
Secular Ideals vs. Religious Freedom: Non-Medical Child Circumcision and Ritual Slaughter of Animals

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Banning a religious practice of a minority religious group that is considered abhorrent to the doctrine of the majority religion is a classic form of religious discrimination, one that violates modern Western liberal values. Religious freedom means non-interference in religious institutions and practices except under the most extraordinary circumstances. Yet this type of religious freedom violation is occurring in societies in which secular values justify this type of interference in religious rituals. There exist growing movements to ban ritual animal slaughter and male child circumcision, both of which are central to Judaism and Islam. These movements have their origins in secular ideologies and have resulted in laws restricting these practices.

Such legal restrictions represent an encroachment on the freedom not only of individuals but also of religious institutions in numerous European countries. Timothy S. Shah [recently argued](#) that institutional religious freedom has three main aspects—substantive, vertical, and horizontal. Included in that most important first aspect is the freedom to determine “belie[fs] and teach[ings] [and] what constitutes ... authentic worship and religious rites ...” (31) The ritual circumcision and animal slaughter to which I have been referring fall squarely within the substantive aspect Shah describes.

Restrictions on religious ritual—Kosher and Halal—slaughter are the more common of the two. Denmark, Germany, Iceland, Norway, Sweden, Switzerland, and Belgium all ban Kosher and Halal slaughter because it is considered cruel to the animals. They require that animals be stunned before slaughter in a manner that makes ritual slaughter impossible. Kosher and Halal slaughter is an absolute requirement for all meat that Jews and Muslims eat. This ritual slaughter is what makes meat [Kosher](#) for Jews and [Halal](#) for Muslims. While in all of these countries Kosher and Halal meat can be imported, this restriction undermines religious society and institutions in a fundamental manner. It makes food more expensive for Jewish and Muslim families as well as Kosher and Halal restaurants. Food is also central to many Jewish and Muslim religious rites and is central to religious institutions where ritual and celebratory meals are often held.

It is clear that many who actively support these restrictions are motivated by the belief that they are pursuing a moral agenda that is inspired by a secular belief system that abhors ritual slaughter as practiced by Jews and Muslims. It is as foolish to assume that all secular belief systems are the same as it is to assume all religious believers believe alike. For example, some secular belief systems simply argue that religion should not be the basis for political decisions while others take on a more overtly anti-religious character. In this case I am limiting my discussion to beliefs found in some secular dogmas that certain religious practices are so morally repugnant that the government should ban them.

I posit that this imposition of a belief system—whatever its origins—on those who do not share it is structurally identical to a state that imposes its religion on those who do not share these beliefs. In fact, many who advocate such bans openly state that this is exactly what they are doing. For example, Anne De Greef, who serves as director of the Global Action in Interest of Animals, which is a Belgian animal rights group, [said](#) that those who keep Kosher and Halal meat preparation practices “want to keep living in the Middle Ages and continue to slaughter without stunning—a technique that did not exist back then—without answering to the law... Well I’m sorry, in Belgium the law is above religion, and that will stay like that.” Essentially Anne De Greef, along with other activists and legislators who seek to ban ritual slaughter, are saying that their secular beliefs are superior to those of Jews and Muslims and, accordingly, Jews and Muslims must change the religious practices and beliefs of millennia to suit this relatively new secular belief system.

It is not only activists making this claim. Recently, a judge on the European Court of Justice [ruled](#) that bans on ritual slaughter do not violate European Union principles of freedom of worship. Despite having no apparent qualifications in either Jewish or Muslim law, the court ruled that Kosher and Halal practices could be altered in order to “balance” animal welfare and religious rights and explicitly described how these practices could be altered to achieve this. Yet this “balance” explicitly declares secular beliefs superior to religious ones.

More importantly, this ruling goes beyond upholding restrictions on religious freedom. The court explicitly declared that it is possible under Jewish and Muslim law to alter ritual slaughter practices despite that nearly all relevant religious authorities explicitly state otherwise. The court is essentially claiming it knows Judaism and Islam better than the Jews and Muslims and has the authority and expertise not only to ban religious practices but to determine religious doctrine. I have no word to describe this arrogance other than [chutzpah](#).

The practice of circumcision of male children, central to both Judaism and Islam, is also under attack. For Jews it is a central and non-optional aspect of the covenant between Abraham and God and is generally performed when a boy is eight days old, unless there is a medical issue requiring a delay. Over two millennia ago, attempts to ban this ritual by the Assyrian Greeks when they controlled Israel was one of the motivations for the successful Maccabean revolt, which is the basis for the Jewish holiday of Hanukkah. The Greeks believed in the perfection of the body and that mutilating the body through circumcision was a violation of this belief. This motivation is not dissimilar to today’s anti-circumcision movement, many of whose advocates call the practice of circumcision [male genital mutilation](#) and emphasize the right of children to bodily integrity.

While no countries have yet banned the practice, several heavily regulate it. Since 2001, [Sweden has regulated](#) male child circumcision, mandating that it must be performed by a licensed doctor or that someone certified by the National Board of Health and Welfare must attend to supervise the ceremony. The government has certified Jewish *mobels*, who are [trained in the practice of ritual circumcision](#), but still the ritual may occur only in the presence of an anesthesiologist or other medical doctor. This ritual, which has been performed [largely safely](#) for millennia in Synagogues and Jewish homes, must now be performed in medical clinics. For Jews this ritual is a festive one that is celebrated much as a baptism is celebrated among Christians. Celebrating this ritual in a medical clinic is akin to baptizing a child in a doctor's office. It is not that baptism could not be offered in this setting in some extraordinary circumstance, but who would choose it over a sanctuary if given the option? Similar laws were passed in 2005 in [Denmark](#) and in 2014 in [Norway](#).

These three countries regulate circumcision but do not ban it; however, calls for banning the practice altogether are becoming more common. For example, in June 2012, a [German court ruled](#) that circumcision took away the child's fundamental right to "bodily integrity," which, the court concluded, outweighs the fundamental right of parents to perform the religious ritual of circumcision. While this ruling was limited to a single jurisdiction and applied to a single case, it caused doctors and hospitals across Germany to suspend the procedure out of fear of prosecution. It required [a law](#) by Germany's Lower House to allow circumcision in the country. The vote passed with 432 in favor, 100 against, and 46 abstentions, showing a significant minority of legislators supported the ban.

In fact, [medical societies](#), [political parties](#), and [government officials](#) have called for bans on "non-medical" circumcisions, mostly in Nordic countries such as Iceland, Sweden, Denmark, and Finland. Bills to ban non-medical circumcisions were introduced in Iceland's legislature in 2018 and Denmark's in 2020, though neither was brought to a vote. In Denmark the proposed law sought to ban all non-medically necessary circumcisions for males under the age of 18. A broad spectrum of political parties supported the law including Socialistisk Folkeparti, Enhedslisten, Nye Borgerlige, Alternativet, Liberal Alliance, and Dansk Folkeparti. Denmark's prime minister, Mette Frederiksen, [prevented](#) a vote on the law because "Denmark made a pledge to its Jewish community after WWII to be fully inclusive of them, and that banning the ritual circumcision of boys would break that promise." It is also worth noting that in the past many of these countries forced their national religions to [alter doctrine](#) on issues like gay marriage and a male-only priesthood so this is part of a larger trend of government intervention in religious doctrines.

Yet such movements are present outside of Nordic countries. For example, in 2011 an advocacy group managed to place a referendum banning male "genital mutilation" on the [ballot](#) in San Francisco city elections, although a judge struck it from the ballot on technical grounds.

These movements are unlikely to disappear. They are based on a belief system many of whose advocates are no less zealous than the most zealous among religious groups. These movements have at least five interrelated implications that go far beyond how animals are slaughtered and restrictions on circumcision. First, even if it is unintentional, these movements can lead to the singling out of religious minorities. For example, in July 2018 in Lower Austria, one of Austria's nine states, the Cabinet Minister responsible for animal welfare, proposed [allowing only Orthodox Jews](#) to be issued a permit to purchase Kosher meat in order to limit the extent of ritual slaughter. Minister Waldhäusl

“claimed the proposal was ‘from the point of view of animal welfare’ and that religious slaughter rites should ‘generally be rejected.’” The proposal lost momentum when the negative historical connotations of registering Jews in that part of the world was pointed out. Yet this raises larger questions. These movements explicitly single out Jews and Muslims as engaging in immoral practices they have performed for millennia in Europe.

Second, a good portion of the support for these movements comes not from the left but from the far right. Xenophobic Western politicians and political parties often support these bans as a politically correct way to advance their racist agendas against Muslim and Jews. That is, “[[far-right groups in Norway and elsewhere in Scandinavia](#)],...oppose [male infant circumcision] also on the grounds that they regard it as a foreign element in Nordic societies, which they say are under threat from immigration from Muslim countries.” When a “moral” agenda is fully in conjunction with the agenda of far-right xenophobes, this should be considered a warning sign by any rational observer.

Third, these restrictions are illiberal. Liberalism classically supports freedom of religion. It is a common practice that when a generally applicable law happens to restrict a central religious precept of a minority, the relative importance of the law and religious freedom are considered and often the religious practice is granted an exception from the law known as a [religious exception](#). In the case of ritual slaughter, a number of countries have animal-stunning laws similar to those of Denmark, Germany, Iceland, Norway, Sweden, Switzerland, and Belgium but explicitly exempt Kosher and Halal slaughter. These include Austria, Cyprus, France, Luxemburg, the Netherlands, and Spain. In countries that ban ritual slaughter, the only exception is that Kosher and Halal meat may be imported. This growing trend where secular beliefs are given priority over religious ones is a disturbing departure from liberal values and has implications far beyond the freedom of religion.

Fourth, this trend includes government officials, among them judges and lawmakers, who believe they have the authority and the right to determine religious doctrine. Making that argument in the case of one’s own religion is sufficiently problematic. This is especially so in cases where governments through their power to fund the national religion can in practice force the state church to alter its doctrine. However, using the power of law and the courts to declare what is acceptable, and not, in a minority’s religion is even more disturbing. It means that when citizens select their governments they are selecting the arbiters of religious law not only for their own religion but for all religions. This is the exact opposite of separation of religion and state.

Finally, these trends are likely the tip of the iceberg of a growing “[secular-religious competition](#).” Just as many religious political actors believe that many secular tenets are in error and practices based upon them should be banned, many secular political actors feel the same about a wide range of religious beliefs at the point in which religious communities act upon them. Many secular political actors have little tolerance for activities and beliefs that contradict their own in a manner that rivals the most obstinate and closed-minded of religious political actors. This growing mutual intolerance and desire to use the government to enforce beliefs is unlikely to end well. Thus, as governments retreat from the liberal principle of tolerance, societal divisions and conflict are likely to increase.

Accordingly, this principle that secular beliefs necessarily supersede religious beliefs is likely to expand. If this trend continues, no religion will be safe from government-backed demands to alter fundamental practices, beliefs, and even institutions to suit secular morals and beliefs. To reiterate,

this illiberal practice is fundamentally indistinguishable structurally from a religious majority imposing its will on non-believers. Such an approach marks a return to the ideological intolerance that Western society has long sought to leave behind.

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