

Examining Arguments For & Against Newborn Male Circumcision

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ABSTRACT

This paper chiefly summarizes a series of arguments between Mr. Brian Earp, bioethics philosopher & scientist, and Mr. Josh Yuter, a Jewish rabbi, regarding the morality of the practice of circumcision of newborn males. Arguments are broken down into symbolic logic and truth tables as they come up. The arguments back and forth are presented in a neutral and objective fashion without editorial input, allowing the reader to glean their own conclusions from the text. At the conclusion of the debate, I provide my own analysis of the merits and weaknesses of each party's approach. The paper does not provide a conclusive outcome to the argument of the morality of newborn male circumcision, and it is not intended to come to such a conclusion. The paper is instead intended to summarize the arguments made and to judge the quality of the arguments presented, rather than to generate an "objective truth" of the morality of the practice.

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The practice of elective circumcision of male infants in portions of the western world has come under greater scrutiny over the last several decades, with more parents considering the ethical implications of this practice and contentious or convoluted debate about the issue as a result. Per the Centers for Disease Control, rates of circumcision for U.S. newborns during their birth hospitalization have declined from 64.5% to 58.3% for the period from 1979 – 2010 (Centers for Disease Control et al., 2013). Circumcision of the male penile foreskin has roots in both the Muslim and Jewish religions, but circumcision is also performed for non-religious reasons in some areas of the world, the most prominent being the United States, though Canada and Australia also have significant numbers as well (Shpancer, 2019). The rationale for non-religious circumcision can largely be summarized as being performed for either (or both) health/hygiene or social (fitting in) reasons (Rediger & Muller, 2013). The purported health benefits of circumcision are generally understood to be marginal or easily addressed through other means. The social argument for elective circumcision can be contentious because of the personal nature of one's genitals and the importance of identification & belonging to groups to the individual's self-identity.

For those inclined to inquire further into the ethical nature of the issue beyond the idea of wanting a child's genitals to "fit in" with the genitals of a parent or their cultural peers, I've summarized a series of letters debating the issue. Mr. Brian Earp, a cognitive scientist and philosopher of bioethics (among other subjects), started a published discussion on the issue with Mr. Josh Yuter, a Jewish rabbi. This consisted of 8 letters back and forth over a period of about 2 months, from Sep – Dec 2019, collected and published on letter.wiki.

Letter # 1: Earp (anti-circumcision)

In his opening letter to Yuter (Letter #1), Earp establishes his perspective that circumcision is morally wrong because it is wrong to cut a person's genitals without their informed consent, absent a relevant medical emergency that requires such. This may be represented symbolically as:

A = Informed Consent Given / B = Relevant Emergency Exists / C = Circumcision Morally Bad

$$\neg A \wedge \neg B \rightarrow C$$

An alternative way to write this out would be with the following truth table:

Truth Table: Anti-Circumcision View		
Informed Consent Given?	Relevant Emergency Exists?	Circumcision Morally Good?
T	T	T
F	T	T
T	F	T
F	F	F

Letter # 2: Yuter (pro-circumcision)

In Letter #2, Yuter acknowledges that there is no scientific benefit to circumcision, contrasting this with other medical procedures performed on infants & children such as vaccination. Yuter does not directly explain his ethical stance on circumcision and instead wants to establish certain elements of the conversation. In particular, Yuter seems to want to focus on what he terms “the Really Big Questions” regarding morality and how it is defined, by whom it is defined, etc. He also distinguishes between male circumcision and female circumcision (often called Female Genital Mutilation, or FGM), noting that FGM is considered to be sinister in a way that male circumcision is not. Yuter notes that male circumcision is a *wrong* to a person (a violation of bodily autonomy) while FGM is a *harm* to a person (long term damage or pain).

Yuter's position here can seem to be summed up symbolically with the following:

A = Person is wronged / B = Person is harmed / C = Action is immoral

$$B \leftrightarrow C$$

This position can be seen in the following truth table:

Truth Table: Pro-Circumcision View		
Person Wronged?	Person Harmed?	Action Immoral?
T	T	T
F	T	T
T	F	F
F	F	F

Letter # 3: Earp

In Letter #3, Earp agrees that “circumcision” in the context of this discussion is referring to male circumcision and not female genital mutilation. Earp also discusses the wording of a “harm” vs a “wrong” that Yuter had previously brought up. Earp agrees with Yuter’s implication that these are separate things which could be inflicted upon a person either separately or together. Regarding Yuter bringing up “the Really Big Questions” regarding morality as a whole, Earp acknowledges that disagreements about a specific moral issue can often end up stuck on these issues instead. Earp proposes to instead examine cases or examples on which they presumably do agree, and work backwards from there to determine where the breakdown occurs.

Earp brings up two different scenarios for Yuter. The first is concerning FGM, defining this as the excision of any portion or the entirety of the clitoris performed on young girls or infants. Earp contends that even given pain control and sterile equipment, that FGM is a moral wrong if no medical emergency exists to justify the procedure because of the lack of informed consent.

A = Informed Consent Given / B = Relevant Emergency Exists / C = FGM Morally Bad

$$\neg A \wedge \neg B \rightarrow C$$

Truth Table: Female Genital Mutilation (FGM)		
Informed Consent?	Relevant Emergency?	FGM Morally Bad?
T	T	F
F	T	F
T	F	F
F	F	T

The second scenario that Earp brings up to Yuter is involving cosmetic labiaplasty. Earp defines this as the visible and permanent modification of the external female labia performed upon adult women giving informed consent without a medical necessity for the procedure. Earp states that if a cosmetic labiaplasty were performed upon an infant without medical necessity for the procedure or informed consent of that infant, that this would also be a moral wrong, even given pain control and sterile equipment.

A = Informed Consent Given / B = Relevant Emergency Exists / C = Labiaplasty Morally Bad

$$\neg A \wedge \neg B \rightarrow C$$

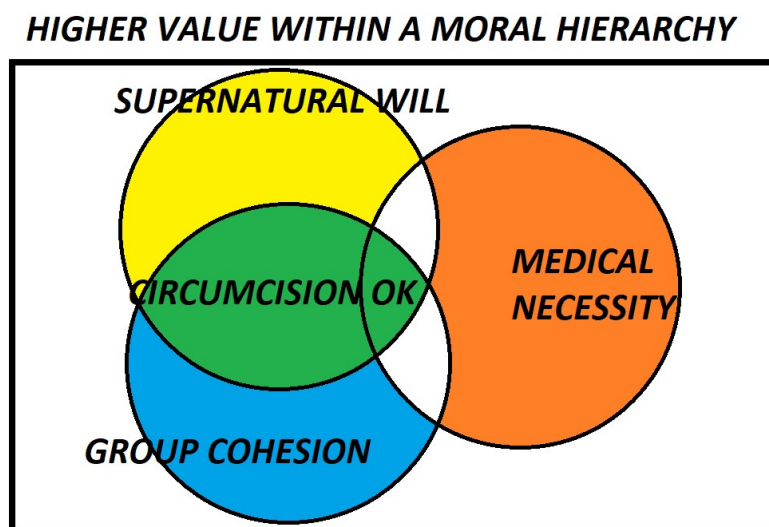
Truth Table: Cosmetic Labiaplasty on an Infant		
Informed Consent?	Relevant Emergency?	Cosmetic Labiaplasty Morally Bad?
T	T	F
F	T	F
T	F	F
F	F	T

Letter # 4: Yuter

In Letter #4, Yuter acknowledges that he has a lack of knowledge pertaining to FGM, as he's not studied the matter in depth previously. As such, Yuter states that he is unable to speak intelligently on the matter. Yuter does not acknowledge the other offered scenario regarding cosmetic labiaplasty, though his statement regarding FGM could be extended to this. Yuter also acknowledges the importance of medical necessity & life-saving care as a consideration that could render an act that is otherwise morally wrong to become morally good. Yuter explains

some principles from Judaism are similar and provide for the suspension of most laws within the Torah for the purpose of saving someone's life, with very few exceptions (such as murder).

Yuter does take issue with Earp's position of medical necessity being the solitary justification for the determination of whether or not a circumcision is morally wrong. Yuter explains that this comes back to his concerns regarding "the Really Big Questions" and the importance of not only what is or isn't *moral* but also what are the *exceptions*. Yuter states that within Earp's moral hierarchy of values, this is the only justifiable exception for circumcision. Yuter states that other approaches besides Earp's may have a different hierarchy of values which would justify the exception for circumcision. In particular, Yuter mentions that these approaches maybe be religious in nature ("to fulfill a supernatural will", he states) or social in nature ("essential for group cohesion", Yuter states).



Yuter also argues that one's intent matters, offering the example of a person performing circumcisions for the purpose of hearing babies cry in pain. Yuter states that such an individual would be morally worse than someone performing circumcisions for the purpose of group belonging.

Letter # 5: Earp

In Letter #5, Earp starts by clarifying a definition of medical necessity and explaining why it is singled out as the sole exception for justification of cutting a child's genitals, without giving similar consideration to the idea of "fulfilling a supernatural will" or being "essential for group cohesion". Earp explains that almost everyone – across cultures, religions, upbringings, etc. - is in agreement that touching, cutting, or otherwise interfering with a person's genitals without their consent is one of the worst ways in which a person can be wronged. Earp also states that there is similarly universal agreement that this near-universal belief is even stronger when committed by someone in a position of power against someone vulnerable to that power such as a child, intoxicated adult, etc. Earp asks if this strong belief is based upon the intent to interfere with the person's genitals, or because of the harm suffered (physical and emotional) as a result of that interference?

Regarding the question of intent, and responding to Yuter's prior point regarding how intent impacts the morality of an action, Earp notes that intent may justify judgment of an actor's character, but not necessarily the moral status of an action. As evidence, Earp offers the example of a sadistic father taking a child to get a medically necessary root canal, so he may enjoy seeing the child suffer a painful procedure. The intention leads to a negative judgment of the father as a person, but the root canal remains morally appropriate to perform despite that intent, because of the medical necessity of the procedure.

A = Root Canal Necessary / B = Malicious Parental Intent / C = Root Canal Morally Good

A <-> C

Root Canal Truth Table		
Root Canal Needed?	Malicious Intent for Procedure?	Root Canal Good?
T	T	T

F	T	F
T	F	T
F	F	F

Regarding the question of harm, Earp points out that harm is not necessarily the basis for determination if someone has suffered a moral wrong. Earp offers an example of a woman whose genitals are groped while unconscious without having provided consent for such. Earp states that even if not harmed (and even if not aware of the action) that she would nonetheless have been wronged by the other party.

A = Informed Consent / B = Harm Suffered / C = Genital Touching Morally Good

$$A \wedge \neg B \leftrightarrow C$$

Truth Table: Genital Touching of Unconscious Person		
Informed Consent?	Harmed?	Genital Touching Morally Good?
T	T	F
F	T	F
T	F	T
F	F	F

Earp expands his point with another scenario. Earp posits a situation in which an ambulance worker must respond to an unconscious woman and must touch the woman's genitals in order to save her life. Earp states that he believes this action would be acceptable. Earp then elaborates that if the ambulance worker did the same thing when he could've waited for the woman to wake up and give consent without endangering her, that this would be morally wrong.

A = Medically Necessary / B = Opportunity to Consent / C = Genital Touching Morally Good

$$A \wedge \neg B \rightarrow C$$

Truth Table: Genital Touching of Non-Consenting Unconscious Person		
Life Saving?	Opportunity to Consent Prior to Care?	Genital Touching Morally Good?
T	T	F
F	T	F
T	F	T
F	F	F

Earp concludes that the commonality involved here is that one's genitals are considered to be the most private/intimate part of the body, and that the individual is in charge of who may interact with his or her genitals and how/when they may do so. In each case, the bypassing of the individual's will where his or her genitals are concerned is the chief wrong that occurs.

Earp brings this back to Yuter's disagreement with medical necessity as the only value which justifies an exception to autonomy over one's genitals. Earp explains that it is a near certainty that any person incapable of consent would consent to having their genitals touched (or cut) if it were medically necessary to do so. This assumption is the basis of the "medical necessity", and Earp states that one cannot make this assumption of an individual for the purpose of "fulfilling a supernatural will" or "group cohesion".

Letter # 6: Yuter

In Letter #6, Yuter agrees with Earp on both the definition of medical necessity and the rationale for it as an exception to acting upon another's genitals without their consent. Yuter also acknowledges that the genital area is deserving of particular consideration and protection.

Yuter then responds to Earp's argument about the ubiquity of cultures having such strong feelings about the moral wrongness of interfering with another's genitals by pointing out that this is an appeal to a type of authority. Rather than a direct authority, this is appealing to a popular consensus. This is a concept called *argumentum ad populum* (summarized as, "if it is popular, it must be true"). Yuter notes that such a popular consensus may change over time, may be inconsistent, or may carve out special religious/social exceptions to popular mores. Yuter notes

that research shows people usually start with their own conclusions and then work backwards to justify an intuition, rather than establishing broad moral concepts and rules.

Yuter then states that if religious laws and ethics are judged by secular standards, religious ethics will fail. He also states that if secular laws and ethics are judged by religious standards, secular ethics will also fail. Yuter notes that the lines between religious and secular ethics are tense and that there exists a spectrum of behavior. Yuter establishes one end of this spectrum as people disregarding religious law which contradicts their own ethics, and the other end as people proudly adhering to religious law in the face of secular pressures. In the middle lie the largest number of people, trying to adapt and make ethical decisions on the fly and in the moment. Yuter notes that these decisions are often capricious, underlining the above aversion to letting the population decide that harming another's genitals is such a significant moral wrong.

Letter # 7: Earp

In Letter #7, Earp addresses Yuter's accusation of defining morality based on a widespread belief. Earp points out that the moral belief that circumcision is wrong is a minority belief, at least within his own cultural setting. He also acknowledges that there are many circumstances in which there were popular or near-universal beliefs which have been shown to be wrong, often based on the powerful vs the weak. Earp notes that this is exactly the case with circumcision, being carried out by those with powerful against infants with no power.

In addressing the idea that he is committed to *argumentum ad populum*, Earp makes clear that this is not the case. Instead, Earp explains that he believes that the ubiquity of the belief simply lends credence to the belief, under specific qualifications: 1) that ubiquity must hold across a variety of ethical frameworks and cultural worldviews, both religious and secular, and 2)

that the belief in question must be relatively central to people's Quinean web of moral commitments (the interconnection of various moral axioms that make up one's overall belief system), such that rejection or abandonment of the belief would be particularly disruptive to the web. Earp states that if this is the case, the ubiquity of the belief is strong evidence of the moral law's truth & accuracy.

Earp agrees with Yuter's claim that people at large are inconsistent in their ethical beliefs, but he states that when confronted with such an inconsistency, people generally recognize a need to address the inconsistency. Earp goes on to point out that an intolerance for hypocrisy is similarly ubiquitous as the moral belief against harming another's genitals, and that this intolerance also meets the criteria he has outlined for such ubiquity to lend credence to the belief. Earp notes as well that people holding both the idea that genitals should be protected such to maintain sole autonomy excepted only by a life-threatening emergency and a lack of opportunity to seek consent, and finding it permissible to cut a non-consenting person's genitals are being inconsistent and should seek to resolve the hypocrisy within their own moral framework.

Earp also points out that the resolution of such conflicts is how moral progress frequently occurs. People (whether as individuals or a society) recognize a tension or conflict in their moral belief system, and they must do something to resolve the tension. This tension, Earp notes, is generally brought about by a failure to apply a core moral principle to the full range of potential cases, regardless of the reason. Earp notes that such a conflict exists in this instance, as Western society has generally acknowledged that girls have an absolute right to genital integrity, though this same protection is not extended to boys.

Letter # 8: Yuter

In Letter # 8, Yuter responds to Earp's comments regarding *argumentum ad populum* only to point out that the idea that popular moral belief later being shown to be wrong implies an objective criterion of right and wrong which cannot be known. Regarding the other issue of whether ubiquity of a belief can be evidence of a moral's veracity, Yuter explains that he cannot respond adequately because he lacks sufficient knowledge of the philosopher Willard Van Orman Quine (referenced in Earp's comment regarding the "Quinean web").

Yuter finishes the exchange by stating that most people are accepting of hypocrisy, and that those who will not reexamine their core moral beliefs but instead fashion post-facto rationalizations for why a situation is "different". Yuter also points out that US policies and politics on bodily consent and autonomy are inconsistent. He posits that this just another post-facto justification rather than any set of clearly laid out rules governing the ethics of bodily consent and autonomy.

Analysis of Arguments

In reading through the exchange between Brian Earp and Josh Yuter, I had several takeaways regarding the arguments each made. While both were well written and relatively professional, Yuter's responses were very weak overall and had very little to support his position. In his first response, Yuter specifically did not respond to Earp's questions and instead wanted to discuss "the Really Big Questions", which would likely result in an unresolvable stalemate between a religious leader and a (presumably) secular philosopher regarding whether morality comes from a divine being or not. This would be a form of deductive reasoning from

Yuter's part, wanting to take a general "truth" (which would presumably stem from his belief in a particular divine being) and apply it to the specific situation of male circumcision.

In Letter # 3, Earp recognized that agreement on such a general "truth" was unlikely and attempted to work at the problem inductively instead, wanting to discuss other cases involving similar concepts and working backwards to determine where the disagreement occurs. Yuter completely fails to address any of the scenarios that Earp posits, and instead comes back to wanting to discuss "the Really Big Questions" again. The only real response that Yuter provides in Letter # 4 for his position of being in favor of male circumcision is to make references to other moral hierarchies which would offer moral justification for circumcision by "fulfill(ing) a supernatural will" or is "essential for group cohesion". In Letter # 5, Earp's appeal to the ubiquity of cultural beliefs regarding the importance or autonomy over one's genitals comes off as attempting to push the issue ("everyone agrees on this, why don't you?") rather than a case of taking his moral beliefs from the majority. Yuter's reading of this in the wrong fashion in Letter # 6 comes off as disingenuous as a result. This is especially so because of Yuter's apparent knowledge (Letter # 2) of who Earp is (unlikely to legitimately abide by *argumentum ad populum*), as well as Yuter again failing to respond to any of Earp's scenarios or prompts. Instead, Yuter again comes back to "the Really Big Questions" and starts making claims regarding secular and religious ethics being incapable of evaluating each other.

In Letter # 8, Yuter gives an odd response to Earp that really caught my eye. As mentioned, Yuter's accusation in Letter # 6 of Earp subscribing to *argumentum ad populum* as a basis for an ethical framework came off poorly to me, especially upon a second read of the source material. In doing so, Yuter clearly explains that he believes *argumentum ad populum* is a bad idea because it can be wrong, which is very reasonable. Earp clearly responds to this in

Letter # 7 and agrees that the popular opinion can be wrong. However, in Letter # 8, Yuter then objects to this (an argument which Yuter himself made in his previous letter) by pointing out that judging the popular opinion to be wrong implies an objective right and wrong which cannot be known. Such a universal objective right/wrong is a common tenet of religious ethics, depending upon a divine being to hand down objective “truths”. For Yuter to claim that argumentum ad populum is wrong, and then to turn around and claim that Earp cannot know that it is wrong is a strong indication that Yuter’s argument was in bad faith and likely disingenuous. Yuter also repeatedly makes mention in Letter # 8 of offering to allow Earp to have “the last word”. In conjunction with the previous observations, this comes off as false humility. Such a false humility would either force Earp to concede the “last word” to Yuter instead, or to reveal himself as being very egotistical by issuing a response and taking that “last word”.

Throughout the debate, Yuter comes off quite poorly. He makes no specific argument explaining his pro-circumcision argument. The closest that Yuter comes to specifically justifying his position is a vague declaration that male circumcision merely “wrongs” the newborn, while female genital mutilation (FGM) would “harm” the newborn, and he appears to accept the idea of “wronging” the newborn, presumably for the later mentioned purpose of “fulfill(ing) a supernatural will” and finds circumcision to be “essential for group cohesion”. Even this argument advanced by Yuter is problematic though, because when challenged on his position regarding FGM, Yuter does not specifically state that he finds this practice wrong, instead explaining that he lacks knowledge to speak on the subject.

In the absence of any clearly advanced argument, the only argument I can infer on Yuter’s part is one that could be summarized as “my religion says we should do this”, apparently

to satisfy a “supernatural will” and because circumcision is “essential for group cohesion”. Yuter also appears to be at times acting in bad faith or disingenuously when engaging with Earp, who continues to try to find meaningful ground on which to engage Yuter. Earp does eventually stoop to a similarly level, as he does somewhat directly call Yuter a hypocrite (Letter # 7). Overall though, Earp comes off quite well as he repeatedly attempts to engage with Yuter in different ways, who specifically avoids doing so. Earp’s arguments are clear and unambiguous, and Yuter makes no meaningful counter towards any of them. Earp even offers the opportunity to explore analogous situations involving medical ethics, but Yuter does not take up this opportunity at any point, repeatedly claiming ignorance of any other subject. Yuter appears to be willing to engage only in a discussion that would presumably appeal to his religious ethics, which are inherently beyond question from Earp or anyone else. Given the prevalence of non-religious circumcision, especially in North America, this is an inadequate response on Yuter’s part to justify continuing the practice.

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