

UK's approach to male genital cutting is "indefensible", says expert

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The UK's legal approach to male genital cutting is "indefensible" and "must be changed" to protect children, a legal expert has argued in an acclaimed academic article.

Dr Kai Möller, associate professor of law at the London School of Economics, said [genital cutting is wrong "as a matter of principle"](#) in the *Oxford Journal of Legal Studies*.

His intervention has been called "the most important legal and philosophical article on this topic to come out in years" by a fellow academic with extensive expertise in the field.

Möller criticises arguments that suggest male genital cutting (often called 'circumcision') and female genital cutting (often called 'female genital mutilation' or FGM) should be treated differently based on a child's sex.

He writes: "The currently dominant view, according to which the common law creates an exception for the case of male genital cutting, has been shown to be arbitrary and indefensible."

He says both male and female genital cutting should be rejected based on children's rights to have their bodily integrity "respected and protected".

'Religious freedom' arguments

Möller says the argument that male genital cutting should be allowed because it is often performed for religious reasons while female genital cutting has no religious basis is "unconvincing".

He says neither form of genital cutting can be justified from the perspective of religious freedom because the "right to manifest one's religion can, and in some scenarios must, be limited when this is necessary to protect the rights of others".

He also notes that female genital cutting is "in many contexts seen as a religious duty".

"Insufficient" justification for treating male genital cutting differently

Möller says legal justifications for treating female and male genital cutting differently which have been provided by courts are "insufficient".

In the UK, female genital cutting is a criminal offence while male genital cutting is in principle legal and may even be ordered by a court, he says.

Möller says some forms of male genital cutting are more harmful than forms of female genital cutting that are prohibited. In 2015 a judge observed that some practices considered to be illegal FGM, "for example, pricking, piercing and incising", are "much less invasive than male circumcision".

By implication, he says, male genital cutting "must be treated as a criminal act under the ordinary

provisions of the criminal law".

Other key arguments

Möller challenges the argument that male genital cutting confers health benefits whereas female genital cutting does not, saying there is an "obvious disproportionality between harms and benefits" in the case of male genital cutting.

He says arguments that female genital cutting is less acceptable than male genital cutting because the former is done in order to oppress women are "highly controversial".

He argues many women who have undergone female genital cutting dispute this claim, and that "any argument that relies on the idea of patriarchal oppression works only if we accept that there is something wrong with male and female genital cutting in the first place."

Reaction

[Brian Earp](#), a researcher at the Oxford Uehiro Centre for Practical Ethics, called Möller's article a "must read" and "the most important legal & philosophical article on this topic to come out in years" in a [recent Facebook post](#).

Dr Earp has also criticised non-consensual genital cutting, including in speeches to National Secular Society conferences in [2018](#) and [2019](#).

NSS head of policy and research Megan Manson said: "This article makes a solid case for treating religious and cultural genital cutting in infants and children as impermissible under UK law, regardless of a child's sex."

"Dr Möller dispels many of the myths and presumptions that have led to the current inconsistency in how we protect the bodily integrity of girls and boys. He makes it clear that religious beliefs, no matter how strongly held, can never justify the permanent and painful alteration of a child's genitals, regardless of their sex."

"Policy-makers concerned with protecting the rights of children must take note."

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