. 58)

This cancelation was decided in the Apostolic Conference in Jerusalem ca. 48 CE, after diverging stances regarding the observance of Jewish ritual and cult within the heterogeneous Early Christian community - consisting of Jews, proselytes, and so-called heathens - had collided. According to Christian tradition, it was Saint Peter one of the Twelve Apostles who eventually supported the Pauline rejection of circumcision: "He made no distinction between us and them, for he purified their hearts by faith. Now then, why do you try to test God by putting on the necks of the disciples a yoke that neither we nor our fathers have been able to bear? (Acts 15:9-10) Subsequently, it would be announced: "It seemed good to the Holy Spirit and to us not to burden you with anything beyond the following requirements: You are to abstain from food sacrificed to idols, from blood, from the meat of strangled animals and from sexual immorality. You will do well to avoid these things." (Acts 15:28-29)

Thus began the disengagement of the Early Christian community from its Jewish roots. Hegener even thinks: „Ja, man müsste weitergehend grundsätzlicher noch sagen, dass das Christentum mit der Ablehnung der Beschneidung begonnen hat, sich gegen das Judentum zu konstituieren - und hier liegt gleichsam sein Geburtsfehler.“ (cit. Hegener 2013, p. 62)³⁰

³⁰ Engl. trans.: Indeed, one would need to continue by stating even more fundamentally that Christianity has started to set itself up against Judaism with the rejection of circumcision – and this is quasi where the birth defect can be found.

3. Theory

3.1. Human rights instruments to identify and trace anti-Semitism

The task of the Federal Republic of Germany is to take a stand against anti-Semitism on several levels and to counteract it. Here, international, regional (and national) instruments can be used. After all, human rights are anchored both in international human rights agreements of the United Nations as well as in agreements on regional levels. In the framework of this thesis, Europe represents the preceding level. (see: Ghandi 2012)

3.1.1. International human rights instruments

Anti-Semitism constitutes a human rights violation. However, there is the question regarding the instruments to be used to verify the fact of anti-Semitism, on the one hand, and to serve its disclosure and prosecution, on the other hand.

Following the establishment of the United Nations in 1945 in the wake of World War II and the crimes of the Holocaust, the Universal Declaration of Human Rights (UDHR)³¹ was added in 1948. (cf. ADA 2010, p. 11)

On the international level, it is an agreement that says in Article 2 that each person has the same rights “without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”³² However, the Declaration is not a binding document. (cf. Nowak 2003, p. 29)

Thus, the International Convention on the Elimination of all Forms of Discrimination (ICERD)³³ of March 7, 1966 also refers to the UDHR. The ICERD constitutes on the international level another instrument to uncover and take action against racism and anti-Semitism. Germany ratified the ICERD already in 1969. (cf. NAP 2008, p. 13) In Article 1 (1) of the convention, the following definition of discrimination is given:

In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

³¹ UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III).

³² *Ibid.*, see: <http://www.un.org/en/documents/udhr/index.shtml#a1> [18.06.2015].

³³ UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965, United Nations, Treaty Series, vol. 660.

This right is anchored in the Basic Law (GG)³⁴ for the Federal Republic of Germany in Article 3 (3) and was formulated as follows: „Niemand darf wegen seines Geschlechtes, seiner Abstammung, seiner Rasse, seiner Sprache, seiner Heimat und Herkunft, seines Glaubens, seiner religiösen oder politischen Anschauungen benachteiligt oder bevorzugt werden. Niemand darf wegen seiner Behinderung benachteiligt werden.“³⁵ Here, the precise definition is no longer to be found. Indeed, this is not necessary since the ICERD through its binding character as a convention constitutes, as mentioned above, prevailing law in Germany. (cf. CERD/C/DEU/19-22, p. 2f)

Article 5 ICERD determines the basic rights and introduces them by stating that the states undertake “[...] to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law [...].”

It should be noted that the ICERD includes several positive rights (to protect and to fulfill). Following racist attacks, legal remedies are available and possible redresses and compensations are guaranteed. (cf. Nowak 2003, p. 85)

Article 4 ICERD states that promotion of inferiority or superiority of ethnic groups or individuals, hate speeches against ethnic groups, discrimination of certain ethnic groups and incitement to ostracize individual ethnic groups warrant legal prosecution. Since this paper wishes to point out traditional anti-Jewish clichés and anti-Semitic prejudices, the article shall be quoted here:

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one color or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another color or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

³⁴ Grundgesetz für die Bundesrepublik Deutschland in der im Bundesgesetzblatt Teil III, Gliederungsnummer 100-1, veröffentlichten bereinigten Fassung, das zuletzt durch Artikel 1 des Gesetzes vom 23. Dezember 2014 (BGBl. I S. 2438) geändert worden ist. See: <http://www.gesetze-im-internet.de/bundesrecht/gg/gesamt.pdf> [27.07.2015].

³⁵ Engl. trans.: No person shall be favored or disfavored because of sex, parentage, race, language, homeland and origin, faith, or religious or political opinions. No person shall be disfavored because of disability.

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article 2 (1) finally specifies the monitoring of the convention's implementation. From here derives Germany's obligation to be subject to various monitoring mechanisms. (cf. CERD/C/DEU/19-22, p. 4) As soon as states have ratified agreements, they are obliged to present state reports in regular intervals of four to five years. Independent experts then examine the degree of implementation of the human rights conventions. The agreements are assigned to expert committees whose task is, among others, to examine these state reports and to annotate them resp. to comment on them regarding their implementation.³⁶

The Committee on the Elimination of Racial Discrimination is the Human Rights Treaty monitoring body of this convention and produces periodic state reports. (cf. Nowak 2003, p. 85) Accordingly, ICERD regularly reports on the status of the monitored countries.

From the 2006-2012 report emerges that the German Bundestag had proposed a motion, which was favorably decided, with the aim to strengthen the fight against anti-Semitism on the government level and to further advance Jewish life in Germany. (cf. CERD/C/DEU/19-22, p. 9)

The conventions under international law include regarding the fight against racism and discrimination essentially the Convention for the Protection of Human Rights³⁷, ICERD, ICCPR³⁸, and ICSECR³⁹ as well as the Framework Convention for the Protection of National Minorities⁴⁰ of February 1, 1995. (cf. NAP 2008, p. 67)

The latest instrument for the prosecution of human rights violations and implementation of human rights conventions is the International Criminal Court - established by international treaty - which takes legal action against genocide, war crimes, crimes of aggression, and crimes against humanity on the international level as well. Its statute was adopted in 1998 at

³⁶ See: Council of Europe, ECRI, http://www.coe.int/t/dghl/monitoring/ecri/activities/countrybycountry_en.asp [13.07.2015].

³⁷ Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, 4 November 1950, ETS.

³⁸ UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999.

³⁹ UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993.

⁴⁰ Council of Europe, Framework Convention for the Protection of National Minorities, 1 February 1995, ETS 157.

the UN diplomatic conference in Rome and ratified in 2000 by the Federal Republic of Germany.

3.1.2. The European Commission against Racism and Intolerance

The European Commission against Racism and Intolerance (ECRI) was established by the Council of Europe. In its own definition, it “is a human rights body [...] composed of independent experts, which monitors problems of racism, [...] [and] intolerance [...].”⁴¹ It is one of those organizations that subjects Germany to regular monitoring as mentioned above. The Commission was actually established in 1993 based on international law in order to examine the states’ measures against discrimination with the help of General Policy Recommendations (GPR’s). Since 1997, ECRI publishes in addition reports about individual countries that contain suggestions for future courses of action and improvements. (cf. NAP 2008, p. 76)

ECRI’s legal foundation is the Convention for the Protection of Human Rights and Fundamental Freedoms as amended 1950. The Commission constitutes one of the most important instruments in the fight against racism. (cf. *ibid.*, p. 70) If a state’s legal processes regarding the prosecution of racism and discrimination are exhausted, then it is possible to refer to Article 14 of the Convention:

The enjoyment of the rights and freedoms set forth in this convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

ECRI deals with racism, xenophobia, discrimination, and anti-Semitism that individuals or groups in the European population had to face. ECRI emphasizes that, for instance, in 2012, 8.6% of the German population indicated that anti-Semitic statements were legitimate. ECRI subsumes anti-Semitism under racism. (cf. CRI/2014/2, p. 20)

Time and again, ECRI points to the right of freedom of expression and to the state’s obligation to safeguard it. Yet, ECRI also keeps pointing out that respect and dignity of all rights must be at the fore. (cf. *ibid.*, p. 22)

Of interest for our purposes is the 2014 ECRI report on Germany. Following favorable introductory remarks, ratification of Protocol No.12⁴² to the Convention for the Protection of

⁴¹ See: Council of Europe, ECRI, http://www.coe.int/t/democracy/migration/bodies/ecri_en.asp [12.07.2015]

⁴² Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amended in 2000.

Human Rights and Fundamental Freedoms is explicitly and urgently demanded, especially since the demand there for a fundamental prohibition of discrimination would be in accordance with Article 3 GG and Germany would not need to worry about the European Court of Human Rights' scrutiny. (cf. CRI/2014/2, p.13)

Within its mandate, ECRI also deals with hate speech. The latter is prohibited in Germany by dint of the Penal Code, the German Civil Code, and the General Equal-Treatment Law (AGG). (cf. ibd., p. 18) ECRI refers to a recommendation of the Committee of Ministers, which defines hate speech as follows and covers:

[...] jegliche Ausdrucksformen, welche Rassenhass, Fremdenfeindlichkeit, Antisemitismus oder andere Formen von Hass, die auf Intoleranz gründen, propagieren, dazu anstiften, sie zu fördern oder zu rechtfertigen, einschließlich der Intoleranz, die sich in Form eines aggressiven Nationalismus und Ethnozentrismus, einer Diskriminierung und Feindseligkeit gegenüber Minderheiten, Einwanderern und der Einwanderung entstammenden Personen ausdrücken. (No. R 97, p. 2)⁴³

In Article 3 (3) GG, Germany has undertaken to take action on all levels against discrimination. (cf. NAP 2008, p. 3) Here, the Federal Republic pledges to act against anti-Semitism and considers this to be the task of state and society. Therefore, national action plans to this effect are presented. (cf. ibd., p. 4) ECRI statistics show an increase in anti-Semitic hate speech from 2010 to 2012. (cf. ibd., p. 23)

3.1.2.1. PACE: Resolution 152 (2013)

In the wake of the German Bundestag's legalization of religiously motivated circumcision of underage boys, Resolution 152 was issued by the Parliamentary Assembly of the Council of Europe on October 1, 2013, which, in turn, rated it hazardous. (cf. Schwander 2014, p. 5) Resolution 152 "Children's right to physical integrity" was approved by 77 votes, 19 members of the Parliamentary Assembly of the Council of Europe voted against, and 12 abstained.⁴⁴ It needs to be pointed out, however, that actually only one third voted on the resolution.⁴⁵ The Committee on Social Affairs, Health and Sustainable Development issued a report by Marlene Rupprecht, which will be dealt with in the following. (cf. PACE Doc. 13042)

During the entire circumcision debate, the rapporteur, the children's representative of the SPD faction in the German Bundestag Marlene Rupprecht, vehemently came out against legalizing

⁴³ Engl. trans.: [...] all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin.

⁴⁴ See: <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=20174&lang=EN> [27.07.2015].

⁴⁵ See: <http://www.assembly.coe.int/nw/xml/AssemblyList/MP-Alpha-EN.asp> [27.07.15].

circumcision and was decidedly in favor of outlawing it. While she saw herself in this debate on the circumcision of underage boys as the representative of children's rights, she apparently failed to consider people's various lifeworlds.⁴⁶

In the explanatory memorandum, penned by her, she introduces the topic of religiously motivated circumcision of underage boys with a reference to international human rights agreements and mentions, in particular, the Convention on the Rights of the Child (CRC) and the Constitution of the World Health Organization (WHO) as amended in 2005 to emphasize the importance of these instruments. (cf. *ibd.*, p. 3)

In Article 2 of the report, she especially stresses the right of children to physical integrity:

The Parliamentary Assembly is particularly worried about a category of violation of the physical integrity of children, which supporters of the procedures tend to present as beneficial to the children themselves despite clear evidence to the contrary. This includes, amongst others ..., the circumcision of young boys for religious reasons, [...]. (cf. PACE Doc. 13042)

Not insignificant here is her enumeration of various influences on the physical integrity of children, among them not only the circumcision of underage boys, but also performance of medical procedures on intersex children, female genital mutilation, tattooing, piercing, cosmetic surgery, etc. The order does not appear to be random, and the assumption suggests itself that she has put religiously motivated circumcision on the list of physical interventions with deliberation. The commingling of highly different procedures is vexing for various reasons. Firstly, these interventions must be distinguished by their degree of severity. Comparing genital mutilation with ear piercing considerably relativizes mutilation. On the other hand, comparison of religiously motivated circumcision with female genital mutilation, places the ritual in a culturally, historically, and socially fallacious context. (cf. *ibd.*, p. 4)

Furthermore, Rupprecht expresses her concern that circumcision is performed by medically untrained staff, hereby casting doubts on the professional qualifications of the *mohel*, who has completed extensive medical training. Her assumptions that parents lack full awareness regarding the consequences of circumcision seem shocking. This is considered defamation of the religious community whose members are revealed as ignoramuses. (cf. *ibd.*) The threat to physical integrity through circumcision will be addressed later in a different place. When Rupprecht writes "However, the procedure is increasingly questioned and its perception is changing in the light of growing awareness for children's human rights," (cit. *ibd.*, p. 5) it must be asked after those who increasingly challenge circumcision: They are largely representatives of non-Jewish or non-Muslim communities. While there might be individual

⁴⁶ See: Marlene Rupprecht SPD Beschneidung des männlichen Kindes, online: <https://www.youtube.com/watch?v=gDYWBQCTj6U> [27.07.2015].

circumcised men or individual Jewish and Moslem physicians who express unfavorable views on circumcision, they cannot be regarded as representatives of the majority of the circumcising religious communities.

She goes on to refer to medical and health aspects, respectively, to the negative consequences of circumcision. It is striking that, on the one hand, she considers the statistics she consulted as given while, on the other hand, she declares the positive consequences she equally mentioned to be questionable. (cf. *ibd.*, p. 6) She comments religious argumentations in favor of circumcision as follows:

[...] these arguments purely serving the adults who wish to avoid a confrontation with the 'dark side' of their own religion, traditions and finally identity. Such arguments ignore both current medical knowledge about the lack of necessity and the consequences of circumcision, and the fact that children are subjects of rights and should not be objects and victims of harmful practices imposed on them by adults any longer. (cit. *ibd.*)

She imputes that religious communities fail to critically deal with their traditions. The circumcision debate, in particular, was held, as described, intensively and under pressure from majority society, within Judaism. Medical and health-related arguments greatly vary and seem to be used and interpreted according to pro and contra attitudes toward circumcision. It is a fact, though, that it is not possible to counter religious questions with health-political arguments if a true dialogue with religious communities is desired. Ms. Rupprecht criticizes the supposed ignorance of religious leaders and conveniently fails to consider religious ideas and questions of cultural identification strategies.

Rupprecht balks at the argument that children would be ostracized by their religious communities if they were not circumcised. Seizing this as the only argument, does by no means do justice to the Covenant, and rather reminds of the exclusion of girls if they are not subjected to genital mutilation. (cf. *ibd.*)

Ultimately, the final version of the Parliamentary Assembly was based on Rupprecht's report. Not only does it pick up on the commingling of intersex individuals, genital mutilation, and male circumcision, it also presents circumcision as questionable and points to the necessity of a debate. In view of the German circumcision debate, this demand seems to be an attempt to challenge the legislation of the German Bundestag mentioned earlier. (cf. PACE Res. 1952) Not only Israel protested against the resolution and demanded its immediate retraction for fear this might foment racist and anti-Semitic resentments. Looking at this debate in retrospect,

this is not an unfounded fear. According to an article in *Der Spiegel*, children's rights and the right to religious freedom need to be equilibrated.⁴⁷

Children are self-evident subjects of rights and need to be recognized as such; yet, this also means that they have a right to religious freedom, which their parents grant them within their framework and according to their conscience. Naturally, the juxtaposition of parents' legal responsibility and right of disposition is appropriate as well, but it is debatable whether legal responsibility excludes religious freedom and automatically signifies an unlawful disposition over the child.

The Council of Europe's failure to take into account religious freedom in this resolution, once again points to the rather tenuous and limited significance of the human right to religious freedom. Even though the right to religious freedom is, indeed, a human right, it becomes apparent that it is treated as a right that is accorded only subordinate significance.

3.1.3. The European Union Agency for Fundamental Rights

The European Union Agency for Fundamental Rights (FRA) is an agency established by the European Union in 2007. It is tasked with consulting and informing EU member states in various areas of basic rights. The agency collects and analyzes data on specific topics and proceeds to formulate recommendations for states. The Charter of Fundamental Rights of the European Union 2000 forms the legal basis for ensuring these basic rights on EU level. (see: Grimheden 2013) EU basic rights are recorded in the Charter, which is guided by the European Human Rights Convention.

The Charter is infused with the spirit of antidiscrimination. A clear prohibition of discrimination is formulated in Article 21:

(1) Any discrimination based on any ground such as sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

(2) Within the scope of application of the Treaty establishing the European Community and of the Treaty on European Union, and without prejudice to the special provisions of those Treaties, any discrimination on grounds of nationality shall be prohibited.

If one compares the prohibitions with the ICERD prohibition of discrimination, the "factors" are listed in greater detail, but the Charter no longer provides a definition. Hence, the Article is comparable with the mentioned Basic Law (GG) for the Federal Republic of Germany Article

⁴⁷ See: Europarat: Israel protestiert gegen die Resolution zu Beschneidungen, <http://www.spiegel.de/panorama/justiz/israel-protestiert-gegen-europaeische-resolution-zu-beschneidungen-a-926135.html> [24.07.2015].

3 (3) and deviates only in its enumeration order and lists additional “factors” such as “generic features.” This is probably because it was written at a later date.

For our purposes, Article 1 of the Charter of Fundamental Rights “Human Dignity,”⁴⁸ Article 3 “Right to the Integrity of the Person”⁴⁹ as well as Article 10 “Freedom of thought, conscience and religion”⁵⁰ are also relevant. In this context, Morten Kjaerum, FRA director, states: “Anti-Semitism is one of the most alarming examples of how prejudice can endure, lingering on for centuries, curbing Jewish people’s chances to enjoy their legally guaranteed rights to human dignity, freedom of thought, conscience and religion or non-discrimination.” (cit. Kjaerum, FRA Survey 2011, p. 3)

Since 2007, the Vienna-based European Fundamental Rights Agency works against racism and xenophobia. It mainly collects and analyzes information. It is not meant to be an appeal board like the European Court of Human Rights, rather, it is tasked with enlightening and informing the general public. (cf. NAP 2008, p. 74)

A 2013 FRA survey in Europe regarding anti-Semitism is intended to enable the development of strategies to fight anti-Semitism. (cf. Kjaerum, FRA Survey 2011, p. 3) This report⁵¹ elucidates whether and how the Jewish population experiences anti-Semitism. (cf. FRA Survey, p. 7) This comprehensive survey was not limited to inquiring about actual experiences, but also asked about the respondent’s perceptions and assessments. Here, 76% of the respondents indicated that anti-Semitism had risen in recent years. (cf. *ibid.*, p. 16) In this survey, *brit milah* was also a topic. The participants were asked whether they had already heard that non-Jews were taking a stand against circumcision. In Germany, 29% of respondents answered in the affirmative, the highest percentage in the EU. (cf. *ibid.*, p. 69) It must be assumed that this is due to the year of survey, which, after all, is also the year of the circumcision debate in Germany.

⁴⁸ “Human dignity is inviolable. It must be respected and protected.”

⁴⁹ “Everyone has the right to respect for his or her physical and mental integrity.”

⁵⁰ “(1) Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance. (2) The right to conscientious objection is recognized, in accordance with the national laws governing the exercise of this right.”

⁵¹ The online survey took place in September-October 2012. In total 5847 people with a minimum age of 16 from 8 European countries participated. Romania was also part of the survey but the participation was not significant and therefore not included.

In its report, the FRA has not indicated any definition of anti-Semitism it has used. However, in 2005, the EUMC (European Union Monitoring Centre on Racism and Xenophobia) has provided a definition of anti-Semitism, which the FRA, its successor since 2009, has adopted verbatim. Originally, it was meant to be a tool to enable action against anti-Semitism in a uniform manner.

The definition reads as follows:

Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities. In addition, such manifestations could also target the state of Israel, conceived as a Jewish collectivity. Anti-Semitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for 'why things go wrong'.⁵²

This definition was published on FRA's website, and numerous organizations such as, for instance, the OSCE, adopted it despite its unofficial character. (cf. Porat 2011, p. 93) In 2013, however, this definition was removed from FRA's website. Trigger for this removal was probably an incident involving the British MP David Ward. In 2013, the BBC Trust had called, based on the FRA definition, his statements relating to Israel anti-Semitic.⁵³

EUMC's working definition of anti-Semitism was not an official definition of the European Union, and in the context of the David Ward incident, an attempt was made at completely denying its official character.⁵⁴

Dina Porat provides an explanation:

To be sure, anti-Semitism has always been difficult to define, since antipathy to Jews involves a deep-seated emotional dimension as well as a conglomerate of historic, religious, political, and economic elements. There are, of course, inherent complications in the very fact that Jews are not the only people considered to be "Semites," and in the rebirth of a Jewish political entity in the Land of Israel. (cit. Porat 2011, p. 94)

Porat draws attention to the fact that in the year of ECRI's establishment, in 1993, the UN conference had taken place in Vienna. There, anti-Semitism was defined by the UN Commission on Human Rights as a form of racism. (cf. *ibid.*, p. 95) None of the international and regional instruments mentioned talks directly about anti-Semitism. But racism always includes anti-Semitism.

⁵² See: EUMC working definition, online: <http://www.european-forum-on-antisemitism.org/working-definition-of-antisemitism/english/> [14.07.2015].

⁵³ See: BBC Trust, http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/appeals/esc_bulletins/2013/may_jun.pdf [13.07.2015].

⁵⁴ See: <http://www.timesofisrael.com/eu-drops-its-working-definition-of-anti-semitism/> [05.05.2015].

3.2. Anti-Jewish and anti-Semitic Myths and their Formation

3.2.1. Religious polemics in the early beginnings of Christianity

Although circumcision was declared obsolete by Early Christianity, its significance as sign of the covenant with God remained. After all, Jesus himself was circumcised as emerges from the Gospel of Luke. This is also reflected in the celebration of the first of January, the octave day of Jesus' birth. Originally, January 1 was dedicated to the feast of Jesus' circumcision and the Eastern Church celebrates this till today. In contrast, the Western Catholic Church replaced it with the Solemnity of Mary, the Holy Mother of God. (cf. Hegener 2013, p. 62f) Church Father Augustine (354-430 CE) still saw, like many others, circumcision as "part of his work of salvation." If one follows the patristic scholars, Jesus had not only died vicariously for humankind, but also been circumcised. From their point of view, circumcision was the last "Jewish act" and Judaism thus overcome. (cf. *ibid.*, p.63) While Augustine definitely wished to punish Jewry for the alleged murder of Jesus, asking for their death, however, would not have been in his interest as is explained later on. (cf. Goldstein 2012, p. 37) The "old Covenant" was sealed with Jesus, where it also ended. Therefore, Christianity does not regard circumcision as a religion-connecting event; rather, this is where the justification for abandoning Judaism was rooted. With circumcision as the sign of the Covenant becoming an exclusively Jewish characteristic, anti-Judaism finds itself justified with its additional argument that circumcision was a sign of identification that facilitates the Jews' punishment. The Early Christian author Tertullian (after 150-220 CE) spread these thoughts in an extremely polemic way. This resulted in subsequent reinterpretations of events, such as the destruction of the Temple in Jerusalem in 70 CE, which should provide evidence that God was punishing the Jewish people for its deeds. Hegener points to the passage in the Gospel of Mark where it says: "With a loud cry, Jesus breathed his last. The curtain of the temple was torn in two from top to bottom." (15:37-38). He calls attention to the possible interpretation that initially only the curtain was torn and then the entire Temple destroyed. It was possible to read an evangelical foreboding into this. (cf. Hegener 2013, p. 65f) Tertullian, who argued the case for Christianity's compatibility with the Roman Empire, is partially interpreted in the context of the persecutions of Christians and the minority status of Christianity vis-à-vis Judaism at the time (e.g., in the 3rd century of the Roman Empire.) (cf. Gerlach 2000, p. 21) This, however, cannot be a justification for his strident anti-Jewish polemics.

In the Middle Ages, male circumcision is described as barbaric. It serves, as it were, as evidence for the fixation on carnality, a characteristic ascribed to Judaism. (cf. Abramson/Hannon 2003, p. 98)

To elucidate growing anti-Judaism in the Middle Ages, a few milestones of the 8th and 9th century shall be briefly described here. This is the period of most of the Jewish immigration movements into Europe, although Jews had come to Europe already with the disintegration of the Western Roman Empire. But numerous Jews had been active as merchants with and in Europe from the Early Middle Ages. Several rulers consulted with Jewish merchants to conduct commerce in the Mediterranean regions with their help. Not only did the Jewish merchants know these regions, but they had additional useful knowledge from their coexistence with Moslem communities, such as, for instance, the Arabic decimal system. Moreover, as a result of their traditional Jewish education system, they were able, unlike the majority of the Christian population, to read and to write. (cf. Goldstein 2012, p. 57)

During this period, the Christian majority held the belief that while the Jews had recognized the Christians' "true faith," they still simply denied themselves participation in it. Their explanation was that the Jews had made a pact with the devil. The fact that Jews were living in Christian societies nevertheless, testified, according to Augustine, to the truth of Christianity; he saw in the presence of the Jews a constant reminder of Judaism's replacement by Christianity. In his view, they were cursed with the mark of Cain on the forehead and were destined by God to bear witness for the church. (cf. *ibid.*, p.58)

3.2.2. The Crusades

As a result of their religious affiliation, the situation of the Jews increasingly deteriorated. In 1087, Bishop Rudiger of Speyer, who had Jews settle in Speyer as a measure to stimulate the economy, drafted a contract that sealed the protection of Jews and granted them rights. Henry IV granted them another privilege to prevent pogroms, which, however, also codified the Jews' legal status as *servi camerae regis* in the Holy Roman Empire. These documents testify to the precarious situation the Jewish population found itself at the time. They were only protected as a goal of fiscal interests on the part of the ruler. Nevertheless, they were not immune to the year 1095, the year Pope Urban II called for a war against the Muslims. The consequences this had for the Jews will be outlined in the following. (cf. *ibid.*, p. 61)

The pope called to arms with the goal of taking away Christianity's holy sites in Jerusalem from the Muslims. As always, this was not just about the protection of religious, but also of

economic and strategic interests. Since those who would die under the cross would be, according to propaganda, forgiven their sins, his call met with a great response. The pope had not expected such enthusiasm and support from the population. Against all expectations, thousands from all social layers set out toward the Middle East. However, there were no organized advance preparations and no rations; this brought about lootings and attacks in the villages that were crossed. (cf. ibd., p. 64)

An important transformation in the way Jews were perceived must be added. During the age of the Crusades, the stereotypical image of Jewry as the people of “God’s murderers” solidified. From this, the notion evolved that Jews were not only intrinsic enemies of Jesus, but of the entire Christendom. Jews were criminalized and it seemed obvious that Jewry had to be held accountable for Jesus’ crucifixion. (cf. ibd., p. 65)

„Die Kirche liefert zur Grundmelodie einer Judengegnerschaft den ewigen Refrain vom gottesmörderischen, verstockten, der Bekehrung sich widersetzenden Volk. Und zu dieser kirchlichen Kopfarbeit gesellen sich die niedrigen Triebe aus den aufgeputschten Unterschichten.“ (cit. Gerlach 2000, p. 32)⁵⁵ This quote describes the breeding grounds for the ferocious excesses against the Jewish communities in Ashkenaz during the Crusades.

In spring of 1096, the first massacre occurred in Speyer, two weeks later, it was followed by one in Worms. The Crusaders gave the Jewish population the choice either to convert or to die. At this point at the latest, it becomes apparent that the Crusades were not only aimed against the Muslims, but against all who were not a part of Christendom. (cf. Poliakov 2003, p. 43) The crusaders repeated their actions in Mainz, and almost the entire population was murdered. (cf. Goldstein 2012, p. 68) Further persecutions took place in Cologne, Neuss, Xanten, Regensburg, Magdeburg, and Prague. There were hardly any repercussions. When King Henry returned from Italy, those who had preferred conversion to death were permitted to return to Judaism. (cf. ibd., p. 70) On the other hand, Poliakov mentions that during this time, Jews had been under the protection of bishops in these communities and that, in part, the latter had even defended the Jews with their own life. (cf. Poliakov 2003, p. 45) This does not put these excesses into perspective; yet, it becomes apparent that different ways of conduct were possible as well.

⁵⁵ Engl. trans.: The church adds to the basic tune of hostility against Jews the eternal refrain of the deicidal, obdurate people that refuses conversion. This ecclesial mental work is joined by the base instincts from the incited lower classes.

3.2.3. Blood, ritual murder, and host desecration

The anti-Jewish attitudes can also be seen in medieval imagery, which would be reproduced later on. It included not only depictions of Ecclesia and Synagoga and other hostile illustrations. The theme of circumcision, too, found expression.

The illustrations frequently suggest that circumcision was a gory act, carried out by people who were guided by the letter of a traditional law and not by Christian love. In the case of depictions that are not about Jewish circumcision, but insinuations of ritual murder, it is iconographically suggested that this was an insidious act by the Jews, which they had planned long in advance. These notions would later become the foundation for the belief in a „jüdische Weltverschwörung“⁵⁶. (cf. Hegener 2013, p. 69)

The images and depictions would become ever more gruesome over the course of the centuries. In the Middle Ages, Jesus' shed blood begins to be reinterpreted as „Erlöserblut“⁵⁷. The suffering of Jesus becomes a central element of Christian art; it starts with his circumcision and ends with his death. (cf. ibd., p. 65f)

From the 12th century, there are also blood- and ritual murder accusations in texts as well as in pictures. The first case of an alleged ritual murder goes back to the year 1144 in Norwich, England. There, a twelve-year-old apprentice was found dead. Initially, the event did not particularly reverberate, until a few years later the monk Thomas of Monmouth came to Norwich to spread his purported visions of the dead boy. These visions allegedly attested that Jews had tortured the boy shortly before Easter. Moreover, the monk described having seen numerous stabs in the boy's head. He added that the boy had displayed crucifixion wounds as well, for which he was mocked by the Jews during his crucifixion. Originally, the monk was accorded hardly any credibility. But he did inspire a myth, which would stubbornly persist over centuries. (cf. Perry/Schweitzer 2002, p. 48) Such accusations kept emerging, and already by the end of the 12th century this falsehood and others were known all over Europe. Another ritual murder legend is from the year 1255. This case occurred in Lincoln, where a five-year-old boy was found murdered. As was the case in Norwich, here, too, the boy was turned into a martyr and received a shrine that became a destination for pilgrims. Especially his case was used to equate his torment and murder with Christ's Passion. (cf. Goldstein 2012, p. 82) The accusation that Jews would kill Christian children in a ritual act to repeat the Passion of Jesus arrived from England to the German-speaking area. There, particularly the

⁵⁶ Engl. trans.: international Jewish conspiracy.

⁵⁷ Engl. trans.: blood of the Redeemer.

alleged ritual murders of Andreas Oxner of Rinn, Simon of Trent, six boys in Regensburg, and Werner of Oberwesel had grave consequences for Jewry. (cf. *ibd.*)

In southern Hungary, as late as 1882, a ritual murder accusation was made in an incited, anti-Jewish atmosphere. This also happened in 1899 in Bohemia, where the innocent Leopold Hilsner was accused of ritual murder and convicted. (cf. Perry/Schweitzer 2002, p. 62)

The accusation of host desecration emerged in the Middle Ages as well. Jews were accused of getting hold of consecrated hosts and of abusing them to deride Jesus' Passion. On this, too, there exist numerous fictive accounts.

In shedding light on the accusations of ritual murder and host desecration, the significance of blood must not be ignored. Demonizing myths told that Jews would tap hosts to make them bleeding. After all, according to the teachings of transubstantiation, bread and wine become during mass the body and blood of Jesus. The Jews would proceed to use the blood in an improper manner and ingest it. Contrary to many assumptions, which have survived to this day, already in Leviticus (17:11) the prohibition to drink blood has been firmly established. The prohibition refers primarily to animal blood, but it applies to that of humans all the more as Hegener emphasizes. (cf. Hegener 2013, p. 69f) The prohibition for Jews to consume blood is reflected in the kashrut dietary laws.

In the Book of Exodus it is written that all firstborns in Egypt would be killed if the houses were not protected by the sign of lamb's blood. The Israelites were tasked with slaughtering lambs and marking the doorposts with their blood to avert the last of the Egyptian plagues from themselves. In a Midrash it says that the blood of the Passover lamb is equated with the blood of circumcision. Hence, the sign of circumcision protected the Israelites during the plague of the firstborn and enabled them the exodus from Egypt. The accusations of ritual murder and host desecration hark back to the notion that Jews desecrate hosts and shed children's blood during Passover, that is, the feast, in which liberation and the exodus from Egypt are celebrated. (cf. Langer 2014, p. 34f)

In Judaism, blood is exclusively reserved for God's hands. He owns it, as it were, since it represents the soul, which is His. In His tribute and in recognition of the Covenant with God, it is shed during circumcision. Then again in Christianity, the situation regarding the drinking of blood is different. At the Last Supper, Jesus commands his disciples to drink wine and to eat bread to remember him in the future. The prohibition turns into a commandment.

Christianity starts to focus increasingly on the blood of Jesus. „Blutenden Wunden, dem Herzblut Jesu, der Verehrung der Wundmale, insbesondere der blutenden Seitenwunde und der blutdurchtränkten Kleidung Christi.“ (cit. Hegener 2013, p. 71)⁵⁸ gain in significance. In the tale of the Holy Grail, the blood of Jesus pouring from his side wound is caught and preserved by humans since drinking promises immortality and redemption. Many depictions show believers purifying themselves with the blood, thereby freeing themselves of their sins. The teaching of transubstantiation - „innerhalb des Hochgebets der Messe sich vollziehende Wesensverwandlung von Brot und Wein in den Leib und das Blut Christi“ (cit. Hegener 2013, p. 71)⁵⁹ - means that in each host and in each sip of wine, the Christian Redeemer is present. Only the Reformed churches began to talk about a symbolic character. (cf. Gerlach 2000, p. 32) Insofar, images of alleged ritual murders and host desecrations had a huge impact on the faithful observers.

Apart from the anti-Christian traits ascribed to the Jews, the equation of the Jew with Satan gained in currency as well. When the plague became rampant in Europe and carried off almost a third of the entire population between 1347 and 1350, it was soon maintained that the Jews had poisoned the wells and they themselves were immune to the Black Death. They were equated with the Devil. Since only the Devil was able to send the plague and Jews had always been Satan, they were also to blame for the plague. (cf. *ibid.*, 42f) The Black Death persecutions ensued.

And once again, economic motives played a role since often the population was debt-ridden. (cf. Goldstein 2012, p. 100ff)

In the Middle Ages, most of the moneylenders were Jews, whereby Goldstein points out that not most of the Jews were moneylenders. Since the Church banned taking interests, Christians were in fact unable to work in the moneylending business. On the other hand, the Jewish population had few professional choices since they were banned from most fields of work – except from inner-Jewish professions. Thus, they were permitted to trade only in certain areas, and professions organized in guilds were not accessible to them. (cf. *ibid.*) That way, many Jews were pushed into the moneylending business, which enforced anti-Jewish prejudices in addition to the religiously motivated anti-Judaism.

⁵⁸ Engl. trans.: Bleeding wounds, lifeblood of Jesus, adoration of the stigmata, especially of the bleeding side wound and of Christ's blood-soaked cloth.

⁵⁹ Engl. trans.: change in substance, occurring within the Eucharistic prayer during mass, of bread and wine into the body and the blood of Christ.

3.2.4. Modern anti-Semitism

Only in 1871, after the foundation of the German Reich, the Jews attained equal rights. Yet, this date equally marked the beginning of “modern anti-Semitism.” (cf. Heid 2000a, p. 106)

At the start of the 19th century, there was an increase in written works containing the demand to undo all the “privileges” Jews had obtained in the course of the modern era, to introduce special taxes for them, and to again render them recognizable through the “yellow patch” and the Jewish hat. In 1819, Hartwig von Hundt-Radowsky demanded to place the Jews in brothels, castrate them, hide them in mines, and keep them there in order to eventually sell part of them to the English. His notion to “purify” Germany was reflected in the so-called Hep-Hep riots of 1819, which brought about the expulsion of 400 Jews from Germany. „Hepp-Hepp – Jud’ verreck! “⁶⁰ were the cruel rabble-rousing calls, which ended in lootings and murders. (cf. ibd., p. 78)

In the course of the 19th century, this hatred of Jews was joined by Darwinism, where the principle of “natural selection” features prominently. The Darwinian teachings brought about the assumption that there existed “races” that were biologically superior or inferior. Soon enough, Jewry was considered an “inferior race.” (cf. ibd., p. 107)

The entire time span from the establishment of the German Reich until the end of the Weimar Republic, Jewish history in Germany was marked by Jewish assimilation, on the one hand, and anti-Jewish resentment, on the other hand. However, following Enlightenment, Jews were no longer hated because of their faith, but because of their “racial affiliation.” (cf. Heid 2000b, p. 110) The theories on race of Arthur de Gobineau and Houston Stewart Chamberlain had fallen on fertile soil.

In World War I, 100,000 Jews had served in the German army, which demonstrated their strong identification with and loyalty to Germany. Jews were hoping to be finally considered a part of the German nation. Yet, Jewish patriotism was unable to disperse anti-Semitism. (cf. Goldstein 2012, p. 232)

During World War I, Germany urgently needed industrial laborers. As a result, many „*Ostjuden*“ (Eastern European Jews) were either recruited from the “Polish-Russian occupied territories” or else forced to work in factories. As opposed to the German Jews, who by now belonged to the up-and-coming middle class and the German intellectual elite and were

⁶⁰ Engl. trans.: Hep-Hep – snuff it, Jew!

predominantly assimilated, these Eastern European Jews represented a presumed threat. The fear was that all the anti-Jewish stereotypes that were considered overcome would emerge again through the appearance of the „*Ostjuden*“. The German Jews, too, looked down condescendingly at the often Orthodox „*Ostjuden*“ who had come from the “shtetl.” (cf. Heid 2000b, p. 134)

In the wake of the lost war, the people demanded an explanation and it was said that someone had betrayed the nation. The Jews became the scapegoats. Not General Erich Ludendorff alone slanderously blamed them for the defeat. (cf. Goldstein 2012, p. 260)

It did not take long, and the term „*Ostjuden*“ evolved into a synonym for “trafficker, hoarder, speculator, usurer, inflator, war profiteer,” etc. „*Ostjuden*“ were not only held accountable for the defeat in the World War. Jewish capitalists or Jewish Communists were alternately blamed for other afflictions and grievances, the world economic crisis, housing shortage, and unemployment. (cf. Heid, 2000b, 134) Radicalization of anti-Semitism manifested itself in an increased readiness to use violence and in pogrom incitement. Finally, Adolf Hitler declared in *Mein Kampf* his commitment to anti-Semitism. With his „*Volksgemeinschaft*“ ideology, his Nazi Party achieved the relative majority in the federal elections to the Reichstag in March 1933. The way was paved both for the National Socialist dictatorship as well as to the Holocaust. (cf. ibd.)

3.3. Anti-Semitism by Definition

3.3.1. A possible definition of anti-Semitism by the expert group for anti-Semitism

Since this thesis focuses on anti-Semitism, the term will be explained in the following. Anti-Semitism is a term coined in 1879 by the German journalist Wilhelm Marr (1819-1904). (cf. Marr 1879) In his work „Der Sieg des Judenthums über das Germanenthum. Vom nicht confessionellen Standpunkt aus betrachtet“,⁶¹ he attempted at proving that Jews and Christians were fundamentally different. However, he no longer provided religious-cultural, but biological reasons as he attributed Jewry to a different “race.” This turned Marr into one of the most important fathers of said “racial anti-Semitism.” (cf. Zilkenat 2008, p. 19) According to Kershen, Marr used the term “Semitism” in his first work by simply equating it with Jewry. Only in his subsequent 1879 edition, he spoke of “anti-Semitism.” A not entirely unknown term, but only this publication helped to popularize it, not least, through the League of Anti-Semites founded by Marr in Germany. This organization distinguished itself not only

⁶¹ Engl. title: “The Victory of Judaism over Germanism - Viewed from a Nonreligious Point of View”.

through its racist hostility toward Jews, but also through its approval to expel the Jews in order to preserve „*Deutschtum*“ (Germanness). (cf. Jaspal 2014, p. 20) To this day, the term “anti-Semitism,” coined by Marr, encounters critical voices since it is borrowed from linguistics. Philology has grouped human languages in language families; one of them – Hebrew – is a Semitic language. Moreover, the term is misleading since not only Jews are among the peoples speaking a Semitic language. (see: Porat 2011)

Clarification of the term does not include any definition regarding the scope of anti-Semitism.

Even if FRA’s working definition of anti-Semitism was used, it would probably not be sufficient to always uncover anti-Semitism as such. For a start, however, the definition should prepare the groundwork for this, that is, to facilitate the verification of anti-Semitism. (cf. BMI 2011, p. 10)

The Federal Ministry of the Interior (FMI) in Germany has published a report by the independent expert group on anti-Semitism, in which three essential criteria are listed that meet the elements of the offense:

Erstens, Antisemitismus meint Feindschaft gegen Juden als Juden, das heißt der entscheidende Grund für die artikuliertete Ablehnung hängt mit der angeblichen oder tatsächlichen jüdischen Herkunft eines Individuums oder einer Gruppe zusammen, kann sich aber auch auf Israel beziehen, das als jüdischer Staat verstanden wird. (cit. ibd.)⁶²

This means that anti-Semitism is defined as a form of racism. Belonging to a group, in this case to Jewry, constitutes the basis for the discrimination – as in any other form of racism. In addition, ICERD in its definitions of “racial discrimination” has explicitly spoken of discrimination based on “ethnicity or nationality.”

Zweitens, Antisemitismus kann sich unterschiedlich artikulieren: latente Einstellungen, verbalisierte Diffamierungen, politische Forderungen, diskriminierende Praktiken, personelle Verfolgung, existenzielle Vernichtung. Drittens, Antisemitismus kann in verschiedenen Begründungsformen auftreten: religiös, sozial, politisch, nationalistisch, rassistisch, sekundär und antizionistisch. (cit. ibd.)⁶³

Thus, a wider range of possibilities to prove anti-Semitism as such is obtained. Nevertheless, some terms are still too broadly defined for practical application.

⁶² Engl. trans.: First, anti-Semitism means hostility against Jews as Jews, that is, the decisive reason for the expressed rejection is connected to the alleged or actual Jewish origin of an individual or a group, but can also refer to Israel, which is understood as a Jewish state.

⁶³ Engl. trans.: Second, anti-Semitism can express itself in various ways: latent attitudes, verbalized defamations, political demands, discriminating practices, personal persecution, existential annihilation. Third, anti-Semitism can appear in various forms of justification: religious, social, political, nationalistic, racist, secondary, and anti-Zionist.

First of all, anti-Semitism is a term that refers to the fact that Jews are ascribed negative characteristics because of their Jewish religion and/or ethnicity. These characteristics are not derived from the individual person, but from the fact of being a member of the Jewish community. If, therefore, denigration is solely based on assigning a person to this group, then this is a case of anti-Semitism. (cf. *ibd.*) In that manner, according to the expert group, an image is created of “the Jew” who is ascribed characteristics that are solely based on various prejudices against this group. If these images are followed by denigrations, then this is already a case of hostility. (cf. *ibd.*, p. 11) Of course, anti-Semitism does not require the actual presence of Jews, the image of the enemy is a phenomenon that does not need the presence of the “hated.” From this, notions emerge that do not conform with reality. The expert group defines this particularity as follows:

Weitaus häufiger lässt sich aber die ideologisch verzerrte Wahrnehmung der sozialen Realität ausmachen. In antisemitischen Auffassungen werden angebliche Besonderheiten von Juden aufgegriffen, um nach inhaltlicher Manipulation und Verallgemeinerung daraus das Feindbild des „Juden“ zu konstruieren. (cit. *ibd.*)⁶⁴

Thus, the theoretical framework has been explained. However, when can statements be considered anti-Semitic? It is not possible to precisely answer this question since for such an analysis, the statement must always be put into context. In addition, the speaker’s motivations must be probed; hence, the statements’ purposes are relevant. To illustrate this, the expert group provides the following example: Many juveniles use “Jew” as an invective. This is, in the experts’ opinion, not yet an anti-Semitic statement since the juvenile is probably not aware of what he/she is saying or else, it is not his/her intention to denigrate Jews in general or in particular. However, he/she reproduces a negative image of “the Jew,” in which the word contains a negative connotation. (cf. *ibd.*)

In further consequence, the expert group has tried to work out different degrees of anti-Semitism, which will be presented here.

On the most benign level are statements that can be evaluated as vague and not easily discernible anti-Semitic notions. These are primarily views that are not shared publicly, but remain unshared, personal prejudices. This leads to the next stage, which includes avowed aversions where someone openly ascribes typical characteristics to Jews. The third stage already includes forms of agitation that aim at stopping any seeming influence of Jews,

⁶⁴ Engl. trans.: Much more frequently, however, the ideologically distorted perception of social reality can be discerned. In anti-Semitic notions, purported peculiarities of Jews are picked up to form, following content-related manipulation and generalization, the enemy image of the “Jew”.

accompanied by demands on the political level. A further escalation would not only include such verbal demands, but actual attempts at implementation, which would discriminate Jews or even lead to anti-Jewish laws. The last and most severe stage would be hostilities, which are accompanied by acts of violence all the way to the murder of people because of their Jewish identity. Expulsions, too, are in this category. (cf. ibd.)

Content-related categories can additionally help differentiating anti-Semitism. Here, various authors distinguish different forms of anti-Semitism, which shall be mentioned here to gain an understanding of them.

3.3.2. Shedding light on different categories of anti-Semitism

Religious anti-Semitism shall be mentioned first; after all, as has been shown, this is the oldest form of anti-Semitism (cf. Rauscher 2004, p. 21) Christianity with its specific religious values and dogmas usually provides here a lead. Often, religiously motivated anti-Semitism is also based on the assumption that Christian faith is the faith of the “superior.” Ideal-typical anti-Semitic examples are accusations of deicide, host desecration, ritual murder, and similar things. In addition, these hostilities are frequently accompanied by the image of the Jew as being “duplicitous, treacherous, traitorous,” etc. (cf. BMI 2011, p. 11) A few years ago, it was still possible to hear in scientific circles that in a secular society such as the German, religious anti-Semitism would no longer play a role. (cf. Rauscher 2004, p. 21) The debate around the religiously motivated circumcision of boys allows for different conclusions. Also worth mentioning seems to be the fact that the term religious anti-Judaism is used by some experts as a substitute for the term anti-Semitism. This gets explained by the Early Christian and medieval anti-Jewish resentments that have shaped religious anti-Judaism over centuries. The term anti-Semitism in its later guise is fueled by other, above-mentioned mechanisms. (cf. ibd., p. 22)

Socially motivated anti-Semitism is another category of the FMI expert group. It circumscribes the phenomenon of conflicts between individual collectives. In this category, however, certain ascribed stereotypes are decisive; thus, “Jewry” is assigned the character trait of the “exploiter” as a given, a feature that can be traced to the Middle Ages. This is also the source of today’s prejudices or “buzzwords” such as “Jewish financial capital.” The term „*Ostküste*“ (east coast) is an even more accurate catchword as it describes the Jews’ domination of the financial system in the USA. (cf. BMI 2011, p. 11)

Political anti-Semitism assumes that Jews as a collective conspire with the aim to seize power in a country or even over the whole world. (cf. *ibd.*) Some authors are convinced that with event of 9/11 at the latest, anti-Semitism was legitimized again; thus, numerous conspiracy theories circulated after the attack in official and non-official media outlets. Likewise in this category are notions that Jews constitute a threat to the world since they are unable to live in peace as the situation in Israel demonstrates; this, therefore, legitimizes the rejection of Israel. Unfortunately, it is still possible to detect that most people fail to distinguish between Israelis and Jews, which brings about a basically negative attitude toward all of Jewry. (cf. Reinfrank 2008, p. 110f)

Anti-Zionistic anti-Semitism is derived from above category and happens under the cover of foreign and domestic policy criticism of Israel. In this context, mostly popular stereotypes are used and, at the same time, the entire Jewish state is unfavorably assessed. (cf. BMI 2011, p. 11) To give a better understanding of this type, it is necessary to say a few words about Zionism. Zionism's beginnings are in the 19th century. Originally, this was a movement guided by the wish to live in a country free of anti-Semitic ideas, in sovereignty and independence. While Israel was not the only state proposed, its proposal was obvious because of the history of the forefathers. (see: Cohen-Almagor 2014) Zionism contains a concept that is usually misunderstood these days. Yet, if one tries to define Zionism, things do not become simpler either. However, the following definition might serve a better understanding: “[...] how one defines this [Anti-Zionism] – depends upon what is being opposed. It can refer to the desire for the destruction of the State of Israel, to opposition to perceived Israeli expansionism, or the denial of the Jewish status of Israel [...]” (cit. Jaspal 2014, p. 47) Whenever Zionism is mentioned, the name of Theodor Herzl, who is considered the founder of political Zionism, is mentioned as well. He saw in a Jewish state the only option to escape anti-Semitism. (cf. *ibd.*) Initially, Zionism was challenged by a Jewish majority. For various reasons, there were numerous Jewish opponents of Zionism. However, most of them simply did not want to leave their homeland. During National Socialist rule, the Zionist project was identified as another desired “special right” for the Jews. They do not deserve a state of their own, so the slogan went. (cf. Nicosia 2008, p. 283-289)

Nationalistically motivated anti-Semitism focuses on depicting the Jews as a minority with an “ethnicity of their own.” This minority constitutes a segregate in the respective state, which is not part of the state. This attitude is always accompanied by the accusation of a lack of loyalty. (cf. BMI 2011, p. 11)

Racially motivated anti-Semitism is comparable with nationalistic anti-Semitism. In this case, however, Jews are labeled as “race” because of their affiliation and especially because of a “biological affiliation.” Insofar, they are, unlike in nationalistic anti-Semitism, unable to change their behavior resp. their being since it is intrinsic to them and biologically determined. Rauscher identifies this form as modern anti-Semitism, which bases its arguments on “pseudoscientific racial theories” and was primarily spread during Nazi rule. (cf. Rauscher 2004, p. 22)

Secondary anti-Semitism seeks to absolve oneself of Shoah guilt. This category includes rejection and assignment of guilt. Accordingly, the Jews themselves are responsible or at least partially responsible for the Shoah. Moreover, the demand to draw a line under this history is not uncommon. The constant reminders of the Holocaust serve the extortion of restitution money and, at the same time, as a “moral cudgel” that prohibits any argument against Jews or the State of Israel. (cf. BMI 2011, p. 11) Precisely the Holocaust enables this form of anti-Semitism in the first place since this is a reminder of a horrible crime one does no longer wish to be confronted with. (cf. Rauscher 2004, p. 22)

The term “New Anti-Semitism” is the last form. Here, however, scientific circles debate whether the term is tenable in this manner. Supposedly, “new elements” of anti-Semitism have been identified that do not solely feed on the traditional extreme right-wing environment. This category is viewed critically since it is argued that mostly old mechanisms are used here, which only require some scrutiny to unmask them as such. (cf. BMI 2011, p. 11) Yet, there are those who contend that, indeed, this form can be labeled “New Anti-Semitism.” Here the following argument is used, for example: while these are longstanding anti-Semitic prejudices and resentments, they are differently applied and almost exclusively placed in the context of the Mideast conflict. (cf. Rauscher 2004, p.23)

For the sake of completeness, Islamistic anti-Semitism must be mentioned. Reinfrank, in referring to this category, calls to attention that it is frequently left aside out of concern or rather “false tolerance.” He insists on this category in order to render all forms of anti-Semitism comprehensible and to create a foundation to counteract it. Reinfrank particularly stresses the comparisons equating the Holocaust with the situation of the Muslims. (cf. Reinfrank 2008, p. 113) Here, we will not deal with this form of anti-Semitism since circumcision is at the fore, a practice that both religions have in common.

In conclusion, it must be pointed out that, obviously, the categories listed above cannot always be neatly separated; usually they occur in mixed form.

4. Methodology

At this place, research approach and methodology shall be briefly outlined.

I want to begin by addressing the fact that I lack expertise in this research field and approach, which has not necessarily facilitated method selection. To be able to answer the research question, I started out by scouring contributions, commentaries, and postings in Internet forums on the subject of circumcision. I assumed that this would provide me with a rather unclouded picture of the generally prevailing opinions among the German population in the circumcision debate. In fact, numerous forums are overflowing with commentaries that should contribute the material for my analysis. To identify whether the statements in the contributions contained anti-Semitic ideas, I selected qualitative content analysis, which appeared to me to be the most suitable instrument to reveal the various forms of anti-Semitism.

Therefore, this research was carried out by means of qualitative content analysis.

To begin with, it must be pointed out that qualitative content analysis can be conducted according to various schemata. Here, content analysis as developed by Philipp Mayring was applied.

Generally, it deals with analysis of material. This is gathered from written communication, the possibilities are, therefore, inexhaustible. (cf. Mayring 2007, p. 11)

Furthermore, it is understood as a process of analysis, which can be attributed to the interpretative methods. Research does not become interpretative through the applied method rather, an interpretative description based on the documentary method follows. (cf. Meuser 2003, p. 92-94) This approach appealed to me since frequently anti-Semitism fails to reveal itself as such at first sight; it can be uncovered as such only through analyzing interpretation.

Starting from the research question, in a first working step, different newspapers were skimmed focusing on commentaries on the circumcision debate in order to sift material in various manners. To be able to analyze a readership that is as broad as possible and its statements, ultimately two different media were used for analysis. On the one hand, I decided to use the commentaries that were published in the newspaper „Die Welt“. This is a transregional German daily, which addresses, in the opinion of some, a conservative middle-class readership, in the opinion of others, a politically rather right-wing conservative readership. On the other hand, I chose the transregional German weekly „Die Zeit“ that addresses a rather left-wing liberal audience.

I selected the articles from the year 2012 with the most readers' comments. As the debate was held in Germany in 2012, only articles and commentaries from that year were used in this

analysis. During this period, the most controversial debates were held, the most articles authored, and, accordingly, the most commentaries in this matter written. The keyword used in the search was „*Beschneidungsdebatte*“ (circumcision debate).

In this period, „Die Welt“ published twenty-four articles on this subject that were examined. They received the largest number of commentaries, that is, slightly over one hundred; four articles were not commented at all. The commentaries to be analyzed were selected according to the most frequently commented articles. The commentaries to the four articles analyzed in detail are referenced in the bibliography.

In „Die Zeit“ twenty-seven articles pertaining to this debate were found under above-mentioned keyword. The articles commented the most received over 2040 postings. Here, too, articles with the most commentaries were chosen, hereby focusing on four articles. They are listed in the bibliographical reference as well. Overall, the number of commentaries was higher in „Die Zeit“ than in „Die Welt“.

The concrete methodological technique used in this work can be designated as summarizing content analysis. Here, in a first step, the contents gathered are paraphrased. Attention is paid that essential facts of the contents are preserved and irrelevant contents are discarded. A second step consists in the generalization of the paraphrases whose purpose is to bring the contents of the statements to a more general level. (cf. Mayring 2007, p. 58-63)

The next step consists in the reduction of the contents through eliminating paraphrases with the same meaning. Usually, paraphrases that refer to similar contents are summarized here. From these reductions of material that feed from both newspaper forums, categories were formed. In that sense, categories were developed from the text, which relate to the entire material to be analyzed. Hence, categories are concept of orders, which can be obtained inductively from analysis itself and which are indispensable for further analysis. In this work, based on readers' comments, categories were developed for a catalog of key words, which can be found in the annex with the descriptions of the categories and the attendant anchor examples. (cf. ibd., p. 62-76)

By way of example for the system of categories developed, several exemplary keywords shall be listed here: “Religious freedom in its significance and its boundaries,” “Mutilation and abuse: a legacy of archaic rituals,” “Christianity versus Judaism,” etc.

The development of the catalog of categories was then followed by the attribution of the commentaries to the relevant categories. Self-contained lines of thought were marked in that

sense and assigned to a category. Care has been taken that text commentaries would not surpass five lines so as not to exceed a certain scope and not to have to assign one commentary to several categories. Nevertheless, it happens that a quote transcends categories, that is, fits into several categories. The attribution was done with the help of a grid to keep the overview.

All textual contents that could not be attributed to any category were ignored in further analysis since they were considered irrelevant in the context of the research question.

Those statements that could be attributed to a category were summarized as core statements with regard to the research question. This step is called generalization and interpretation. Generalization and interpretation are the foundations of the theses. Through their systematic processing regarding the research question, the attempt is made to develop these theses. (cf. *ibid.*)

In the empirical part of this work, individual commentaries are quoted verbatim as examples for a category. Subsequently, based on the commentary quoted, the statement made in it is interpreted. The interpretations together with the generalizations of the entire material of analysis form the basis for the theses that are found at the end of each chapter.

These theses will primarily reflect the contexts, in which anti-Semitic prejudices – at times more open, at times less, frequently subliminal or subtle - are effective or not and, if possible, present the form of anti-Semitism relevant here. The contexts are taken from the keyword catalog since in precisely these categories anti-Semitic remarks were found.

I have abstained from comparing the keyword categories with each other as is common in a rule-governed analytical procedure since that seemed irrelevant with respect to my research question.

By means of the generalization, I have focused on establishing a connection to the theoretical part, in which categories of anti-Semitism are already listed. In that sense, the keyword category was compared with the anti-Semitism category in order to be able to answer the research question. It must be added that I deviated from the Mayring procedure by limiting the range of material and choosing a sequence-analytical approach to partially examine individual quotes more closely. This seemed useful since anti-Semitism can be unmasked not only through the usage of individual terms and word orders, but can additionally be discerned on second glance in subtexts and between the lines.

5. Empirical evidence

5.1. On the perception of physical integrity, physical injury and its (criminal) prosecution

As has already emerged from the analysis of literature, every surgical intervention constitutes a physical injury from a legal perspective. Insofar as the parents as the child's legal guardians consent to this intervention and are guided by the "child's well-being," there will be no criminal prosecution. But the "child's well-being" is differently assessed. In the case of the religiously motivated circumcision of underage boys, the call for criminal prosecution becomes clear in the following quote:

„Bei Vergewaltigung, Schlägereien, Korruption usw. Werden die Täter verfolgt und bestraft, verschwindet die Wut. Werden die Täter jedoch nicht verfolgt [wie bei der Beschneidung], sondern sogar in Schutz genommen durch Politik oder Medien, verschwindet die Wut nicht, sie wächst.“ {“In case of rape, brawls, corruption, etc., the perpetrator is prosecuted and punished, the fury vanishes. But if the perpetrators are not prosecuted [as in the case of circumcision], but even protected by politics and the media, the rage does not vanish, it grows.”} (2Z, comm. 30, l. 8-11)

With this statement, not only the criminal persecution of circumcision is demanded. It is also placed on the level of brutal crimes and compared with them. If one followed this conclusion, circumcision would need to be equally criminally prosecuted. Omission of criminal prosecution points to a special status of the circumcisers and the circumcised which leads to the assumption of unequal treatment. Accordingly, legal norms and resulting norms of conduct are suspended and justice is not pursued since socially powerful institutions protect the circumcising groups.

The announced "growing rage" endows the quote with a threatening character. To equate circumcision with "rape" and other crimes mentioned constitutes in any case a defamation since it cannot be compared with them, neither from a legal nor from a humanistic perspective. Moreover, circumcision is considered here an archaic practice in Judaism, which the state enables a religious community to carry out with the help of "special privileges." The accusation that the state grants Jews "special privileges" is made time and again by anti-Semites and can be traced back to medieval anti-Judaism. Terms such as "politics" and "media," which leave much room for interpretation, are presented as institutions protecting

Jews, which gives rise to suspicions of them conspiring with the Jews. Here, the accusation of anti-Semitism cannot be excluded, possibly a case of political anti-Semitism. Since Judaism is not explicitly mentioned in this quote and Muslims might be included as well, an unequivocal assessment must be made only with great caution.

In dealing with the question of whether in the population's assessment this is a case of physical injury, conclusions as to what is meant by it are drawn as follows:

„eine beschneidung ohne betäubung ist schlicht weg körperverletzung und wenn sie dann noch von nicht fachlich ausgebildeten als ritual vollzogen wird kann man dem nicht in deutschland zustimmen.“ [“Circumcision without anesthesia is a downright physical injury, and if on top of that, it is carried out as a ritual by professionally untrained individuals, one cannot consent to this in Germany.”] (1W, comm. 47, l. 1-3)

The perspective from which physical injury is defined, carries weight also in this quote. Even with anesthesia, physical interventions can constitute an injury from the legal point of view. This is a defamatory statement since it is conveyed that outside of a medical-clinical setting, the *mohel* is not required to have any professional skill. The statement insinuates that such rituals – and here the term ritual clearly suggests a negative procedure and not a positive religious ceremony - might possibly be carried out in other countries. The subtext suggests that Germany is a civilized country, countries that permit circumcision without anesthesia are uncivilized. Moreover, circumcision in a hospital setting is erroneously considered not to be a ritual although it always has a ritual character.

Circumcision is assessed by many not only as a physical injury, but on top of that as torture:

„Na klasse - der Dauerngelverein [der Zentralrat für Juden in Deutschland] meldet sich [in Bezugnahme auf 1945] mal wieder zu Wort, die Beschneidung ist, zumindest ohne Betubung, eine Querei fr Kinder.“ {“Great – the club of the constant grumblers [Central Council of Jews in Germany] pipes up for a change [with reference to 1945], circumcision is, at least without anesthesia, a torture for children.”} (1W, comm. 97, l. 1-3)

It is understandable to describe circumcision as torture if one classifies it as a painful event. However, since one can definitely assume that parents in circumcising societies do not pursue the goal to inflict pain on their children, but to integrate them into a cultural community, the

accusation of torture or even sadism must be abandoned. Therefore, this term should be avoided in general.

Much more striking is, moreover, the term “club of the constant grumblers.” To label a public body, that is, the Central Council of Jews in Germany, which is tasked with representing the interests of his members, “club of the constant grumblers” is a clear vilification. With this label, its concerns are written off as not to be taken seriously and as annoying; it manifests itself in the supposedly “constant” continuous debate between the Jewish communities and the majority society. The subtext also suggests that talking about the Shoah is “grumbling”.

Intrusion into the body’s integrity can be perceived very differently and is considered an encroachment if it occurs without consent.

„ich kenne sogar ex-nazis, und ihre schwierigkeiten sich ihre hakenkreuztatus überstechen zu lassen. sogar derlei äussere zeichen zum anzeigen der mitgliedschaft in dieser gruppe sind ok nicht ok ist wenn die [Juden] ihre mitgliedschaft durch übergriffe auf die körper anderer demonstrieren wollen...“ {“I even know ex-Nazis and their difficulties to have their swastika tattoos removed. Even such external signs of showing membership in this group are OK, not OK is when [the Jews] want to demonstrate their membership through encroachment on the bodies of others...”} (2Z, comm. 30, l. 10-13)

We will not delve into the issue of swastika tattoos; this was quoted only for the sake of completeness.

Acceptance of autonomy over the body even pushes the Prohibition Act and signs of reengagement in National Socialist activities into the background. By contrast, interventions such as the circumcision are defined as encroachments that are carried out without the affected person’s consent and are not acceptable. Autonomy and its limits as well as the definition of “encroachments” will be considered here.

In summary, the commentaries on the topic of circumcision versus physical integrity can be interpreted as follows:

Many feel rage toward Jews since they are not being criminally prosecuted for physical injury, which, in their opinion, circumcision is; this is explained with the Jews’ “conspiracy” with powerful institutions although the formers are criminals. This attitude points to political anti-Semitism because all of Jewry is under suspicion of some sort of “conspiracy.” There can hardly be any other explanation for the continued existence of circumcision. These

indirect accusations, however, do not allow unmasking them in an unequivocal manner as anti-Semitic. Possibly, this is not exclusively addressed to Jewry, Circumcising religious communities could be the general target of hostility.

Circumcision is considered a physical injury and meets with little or no acceptance in Germany if it is carried out by a *mohel*; the latter is not considered a professional and has no place in Germany. This attitude basically harbors a rather adverse attitude toward circumcision. It displays a defamatory characteristic since an essential identity-creating feature of circumcising societies is not accepted. Moreover, the *mohels'* lacking expertise is insinuated and usually the fact that the *mohel* is a specialist with a medical training of several years is – mostly deliberately - ignored. To what degree this can be considered anti-Semitic is not entirely clear.

It is possible to accept that people have themselves tattooed with swastikas on a voluntary basis. Whereas circumcision on an involuntary basis cannot be accepted and constitutes a violation of the physical integrity. Astonishingly, there is no suitable category for this. However, it must be assumed that these are possibly ideas from the realm of “reengagement in National Socialist activities” coming along rather casually.

German society feels harassed through the memory of the Shoah and the confrontation with its perpetrator-history and fails to understand the reason why circumcision is not allowed to be presented as an act as well, that is, as a criminal act. This attitude clearly points to anti-Semitism, to a secondary anti-Semitism, which yearns to leave occupation with the Holocaust “finally” behind.

Regarding physical integrity the most varied stances can be found; their subtexts point to defamations that are, however, difficult to categorize and classify. But the hostile attitude toward the obligation to deal with the genocide of European Jewry, can be definitely categorized as secondary anti-Semitism.

5.2. “Special rights and positions” of the Jewish population

The creation of “special rights” for Jews and Muslims has been a widespread source of apprehension for German society as already mentioned. Here, I wish to refer once again to Bielefeldt (2012a) who locates the ritual circumcision of underage boys as a fundamental human right within guaranteed religious freedom and, therefore, invalidates the purported status of a “special right” for Jews and Muslims.

The following passage refers to the concern that Jews would receive “special status.”

„Die Mitbürger jüdischen Glaubens sind schon längst in der Mitte der Gesellschaft angekommen. Dazu gehört auch, dass die Gesellschaft Dinge die ein Teil ihrer tut, hinterfragt und möglicherweise auch durch einen ethischen Wandel, dem wir ja alle unterliegen, nicht mehr hinnehmen kann. Das müssen auch Menschen jüdischen Glaubens ertragen müssen.“
[“Our Jewish fellow citizens have long become part of mainstream society. This also includes that society questions the things a part of it does and possibly can no longer accept because of an ethical change, to which ultimately all of us are subject. Also people of Jewish faith should be able to put up with this.”] (1W, comm. 13, l. 1-5)

So the Jewish population is perceived as part of society, but this precisely is accompanied by the expectation that the former has to follow the same rules that apply to all of society. This is ultimately about rules majority society makes for itself. While it is an exaggeration for the latter to believe that it constantly questions its ethical principles, it is still true that moral and ethical attitudes change over time. But change comes from majority society for its own society and is, thus, autonomous. In the case of a prohibition of circumcision, minority groups would be controlled from outside. The demand of this posting is that the Jewish population must submit to change imposed from outside to be not just a part, but an accepted part of society. This means, that the majority dictate rules and must be accepted by the Jewish communities. Besides, the posting also suggests that long enough majority society had put up with ”things” from Jewish society and that a point had been reached where those could no longer be tolerated. And as far as the vague term “things” is concerned, which ostensibly refers to circumcision, this is a clear defamation since in its subtexts it refers to much more than to circumcision and vaguely ascribes to Jews other unethical acts. Finally, the quote insinuates that majority society was fundamentally an “enduring” one while Jewish society thanks to its special position was not. It finally had to learn to also “endure” something, that is, the legal rejection of circumcision and thus – from an internal Jewish perspective - the imperilment of the continuation of normative Jewish life.

The impression that individual minorities would receive “special rights” can be discerned in extreme right-wing ideas as well:

„Zumindest sollte das so sein [dass Juden keine ‚Sonderrechte‘ erhalten], auch wenn die Deutschen nach jedem Eklat mit Juden und Moslems katzbucklerisch zurückrudern, anstatt solche Eklats einfach ganz zu vermeiden, wie schon Hitler in seiner damaligen Allmacht es

hätte tun sollen.“ {“At least, it should be like that [that Jews do not receive any ‘special rights’] even if the Germans backpedal cap in hand after each éclat with Jews and Moslems instead of simply avoiding such éclats as already Hitler should have done in his omnipotence at the time.”} (1W, comm. 57, l. 2-4)

This commentary clearly shows that permission of circumcision is seen as a “special right”. The verbal juxtaposition of “Germans” on one side and “Jews and Moslems” on the other clearly points to the fact that opposites are constructed. The contrast is used to express that German Jews and Moslems could not be Germans. Both religious communities are thus excluded from the German community. The use of the term “cap in hand” implicitly points to the anti-Jewish cliché that Jews control the world. After all, “cap in hand” means to act in a submissive manner. One acts submissively only in the face of a superordinate instance or superior power. The quote culminates in the regret that Hitler has failed to complete the annihilation of Jewry. Anti-Semitic ideas could not be expressed more blatantly than that. That the Nazi genocide of the European Jews should have been extended to the Muslims as well also hovers over this wording.

The following statement presents the opinion that Jews should not be granted “special rights” in a less drastic way:

„Doch [auch wenn die Gemeinde es nicht immer so leicht hat] gilt auch für die jüdische Gemeinde in Deutschland Grundgesetz und Verfassung.“ {“But [even if things are not always easy for the community,] basic law and constitution apply also to the Jewish community in Germany.”} (1W, comm. 90, l. 2-3)

Here the admission emerges that the Jewish community in Germany is partially in a difficult situation. But this admission is immediately invalidated by the argument that no „special status” could be derived thereof. Moreover, there is the allusion that the Jewish community tends to expect to be exempted from adhering to the constitution and other laws. Finally, also with the formulation “the Jewish community in Germany,” Jews are seen as separated from German society.

The accusation of a “special position” can be seen in the following passage as well:

„[Die Zulassung der rituellen Beschneidung an minderjährigen Jungen] ist wieder mal die Anerkennung einer 'religiösen' Alleinstellung einer privilegierten Gruppe, was ja bei der elenden Schächtpraxis schon der Fall ist.“{“[The authorization for ritual circumcision of underage boys] constitutes once again the recognition of a unique ‘religious’ position of a privileged group, which is already the case for the abject kosher slaughtering practice.”} (1W, comm. 99, l. 3-4)

Here the opinion is expressed that religious minorities in Germany are granted special status, which causes majority society frustration. The commentary further suggests that a recognized religious community is a “privileged group,” whereby it would be interesting to know whether this view also extends to Christian denominations. By putting “religious” in quotation marks, the posting also insinuates that these circumcising and kosher slaughtering communities are “in reality” not religious communities, but basically an undefined different kind of communities. The permitted practice of ritual slaughtering is also seen as a special right, which gives German Jews and Muslims special status as well. The parallelization of kosher slaughter and circumcision ascribes a gruesome, brutish dimension to circumcision.

In summary, the commentaries on the topic of circumcision and “special rights” can be interpreted as follows and assigned to various categories of anti-Semitic notions:

Considering the Jewish population as part of society means questioning their religion and demanding changes so as not to grant them any “special status”. The circulated notion of “special rights” for Jews possibly contributes to an anti-Semitic discourse.

Hitler should have annihilated all of Jewry, then there would be no longer any need for “special rights”. These are National Socialist ideas, and anti-Semitism can be located at its highest stage since it involves the demand for physical extinction.

Because of its difficult situation, the Jewish community is tempted to disregard the constitution. Tendentiously, this places them in the criminal corner and their loyalty to the state and its rules is questioned. The direction of this argument is indicative most likely of nationalistically motivated anti-Semitism.

Jews obtain “special rights” for “abject” practices such as kosher slaughter and circumcision. This is a traditional religiously motivated anti-Semitism. Kosher slaughter is equated with circumcision; associations of gory rituals should be triggered. The image of the seemingly cruel Shylock is evoked.

However, in connection with the repeated accusations against Jews of negotiating for themselves “special rights,” the following needs to be pointed out:

The accusation of “special rights” for Jews has its roots in the hostile stances toward the privileges for Jews in the Middle Ages, which in turn were a reaction to the Jews’ precarious situation as a minority. In the Early Modern Age, throughout the period of the Thirty Years’ War and Enlightenment, these privileges were granted partially on a general basis, partially only on an individual basis and renewed respectively adjusted to the times and the particular situation. These privileges cannot be viewed as “benefits” as has become established in today’s usage. Rather, they must be seen as a “special right” for a person or a group, who without such privilege would be simply left without any rights as minority. The fact that these “special rights” are still present in the minds of anti-Semites can also be explained by the historical development of the Jews’ status in Germany. One needs to consider, after all, that already in the early 19th century, as described above, papers were written demanding to liberate Jewry from their “special rights.” This was, however, by no means about “benefits,” but rather about repealing the then still existing „ *Judenordnungen* “ (regulations governing Jews) and integrating the Jews into the Prussian state. Ultimately, this was about Jewish Emancipation and, in the long term, about civil rights. In plain terms, this means, it was about nowadays recognized human rights, which are presented as supposedly “special rights”. Insofar, the accusation Jews would receive “special rights” through the legal authorization of circumcision, can be unmasked as anti-Semitism that even reaches the most advanced stage.

5.3. Children’s autonomy - “Parents do not have the right to make decisions for their children that are to their detriment.”

The subject of children’s education in a democratic state was already broached in this framework. Among the general public, tendencies can be discerned that do not regard religious education as an exclusive right of the parents if the child is caused any “harm.” Again, one is faced with the dilemma of subjective interpretation: while some see the benefit of religious education, others see its misery.

„Wenn ein Kind geboren wird, kann es seine Religion nicht frei wählen, es wird dem Kind die Religion [Judentum] der Eltern aufgezwungen und das ist doch Verfassungswidrig oder nicht?“ {“When a child is born, it cannot freely choose its religion, the parents’ religion [Judaism] is forced upon the child and this is unconstitutional, isn’t it?”} (1W, comm. 67, l. 2-4)

The question of to what extent children are able to “voluntarily” decide upon their religious affiliation cannot be easily answered in principle. Numerous factors would need to be considered. The children’s socialization would probably constitute one of the most important factors in such an analysis. The issue of voluntariness has the potential of getting entangled in philosophical deliberations. Since the quoted passage is written in the context of Judaism and circumcision, this is not about philosophical problems; after all, the issue of voluntariness in the framework of Christian faith and baptism remains unquestioned here.

In any case, it can be stated that the above commentary is simply wrong. Religious freedom is a constitutionally guaranteed basic right in German-speaking countries. Therefore, parents do not act unconstitutionally if they raise their children according to their own religious notions. Religious freedom grants this right to parents.

In connection with the question of voluntary choice of religion and the voluntariness to have oneself circumcised in Judaism and Islam, also the following commentaries were found:

„Insbesondere [können sich Kinder nicht frei für die Beschneidung entscheiden]dann nicht, wenn er schonmal was von Ehrenmorden gehört hat und den sozialen Ausschluß aus der Familie befürchten muss.“ {“Especially [children are unable to freely opt for circumcision] after he has already heard something about honor killings and must fear social exclusion from his family.”} (2Z, comm. 70, l. 6-7)

Here it is explained that children do not have the option of freely choosing a religion even after they have reached majority since parents ultimately force them to accept their religion and its accompanying rites of passage by exerting pressure through threats like “honor killings” or social exclusion.

To believe that circumcision can be enforced by such means is absurd and rather springs from the imaginations of a hostile mindset toward Islam than from actual facts. The question to what extent Judaism is also confronted with this accusation cannot be answered unequivocally, but the insinuated threat of social ostracism within the Jewish community resonates. The link between “honor killings” and refused circumcision is apparently the result of “yellow press” sensationalism and vivid imagination.

The following commentary seems typical for the assessment of religious rituals in a perhaps only presumably - secular society:

„Religion hin oder her, wer Spass daran findet findet kann so eine Zeremonie oder meinetwegen auch Glaubensbekenntnis ja in einem entscheidungsfähigen Alter an sich vornehmen lassen.“ [“Religion or not, whoever has fun with this can have himself undergo such a ceremony or, for all I care, also a religious creed at an age he is able to make decisions.”] (1W, comm. 53, l. 3-5)

Here it becomes apparent that religious creeds and affiliations are seen as rather marginal if it is about answering the question of whether children should make the decision for or against circumcision at a later date by themselves. The commentator has failed to understand that circumcision is, indeed, a relevant aspect of religious and cultural identity building. On the contrary, the ritual is mocked and mature individuals who might opt for circumcision are considered masochistic.

The reason children of Jewish parents are not free to choose their religion is explained with a suspicion in the following quote:

„Das [Bezüge auf den Holocaust zu nehmen in Bezug auf eine eventuelle Kriminalisierung der Beschneidung] ist geistige Brandstiftung der schlimmsten Sorte, wobei sie zu erwarten war: Schließlich wollen diese Herren nicht, dass Kinder ihre Religion selber wählen.“ {“[Referring to the Holocaust in connection with the possible criminalization of circumcision] is intellectual arson of the worst kind, whereby it was to be expected: After all, these gentlemen do not want children to choose their religion by themselves.”} (2Z, comm. 10, l. 11-13)

Here it is insinuated that the male dominated leadership of the Jewish community (at least in Germany) refuses to face criticism of circumcision. They are concerned that in case of free choice, the community might sustain great losses in membership. Given Jewish history, this accusation seems to be far-fetched. Possibly, the history of Christianity is considered here; on the one hand, it contains the notion of proselytizing and, on the other hand, it has given up on circumcision in its early beginnings, among other things, because this rendered proselytizing easier.

Furthermore, the quote implies that any form of criticism of their community Jews would immediately counter with comparisons to the Holocaust, which is seen as a serious assault on the non-Jewish community. The so-called “Holocaust cudgel” is a popular rhetorical line to

muzzle opponents. Additionally, with the accusation of “intellectual arson” the deeply anti-Semitic cliché of Jewry as the “global arsonist” is applied.

In summary, the commentaries on the subject of circumcision versus autonomous decision of the children can be interpreted as follows:

In the commentaries presented here, the right of the child to later decide on its religious orientation serves only as a pretense. Only ostensibly is this concept of freedom guided by modern democracy and, thus, a secular concept of freedom. At root, this concept of freedom is shaped by Christianity since here the inner values and creeds are at the fore while in Judaism, it is religious practice and origin from a Jewish mother. Hence, the way the postings present the situation is that in Judaism, the children’s religious affiliation is forced on them – mainly through circumcision. Indeed, the voluntariness of belonging to a religious community resp. of actively practicing this religion can be questioned in general and cannot yet be labeled anti-Semitic. But to ascribe the constraint to belong to a religion community exclusively to minorities and assess one’s own religious creeds not as such points to a discriminating perception and can, in a comparative context, definitely be considered latent anti-Semitism.

One commentary refers to the notion that through the assumed lever of “honor killing,” even an elevation of the age of circumcision would not contribute to a voluntary choice of religion. As the Jewish communities probably do not need to feel addressed by this, it is possible to abstain from interpreting this statement as anti-Semitic; it is, however, anti-Islamic.

If religiously motivated circumcision should be decided upon only when reaching majority, as is demanded in some postings, then this means to deeply misunderstand the significance of the ritual. The critics deny its relevance to Jewish religion and the community members. Without evaluating circumcision itself, one can state that the marginalization of the identity-building ritual with the simultaneous demand for its legal criminalization can definitely be considered political anti-Semitism. A law that would criminalize circumcision would be against the right of individuals or groups in German-speaking countries to religious freedom; whereas majority society would have this right to religious freedom (which includes atheism and agnosticism since the right to believe in no God and to belong to no religion is also part of religious freedom).

In one of the commentaries it says that Jews averted any criticism of religion by reaching for the “Auschwitz” or “Holocaust cudgel.” This is again an instance of the so-called secondarily motivated anti-Semitism, in which Jews are accused of instrumentalizing the Holocaust as a knockout argument.

This means, that in the circumcision debate, argumentation strategies have been developed by the opponents of circumcision that ostensibly aim at rationalizing the ritual by referring to free choice of religion when majority is reached; yet, in their subtexts they are clearly anti-Semitic.

5.4. Placing children's rights above religious freedom

What is the consequence when religious freedom lacks major significance in a society? How are children's right and religious freedom balanced in a society? In the following, it will be clarified which right is given the greater weight.

„Es ist wirklich absurd, mir genau diese Seite [den Nationalsozialismus und die Vertreibung der Juden] unter die Nase zu reiben, wenn ich mich für den Schutz und die Rechte von Kindern einsetze.“ {“It is truly absurd to rub my nose in exactly this aspect [National Socialism and the expulsion of the Jews] when I put myself out for the rights of children.”} (1W, comm. 15, l. 2-3)

According to this quote, using National Socialism to refer to the importance of preserving Jewish life cannot be legitimated. Accordingly, especially if it is about the preservation of children's rights, one must not point to Germany's National Socialist past. The reference is not only perceived as uncalled-for, but also as counterproductive and –effective. Here, it gets overlooked that the Holocaust is not mentioned in order to reduce the importance of the argument in favor of preserving children's rights. From the Jewish side, the reference to the Holocaust is intended to explain that Jewish life – of which circumcision is an essential part - if not accepted in Germany, will no longer be possible in this country, and the only alternative would be emigration. From the Jewish side, criticism of circumcision is not equated with National Socialism. As has already emerged from the analysis of literature, Alfred Bodenheimer has referred to the interpretive weighting of the Cologne Regional Court ruling, which has placed the preservation of the children's rights convention and the children's rights over other rights. The quote mindlessly follows this shift in weighting.

Comparisons with the Holocaust increasingly bring about indignation as the following quote confirms:

„Frau Knobloch [Präsidentin des Zentralrates für Juden in Deutschland] sollte einsehen, daß das Gesetz immer noch über der Religion steht. Statt dessen packt sie gleich die ganz große

Keule aus, wie eigentlich immer, wenn etwas nicht nach ihren Vorstellungen läuft.“ {“Ms. Knobloch [president of the Central Council of Jews in Germany] should realize that the law is still above religion. Instead, she pulls out the really big cudgel, actually as always when things don't go her way.”} (1W, comm. 22, l. 1-3)

Here the impression is given that the Jewish community's concerns are always pushed through with the Central Council's strategic reference to the Holocaust; that way, every request can be justified. At the same time, it is insinuated that the Central Council of Jews in Germany is lacking any sense of right and wrong since it attempts at subverting administration of justice in favor of enforcing religious commandments. Separation of church and state as regulated in German constitutional law gets interpreted as incompatibility of religion and state. In fact, however, the relationship between recognized denominations and the state is regulated based on partnership. In a society that increasingly defines itself as secular, religion is treated with hostility and it gets ignored that right to religious freedom is a basic right.

„Religion hat sich dem Gesetz zu beugen. Nicht umgekehrt.“ [“Religion must defer to the law. Not the other way round.”] (2Z, comm. 10, l. 8)

This statement, too, corroborates the notion that religion and law exclude each other per se. Furthermore, the demand becomes apparent to adapt religion and its practice to governing law. The fact that this license to circumcise constitutes such an adaptation is not accepted. Even though it was through consideration of the rights within the legal framework and the existing laws that the decision was made to permit, under certain conditions, circumcision in Germany although this decision failed to satisfy each and everybody.

„Es geht um Menschenrechte der Schwächsten. Und da findet sich keine, aber auch gar keine Begründung, mit Messern oder Skalpellen an unschuldigen Neugeborenen herumschneiden und bleibende Stigmata zu setzen.“ [“This is about the human rights of the weakest. And in this case there is no justification whatsoever to chip at newborns with knives and scalpels and produce permanent stigmata.”] (2Z, comm. 138, l. 3-5)

Children belong to a particularly vulnerable group says the quote. Therefore, their rights to physical integrity must be above all. In principle, the approach to protect children and to insist on the preservation of their rights is, indeed, desirable. Unfortunately, because of the choice of words, the connotation here is a different one. Here it is insinuated that it is common in Judaism to ritually “abuse innocent” creatures with the goal to stigmatize them. The extrinsic definition of a stigma through circumcision can already be considered anti-Semitic in and of itself. Only someone carrying a traditional Western-Christian body ideal in his mind and rejecting circumcision can interpret it as “stigma.” Hereby, he displays a negative attitude both toward Judaism as well as Islam. In general, stigmata are features with a negative or pathological character or are even seen as wound marks. Thus, in a dangerous way, also the stigmata of Jesus are invoked subliminally, which, in Christian perception, were inflicted on him precisely by Jews.

Of course, there might be individuals who experience their circumcision as a stigmatization. Yet, to interpret the act of circumcision as a deliberate stigmatization by and for a collective, which culturally defines itself, among other things, by this, is unacceptable.

In summary, the commentaries on the subject of circumcision versus children’s rights or religious freedom can be interpreted as follows:

According to the opponents of circumcision, the Holocaust is not supposed to be mentioned in the argumentation of the proponents of circumcision if the talk is about protection and rights of children; after all, precisely the Jewish community, based on its historical experience, should have an understanding for the significance of children’s rights. Thus, the Holocaust is used by the opponents of circumcision as an event that should no longer be addressed; at the same time, the memory of the atrocities against Jewish children during the Shoah is used as an argument against the “cruelty” of circumcision and hereby abused. Moreover, the circumcision opponents allege that the Jewish communities are pushing through their (religious) requests by constantly invoking the Holocaust, in fact, requests that do not conform to German law. This argumentation can be categorized as secondarily motivated anti-Semitism.

According to the opponents of circumcision, the performance of religious practices entails the danger that existing laws might be disregarded. This statement – unless it is directly targeted, as above, at the Central Council of Jews in Germany - cannot be considered per se anti-Semitic. Primarily, it only says that German society has reservations toward religion in general. Probably one could argue that this is a case of general aversion against the Islamic

religious community, less so against the Jewish, since the former are under fire from populist politicians who stir up fear and hatred.

Another argument of the opponents of circumcision is that Jews would “abuse innocent” newborns and, thus, stigmatize them. This is a clear case of an anti-Semitic stereotype since Jewry is demonized as a collective; this can be traced back to medieval anti-Judaism. (A question just on the side: Are there “guilty” newborns? If yes, then these are Christian children since, allegedly, they are entering this world burdened with the original sin.) Since these are usually mixed forms, as set forth in the categories of anti-Semitism, one can discern here a mix of religiously, nationalistically, and socially motivated anti-Semitism. The second and third category can be derived from the following: Jewry is a community that, according to the commentators, fails to integrate into society and is also in conflict with other “social values.”

This means that in the debate around circumcision, its opponents pursue lines of argumentation, also regarding children’s right versus religious freedom, that clearly fall into the category of secondary anti-Semitism.

5.5. Democracy, rule of law, and secularism

The ideas of democracy, rule of law, and secularism are frequently accompanied by the notion that these are value systems where religion and religious practice have no place. However, the following quotes shall demonstrate that it is not perception of religion or the majority’s affiliation that fails to be accepted.

„Wir leben in einem säkulären Rechtsstaat. Und wenn dieser Staat bzw. seine Organe zu dem Schluss kommen, dass gewisse Praktiken der Religionsausübungen fundamentalen anderen Rechten wie z.B. der körperlichen Unversehrtheit zuwiderläuft, dann muss sich diese Religionsausübung ändern.“ [“We live under a secular rule of law. And if this state resp. its organs reach the conclusion that certain religious practices run counter to fundamental other rights such as e.g., physical integrity, then this religious practice must change.”] (1W, comm. 32, l. 2-6)

This quote reflects the stance that religious practices must be halted if they are considered incompatible with other human rights. In that sense, religious communities must adapt their religious practices to the state’s law, which might require, if need be, to suspend some rituals. In this quote the minor significance religion is accorded can be clearly discerned. It is

necessary to state that such an assessment is not wrong in itself since the German legal system in fact functions that way.

„Nein, wir Bürger machen den Mund auf, diskutieren, kritisieren und hinterfragen. Gut so! Denn früher hiess es: Warum habt ihr nichts dagegen getan?!“ [“No, we the citizens open our mouth, discuss, criticize, and question. And this is a good thing, too! Because beforehand, it was always asked: Why didn’t you do anything against it?!”] (2Z, comm. 35, l. 19-20)

From this commentary, it can be derived that democracy is a form of government that allows and welcomes many opinions. Democratic systems are also a prerequisite for the implementation of human rights. It might well be legitimate to question circumcision in Judaism and in that sense to favorably assess controversial discourses. But this legitimacy becomes unsavory in light of the allusion, which has an air of defiance, that in the past the Germans had been accused of having kept silent about the crimes of National Socialism. Moreover, the subtext suggests that the crimes committed under the National Socialists are comparable to the practice of circumcision.

„Ich frage mich ernsthaft, ob dieses Land uns noch haben will‘[Zitat von Frau Knobloch] - und wenn nicht...wär's so schlimm?“ {“I seriously ask myself whether this country still wants us’ [quote by Ms. Knobloch] – and if not, would that be so terrible?”} (1W, comm. 37, l. 1-2)

In the course of the circumcision debate, the Central Council found itself faced with the question of whether Jewish life in Germany had still a future. Above quote clearly points out that the commentator would by no means consider it deplorable if Jewish life in Germany were a thing of the past. The quote affirms Ms. Knobloch’s doubt and has weight in its brevity.

„Sie [Frau Knobloch] ist doch lang genug in Deutschland, um zu wissen das wir ein Grundgesetz haben und die Menschwerechtscharta unterschrieben haben, dass die körperliche Unversehrtheit desunmündigen Kindes insbesondere durch vorsätzliche Eingriffe von außen geschützt werden muss.“ {“She [Ms. Knobloch] has been in Germany long enough to know that we have a basic law and that we have signed the human rights charter, that the physical

integrity of the underage child must be protected especially from deliberate external interventions.”} (1W, comm. 80, l. 2-5)

The quote correctly states that Charlotte Knobloch has been in Germany long enough; after all, Ms. Knobloch was born in Munich in 1932. By contrast, the posting suggests that Jews had immigrated in recent years, had migrated to Germany and hence, are not native-born Germans. Obviously, for various historical reasons, there are also Jews living in Germany who were not born here. Overall, already from the historical outline provided in this work, it is clear that Jews have chosen Germany as their homeland not just starting in the 20th century. From this commentary it can be further deduced that migrants apparently have no or lesser understanding of human rights than the “German” Germans. It insinuates that migrants do not know or wish to abolish the basic law or the human rights charter. This is a defamation of Jews as well as of migrants.

However, the commentary also says that religious practices in a secular state should not be granted priority, rather, that rights need to be gauged against each other. This statement cannot be considered anti-Semitic.

In summary, the commentaries on the topic of circumcision versus democracy, rule of law, and secularism can be interpreted as follows:

According to the opponents of circumcision, unlike at the time of National Socialism, German society no longer keeps silent in the face of atrocities. However, the Jews are now as dissatisfied with this as they were with the silence of the past since discussion now turns against their traditions. This argumentation is anti-Semitic since firstly, it cynically implies that circumcision is comparable to the crimes perpetrated during the Holocaust. Secondly, it insinuates Jews would have demands of civil society only if this is about their own persecution experience, but not if their traditions are questioned and this might end up having negative consequences for the Jewish community. Here, rejection and assignment of guilt are used simultaneously, which can be considered secondary anti-Semitism.

An opponent of circumcision clearly formulates that Jewish life in Germany is expendable. This generalization is not yet an actual desire for active expulsion, which would belong to the most advanced stage of anti-Semitism. However, it becomes apparent that Jewry in its entirety is not desired in Germany, which constitutes hostility toward the Jewish collective and can, thus, be clearly categorized as anti-Semitism.

In long-standing anti-Semitic tradition, a commentary suggests that Judaism and Germanness are antipodes since Jews have immigrated, have possibly been in Germany for “very long” already, but simply are not Germans. In a defamatory manner they are accused of lacking legal understanding or of downright ignoring human rights.

This means that in the circumcision debate the opponents of circumcision pursue arguments that are - even though differently motivated - clearly anti-Semitic also regarding circumcision’s significance in the context of an understanding of democracy, rule of law, and secularism. They are based on the conviction that Jews as a religious community could not and would not adjust to the state’s laws and, therefore, had no place in Germany.

5.6. Understanding of religion

Since the circumcision debate is a debate about a religiously motivated ritual, it is necessary to also take a closer look at commentaries on the topic of religion and understanding of religion.

To start with, it needs to be stated that no unequivocal definition of religion can be found and, therefore, numerous individual attempts at defining and regarding religion exist; a few of them are presented in the following:

„Religion, wie man sagt - ist doch nur eine Art von ‚Götzendienst‘ für einfache Menschen, die das brauchen und damit glücklich werden.“ [“Religion, as they say – is, after all, just some sort of ‘idolatry’ for simple people who need this and become happy that way.”] (1W, comm. 9, l. 1-2)

It can be assumed that in this quote, the term idolatry was used mistakenly since it specifically refers to the worship of another God, not the one of one’s own religion. This leads to the conclusion that this blogger’s knowledge of religions is not extensive. His or her knowledge of the Jewish religious community in Germany is probably not based on substantial knowledge either since a majority of its members is part of the educated class. This quote implies that religion is something for simple-minded, uneducated people and that its only benefit is to give them hope and strength.

Another commentary, by contrast, questions the concept of God in Judaism:

„was für ein gottesbild muss man haben, um an diesen traditionen [der Beschneidung] festzuhalten? eines, das auf angst basiert?“ {“what sort of image of god does one need to have

to hold on to these traditions [of circumcision]? one that is based on fear?") (1W, comm. 91, l. 3-4)

The commentary suggests that Jewish faith is based on fear as there can be no other explanation for holding on to the rite of religiously motivated circumcision of young boys. The quote creates the image of a God who is diametrically opposed to the Christian God, that is, a God who spreads fear, not a God of love. To link religion and faith to fear and to thus interpret every act one fails to understand or rejects, might have been understandable in medieval societies, but ever since the Enlightenment this has become completely obsolete. It seems futile to point out that naturally, the Jewish God is also a loving one.

„Neben Körperverletzung ist Beschneidung aus religiösen Gründen vor allem eines: Nämlich ein aggressiver Machtanspruch einer Religion auf ein Kind/ einen Säugling. Ein Gewohnheitsrecht, abgeleitet aus einem Pseudo-Göttlichkeitsgesetz, für das es keine wissenschaftlichen Grundlagen gibt.“ [“Besides bodily injury, circumcision for religious reasons is mainly one thing: a religion’s aggressive claim to power over a child/infant. A customary law derived from a pseudo-divine law that lacks any scientific foundations.”] (2Z, comm. 10, l. 1-3)

The quote declares circumcision a physical injury and does not see any necessity to enter into a discourse in this matter. Yet, to proceed and depict circumcision as a religion’s “aggressive claim to power” over children suggests slander. To what extent such power relations actually exist, does not follow from this statement. Furthermore, the quote points to contempt of religions in general because of its demand for a scientific foundation. However, it will not be possible to rationally justify religion, and this is not its claim anyway.

The following quote spells out a comparably hostile stance toward circumcision, in which religion is denigrated.

„Wir sind gegen die Beschneidung von Mädchen. Aber wir sind für die Beschneidung von Jungs. Was das Beschneiden mit der Religion zu tun hat, vermag ich nicht nachzuvollziehen.“ [“We are against the circumcision of girls. But we are for the circumcision of boys. I fail to understand what circumcision got to do with religion.”] (2Z, comm. 14, l. 4-6)

In addition, from the quote emerges that political discussions have resulted in the rejection of genital mutilation of girls in Germany, whereby the exact same political discussions regarding boys' circumcision have resulted in a different outcome. However, since no distinction can be made between female genital mutilation and male circumcision, the differing positions of the German Bundestag cannot be comprehended. Since the juxtaposition of genital mutilation of girls and the religiously motivated circumcision of boys will be dealt with at a later stage, no further commentary will be provided here.

According to the commentator, labeling circumcision in general as a religious act cannot be combined with an understanding of religion in Germany. Obviously, he/she fails to grasp the significance of the religious commandment as integral component of the Jewish concept of religion as has been explained here.

In summary, the commentaries on the subject of circumcision and religious understanding can be interpreted as follows:

Religion – according to an opponent of circumcision – is something for simple minds. This generalization accuses Jewish and other believers of one-dimensionality and a lack of intelligence. It can be considered basically anti-religious, but not per se anti-Semitic.

Another opponent of circumcision insinuates that through circumcision an unspecified negative power relationship between child and religious system is meant to be preserved. It is suggested that through circumcision the child remains caught in this system. Thus, Jews are depicted as a negative collective with vicious intentions toward their children; this is defamatory. Not every religious rite can immediately be declared a rite of oppression. This as well as Jewry as a religious community that acts in a power-abusing manner must be unmasked as anti-Semitism based on medieval notions and most likely constitutes religious anti-Semitism.

The continuing existence of circumcision, according to another argument, can be explained solely by the fear of a vengeful God. This generalization must be considered an insinuation. The assumption suggests itself that conclusions were drawn from the Christian world of beliefs and transferred to Judaism.

For another blogger, circumcision cannot be associated with religion. He/she juxtaposes Jewish religion with his/her own worldview or own understanding of God. This is not necessarily a case of anti-Semitism, but it points to a value conflict that might turn into anti-Semitism.

This means that in the debate around circumcision, its opponents pursue lines of argumentation, also regarding the themes of circumcision and religious understanding, that derive from a religiously motivated anti-Semitism.

5.7. Religious freedom – significance and limits

Religious freedom is – as already stated – a human right that guarantees individuals or groups the free choice of religious affiliation (or non-affiliation) and the possibility to practice it.

In the following, a few examples will be presented that shall demonstrate what is meant by religious freedom among German bloggers. Here, the discussion of other cultures will be at the center of interest.

„Es wird zuviel buntes in Deutschland betrieben, was in der Urbevölkerung nur noch Kopfhütteln und Frust hervorruft.“ [“There is too much multicultural stuff going on in Germany, which elicits nothing but head-shaking and frustration among the native inhabitants.”] (1W, comm. 10, l. 4-5)

This commentary’s author criticizes that Germany is too multicultural. Apparently, the demographic development meets with the disapproval of a part of the German population that defines itself as “true” Germans. These Germans perceive people from other cultures and other religions as adverse and disruptive. The usage of the term “native inhabitants” clearly points out that this is a criticism against migrants, immigrants, and refugees who mix with the supposedly “native inhabitants” and create diversity. The commentator wants to make us believe that there is such a thing as a homogenous original German population, one without “migratory background” who lives in Germany “since time immemorial” and, therefore, are German citizens. The commentator probably refers with the term “native inhabitants” to the Germanic peoples. It has long since been established that they are by no means Germany’s “native inhabitants.”

„Wird es ein ‚positives‘ Beschneidungsurteil geben ist die Vereinigung von Religion und Staat nicht mehr weit.“ [“In case of a ‘positive’ circumcision ruling, the fusion of religion and state are not far anymore.”] (1W, comm. 66, l. 1-2)

From this comment clearly emerges the fear of a possible abolishment of the separation of church respectively religion and state. The possible blending of these two entities is feared as

a result of permitting ritual circumcision of underage boys. Hidden behind is the fear of a cultural and religious pluralization of society that permits other religious practices than the Christian. The argument that permission of circumcision would run counter to state neutrality and soften the constitutional separation of church and state points to an understanding of religious freedom that only accepts one's own religion (or irreligiosity). Neglected here is also the fact that circumcision was practiced already before the debate and that its legitimacy simply had not been questioned to this degree. From this perspective, the Federal Republic of Germany has failed to comply with its religious-political neutrality already before the circumcision debate.

The question of whether the permission for ritual circumcision of underage boys might have any impact on other practices is approached in a spiteful and rhetorical manner in the following quote:

„Wo fängt es an ? wo soll es enden ? wenn wir mit Außnahmegesetzen Genitalverstümmelungen legalisieren? Morgen folgt dann die Beschneidung von weiblichen Kindern oder gar Steinigungen aus religiösen Traditionen.“ [“Where does it start? where will it end? if we legalize genital mutilations through exceptional laws? Tomorrow this will be followed by the circumcision of female children or by stoning based on religious traditions.”] (1W, comm. 106, l. 6-9)

The question of where to draw the boundaries is justified, indeed. Questions of religious practices must be always renegotiated. This posting, however, depicts ritual circumcision of underage boys as genital mutilation. This designation is incorrect; it will be dealt with later on.

The commentary defames circumcision as a gruesome ritual whose legalization would only be the prelude to the legalization of further gruesome rituals. By drawing a parallel between male circumcision, female genital mutilation, and stoning, this commentary further suggests firstly, that the latter two are biblically commanded practices as well, secondly, that all three practices are equally archaic. Here, too, it must be pointed out that circumcision was practiced by Jews and Muslims in Germany already before the debate and did not involve any violations of human rights.

The concern human rights would be ignored with the permission of circumcision is reflected in the following quote:

„Da kann man ja mal gespannt sein, ob jetzt die Menschenrechte zu gunsten religiöser Rituale aufgeweicht werden.“ [“So one can only wonder whether human rights will now be softened in favor of religious rituals.”] (2Z, comm. 16, l. 1-2)

To legalize religious rituals would mean, according to the posting, to generally abandon human rights standards and, therefore, constitutes contempt of them. The fact that practicing religiously motivated circumcision is about the right to religious freedom, which in turn is a human right is overlooked – be it out of ignorance or willfully. Human right and right to religious freedom are equivalent. If two human rights collide, it is necessary to balance them against each other and to reach a decision. Once again, an anti-religious stance emerges from this quote.

In summary, the commentaries on the subject of circumcision and limits of religious freedom can be interpreted as follows:

Germany’s multiculturalism faces rejection by the “truly German” population. This disapproval of heterogeneous societies can be ascribed to the rejection of other cultures in general and points to racism. The notion of German “native inhabitants” suggests belief in the Germanic myth, which has played a special role in Nazi ideology and which is still present today in the extreme right-wing scene. Since it postulates the presumed superiority of the Germanic “race,” it is anti-Semitic per se and can be described as racially motivated anti-Semitism.

In the commentator’s opinion, permission of non-Christian religious practices in Germany brings about the danger of forgetting the achievements of Enlightenment and of subtly reversing separation of church and state. This assumption has already been refuted. It also points to the rejection of cultural communities that are foreign to one’s own cultural tradition and in their extraneousness are perceived as a threat. Since circumcision was compared here to genital mutilation, it is possible to assume anti-Semitism. Whether this should rather be excluded since the reference here is ostensibly to Muslim countries, remains open.

The notion that human rights are disregarded through practicing religious rituals is widespread. This assumption, however, is not based on an anti-Semitic stance per se since the right to religious freedom might collide with other human rights.

This means that in the debate around circumcision, its opponents pursue lines of argumentation regarding the topic of circumcision and freedom of religion that feed on a

racist rather than specifically anti-Semitic mindset and that fail to perceive freedom of religion as a human right.

5.8. Religion at variance with Enlightenment

In this part, the question will be dealt with of to what extent religion has or should have a place in an “enlightened” society. Above, it has already been pointed out that there exists no unequivocal definition of religion. This is also the reason for the commentator varying concepts of religion. Also the notion of living in “modernity” brings about differing views.

„Traurige Völker, die ihren Kindern was abschneiden wollen. Das hat ja wohl keinen Platz mehr in unserer Zeit.“ [“Sorry peoples who want to cut off something from their children. There is no place for this in our times.”] (1W, comm. 29, l. 2-3)

Since in this quote, a plurality of “peoples” is mentioned who subject their children to circumcision, it becomes apparent that both Judaism and Islam are addressed here. They are pitiful since even in the 21st century, they still have no awareness of how to treat their children in a loving manner. Again it is insinuated here that circumcising religions wish to afflict suffering on their children. Love and the ritual of circumcision do not mutually exclude each other. On the contrary, from a Jewish perspective by observing the commandment, the parents make sure that the child can grow up with a Jewish identity in a loving micro- and macro community. To present Judaism and Islam in such a light is both anti-Islamic and anti-Semitic since both communities are described as retrograde, lacking empathy, and being sadistic. However, it is unclear what is meant here by the term “peoples.” The term people means, after all, a group of individuals with common ethnicity, language, and culture. This applies neither to Jewish nor to Islamic religious communities; on the contrary, they are highly diverse. The opinion that Muslims and Jews are “peoples” is present in politically right-wing camps. Above commentary states that “there is no place for this in our times;” accordingly, the demand is made that all religions must keep evolving as has Christianity.

„Beschneidung ist Tradition aber auch Religionen sollten sich mal weiterentwickeln und dumme ‚Regeln‘ abschaffen. Bei den Christen gibts ja auch keine öffentlichen Verbrennungen auf dem Scheiterhaufen mehr obwohl dies ja mal Tradition war.“ [“Circumcision is tradition, but religions, too, should develop further for a change and abolish

stupid ‘rules.’ After all, Christians no longer perform public burnings at the stake either although this used to be a tradition.”] (1W, comm. 94, l. 7-10)

Drawing a parallel between male circumcision and burnings of humans in the Middle Ages and in the Early Modern Age is defamatory since burning aims at the individual’s death (in the Middle Ages mostly Jews, in the Early Modern Age also other religious dissenters and so-called witches) while circumcision intends the child’s inclusion in the cultural community. Moreover, such comparison is absurd since the burning of dissenters is by no means a Christian commandment and can hardly be called cultural heritage, that is, tradition.

The demand for Judaism’s “further development” ignores the fact that Jewish religion is extremely dynamic and, most notably, undogmatic.

This quote points, therefore, to ignorance and a lack of reflection and is liable to contribute to an anti-Semitic discourse.

Comparisons between Christianity and Judaism, in which the positive force of Enlightenment is highlighted, are drawn also in the following manner:

„So wie die aufklärerische Kritik am Christentum notwendig war (und z.T. noch ist), ist auch Kritik am Judentum und Islam notwendig. Blutige Rituale an Kindern sind in einem aufgeklärten Land anachronistisch und sollten eigentlich obsolet sein.“ [“The way Enlightenment criticism was (and in part still is) necessary for Christianity, it is also necessary for Judaism and Islam. Gory rituals involving children are anachronistic in an enlightened country and should actually be obsolete.”] (2Z, comm. 31, l. 2-4)

Criticism in connection with Enlightenment does not quite conform to the historical facts. Indeed, Enlightenment in Christian countries was a prerequisite for the separation of church and state. Yet, the political, religious, and social discussions during this period did not only take place within Christian majority society. Judaism, too, had its Enlightenment, not only in the form of east European *Haskalah*, but also in Germany where Moses Mendelssohn was its most important representative. Here, too, the discussion brought about reform processes and, ultimately, the entire Jewish reform movement; the latter, by the way, fiercely discussed whether circumcision was still in keeping with the times. Even more relevant is the second sentence, which mentions “gory rituals involving children.” This wording reminds of medieval illuminations that depicted circumcision as a gory act. Moreover, above-mentioned

ritual murder legends are evoked. Precisely those medieval imaginations live on in this commentary.

Equally filled with resentment and hostility is the following quote:

„Mit der gesellschaftlichen Bewußtmachung(!) von blutig-rituell praktizierter Religiosität mitten im Deutschland des 21.Jahrhunderts in Verbindung mit der Beanspruchung von Sonderrechten wirft ein erhellendes, also aufklärerisches Licht auf die Religionen an sich und nimmt ihnen etwas von der bislang unberechtigt gesellschaftlich gegebenen unangreifbaren ‚Erhabenheit‘. [“With the social awareness (!) of bloody-ritually practiced religiosity in the midst of 21st century Germany in connection with the claim for special rights throws an illuminating light on religions themselves and takes something of their unassailable ‘sublimeness’ unwarrantedly granted to them by society until now.”] (2Z, comm. 179, l. 4-7)

Defamation of the circumcision ritual is joined here by disparagement of religion whose status was allegedly “unassailable” until the circumcision debate.

In summary, commentaries on the subject of circumcision and Enlightenment can be interpreted as follows:

The commentators ascribe Jews and Muslims sadism. This notion must be unmasked as anti-Semitic since it is in line with a traditional image, which stereotypes “the Jew” as carrying out “bloody rituals,” that is, as bloodthirsty and committing infanticide. This image is rooted in medieval religious anti-Judaism.

The demand here is that Jewry needs to reconsider its traditions and to change. In self-righteous style, a modern reformation of Judaism is demanded; indeed, in a way that majority society can accept. This is religiously motivated anti-Semitism since Judaism is not accepted the way it is in and with its religious practice.

This means that in the circumcision debate regarding the subject of circumcision in the context of religion and Enlightenment an attitude of the opponents of circumcision emerges that views religion and Enlightenment as a contradiction, which is factually wrong. It is denied that Jews participated in German Enlightenment, which must be unmasked as political anti-Semitism. Furthermore, a line of argumentation is pursued here that is part of the repertory of religious anti-Judaism of the Middle Ages.

5.9. Mutilation and abuse: a legacy of archaic rituals

Religiously motivated circumcision of male children is frequently described as mutilation and abuse as becomes apparent in the following segment:

„Niemand stellt die jüdische Existenz in Deutschland infrage, sehr wohl aber die Verstümmelung von Säuglingen.“ [“Nobody questions Jewish existence in Germany, but definitely the mutilation of infants.”] (1W, comm. 21, l. 1-2)

Equating an intervention such as the *brit milah* with mutilation evokes the image of the innocent child that must be protected from its parents. These comparisons create the image of “the Jew,” which is known from medieval times and aims at defaming Jewry as a child-abusing collective.

Usage of the term “infant” underscores the image of the innocent creature that is helplessly subjected to the ritual. It can be also assumed that due to the explicit reference to the infant only Jewry is under fire since in Islam, circumcision is usually performed in childhood or adolescence.

To call circumcision “mutilation” is anti-Semitic already in and of itself since the term mutilation signifies a negatively assessed change in appearance through external intervention.

The view that a Jewish body is mutilated because of a circumcised penis is widespread:

„Wahnsinn! Hier werden Kinder gegen deren Einverständnis verstümmelt. Und dann soll das an '45 erinnern? [Frau Knobloch hat in der Debatte diesbezüglich vermehrt Bedenken geäußert] Wie viel Geld braucht ihr denn schon wieder?“ {“Man! Children are mutilated here against their consent. And then this is supposed to remind of '45? [In this debate, Ms. Knobloch has repeatedly expressed her concerns in this regard] How much money do you guys need now?”} (1W, comm. 85, l. 1-2)

Almost more shocking than the equation of male circumcision with mutilation is the accusation that Jewry would try to extort money for its communities by evoking the Holocaust. The anti-Semitic stereotype of the avaricious Jew is overtly picked up here.

Attempts at justifying the term mutilation are made by pointing to statements from medical professionals.

„Achtung: Ärzteaussage: es geht um Verstümmelung! dieses Herumschnipseln am menschlichen Körper von unmündigen Schutzbefohlenen muss rechtlich verhindert werden.“ [“Attention: Physician’s statement: this is about mutilation! This snipping at the human body of under-age wards must be legally prevented.”] (2Z, comm. 6, l. 6-9)

This quote underpins the fact that, naturally, there are also physicians who speak against the practice of circumcision; hereby, they use terms that resonate. At this point it should be mentioned that physicians are obviously entitled to take up this position. However, it is not legitimate to abuse this profession to declare circumcision a mutilation.

„Es ist ein sexualfeindliches Ritual - denn verstümmelte Geschlechtsorgane führen IMMER zu Ängsten und Pathologien.“ [“This is an anti-sex ritual – because mutilated genitals ALWAYS lead to anxieties and pathologies.”] (2Z, comm. 97, l. 9-11)

No study exists providing evidence that circumcised men are sexually less active than uncircumcised or showing that circumcised men suffer from sexual performance anxieties. To understand religiously motivated circumcision of boys as a ritual meant to prevent sexuality is false. This assumption rather points to notions shaped by Christianity in connection with adverse attitudes of the church toward sexuality. Thus, Jewish virility is principally questioned in this posting.

There are, of course, also psychological approaches and interpretations regarding circumcision. Especially the accusation keeps coming up that circumcision traumatizes; there is no scientific evidence for this allegation. One could possibly read into this quote an understanding based on Freud who understood circumcision as a symbolic ersatz castration, in which the submission to the father is manifested. These notions are taken up in numerous ways to show that circumcision is motivated by the wish to produce unequal balances of power as has already emerged from previous quotes. At the same time, Freud sees anti-Semitism founded in circumcision as outlined in the analysis of literature as well.

This means that in the debate around circumcision, its opponents pursue lines of argumentation regarding the subject of circumcision and mutilation/abuse that include a number of anti-Semitic stereotypes. The insinuation that Jews mutilate their children constitutes religious anti-Semitism. At the same time, this is also a case of social anti-Semitism since it is insinuated that circumcised individuals lack physical integrity. The

accusation that by referring to the Holocaust in the circumcision debate Jews tried to extort money can be clearly categorized as anti-Semitic since the cliché of the avaricious Jew is evoked. Because of the additional accusation of deriving financial benefits from the history of the Shoah, it is possible to assume a mixed category of religious, secondary, and social anti-Semitism. The allegation that *brit milah* serves genital mutilation to prevent sexuality is also a form of anti-Semitism since, again, circumcision is designated as mutilation. The motivation behind circumcision was seen above as prevention of sexuality. While this is incorrect, it cannot be considered anti-Semitic. Then again, the statement that “mutilated genitals” would fundamentally lead to “pathologies” must be considered anti-Semitic; after all, this commentary defames every man with a circumcised penis as pathologic respectively abnormal.

To put circumcision in the context of mutilation principally points to anti-Semitic notions; they can be assigned to the religious category since here recourse is taken to the medieval resentments of the “child-mutilating Jew.” However, it cannot always be assumed that its use is deliberate. Even though the statement’s motivation cannot be clearly identified, it can at least be stated that it feeds anti-Semitic discourse.

5.10. Christianity versus Judaism

In the following, comparisons are drawn between Judaism and Christianity that aim at evaluating both religions. In the negative attitudes toward circumcision, Christianity is usually presented as superior to Judaism as is shown in the following quote:

„Aber zum Glück haben die Christen nur die Taufe, sie tut nicht weh und lässt den Menschen unangezweifelt so vollkommen, wie er als Ebenbild Gottes geschaffen wurde.“ [“But fortunately, Christians have baptism, it doesn’t hurt and leaves the person undoubtedly as perfect as he was created in the image of God.”] (2Z, comm. 41, l. 1-2)

In this quote it becomes apparent that Christianity has a more elevated position than Judaism. This assumption is derived from the notion that Christianity leaves the individual intact. In Judaism, circumcision proves the contrary, it renders the individual defective. However, according to Jewish traditional literature, the uncircumcised penis is defective. Only few biblical patriarchs were born circumcised, that is, intact. Judaism must actively perform this perfection. Thus, in Jewish perception, the divine work of man’s creation is completed only by circumcision. Only the woman is already innately perfect.

The commentator presents baptism as the counterpart to circumcision, which is theologically incorrect. He is grateful that the God of the Christians has not subjected his believers to the “yoke of circumcision.” Whether intended or not, the quote is in line with an anti-Judaism shaped by Early Christianity; since precisely circumcision was considered overcome with Jesus – quasi as the last circumcised Christian – and from then on, would no longer constitute an element connecting the two religions.

The accusation that Jews are closing their minds to the “true” religion of the Christians persists to this day as the following quote demonstrates:

„Wären Beschneidungen kleiner Babies ohne Narkose (bei Juden bekommen Babies Überdosis Alkohol vorher, bei Muslimen nichts) und Schächtungen von Tieren und Ehrenmorde und Verschleierungen christlichen Ursprungs und christliche Rituale, sie wären in Europa im 21. Jhd schon lange sowas von verboten!!“ [“If circumcision of small babies without anesthetics (the Jews give babies an overdose of alcohol, Muslims don’t give anything) and ritual slaughter of animals and honor killings and veilings were of Christian origin and Christian rituals, they would have long since been so prohibited in 21st century Europe!!”] (2Z, comm. 81, l. 5-8)

In this quote, the belief in the “progressive” character and in a permanent reformation of Christianity becomes apparent. According to this logic, Christianity has already overcome antiquated rituals the way it has also overcome circumcision in the past.

The origin of circumcision and its debate in Christianity is completely unknown. It is regarded as purely Jewish ritual and not linked with Christianity. In that sense, the hostile attitude toward circumcision is in line with the theology of Paul who no longer saw the necessity of circumcision. Thus, not even deliberately, an anti-Jewish line of argumentation is pursued. That way, the far-reaching impact of Early Christian resentments in Late Antiquity are manifested in the circumcision debate of 2012. The libelous insinuation that Jews are putting their children in comatose states of intoxication to subsequently perform the circumcision can be traced back to medieval notions that demonized Jews primarily in connection with alleged ritual murders of children.

The following quote is equally in the spirit of above anti-Judaism that elevates Christianity.

„Doch [im Gegensatz zum Gott des Judentums] verlangt mein Gott, der ein Gott der Liebe und Nächstenliebe ist, von mir nicht, dass ich meine geliebten Kinder kupieren lasse, um einen vorchristlichen Paktes willen. Und nicht nur dafür bin ich meinem Schöpfer dankbar, dass ich nicht, um seines Namens willen, blutig Hand an meinen Nachkommen anzulegen gezwungen bin [...]“. {“Yet my God [unlike the God of Judaism], who is a God of love and love of neighbor, does not demand of me that I have my beloved children cut for the sake of a pre-Christian pact. And I am not only grateful to my Creator for the fact that I am not forced to hurt my descendants with my bloody hands for the sake of his name [...]”.} (1Z, comm. 190, l. 15-18)

This commentary reclaims Christianity as the religion of love of neighbor and, thus, insinuates that Judaism is not a religion of love of neighbor. By identifying his God as a “God of love,” he insinuates in the subtext that the Jewish God is not a loving God. The Christian God has considered circumcision to be obsolete and has abolished it. Moreover, the covenant between God and the Israelites, repeatedly mentioned in the Torah, is defamed as “pre-Christian pact.” This term much rather suggests associations with the often-mentioned “pact with the devil” than with the biblical covenant. These views can be unequivocally considered anti-Semitic and clearly fall into the category of religious anti-Semitism.

Another attitude toward circumcision reads as follows:

„Beschneidung ist ein Ritual, das in vorchristlichen patriarchalischen Gesellschaften geprägt wurde. Es ist genauso in Frage zu stellen, wie viele andere schlechte Gewohnheiten, die vor Jahrtausenden ausgeprägt worden sind.“ [“Circumcision is a ritual that was shaped in pre-Christian patriarchal societies. It must be questioned as numerous other bad habits that were formed thousands of years ago.”] (1W, comm. 44, l. 5-7)

At this point, *brit milah* is again classified as a ritual that must be considered obsolete. However, it must be listed in this category (it might equally fit into the Enlightenment category) since it points to the pre-Christian character of circumcision. It must be assumed, though, that this is a common manner of speech regarding time reckoning (before and after Christ). Yet, it must be pointed out that this is a ritual that was performed on Jesus as well and that was declared obsolete only through Pauline theology. The Christian community tends to deny Jewish and Judaizing tendencies in Early Christianity.

This means, that in the circumcision debate, the opponents of circumcision express - regarding the subject of circumcision in the context of a comparison between religions - the notion that Christianity is a superior, better form of religion than Judaism. They follow a line of argumentation that is part of the repertory of medieval religious anti-Judaism and discharges into modern religious anti-Semitism. Forms of anti-Judaism are partially reproduced here that allow the conclusion that there exists little background knowledge on Christian cultural history as it refers to circumcision. Because of this ignorance, anti-Judaism in this case might be assigned a less advanced stage.

5.11. Mental and physical consequences of ritual circumcision of underage boys

From some of the quotes the view emerges that circumcision gives rise to numerous mental as well as physical consequences. Frequently, studies are mentioned that link circumcision to severe mental symptoms. The literary analysis of this subject already indicated that the lack of evidence-based and systematic comparative studies does not permit any general statements. Nevertheless, commentators keep referring to such studies that supposedly provide evidence of permanent harm.

„Es gibt signifikante Beeinträchtigungen durch die Beschneidung.“ [“Significant impairments exist as a result of circumcision.”] (2Z, comm. 44, l. 1)

From this quote emerges that circumcision entails impairments. However, the nature of these impairments cannot be established. Therefore, the statement conveys the impression that general, unsubstantiated statements are repeated here without critically questioning them. In a different quote, “significant impairment” is explained as follows:

„Das war [dass die Beschneidung ‚signifikant beeinträchtigt‘] gewiß auch der Sinn dahinter, denn es war ja im Mittelalter gedacht um der Masturbation vorzubeugen bzw zu erschweren.“ {“This was [that circumcision ‘significantly impairs’] certainly the intention behind it, after all it was contemplated in the Middle Ages to prevent masturbation resp. to make it difficult.”} (2Z, comm. 86, l. 2-3)

In the Middle Ages, on the part of the Catholic Church, sexuality was taboo unless it served procreation. That the Catholic Church would use a Jewish commandment to prevent people

from “sinning,” that is, wasting semen, can be doubted in view of Christian hostility toward Judaism.

Other statements leave more room for interpretation by believing in their ability to name the consequences of circumcision:

„diese männer keinen echten spaß mehr am guten freundlichen sex weil ihnen das empfindlichste stück haut abgeschnitten wurde“ [“these men don’t have real fun with good friendly sex anymore because their most sensitive piece of skin has been cut off”] (2Z, comm. 61, l. 1-2)

This commentator believes to know that circumcised men do not experience any pleasure in sexual intercourse. The missing foreskin is declared the center of pleasurable sensation that was removed by circumcision. This assumption is based on untruth since this is about the uncovered glans, which, according to some medical experts, loses in sensitivity because of the removal of the foreskin. That sexual pleasure, therefore, vanishes must be repudiated. If this statement was true, one third of the world population would have to deal with this problem. Individual persons cannot be denied their lacking sensitivity (whether perceived or actual) whereby it must be pointed out that, ultimately, comparisons cannot be made.

Occupation with sexuality in the context of circumcision encounters further objections:

„Und onanieren geht auch nicht mehr richtig, eine Horrorvorstellung.“ [“And masturbation doesn’t really work either anymore, a horrific notion.”] (2Z, comm. 66, l. 19)

The commentator apparently does not draw on personal experience. After all, the argument that without foreskin masturbation was no longer possible can be justifiably falsified: it is possible to masturbate also without foreskin. It must be equally stated here: Individual persons might have difficulties masturbating. However, whether this can be linked to circumcision must be generally rejected, exceptions notwithstanding.

„die Beschneidung hat nichts mit Religion zu tun, allenfalls mit Hygiene.“ [“circumcision has nothing to do with religion, at most with hygiene.”] (1 Welt, comm. 28, l. 1)

Circumcision is in that sense not recognized as a religious commandment rather, it sees it justified by hygiene. As has emerged from the analysis of the origins of circumcision, it was practiced in Antiquity probably for hygienic reasons as well. Of course, hygienic reasons are still valid since the already mentioned smegma can no longer accumulate in circumcised man. However, since in today's Germany there exist sufficient other possibilities for observing hygiene, circumcision cannot be reduced to an act of hygiene. In this quote, circumcision was mixed up, on the one hand, with the medically-induced circumcision that for a long time was explained by hygiene and esthetics and, on the other hand, with the religiously-motivated circumcision. While both instances are cases of circumcision, they must be completely distinguished regarding their motivation.

This means, that in the circumcision debate, the opponents of circumcision pursue lines of argumentation regarding the subject of circumcision and mental/physical consequences that also show anti-Semitic patterns of interpretation. The allegedly educational measure of circumcision to prevent masturbation is an invalid argument and cannot be considered anti-Semitic either. Although the statement is derived from the allegation that circumcision has vague "significant" consequences, one can still assume that this is a case of reproducing anti-Semitic ideas, in which untruths are spread. That circumcised men cannot masturbate or feel pleasure during sexual intercourse must be partially considered anti-Semitic since it calls the male Jewish body as male body into question. Here, the question should be pursued whether the notion of "emasculatation" is reproduced here. Only then it could be assumed that the image of the "feminine" Jew is reproduced here, which must be considered anti-Semitic. To assess circumcision as a hygienic measure and to deny its religiosity, fails to respect the religious community, but cannot be considered anti-Semitic.

In the context of mental and psychological consequences, primarily fears and concerns are expressed that men would suffer sexual impairments. Such statements are based rather on myths than on facts. In this context, no anti-Semitism can be discovered; yet. One can say that these assessments can hardly be empirically proved and, therefore, they are insinuations.

5.12. Genital mutilations of girls versus religiously motivated circumcision of underage boys

In the following segment, it will be demonstrated that genital mutilation of girls is frequently compared with religiously motivated circumcision of underage boys.

„Das Argument, dass bei einem Verbot bzw. einer Nichtlegalisierung der B. aus rel. Gründen, diejenigen, die dies trotzdem tun wollen, in die Illegalität getrieben würden, geht meiner Meinung nach ins Leere, denn dann müsste man z.B. auch die fachgerechte, medizinische Beschneidung von Mädchen(und was weiß ich noch alles) in D. erlauben, damit sie nicht im illegal im Hinterhof gemacht wird.“ [“The argument that in case of a prohibition resp. non-legalization of religiously motivated circumcision, those who still want to do it, would be driven into illegality, misses, in my opinion, the point, since then one would also need to permit the professional, medical circumcision of girls (and who knows what else) in Germany so that it won’t be performed illegally in the backyard.”] (2Z, comm. 642, l. 12-16)

The argument that female genital mutilation must be permitted if the religiously motivated circumcision of boys is authorized is untenable from various perspectives. Again it must be emphasized that the religiously motivated circumcision of boys is a religious commandment in Judaism. There is no corresponding commandment for female genital mutilation. Furthermore, these two interventions are blatantly different. Even though the religiously motivated circumcision is often defamed as mutilation, this is not the case (see above). This term is applied to the *brit milah* in order to depict it as a gruesome practice. Female genital mutilation causes proven impairments. It serves the oppression of women and of female sexuality by actually mutilating the genitalia through partial or complete removal of the external genitalia. It can by no means be compared to circumcision.

It is definitely legitimate to reject circumcision based on children’s rights concerns. However, to equate it with female genital mutilation, points to a defamation of the Jewish practice and, at the same time, to a downplaying of female genital mutilation.

This difference is not always understood and the notion exists that a part of a man’s genitals is cut off during circumcision.

„Warum ist das Abschneiden von Genitalteilen von Frauen "Genitalverstümmelung", beim Mann aber nicht? Es ist Genitalverstümmelung.“ [“Why is the cutting-off of genital parts of women “genital mutilation,” but not for men? It is genital mutilation.”] (2Z, comm. 174, l. 5-6)

The following quote also displays the same lack of understanding:

„Ich kann nicht einerseits die Beschneidung junger Mädchen in Afrika kritisieren und andererseits für die Beschneidung kleiner Jungen in Deutschland sein, wo leben wir denn eigentlich?“ [“I cannot criticize the circumcision of young girls in Africa, on the one hand, and be in favor of circumcision of little boys in Germany, on the other hand, indeed, where do we live?”] (1W, comm. 53, l. 1-3)

The various forms of genital mutilation are defined by the WHO through differing degrees of mutilation. The term must be broadly defined to close off any possible legal loopholes for genital mutilation in advance. By contrast, circumcision cannot be defined as mutilation and is, therefore, not comparable with the latter; it is precisely this distinction that enables legal permission of circumcision and makes mutilation prosecutable.

This means that in the circumcision debate, anti-Semitic attitudes can be identified on the part of the opponents of circumcision regarding the subject of circumcision and genital mutilation since drawing a parallel between circumcision and genital mutilation constitutes defamation. It alleges once again that Jews are “child mutilators” who abet female genital mutilation. This constitutes a criminalization and must be considered anti-Semitic. Thus, it is in line with the cliché of the criminal Jew, which points to elements of religiously motivated anti-Semitism. Furthermore, elements of socially motivated anti-Semitism can be discerned since the mutilation issue opens up seemingly unbridgeable gaps between the circumcising and non-circumcising collectives. Frequently, however, this defamatory terminology is simply reproduced and contributes to an anti-Semitic discourse without actually being motivated by anti-Semitism.

6. Conclusion

6.1. Conclusio 1

In the following, the insights gained shall be briefly summarized and the initially asked research question answered.

The research question was as follows:

Starting with the 2012 “circumcision debate” in Germany: To what extent can arguments used by society in the framework of religious freedom and children’s integrity from the position against the religiously motivated circumcision of underage boys be considered anti-Semitic in some contexts?

In the context of the “physical integrity of children,” several categories of anti-Semitism can be identified following analysis of the commentaries. In particular, many define circumcision as physical injury and should, therefore, be criminally prosecuted. The absence of prosecution is explained by a “conspiracy” of the Central Council of Jews in Germany with vague potent entities, which constitutes political anti-Semitism. In this category, the hostile stance toward the need to confront the genocide of European Jewry can be located as well, which must be seen as secondary anti-Semitism. Moreover, the *mohel* is not considered a specialist and is denigrated in his expertise. To what extent this might possibly be a case of anti-Semitism, cannot be stated unequivocally.

Regarding the “special rights” that Jews are allegedly granted through the permission of circumcision of underage boys, anti-Semitism is revealed in the text analysis; it has its roots in the hostilities regarding the privileges Jews were granted in the Middle Ages and in the Early Modern Age, which in turn were a reaction to the precarious situation of the Jews as a minority. Traditional political anti-Semitism reaches its most advanced stage when regret for the failed complete annihilation of Jewry is openly expressed. Jewry is also accused of a lack of loyalty and of disregard of the constitution in force, which can be considered nationalistically motivated anti-Semitism. In addition, circumcision is presented as an “abject” practice, which follows the accusations of religious anti-Semitism.

With regard to “children’s autonomy,” from the material analysis, lines of argumentation of the opponents of circumcision can be identified that ostensibly aim at rationalizing the ritual by pointing to the free choice of religion when majority is reached. In their subtexts, anti-Semitic stances can be discerned that must be considered secondary anti-Semitism. Some

attitudes cannot per se be ascribed to anti-Semitism rather, they must be considered anti-Islamic since they take up defamatory accusations against Muslim society.

Regarding the category “Placing children’s rights above religious freedom,” based on the analysis of the text material, it can be stated that these are mainly patterns of argumentation that must be considered religious and secondary anti-Semitism. Circumcision is depicted as a stigmatizing ritual and the image of the “child abusing” or even “ritually murdering” Jew is reproduced; thereby, Jews are collectively demonized.

Regarding the significance of circumcision in the context of “understanding of democracy, rule of law, and secularism,” different categories of anti-Semitism could be identified in the commentary analysis. Especially the view that Jewry as a religious community cannot and does not want to adjust to the state’s laws and, therefore, does not have a place in Germany, points to political anti-Semitism.

The material analysis regarding the category “understanding of religion” also revealed various prejudices. The accusation that circumcision aims at “mutilation” can be assessed as religious anti-Semitism. The insinuation that Jews abuse power by means of circumcision, can be described as both religious as well as political anti-Semitism. (Alleged) irreligiosity and value conflicts also apply.

In the category “religious freedom,” from the commentaries emerges that religious freedom is not perceived as a human right. Therefore, the collision between right to religious freedom and other human rights is not understood. Lines of argumentation are pursued that are primarily located in a racist context. The notion of German “native inhabitants” and the Germanic myth is invoked, which has played a central role in National Socialist ideology.

Regarding “religion and Enlightenment,” pseudo-enlightened and equally anti-Semitic attitudes can be revealed through text analysis. Negating the active participation of German Jewry in the Enlightenment as well as the demand for a reformation of Judaism, which would ultimately lead to complete assimilation, are instances of political anti-Semitism.

Regarding the category “mutilation and abuse,” it is possible to conclude through commentary analysis that this contextualization principally points to anti-Semitic notions. It must be attributed to religious anti-Semitism since it is based on medieval resentments of the “child-mutilating Jew.” However, the motivations behind these arguments are not always clear,

which does not allow an unequivocal attribution to anti-Semitism in each case. Partially, political and socially anti-Semitism also apply.

In the category “Christianity and Judaism,” the notion becomes discernible in the context of comparing religions that Christianity is a superior and, therefore, better form of religion than Judaism. A lack of knowledge about Christian cultural history in general and the meaning of January 1st in particular is also reflected in the commentaries. Thus, this anti-Semitism, which is mainly religiously motivated, can be possibly assigned to a lower stage of anti-Semitism.

In the context of “mental and physical consequences,” mainly fears and worries are expressed in the analyzed commentaries that men would experience sexual impairments. No clear conclusions can be drawn here regarding anti-Semitism. Yet, it must be pointed out that this category contains primarily assumptions and insinuations that lack any empirical basis.

Regarding “circumcision and genital mutilation,” anti-Semitic attitudes can again be clearly identified since comparison between boys’ circumcision and female genital mutilation already constitutes defamation. Thus, this comparison creates once again the image of the “child-mutilating Jew.” Again, religiously motivated anti-Semitism has been unmasked. Seemingly unbridgeable gaps were revealed in this category between allegedly different value systems of Jews and non-Jews, which ultimately must be considered socially motivated anti-Semitism.

The analyzed media will be briefly introduced here.

A comparison between the newspapers „Die Zeit“ and „Die Welt“ showed that a similar number of articles relating to this debate had been written; in content, they did not significantly differ from each other. However, the number of commentaries was striking; there were considerably more in „Die Zeit“. It must also be pointed out here that proportionally, more commentaries in „Die Welt“ were deleted by the editorial department than was the case in „Die Zeit“. (Deleted commentaries are designated as such.) The assumption might suggest itself that this is a result of the papers’ different readership, which in the case of „Die Welt“ is right-conservative. As this work has shown, the commentaries in both newspapers were in their majority covertly or indirectly anti-Semitic. One must, therefore, assume that the deleted commentaries were fiercely anti-Semitic to an extent that rendered it impossible to publish them. Overall, the commentaries—except for few—did not essentially differ in their critical stance toward circumcision. Hence, it can be assumed that this negative attitude exists independently of political views, resp. that anti-Semitic stereotypes and resentments are not the exclusive realm of politically rightwing circles.

Since it was not the purpose of this work to endorse circumcision, commentaries in favor of circumcision were not included here. Yet, it is worth mentioning that the discourse in „Die Zeit“ was much more varied and nuanced than in „Die Welt“. The commentators in „Die Zeit“ were much more attentive to bluntly racist, anti-Semitic, and islamophobic statements than those in „Die Welt“. When open anti-Semitism found expression in the former, it was frequently criticized by other commentators; this almost never happened among the commentators of „Die Welt“.

In concluding, once again it must be noted that this work does not deal with the question of whether religiously motivated circumcision should be supported or rejected. It should be pointed out that also within Judaism, the question of circumcision has come up repeatedly and still does. Still, not only was it never abandoned by normative Judaism, even the Reform Movement never gave up on it since it has a specific identity-related dimension. With the circumcision debate, which - as has become apparent from the analysis of the material - brought numerous anti-Semitic patterns of interpretation and stereotypes to the surface, the Jewish collective saw itself once again compelled to defend itself.

The analysis showed that an “old” anti-Semitism took effect that accuses the Jewish collective of being blood thirsty, avaricious, unenlightened, disloyal, and of demanding special rights and of conspiring. Another new anti-Semitic accusation was added in this debate: a lack of care for and endangerment of the children, which postulates a violation of human rights. However, the human rights discourse must not be abused as an anti-Semitic instrument.

The question of how society deals with the topic of circumcision is not only an indicator of its acceptance of the minority as a whole. It is also an indicator of its understanding and of its acceptance of human rights.

6.2. Conclusio 2

This thesis has provided a historical outline of religiously motivated circumcision in Judaism. Hereby, the focus was placed on its negative and hostile reception, which dates back to Hellenistic Antiquity. The religiously and economically motivated persecutions of the Jews peaked in medieval Europe and were linked to clichéd imaginations about religiously motivated circumcision and stereotyped projections on the ritual.

The circumcision controversy must also be viewed against the changing relation of the state to its citizens and of the state to religion. The era of Jewish emancipation was also an era of secularization. Religious creed increasingly became a private matter; in the last quarter of the

19th century, mandatory religious affiliation was abolished. Autonomous religious decision-making institutions were weakened while regional and state institutions were strengthened. As was the case in 2012, also in mid-19th century, the authorities had been informed by various sides about the medical, hygienic, and other implications of circumcision and influenced according to position. The goal was and still is to gain influence on religious practice. After all, the state believes to know what is right and wrong, what is good and bad for its citizens. In today's countries of immigration, integration is good while particularism and segregation are bad.

The circumcision debate of the 19th century, as described by Klaus Hödl, shows that circumcision was considered an “attribute of Jewish difference” by majority society. The debate can be viewed against this background even today, especially, if it is in the context of physical and mental integrity of children.

In the articles presented here, the opponents of circumcision depict the “child's well-being” as a superior right to the right to religious freedom. They consider themselves to be able to prioritize human rights. Then again, the majority of commentators completely omit to contemplate that the circumcision debate involves a conflict of fundamental rights. The fact that religious freedom and parents' custody guarantee the right to religious education collides with the child's right to physical and mental integrity. Thus, this collision of rights is either marginalized or ignored.

Circumcision is an issue, based on which the Jewish community is accused of particularism and segregation since it allegedly refuses to assimilate with the non-circumcising majority. This was expressed in various—partially open, partially covert or secondary—argumentations driven by anti-Semitism.

The empirical part of this work presented the individual categories of anti-Semitism with reference to the rejection of religiously motivated circumcision by examining the various categories. In connection with the historical appraisal of anti-Jewish attitudes, the historical effectiveness and durability of these argumentations became apparent since they can be discerned once again in the circumcision debate of 2012.

Thus, the old accusation regarding the Jewish community's unwillingness to adapt to majority society became evident in the analysis. Already in Early Christianity, Judaism was confronted with the notion that circumcision had lost its meaning as a qualitative symbol for the Covenant between God and His people. Equally apparent became traditional prejudices such

as that Jews supposedly enjoyed “special rights,” had special influence, performed archaic rituals, were sadistic, and only pursued their own interests.

The question of religion and the understanding of it turned out to be a dicey issue: time and again, the demand was raised to grant children autonomy in their choice of religion. Here, it would be necessary to examine to what extent this autonomy is, in fact, granted to children in the framework of one’s own–majority–religious community. The assumption suggests itself that autonomy is demanded for children from minority society, but not from majority society. Also the notion that religious freedom and children’s rights were not compatible in a secular state, exclusively refers to minority religions since in the opinion of many, Christian religion apparently does not collide with children’s rights. In this context, religious freedom seems to be perceived not so much as a positive than as a negative religious freedom and interpreted as an inferior right.

Within a human rights context, the various categories of anti-Semitism as exposed in this work in connection with the circumcision debate must lead to the question: How to counter anti-Semitism? Knowledge of Jewish culture and history, education and prevention should certainly be at the forefront. International agreements, in particular, such as the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) are meant to ensure that people will be protected from racist and anti-Semitic abuses. In this work it was shown earlier that Article 1 of ICERD defines the scope of such abuses. Besides the Convention, also CERD, the UN expert committee with the task to monitor the implementation of the Convention, constitutes a particularly indispensable instrument. While the monitoring of state and individual complaints is essential, public knowledge about these complaint options should probably be more transparent. From my perspective, state reports must be assigned special significance since governmental and non-governmental organizations can provide their input here. Closer collaboration with Jewish and Moslem organizations must be a prerequisite to obtain greater awareness of the lifeworlds of these two population groups.

As has become apparent in this work, also the European Commission against Racism and Intolerance (ECRI) is an essential instrument in monitoring racism, xenophobia, anti-Semitism, and intolerance in Europe. Its foundation is the European Convention on Human Rights (ECHR). Stronger institutional connection to the European Union would probably facilitate implementation of its recommendations. The European Court of Human Rights, too, is an important achievement in the enforcement and implementation of human rights. No lack

of transparency can be registered here since the long processing times of the cases (depending on the issue's weight and topicality) point to a high number of applications. Since the Court is chronically overburdened, capacity expansion seems advisable.

At the level of the European Union, the Fundamental Rights Agency (FRA) is of interest. One of the Agency's main purposes is to assist in the implementation of fundamental rights in member states. In the context of this work, however, mainly the surveys on the subject of anti-Semitism constituted a valuable contribution. Regrettably, FRA failed to define anti-Semitism in its surveys, which renders anti-Semitism less palpable. There is a need for an as broad as possible, yet precise, EU-recognized definition of anti-Semitism and its categories—possibly as a handbook—to ensure systematic monitoring.

As has emerged from this work, the right to religious freedom is a right that is assigned inferior significance; this is not only reflected in the commentaries by the general public. Resolution 1952 of the Parliamentary Assembly of the Council of Europe has demonstrated this fact once again. Fear that anti-Semitism and hatred are fomented by the Council of Europe's challenging of the circumcision is undoubtedly justified. The Council of Europe, in particular, should enhance the equality of various rights and also emphasize this in its resolutions; after all, the protection of human rights is among its main concerns. As long as rights are not recognized on the level of the Council of Europe, it is difficult to demand this of society. At the very least, the "collision of norms," that is, the collision between the right to religious freedom and other fundamental rights should be extensively discussed, negotiated, and deliberated with the active participation of all religious communities.

Religiously motivated circumcision will continue to remain a talking point, in which not only the child's right to physical and mental integrity and the right to religious freedom will be discussed. It will remain a topic whose discussion will also entail the scrutinizing of the commitment to an unprejudiced, pluralistic, and tolerant Europe with all human rights perspectives equally protected.

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Appendix

1. An understanding of physical integrity, physical injury and its (criminal) prosecution

Description: The following questions resp. debates fall into this category: What comprises physical injury and what constitutes physical injury? Which interventions into physical integrity are assessed as such and which are not? What is the significance of physical integrity and when do interventions constitute a physical injury that warrants criminal prosecution? What are the reasons cited for abstaining from criminal prosecution?

Anchor example 38: „Ich bin ein großer Freund der Israeliten, aber wer ohne medizinische Notwendigkeit in die körperliche Integrität Minderjähriger eingreift, oder eingreifen lässt, macht sich der Körperverletzung schuldig.“ [“I am a great friend of the Israelites, but whoever interferes or has someone interfere with the physical integrity of underage individuals without any medical necessity is guilty of physical injury.”] (Z1, comm. 38, l. 3-5)

Anchor example 135: „[Ist] Genitalverstümmelung bei Minderjährigen auch in Deutschland bald straffrei? Mal sehen wie weit das Geld und der politische Einfluss dieser christlich, moslemisch, juedischen Lobby reicht. Und welche Partei sich auf die Seite dieser mittelalterlichen Religions Vereinigungen schlaegt um den [B]egriff Koerperverletzung der " neuen Moral " anzugleichen.“ {“[Will] genital mutilation of underage individuals soon go unpunished in Germany as well? Let’s see how far money and political influence of this Christian, Muslim, Jewish lobby will reach. And which party will side with these medieval religious associations to adapt the term physical injury to the “new moral.”} (Z1, comm. 135, l. 1-5)

2. “Special rights and position” of the Jewish population

Description: In this category the Jewish population is ascribed “special rights” and “special positions.” Various justifications are mentioned for this status. To what extent they are granted this status and with which arguments the Jewish population supposedly tries to maintain it, finds special attention.

Anchor examples 35: „Mit der Shoa kann kein Ausnahmestatus erzwungen werden. Zuerst gilt: Religiöse Riten dürfen nicht in einen rechtsfreien Raum gestellt werden.“ [“With the Shoah no exceptional status can be enforced. First and foremost: religious rites must not be placed into a legal vacuum.”] (Z1, comm. 35, l. 1-3)

Anchor example 156: „Wir müssen uns entscheiden In Deutschland, ob wir für jede Religion (das muss dann für alle Religionen gelten, auch wenn z.B. morgen irgendwelche afrikanischen Stämme bei uns Asyl beantragen) eine Sonderregelung wollen oder ob wir klare Regeln festhalten, die die körperliche Unversehrtheit insb. von Kindern in den Mittelpunkt stellen.“ [“We must decide in Germany whether we want a special regulation for each religion (this must then apply to all religions, even if e.g. tomorrow some African tribes seek asylum

here) or whether we maintain clear rules that put physical integrity esp. of children at the center.”] (Z1, comm. 156, l. 2-5)

3. Children’s education and autonomy

Description: In this category, the parents’ rights in their children’s education are discussed and the question is asked where they end. The degree of autonomy that children are entitled to is also dealt with here.

Anchor example 31: „Können Eltern [mit der Beschneidung] nicht warten bis ihre Kinder selber über diesen körperlichen Eingriff entscheiden wollen? Ich denke ja.“ {“Can’t parents wait [with circumcision] until their children want to decide by themselves on this physical procedure? I believe they can.“} (Z1, comm. 31, l. 6-7)

Anchor example 120: „Wenn die Kinder alt genug sind, können Sie sich ruhig für das Judentum entscheiden und sich beschneiden lassen.“ [“When children are old enough, they can readily opt for Judaism and have themselves circumcised.”] (Z1, comm. 135, l. 2-3)

4. Putting children’s right above religious freedom

Description: Assessment of children’s rights and other human rights are discussed here. In addition, reasons are given why some rights should be put above other rights.

Anchor example 63: „Religion darf nicht wichtiger als Kinder sein und das nie.“ [“Religion must not be more important than children, never.”] (Z1, comm. 63, l. 1)

Anchor example 55: „Das Grundgesetz muss über der Religion stehen. Und gerade weil Deutschland ein schwarzes Kapitel in seiner Geschichte hat, geht gerade von hier ein deutliches Signal aus, Kinder, egal welcher Religion die Eltern angehören, vor solchen archaischen Gewaltanwendung zu schützen.“ [“Basic Law must be above religion. And precisely because Germany has this black chapter in its history, a clear signal must be sent from here to protect children, no matter to which religion their parents belong, from such use of violence.”] (Z1, comm. 55, l. 5-9)

5. Democracy, rule of law, and secularism

Description: Understanding of democracy, rule of law, and secularism is analyzed here. Terms such as religion and practice of religion are placed in the context of democracy, which supposedly is not compatible with religion. Modes of conduct that are expected in a democracy are also mentioned.

Anchor example 25: „In der Thora steht genauso wie in Bibel und Koran eine Menge was mit dem Rechtsstaat nicht kompatibel ist.“ [“A lot of things are written in the Torah as in the Bible and Koran that are not compatible with the rule of law.”] (Z1, comm. 25, l. 1-2)

Anchor example 33: „Wenn ich meinem Kind einen Finger abschneiden würde ist das nicht anders zu bewerten als eine Beschneidung. Ich finde es absurd, dass wir in unserer säkularen Gesellschaft über so etwas noch ernstlich streiten müssen.“ [“If I’d cut off a finger of my child, this couldn’t be judged differently than circumcision. I find it absurd that we still have to fight about such things in our secular society.”] (Z1, comm. 33, l. 1-3)

6. Understanding of religion

Description: This category discusses what the term “religion” generally comprises, what is the significance and benefit of religion.

Anchor example 170: „Machen wir uns nichts vor: die drei abrahamitischen Religionen verlangen Gehorsam und Unterwerfung, unter einen göttlichen Vater - sie sind nichts anderes als die elterlichen Allmachtsansprüche projiziert auf eine übernatürliche Entität, die nicht hinterfragt werden darf.“ [“Let’s not fool ourselves: the three Abrahamic religions demand obedience and submission under a divine father – this is nothing else but parental claims to omnipotence projected onto a supernatural entity that must not be called into question.”] (Z1, comm. 170, l. 13-15)

Anchor example 187: „Es ist interessant, daß die Religionen sich stets an den Geschlechtsteilen der Kinder vergehen - die Bessenheit der Religionen und ihrer Vertreter von Sexualität wird darin deutlich. Wer die Geschlechtsorgane der Menschen verstümmelt und damit beherrscht, beherrscht die Menschen im Intimsten und Privatesten.“ [“It is interesting that the religions always indecently assault the genitals of children – the obsession of religions and their representatives with sexuality becomes clear. Whoever mutilates people’s genitals and, thus, controls them, controls people in the most intimate and private realm.”] (Z1, comm. 187, l. 18-21)

7. Religious freedom in its significance and boundaries

Description: Meaning and scope of religious freedom and human rights are discussed here. Also fears of “other cultures” and the consequences of such fears are of interest in this category. Also questions of which “cultures” are perceived as part of Germany are dealt with.

Anchor example 91: „Religionsfreiheit hieße die Kinder selbst entscheiden zu lassen, ob und welcher Religion sie angehören wollen. Beschneidung im Kindesalter aus religiösen Gründen ist das Gegenteil: Religionszwang.“ [“Religious freedom would mean having children decide for themselves whether and to which religion they want to belong. Circumcision in childhood is the opposite: religious coercion.”] (Z1, comm. 91, l. 1-2)

Anchor example 98: „UNd was die beschneidung und die damit verbundene Religionsfreiheit angeht... ich freue mich darauf, wenn Menschen, die an die nordischen Götter glauben, ihr Recht auf Glaubensfreiheit ausüben und wiedern Gefangene bis zum Tode strangulieren um deren letzte Worte als Weissagung zu deuten... ist ja kein Mord... nur Religionsausübung...“ [“And as far as circumcision and the accompanying religious freedom is concerned... I am looking forward when people believing in the Nordic gods will exercise their right to religious freedom and will again strangulate prisoners to death in order to interpret their last words as prophecies... that’s not murder... just religious practice...”] (Z1, comm. 98, l. 15-18)

8. Religion means regression – civilization and Enlightenment mean progress

Description: “Religion” is seen in this category as a step backward and is, therefore, not compatible with a “modern,” “enlightened,” “civilized” world.

Anchor example 25: „Zivilisationen entwickeln sich und da die Bücher nicht von einer höheren Wesenheit, sondern von Menschen aufbauend auf Bronzezeit-Überlieferungen stammen, passen sie eben nicht zur modernen Gesellschaft.“ [“Civilizations evolve and since these books, based on Bronze Age traditions, come from humans and not from a higher being, they are not suitable for a modern society.”] (Z1, comm. 25, l. 2-5)

Anchor example 108: „ja, Babies ohne Narkose zu operieren [...]oder indem man sie vorher mit Alkohol betrunken gemacht hat bei jüdischen Beschneidungen[...]ja da ist Körperverletzung! Und ja,Tiere schächten ist Tierquälerei!Und beides gehört definitiv nicht in ein aufgeklärtes,demokratisches Europa des 21.Jahrhundert! Eine Schande für Europa,dass man dazu überhaupt noch ein Wort verlieren muß!“ {“Yes, performing surgeries on babies without anesthetics [...] or by getting them drunk in advance with alcohol at Jewish circumcisions [...] yes, this is physical injury. And yes, kosher slaughtering is cruelty to animals! Both definitely do not belong into an enlightened, democratic Europe of the 21st century! A disgrace for Europe that one still has to even waste any words on this!”} (Z1, comm. 108, l. 1-9)

9. Mutilation and abuse: a legacy of archaic rituals

Description: Rituals, customs, and culture are encroachments that are seen as legitimating abuse and mutilation. In this category, circumcision is seen as such and possibly compared to gruesome practices.

Anchor example 92: „Dann könnte man ja auch gleich wieder, mit derselben Intention, Tieropfer zulassen, die in manchen Religionen üblich sind und gab es in grauer Vorzeit nicht gar Menschenopfer, die grausamen Göttern von fanatischen Anhängern dargebracht wurden?“ [“Then, by the same token, one might as well permit animal sacrifices that are common in some religions, and weren’t there even human sacrifices in the distant past that were offered up to cruel gods by fanatic adherents?”] (Z1, comm. 92, l. 18-20)

Anchor example 170: „Es geht tatsächlich um mehr als ‚bloß‘ die Beschneidung - es geht um den Kern der Religionen: mit archaischen Blutritalen - und das ist die Beschneidung - üben sie die Herrschaft über ihre Gläubigen aus. Es wird tatsächlich behauptet, die Körper der Kinder müßten im Namen Gottes ‚Korrigiert‘ werden.“ [“It is in fact about more than ‘solely’ circumcision – it is about the core of religions: with archaic blood rituals – and circumcision is one – they control their believers. It is actually maintained that the bodies of children must be ‘corrected’ in the name of God.”] (Z1, comm. 170, l. 1-4)

10. Christianity versus Judaism

Description: Comparisons between religions are made in this category. Usually, these comparisons have a judgmental character.

Anchor example 31: „Als Christ sah ich mich selber in solch [sich für oder gegen eine Tradition zu entscheiden] einer Situation. Die Taufe wird in unserer Religion auch so hoch bewertet. Nun kann man die Taufe nicht als körperlichen Eingriff bezeichnen. Aber immerhin gab es aus meinem sozialen Umfeld gehörigen Druck. Ich habe mich gegen die Kindestaufe entschieden. Warum? Weil ich meiner Tochter die Entscheidung über die

Religionszugehörigkeit selber überlassen wollte.“ {“As a Christian, I saw myself in such a situation [to decide for or against a tradition]. In our religion, baptism is also valued very highly. But one cannot describe baptism as physical intervention. Still, there was lots of pressure from my social surroundings. I decided against baptism. Why? Because I want to leave the decision about religious affiliation to my daughter.”} (Z1, comm. 31, l. 8-12)

Anchor example 44: „Wenn ich einer Religion im fundamentalistischen Sinne dienen möchte, dann ist es für alle Seiten besser in ein Land zu gehen, wo diese Religion auch von der breiten Masse der Bevölkerung gelebt wird und zur Kultur gehört.“ [“If I want to serve my religion in a fundamentalist sense, then it would be better for all sides to go to a country where this religion is actually lived by the mainstream population and where it is part of culture.”] (Z1, comm. 44, l. 6-8)

11. Mental and physical consequences of ritual circumcision of underage boys

Description: At the center here are the possible negative consequences of circumcision. The talk is about traumatic experiences, mental and physical complications as well as sexual disadvantages.

Anchor example 142: „Ich BIN Mediziner. Und kann Ihnen sagen, dass es zwar Vorteile einer Beschneidung gibt. Diese aber nicht eventuelle (teilweise schwerwiegende!) Komplikationen aufwiegen können. Zumindest nicht so lange sie in einem Land leben in welchem gewisse Hygienestandards eingehalten werden. [...] Wenn ja, dann bringt Ihnen die Beschneidung nichts außer einen Sensibilitätsverlust.“ [“I AM a physician. And I can tell you that there are advantages, which, however, cannot compensate for possible (partially severe!) complications. At least not as long as you live in a country that maintains certain standards of hygiene. [...] If yes, then circumcision brings you nothing but a loss in sensitivity.”] (Z1, comm. 142, l. 1-6)

Anchor example 23: „Es ist einfach ein trauma, wenn man was abgeschnitten bekommt.“ [“It is simply a trauma if one has something cut off.”] (Z1, comm. 23, l. 4-5)

12. Genital mutilation of girls versus religiously motivated circumcision of boys

Description: Female genital mutilation is compared with the religiously motivated circumcision of underage boys.

Anchor example 55: „Zu Recht wird diese [Mädchenbeschneidung] in der zivilisierten Welt sehr stark geächtet. Warum sollte es bei Jungen anders sein? Weil der Eingriff nicht so schwerwiegend ist? Weil die Beschneidung angeblich so viele gesundheitliche Vorteile bringt? Natürlich nicht. Es ist ein alter archaischer Brauch, der das Recht des Kindes auf körperliche Unversehrtheit verletzt.“ {“This [circumcision of girls] is justifiably highly condemned in the civilized world. Why should it be different for boys? Because the procedure is not that severe? Because circumcision allegedly brings with it so many health benefits? Of course not. It is an old archaic custom that violates the child’s right to physical integrity.”} (Z1, comm. 55, l. 1-5)

Anchor example 95: „Ich habe es sowieso nie verstanden, warum Beschneidung bei Jungen als normal angesehen wird, während die Beschneidung weiblicher Genitalien schon lange eine (EU-)Straftat ist.“ [“I never understood, why circumcision of boys –in contrary to the circumcision of girls, which is considered a criminal act within the EU, is tolerated.”] (Z1, comm. 95, l. 2-3)

Curriculum Vitae

Ausbildung

- 2013 Vienna Master of Arts in Human Rights
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- 2010-2013 Bachelorstudium Soziale Arbeit, abgeschlossen mit ausgezeichnetem Erfolg (Fachhochschule FH Campus Wien)
- Bachelorarbeit „Erinnerungsarbeit zwischen
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Soziale Arbeit helfen, in der Gegenwart zu leben? Eine Reflexion am
Beispiel tschetschenischer Flüchtlinge in Österreich.“
- Bachelorgruppenarbeit: „Psychiatrie wirkt?! Momente zwischen
Struktur und Beziehung.“
- Meine Interessenschwerpunkte galten dem Handlungsfeld
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