

مجتمعات الإنترنت فلا من منظور الإسلام

Female Circumcision From Islamic Perspective

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Question 1: Is female circumcision one of the Islamic rites due to Prophetic *Hadiths* reported about it?

Answer 1:

It goes without saying that the rulings of the Islamic Legislation (*Sharī'ah*) are to be deduced from the authentic sources of legalization, namely the Qur'an, right *Sunnah* (i.e., right Prophetic Traditions), Consensus of Muslim Scholars in case it fulfills its conditions stated in the science of the Principles of Islamic Jurisprudence as well as the sound *Qiyas* (i.e., Analogical Deduction).

Hence, if we come to seek the ruling of practicing female circumcision in the light of the Islamic legislation, we are to refer to the Qur'an, right Prophetic *Sunnah*, then Consensus of Muslim Scholars, and if we fail to find an answer in such sources, we are to resort to the Analogical Deduction taking into consideration to what extent it is possible to practice it.

- As for the Qur'an, there is absolutely no text tackling the issue of female circumcision. Moreover, no consensus of Muslim Scholars on such a matter is reported. Furthermore, practicing Analogical Deduction to prove the legality of such an act may be unacceptable.
- As far as *Sunnah* is concerned, there are some Prophetic *Hadiths* that may indicate the legality of practicing female circumcision despite the fact that none of these *Hadiths* have an authentic chain of transmitters so that it is not possible to deduce a legal ruling from them on such a very serious human matter.
- Thus, it is unacceptable, according to scholars, to use *Hadiths* of an unauthentic chain of transmitters as an argument for some matter as only *Hadiths* of authentic chain of transmitters can be applied as an argument.

Prophetic *Hadiths* pertaining to the issue of female circumcision: The First *Hadith*

The most common *Hadith* in this regard is the saying of the Prophet Muhammad “Peace and Blessings be Upon Him (PBUH)” to a woman called Umm `Attiyah who used to circumcise females in EL Medina El Menora:

["O Umm `Attiyyah, take a little part and do not exaggerate; doing so will preserve the fairness of the woman's face and satisfy the husband"]

It means: *["O Umm `Attiyyah, take a little part (of the female genital organs) and do not exaggerate (in cutting when circumcising); doing so will preserve the fairness of the face (of the circumcised woman) and (sexually) satisfy the husband (when having sexual intercourse with the circumcised woman in such a way)."]*

This *Hadith* has been narrated by Al-Hakim, Al-Bayhaqy and Abu Dawud with similar wording but through weak chains of transmitters; the same is stated by Al-Hafiz Zayn Ed-Din Al-`Iraqy in his Commentary on Al-Ghazaly's book "*The Revival of the Religious Sciences*" (1/148).

Abu Dawud, whose narration of this *Hadith* is different in wording, comments on the *Hadith* saying, "It is reported with the same meaning and the same chain of transmitters by `Ubaydul-Lah Ibn `Amr on the authority of `Abdul-Malak; moreover, it is not of a strong chain of transmitters as one of its narrations is *Mursal* (i.e., has no companion in its chain of transmitters). Above all, Muhammad Ibn Hassan, **the narrator of this *Hadith*, is anonymous and the *Hadith* itself has been categorized as a *da`if*(weak) *Hadith*.**"^{1 2}

Imam Shams Ed-Din Al-Haqq Al-`Azim Abady comments on the saying of Abu Dawud, "This *Hadith* is not strong because of the weakness of the narrator "Muhammad Ibn Hassan Al-Kufi...." . Ibn `Aidy and Al-Bayhaqy have attested to the anonymity of Muhammad Ibn Hassan, the narrator, while Al-Hafiz `Abdul-Ghany Ibn Sa`id disagrees with them about the narrator saying, "He is Muhammad Ibn Sa`id who was crucified for being an atheist³. He is a weak and an unreliable narrator." Whether being Muhammad Ibn Hassan or Muhammad Ibn Sa`id, the narrator is a liar as scholars maintain that he fabricated four thousand *Hadiths* and attributed them to the Prophet (PBUH) . About him, Imam Ahmad says, "Al Mansur killed and then crucified him as a punishment for atheism."⁴

In addition, some of the contemporaries have compiled all narrations of this *Hadith* and concluded that all the ways through which this *Hadith* is transmitted are weak and cannot be considered a proof of a legal ruling. In his thesis on female circumcision, Muhammad Lutfy As-Sabbagh, Professor in Islamic Studies in Riyadh University, says, "See, may Allah guide you, how the two great Imams, Abu Dawud and Al-`Iraqy, have judged this *Hadith* to be *da`if*

¹ The *da`if hadith* is the one lacking authenticity criteria.

² " *`Awn Al-Ma`bud fi Sharh Sunan Abu Dawud*" (14/125-126)

³ See the previous reference

⁴ Such a saying was reported in brief from Sheikh Muhammad Lutfy As-Sabbagh concerning the legal ruling on circumcision for males and females; see the Healthy Guide series - the regional office of World Health Organization in the Middle East.

and pay no attention to those late scholars who deem it as a *Sahih*⁵ (authentic) one. Shams Ed-Din Al-Haq Al-`Azim Abady beforehand said, "The *Hadith* of female circumcision has been reported through so many ways all of which are weak, blemished and defective, and thus it is unacceptable to prove a legal ruling through such ways."⁶

To conclude, the *Hadith* in question does not benefit and no argument can be derived from it.

The Second Hadith

The Prophet (PBHU) was reported to have said:

"Circumcision is an act of Sunnah for men and an honorable act for women."

On his commentary on the book "*the Revival of the Religious Sciences*," Al-Hafiz Al-`Iraqi has judged the concerned *Hadith* as *da`if*, which is the same judgment of Al-Bayhaqy, Ibn Abu Hatim, and Ibn `Abdul-Barr. Further, all the narrations of this *Hadith* are traced back to **Al-Hajjaj Ibn Arta`ah whose narrations are not to be taken as a proof of a legal ruling for being *Mudallas*⁷ (dishonest) in his narration.**

In his book "*Talkhis Al-Habir fi Takhrij Ahadith Ar-Rafi`y Al-Kabir*," Al-Hafiz Ibn Hajar has spoken of the weakness of such a *Hadith* citing the saying of Al-Bayhaqy that it is *da`if* (weak) and *Munqati`* (disconnected).⁸ Ibn `Abdul-Barr has also stated in his work "*At-Tamhid Lima fi Al-Muwatta' min Al-Ma`ani wa Al-Asanid*" **that the narrations of the *Hadith* in question are taken from an unreliable narrator.**⁹ Ibn `Abdul-Barr has maintained in the same book, "Such a *Hadith* is taken as a proof of the permissibility of circumcision by those deeming such an act as one of *Sunnah* despite that this *Hadith* is originally received from Al-Hajjaj Ibn Arta`ah whose reports are not to be taken as a proof in case he is the only narrator of such reports; that is to say such reports

⁵ The *Sahih Hadith* refers to a *hadith* whose chain of narrators has been transmitted by truly pious persons who have been known for their uprightness and exactitude, and the *hadith* is free from eccentricity and blemish.

⁶ See "*Awn Al-Ma`bud*" Vol. 14 p. 126. In this book, the author has discussed the matter of female circumcision in detail disapproving of the *hadiths* related to it. For more information, see pages from 122-126.

⁷ This attribute belongs to the narrator who heard some *hadiths* from his older scholar and added some others on his own.

⁸The *munqati` hadith* is the one the middle of whose chain of transmission has only one narrator missing, whether in one stage or more.

⁹ See: "*Awn Al-Ma`bud*" 14/124.

are not narrated by anyone of his contemporaneous narrators. However, only male circumcision has been unanimously agreed upon by the Muslim scholars."¹⁰

Therefore, this *Hadith* is not a proof of female circumcision as it is categorized as weak; moreover, it is traced back to a narrator whose narration is not fit to be a proof, thus how is it reasonable to deduce a legal ruling from such a *Hadith* to make some matter as one of *Sunnah* or even of the honorable actions?! Being honorable means to be at least desirable and being desirable entails being a legal ruling proved by nothing but authentic evidence.

Deeming that the *Hadith* of Umm `Atiyyah implies some proofs that attest to the connotations of the *Hadith* in question is refuted by the fact that all these proofs cited by those deeming such a *Hadith* as *Sahih* (authentic) are too defective to be accepted as evidence of a legal ruling. Hence, the support given to female circumcision becomes weaker.

Even in case we assume that this *Hadith* is acceptable – though it is not so – it is worth mentioning that the legal ruling on male circumcision does not stand on equal footing with that on female circumcision. This is because the *Hadith* makes male circumcision as an act of the *Sunnah* while female circumcision as an honorable one; it declares that female circumcision is not of the *Sunnah* but it is a mere honorable act that does not reach the rank of being from the *Sunnah*. According to such an assumption, it seems that when Islam came, it wanted to show Arabs, who were accustomed to practicing female circumcision before Islam, how to regulate such a habit. This can be perceived clearly in the very exact and fine words mentioned in the first weak *Hadith*, "*Take a little part (of female genital organs) and do not exaggerate*"

Above all, some virtuous ladies have directed my attention to that the beginning of the *Hadith* of Umm `Atiyyah contradicts its end, as it first enjoins female circumcision but later indicates that leaving some of the part to be removed causes to "*preserve the fairness of the face and sexually satisfy the husband.*" Thus, why do we not leave the creation of Allah without change that the woman's face becomes more perfect in fairness and the husband attains more sexual satisfaction?!

Anyway, the two *hadiths*, according to the assumption of being *sahih* (authentic), do not carry interpretations other than we have mentioned. Moreover, if the Prophet (PBUH) had wanted to make male circumcision on an equal footing with that of the female, he would have said, "Circumcision is an act of the *Sunnah* for men and women," or "Circumcision is an act of the *Sunnah*," which will be a general legal ruling in such a case.

¹⁰ See: "*At-Tamhid Lima fi Al-Muwatta' min Al-Ma'ani wa Al-Asanid*" 21/59.

Accordingly, it seems true to attest to the saying of Imam Ibn Al-Munzir, a great scholar in *Fiqh*¹¹ and *Hadith* :

"As for female circumcision, there is neither report to refer to nor tradition to follow."¹²

The same opinion is held by Sheikh Muhammad Rashid Rida in reply to a question published in Al-Manar Magazine.¹³

Imam Ash-Shawkany has maintained that "regardless of being unacceptable to use such a *Hadith* as a proof of a legal ruling, it has no evidence of the legality of what is ordained in it, as the word "*Sunnah*" when mentioned by the Lawgiver¹⁴ connotes a meaning more general than that connoted when mentioning it by the scholars of the Principles of *Fiqh*. As for male circumcision, there is no evidence that it is obligatory; however, what is agreed upon is that it is an act of *Sunnah*. Besides, all acts of natural disposition are not obligatory" (see *Nail Al-Awtar* 1/135).

Furthermore, Sheikh Sayyid Sabiq, in his well-known work "*Fiqh As-Sunnah*," has said that the *Hadiths* that enjoin female circumcision are *da`if* (weak); none of them is judged to be *Sahih*.¹⁵

The Third Hadith

It stands for the *Hadith* reported by `Abdullah Ibn `Umar and in which the women of Al-Ansar (i.e., the Supporters of the Prophet in EL Medina) have been enjoined to practice female circumcision. This *Hadith* is *da`if* (weak) as Ash-Shawkany¹⁶ has said that it is related by Abu Na`im with a chain of transmitters that contains Mindal Ibn Ali who is deemed weak in narration. Ash-Shawkany also adds that such a *hadith* is related by Ibn `Addiy with a chain of transmission having Khalid Ibn `Amr Al-Qurashi, who is deemed weaker than Mindal.

The Fourth Hadith

`Aishah (may Allah be pleased with her) narrated an authentic *Hadith* that the Prophet (PBUH) said:

¹¹ The Science of Islamic Jurisprudence.

¹² See: "*Awn Al-Ma`bud*" 14/126.

¹³ See Al-Manar Magazine: issue 7-1904, pp. 617-618.

¹⁴ It is a term used to refer to Allah who originates the laws, and it also refers to the Prophet (PBUH).

¹⁵ See: "*Fiqh As-Sunnah*", Vol. 1, p. 37.

¹⁶ See: "*Nail Al-Awtar*", Vol. 1, p. 139.

"If the two organs to be removed by circumcision are met, then performing Ghusl (ritual bath) is obligatory."

(This Hadith is in the well-known books of collections of Prophetic Hadiths , written by Malik, Muslim, At-Tirmidhi, Ibn Majah and others)

The point here is that since the Prophet (PBUH) says *"the two organs to be removed by circumcision,"* which indicates the place of circumcision for the man and woman, some people may consider this as a proof of the legality of female circumcision.

Such an argument can be refuted by the fact that in Arabic language, two things or persons may be given one quality or name that belongs only to one of them for an effective cause. Such an effective cause may be that this quality or name given to such two things or persons combined together – though belonging to only one of them – is more famous and commoner than that of the other. Other criteria may be strength, potency, eminence, or easiness in pronunciation. Such a form of duality given one quality or name is common in Arabic regardless of whether the two things or persons forming duality are two males or females or a combination of a female and a male, and whether the common quality or name belongs to a male or a female. Some examples may be as follows:¹⁷

- 1- The name "*Al-`Umran*" is given to Abu Bakr and `Umar.
- 2- The names "*the two moons*" and "*the two lights*" are given to the moon and the sun together despite the fact that the moon is visible by reflection of sunlight.
- 3- "*The two `Isha's*" is given to the two prayers of the *Maghrib* and *`Isha'*, and the "*two Zuhrs*" is a name for the two prayers of the *Zuhr* and the *`Asr*.
- 4- The term "*the two black things*" is given to dates and water combined despite the fact that water has no color.
- 5- The river and the sea are called when combined together "*the two seas*" as Allah says, "***the two seas are not alike***..." (Qura'ân, Fatir: 12). The first of the two seas is a river and the other stands for a real sea; however, the river and the sea, when combined together forming duality, are called the two seas for the sea is greater than the river. Here, the greater name takes priority.
- 6- "*The two Marwas*" is a term given to the two hills of Safa and Marwah in Mecca. Likewise, "*the two yellowish things*" is a name for the two materials: silk and gold, though silk is of many colors.

¹⁷ See: the work of `Abbas Hasan, "*An-Nahw Al-Wafi*," 1/118-119.

Hence, the phrase "*the two organs to be removed by circumcision*" in this authentic *Hadith* involves no proof on the legality of female circumcision, as it has been reported while bearing duality (i.e., giving priority to the stronger; men over women) as mentioned above.

Another refutation of this argument is that the *Hadith* concerned is originally quoted in what makes *Al-Ghusl* (i.e., having ritual bath) obligatory and not in the matter of circumcision. In addition, all scholars interpreted such a *Hadith*, as follows: "Mere meeting of the sexual organs does not require *Ghusl* except that the act of having sexual intercourse actually happens. Hence, if the literal meaning of the *Hadith* has been left, then how can we accept the implication of such meaning?!"

The Fifth Hadith

The Prophet was reported to have said:

"Acts of natural disposition are five: circumcision, removing the pubic hair, shaving the mustache, cutting the fingernails, and plucking the armpit hair."

(Related by Al-Bukhari, Muslim, Abu Dawud, At-Tirmidhi, An-Nasa'i, Ahmad, and Malik in his "*Al-Muwatta*")

This *Hadith* reported also by `A'ishah and other Companions of the Prophet's, the acts of natural disposition are said to be ten among which are shaving the mustache and growing the beard.

This *Sahih Hadith* (authentic Hadith) does not constitute a proof of female circumcision as shaving the mustache and growing the beard are acts peculiar only to men. The original narration of this *Hadith* is recorded by Imam Malik on the authority of Yahya Ibn Sa`id that Prophet Ibrahim (Abraham; PBUH) was the first to be circumcised. This is agreed upon by Muslim scholars. The same saying is stated by Ibn `Abdul-Barr in his book entitled "*At-Tamhîd*" as he maintains that circumcision is one of stressed traditions for messengers and thus it is inevitably applied to men. The same author also denies the validity and legality of female circumcision as we have mentioned before.

Therefore, it is not permissible to deem female circumcision as one of the acts of natural disposition, unlike male circumcision which is considered as one of these acts.

Another proof to negate the legality of female circumcision is that there is no evidence that any of the Prophet's daughters or wives had been circumcised, which proves that if the female circumcision was categorized as

one of Islamic rites, then the Prophet (PBUH) would be the first to apply it to his daughters and wives.

In conclusion, it becomes clear that there is no *sahih Sunnah* (authentic *sunnah*) to prove the legality of female circumcision as all *hadiths* cited in such a matter are *da`if* (weak) and no legal ruling can be deduced from them. Such a practice (female circumcision) is nothing but a habit which Islam has left for time and medical progress to invalidate.

Question 2: The Four Schools of *Fiqh*¹⁸ give many different legal rulings with regard to female circumcision. It is said to be obligatory for men and women according to Imam Ash-Shafi`y, obligatory for men and an honorable act for women according to Imam Ahmad Ibn Hanbal, and an act of the *Sunnah* for men and an honorable act for women according to Imam Abu Hanifah and Imam Malik. Hence, none of them claims the prohibition of female circumcision. Can we conclude, accordingly, that such a practice (i.e., female circumcision) is, at least, permissible as long as practicing it is not prohibited by any of the Four Imams?

Answer 2:

Fiqh is defined as the science of Islamic Jurisprudence . Such science must be dependent on the detailed proofs included in the Qur'an, the Prophetic *Sunnah*, sound Consensus of Muslim Scholars, and sound applicable *Qiyas*.¹⁹

In addition to being acquainted with the knowledge related to *Fiqh* and *Shari`ah*, the *Faqih*²⁰ must be aware of the social circumstances where he lives and thus gives his *fatwa*²¹ and teachings taking into consideration the circumstances and conditions of his society.

Since *Fiqh* is a human science through which specialists in religious and *Shari`ah* science are to show the legal ruling of every matter Muslims are interested to know the judgment of *Shari`ah* therein. Then the opinion of a *Faqih* is not to be considered as a core part of *Shari`ah* or a religion and thus be used as a legal evidence. Rather, the *Faqih's* opinion is merely a product of exerting his discretion in understanding the legal texts, thus it is affected by the problems of the world surrounding the *Faqih*. Such a process is considered a trial for reaching a well understanding of the texts and knowing how to apply them. Thus, the *Faqih* is not infallible, for he may be wrong and may be right.

¹⁸ The Science of Islamic Jurisprudence

¹⁹ Consensus of Muslim scholars and *Qiyas* are two of the Principles of Islamic Jurisprudence. *Qiyas* is an Arabic name for the act of passing a judgment upon a certain issue on the basis of another one due to similar features common between them.

²⁰ *Faqih* is the one qualified to deduce the legal ruling from the main sources of *Shari`ah*.

²¹ Religious opinion passed on some matters by a *Faqih*

However, the *Faqih* qualified to practice *Ijtihad*²² receives a double reward if he reaches the right course and one reward if he errs. In this regard, Ash-Shafi`i said, "My opinion is right but likely to be wrong and the opinion of others is wrong but likely to be right."

Besides, not all what is tackled in the books of *Fiqh* and *Hadith* is considered religious matters; there are many issues tackled in such books while not being of a religious affairs such as that related to medicine, food, clothing, etc.

As for religious handling of worldly affairs, the Prophet (PBUH) set for us an example when he ordered Muslims not to pollinate palms, which negatively affected their output. Seeing the output of palms falling with production unexpectedly, the Prophet (PBUH) said addressing Muslims, "*You are more knowledgeable of your worldly affairs.*" In this way, he (PBUH) shows us the difference between his instructions related to the religious affairs, and those related to worldly or socially ones.

Therefore, the *Faqih*, when giving his *fatwa* on a certain field he is not familiar with, must follow opinions of those having more knowledge of the field concerned, considering the public interest of people unless such opinions contradict an evident religious text.

As far as medical issues, tackled in the books of *Fiqh* and *Hadith*, are concerned, they are considered pure worldly affairs for which the judgment of the *Faqih* is asked but after knowing that of the medicine and science. This is because science and the profession of medicine basically deal with reality for which the *Faqih* is called to give his legal *fatwa*. Hence, the opinion of the *Faqih* is to be built on that of the physician and not vice versa.

If we apply the criteria mentioned above to the issue of female circumcision, we can reach the conclusion that the one, who is to tackle such a matter and instruct people about such a serious issue, must fulfill the full conditions of the *Faqih* and not that of callers, preachers, exegetes, or scholars of *Hadith*. To fulfill these conditions, the *Faqih* must be acquainted with different religious sciences especially the science of *Fiqh* and its principles. In addition, he must have accurate knowledge of this habit (i.e., Female circumcision); for example, he must study its historical origin, cultural and social reasons behind practicing it, and scientific facts related to the organs removed through such a practice. Among the scientific facts he should be aware of, are the nature of the organ removed and its vital functions and how this organ has positive effect when left as created by Allah while it has negative effect when removed in such a process. In other words, removing this part may

²² *Ijtihad* means exerting one's discretion on deducing laws from the sources of *Shari`ah*.

cause the two spouses to be deprived of the full sexual enjoyment, while leaving it may guarantee such enjoyment.

Fulfilling such conditions, the *Faqih* becomes competent to give a judgment built on his knowledge of scientific facts and not on the popular groundless knowledge and culture.

As for the scientific view on female circumcision, it is crystal clear; it states that female circumcision is “*a partial or complete removal of the female's external genital organs*”. Accordingly, such an act may negatively affects the natural functions for which such an organ is created as well as the legal sexual pleasure. So, such a practice is nothing but a social practice that aims at controlling the woman and depriving her of her rights.

Having acquainted with all these modern social and scientific facts about this old habit, is it reasonable for the Faqihs today to justify and defend the continuity of such a practice?!

Question 3: Being a *da`if* (week) *Hadith* is not fit to be considered as a proof of prohibiting the practice of female circumcision, as some people maintain that it is permissible to act upon the *da`if Hadith* especially when it urges to do virtuous and righteous deeds.

Answer 3:

In the beginning, we have to stress that such people make it permissible to act upon the *da`if Hadith*, which is defined, according to their *Hadith* terminology - as not very *da`if* or *munkar*²³, only when it urges to do virtuous and righteous deeds not to hurt and harm people physically and psychologically without any legal or religious right (such as the case with female circumcision).

As a matter of fact, the Islamic methodology when disapproving of the practice of female circumcision, it depends not only on judging *Hadiths* as being *da`if* but it also depends on other essential bases.

The first of these bases is the accurate scientific and social understanding of the habit of female circumcision and not the traditions and inherited practices of common people. Such a category includes the following:

- 1- The scientific description of this habit
- 2- The natural functions for which the organ to be cut is created
- 3- The physical and psychological effects resulting from applying this habit whether to the young female or the adult one
- 4- The social reasons for this habit that motivate the Egyptian families to practice such a practice

²³ It is an attribute for the *hadith* narrated by a sole narrator with a text that is not known through any other chain of transmission.

The second base on which the Islamic methodology is built is the *Fiqhi* (Islamic judgment) that is to be based on the understanding of and accurate explanation of this habit from the scientific and social perspectives. As such, it seems important to consider the application of the legal religious judgment deduced from the main sources of *Shari`ah*, namely the Qur'an and the authentic *Sunnah*. This in addition to the Consensus of Muslim Scholars and Qiyas provided they fulfill their full conditions as we mentioned beforehand.

First: The Scientific Understanding of Female circumcision Habit

1- The scientific description of the process of FGM is to remove all or part of the external genital organs of the female.

However, this scientific description is different from the description of those practicing this habit as they describe such a process as a practice of removing an extra part of the female's genital organs. According to the latter description, the words "*extra part*" indicate that such a part has no function in the body but rather it may harm it. On the other hand, the scientific description uses the term "*organ*" which *is a name for each group of tissues that is fed by blood vessels and nerves and performs vital and necessary functions for the human body.*

2- According to physicians, the natural functions for which the organ to be cut are created, are as follows:

- To protect the rest genital organs.
- To produce natural secretions that facilitate the process of sexual intercourse increasing the sexual enjoyment between the two spouses that they feel much intimacy towards each other.
- They make it easy for the woman to be satisfied sexually, which is required on the religious and human levels.
- They help direct the urine out in a direction away from the body, a thing which helps preserve the purity of these organs.

3- The Physical and psychological effects resulting from removing these organs can be summed as follows:

From the Health Perspective:

- The female is deprived of the natural functions of these organs either totally or partially according to the way these organs are cut through the process of circumcision.

- The circumcised female (young girl or adult one) becomes prone to many complications and dangers for the rest of her life.

From the Psychological and Social Perspective:

- For any young female, circumcision is a painful experience that may leave behind many psychological bad effects such as phobia, depression, and lack of confidence in her parents and perhaps in herself. Moreover, such a process fixes in the mind of the circumcised girl a disgraceful picture of herself that she is a being that has neither reason nor morals to help it respect its body or control its desires and sexual behavior as if religion, reason and conscience are not enough deterrents. That is, it becomes desperately obligatory to remove the genital organs of such a being in a way that causes pain so that it may become morally upright.

As a result, it seems clear that we bring our daughters up to teachings and principles that are harmful to the individual and the society as well

4- Why do the Egyptian families apply circumcision to their daughters, and what are the beliefs and traditions that back the continuity of this habit?

Most researchers agree that female circumcision is a habit supported by many traditions and beliefs that have no scientific base. Among these beliefs are the following:

- Female circumcision causes to reduce and control the sexual desire of the unmarried and married woman, which help both maintain their honor, decency and chastity.
- The uncircumcised woman has strong sexual desire so that she may cause exhaustion to her husband. On the other hand, the circumcised woman is self-restraint and her need for sex is not excessive. Such a woman is able to maintain her chastity in case her husband is absent or ill. All this is to make the husband guarantee satisfaction and pleasure and feel more confident in his wife's conduct.
- Circumcision helps the female become enough mature and thus fit for being married and giving birth, which is considered as a baseless thought.
- Circumcision is a means of beautifying and purifying the female as it frees her from ugly and unclean parts in her body.

Secondly: According to what is mentioned above, we can sum up the main Islamic rules that prohibit this old habit as follows:

1. **There is not even one legal religious evidence in the main sources of *Shari`ah* to prove the legality of female**

circumcision. That is to say, female circumcision is not an obligatory act, an act of the *Sunnah*, or even an honorable act as clarified beforehand.

2. **The value and inviolability of the human body** are secured in Islam as well as in other heavenly religions. In fact, both man and woman have the right to enjoy a perfect physical and psychological health; this comes in accordance with the Prophetic *Hadith* that reads, "*Harm is neither to be inflicted nor reciprocated.*"²⁴ This *Hadith* urges each Muslim, whether male or female, to avoid any practice that may cause harm to oneself or to others. Since modern sciences and human experience have proved that circumcision causes sure harm to the young female and the adult woman; through cutting off vital organs in the body of the female and thus depriving her of the natural functions of these organs and exposing her health to negative physical and psychological effects. Hence, such harm cannot be legally accepted for Allah says, "***Kill not one another;***"²⁵ and his saying, "***be not cast by your own hands to ruin.***"²⁶
3. **Islam stresses the prohibition of causing change in Allah's creation.** Because Allah says, "***Surely, We created man of the best stature,***"²⁷ then how to say that female circumcision is legalized to beautify the body of the female as if Allah, Exalted be He, has created her with a defect that needs to be treated. On the contrary, female circumcision is a means of changing and disfiguring Allah's creation through cutting and hurting. Moreover, the Prophet (PBUH) forbade deforming Allah's creation as he (PBUH) was reported to have cursed those doing so. Likewise, the Qur'an stated that the act of cutting living organs even that of an animal is a sinful act. In addition, the Qur'an categorizes, in one of its Suras (i.e., Chapters), such a practice as one of the sins which Satan tempts man to do to his livestock; such an act comes coupled with the act of deforming Allah's creation in the same Sura that reads, "***And he (i.e., Satan) said, 'Surely, I will take of Thy bondmen an appointed portion. And surely I will lead them astray, and surely I will arouse***

²⁴ Related by Ad-Daraqutni on the authority of Abu Sa'id Al-Khudri and Al-Hakim who judges it to be *sahih* according to the conditions of Imam Muslim. It is also related by Ibn Majah 2/784, Malik in "*Al-Muwatta'*" 2/745, Al-Bayhaqi in "*As-Sunan Al-Kubra*" 6/69, Al-Hakim in "*Al-Mustadrak*" 2/58, Ad-Daraqutni in his "*Sunan*" 4/227, and in "*Majma' Azawa'id*" 4/110.

²⁵ Qur'an, An-Nisa' (Women): 29

²⁶ Qur'an, Al-Baqarah (the Cow): 195

²⁷ Qur'an, At-Tin (the Fig):4

desires in them, and surely I will command them and they will cut the cattle's ears, and surely I will command them and they will change Allah's creation. Whosoever chooses Satan for a patron instead of Allah is verily a loser and his loss is manifest.²⁸

4. Islamic teachings stress woman's right to a satisfactory and successful marital relation.

Actually, the teachings of our true Religion (i.e., Islam) invite us to respect the sexual relation between the two spouses and prove the duty of each part towards the other to establish a successful and happy relation. Therefore, such a relation may be spoiled in case of building it on satisfying only one part without the other; such is the embodiment of selfishness and egoism, a thing that Islam prohibits. Our inheritance of thoughts and beliefs pertaining to the sexual relation between the two spouses comes only in favor of the husband not the wife. This is easily noticed in the social thoughts and beliefs that make a link between female circumcision and the husband's sexual pleasure. Put differently, Islamic teachings take into consideration the human desire for sex deeming such a desire as a natural disposition. So, Islam's duty is not to resist this disposition, but rather to satisfy it in a legal and lawful way. Islam pays much attention to the sexual relation between the two spouses and urges us to care about the feelings of woman and to respect her right of sexual satisfaction. Further, the Qur'an is careful to establish the right of woman to reach sexual satisfaction the same as the man, so Allah says, "***Your women are a tilth for you (to cultivate) go to your tilth as ye will, and send (good deeds) before you for your souls.***"²⁹ Good deeds mentioned in this verse refer to sexual foreplay such as kissing and touching that precede the sexual intercourse. Such foreplay help the woman get her full sexual pleasure. Similarly, the Prophet (PBUH) says, "*In case a person of you intends to have intercourse with his wife, he should sexually stimulate her. Then, if he feels that her sexual desire has become equal to that of his, he may embark on copulating with her.*" The Prophet also says, "*If a man comes to have sexual intercourse with his wife, he should do so with strong sexual passion and desire (that she may feel passionate intimacy to him). Later on, in case he is (sexually) satisfied, he should wait until she is satisfied to the same extent.*"

²⁸ Qur'an, An-Nisâ' (the Women): 119

²⁹ Qura'ân, Al-Baqarah (the Cow): 223

Accordingly, how can the woman become fully satisfied as the man while being deprived of main organs helping her reach such sexual satisfaction?!

To conclude, Islam respects the feelings of the woman, while the bad habits we have inherited over years never respect her feelings and rights but, instead, intend to violate them.

5. Islamic teachings decisively reject all social beliefs that lead the society to practicing female circumcision.

People claiming that women have neither reason nor will and those saying that women's desire for sex exceeds that of men 25-fold, do not offer even one evidence, be it built on legal text, reason, or a scientific fact, to support their claims which clearly contradict the Islamic teachings and principles. The Prophet (PBUH) says, "*Women are equals to men.*" Such a Prophetic text refutes all these claims.

Because the woman is equal to the man in having feelings, desire, reason, and conscience, she, thus, can keep religious teachings, respect her body, and maintain her chastity, a thing which makes her grow upright and righteous in all her affairs. Some say that circumcision is to regulate and control woman's desire for sex. However, such a saying comes contradictory to the scientific fact that woman's desire for sex emanates from the brain and not sexual organs. It goes without saying that the sexual behavior of the man or the woman, be right or not, is determined according to the brain which gives instructions to the organs of the body. It means that the body serves and obeys the brain in all instinctive human desires such as those of food, sleep, and sex. In other words, the sexual organs have nothing to do in determining the sexual desire or conduct. Therefore, female circumcision does not, from the scientific point of view, help regulate or control the sexual desire or conduct of the woman. The sexual desire and conduct of the circumcised and uncircumcised woman are dependent on morals, education, and the family among whom she lives. In fact, disorder occurs when the woman comes to be deprived of some natural functions as a result of removing some of her natural organs responsible for performing such functions.

Chastity, decency, and purity are Islamic virtues required from both the man and woman equally. Bringing up on righteous morals and purifying the souls with religion and piety constitute the effective and real restraint for the man and woman alike.

Question 4: Since the *Fiqh* general principle states that the original ruling of things is permissibility, and since there is not a legal religious

proof to prohibit female circumcision, then the whole matter is considered as a permissible act that is to be decided only by the family and the guardian of the female to be circumcised.

Answer 4:

Despite being true, this *Fiqh* rule – the original ruling of things is permissibility – is to be applied to beneficial objects created by Allah for our interest such as water, trees, and other resources. On the other hand, the original ruling pertaining to matters relating to one's body, property, honor, or dignity, is prohibition and not permissibility. Thus, attacking properties, destroying reputation, causing harm to bodies are all crimes for which Islamic Law gives deterring punishments.

Because female circumcision is an act of hurting a female by cutting parts from her body, it is not reasonable to say that such an act is among the permissible matters, for it is, on the contrary, legally prohibited according to religious rule that states "the original ruling pertaining to the harm caused against bodies, properties, and reputations, is prohibition not permissibility.

Question 5: Female circumcision is an old practice and convention (or custom), and custom is one of the sources of Islamic legalization, so it is obligatory to act according to it.

Answer 5:

Custom that is considered to be a legal proof must secure public interests for people and society and not be in contradiction with a legal religious text. Since female circumcision is a practice contradictory to the legal religious texts that prohibit causing harm to others, then being a custom does not make it permissible to practice such an act even if recurrently practiced for many ages. That is because customary practices cannot be taken as a legal proof when contradicting religious texts and, further, such a matter cannot be proved by a mere *Faqih's* view or school of *Fiqh* point of view in the absence of the authentic religious proof.

Question 6: Is the consent of the female's guardian or the female herself to apply circumcision not enough to make such an act permissible on the legal and Islamic levels?

Answer 6:

The consent of the female's guardian or even herself does not allow circumcision. As for the guardian, he has no right to behave freely regarding the body of the female under his guardianship; he has only the right to assume

the responsibility for educating and bringing her up and caring for her affairs. As for the female, she has no right to do to her body what she likes, as only the One Who created her owns her body. As such, Islam forbids suicide and whatever acts that may cause any harm to the human body.

Accordingly, FGM becomes a legally criminal offence. *Faqihs* state that a full indemnity is required for cutting the labia (a part of woman's external genital organs). It is worth mentioning that indemnity is imposed as a means of punishing the criminal and recompensing the victim. Stating such a judgment, *Faqihs* have said that the sexual enjoyment is fulfilled through those labia of the vulva. Hence, any act that may negatively affect the sexual enjoyment entails the same compensational punishment. As a result, prohibiting such an act is legally permissible; embarking on prohibiting such an act would be prior to waiting until it occurs and then we begin trials to detect its causes or analyze it.³⁰

Question 7: What we mean to apply is the Sunnah circumcision not the African or Pharaonic Circumcision. Practicing female circumcision helps us adhere to the *Sunnah* and reject the claims of the West about such a matter. Are all serious problems of Egypt solved except for the issue of female circumcision, so it takes all this attention?

Answer 7:

The Prophetic Tradition is free of what is called the circumcision of the *Sunnah* for females. Further, the Prophet's *Sirah* (i.e., Biography), which records everything about the Prophet (PBUH) in detail, has no mention that he (PBUH) practiced circumcision on his daughters, wives, or any female member of his household.

In addition, most Muslim countries, such as Saudi Arabia, Gulf States, Lebanon, Syria, Palestine, Libya, Tunisia, Algeria, Morocco, Indonesia, and Malaysia, do not practice female circumcision, a matter that makes us question whether it is reasonable to think that this habit is an Islamic rite or an act of the *Sunnah* despite being abandoned by all these countries.

To get rid of this habit does not mean that we go after the West and follow the recommendations of the International Conference for Population and Development held in Egypt (1994) and in which a film on a process of

³⁰ See: *Al-Mahali* by Ibn Hazm 10/458 as the author have mentioned the opinions of *Faqihs* on such a matter, however he has differed with them as he viewed that retaliation is obligatory for who commits such a sin intentionally while no indemnity should be imposed on who commits such an act unintentionally. See also *Al-Mughni* by Ibn Qudamah 12/158, 11/546 as Ibn Qudamah cited two opinions, one allows retaliation for cutting the labia while the other allows to pay indemnity, for there are considerations relating to the parts from which retaliation is to be take.

circumcising an Egyptian female, was presented. Such a film was also broadcasted on CNN, which, of course, made each Muslim, jealous for his country and religion, feel resentment against such an act. Such attention given to the issue of FGM is not new as it has attracted many times the people of opinion³¹ and those entrusted with giving *fatwas*. In support of this, the Egyptian physicians, through the Egyptian Medical Association,³² issued the first call to fight this habit from the medical viewpoint at the end of twenties in the last century.

Moreover, there are legal *fatwas* that go back to the forties of the past century and all of which stress that female circumcision is not an act of the *Sunnah* and whoever abandon it is not sinful.³³ Among these *fatwas* are:

1. The *fatwa* issued in 1949 by the great scholar Sheikh Muhammad Hasanin Makhluḥ, the Egyptian *Mufti*³⁴
2. The *fatwa* of Sheikh Sayyid Sabiq, the author of "*Fiqh As-Sunnah*." Sheikh Sayyid Sabiq's work "*Fiqh As-Sunnah*" issued in the forties have become, later, an important reference in *Fiqh* as the author deals with *Fiqhi* questions combined with their legal proofs from the *Sahih* (authentic) *Sunnah*. In this book, Sheikh Sayyid Sabiq maintains that *hadiths* urging to practice female circumcision are *da`if* and none of them is proved to be *Sahih*.
3. The *fatwa* of Sheikh Muhammad Rashid Rida published in *Al-Manar* Magazine in 1904.

Consequently, fighting FGM is a humane affair in the first place, for how does a parent accept to apply FGM to his/her daughter despite being aware of the nature of such a process and its harmful effects on her/his female.

So, we should fear Allah concerning this matter and always remember the Prophet's saying, "*Be good to women.*"

³¹ *Faqih*s who pass their legal judgments from rational standpoint using analogical deduction.

³² At that time, the Medical Syndicate has not been established yet.

³³ See: *Fiqh As-Sunnah* Vol. 1, p. 37

³⁴ In Egypt, the term "*Mufti*" refers to the one officially entrusted with giving *fatwas*.

The Great Muslim Scholars Disapprove of Female circumcision

A - Sheikh Rashid Rida, 1904

Under the heading "Female Circumcision: obligatory or an act of the *Sunnah*," Sheikh Rida wrote in the *Manar* Magazine saying, "Ibn Al-Munzir said, 'As for circumcision, there is no report to be referred to nor a *hadith* to be followed.' Those claiming female circumcision to be an act of the *Sunnah* support their view with the *hadith* related by Al-Bayhaqi and Ahmad from Usamah, "*Circumcision is an act of the Sunnah for men and an honorable act for women.*" However, Al-Hajjaj Ibn Art'ah, to whom the narration of this *hadith* is traced back, is *mudallis* (known for his dishonesty in narration).

B - Sheikh Muhammad Hasanin Makhluif

Sheikh Makhluif was the Egyptian *Mufti* from 1946 to 1950. He occupied many important positions as he was a founding member of the Muslim World League (MWL). He also was selected to be a member in the High Judiciary Council in Kingdom of Saudi Arabia. Among his works are "*Kalimat Al-Qur'an Tafsir wa Bayan*" (the Qur'anic Words: Explanation and Clarification), "*Safwat Al-Bayan Li-Ma`ani Al-Qur'an*" (the Clear Explanation for the Qur'anic Implications), and "*Adab Tilawat Al-Qur'an Wa Sama`uh*" (the Etiquette of Recitation of and Listening to the Qur'an). He was well-known for his reformative thinking and *fatwas* that would conform to people's life. Here is his *fatwa* on female circumcision in detail:

The legal ruling on female circumcision

The principle:

Most scholars agree that female circumcision is not obligatory and whoever abandons it is not sinful. On the other hand, male circumcision is obligatory as it is a rite of Islam and a tradition applied by Prophet Ibrahim (Abraham; PBUH).

Question: Is female circumcision legally obligatory or not?

Answer: Scholars of *Fiqh* have differed on the legal ruling on female circumcision. *As-Shafi`iyah*³⁵ have maintained in *An-Nawawi's* work "*Al-Majmu` (the Compilation)*" that it is obligatory for male and female. According to them, their view is the sound one adopted by the majority of scholars. In *Al-Mughni (the Sufficient)*, a *Hanbali*³⁶ book written by Ibn Qudamah, male circumcision is obligatory while female circumcision is not obligatory but it is an act of the *Sunnah* and an honorable act for women. This opinion comes in accordance with that of many scholars. According to *Al-Hanafiyyah* and *Al-Malikiyyah*,³⁷ female circumcision is an act of *Sunnah* and an Islamic rite. To conclude, the majority of scholars agree that female circumcision is not obligatory (the opinion of *Al-Hanafiyya*, *Al-Malikiyyah*, and *Al-Hanabilah*³⁸ and some of *Ash-Shafi`iyah*). This means that it is not a sinful act to abandon it. On the other hand, male circumcision is obligatory and an act followed by Abraham (PBUH) and thus considered as an Islamic rite (the view of *Ash-Shafi`iyah* and *Al-Hanabilah*).

As such, it is not sinful to abandon this tradition as done in many countries.

C- Sheikh Sayyid Sabiq, the Author of "*Fiqh As-Sunnah*"

Sheikh Sayyid Sabiq is one of the Muslim Scholars of Egypt in the twenty century. The composition of his encyclopedic work "*Fiqh As-Sunnah*" took about more than twenty years to be completed, as he began to write it at the middle of the forties. *Fiqh As-Sunnah*, thereby, is considered one of the reference books, because it deals with the *Fiqhi* issues and questions accompanied with their legal proofs deduced from the Qur'an, the *Sahih (Authentic) Sunnah*, and Consensus of Muslim scholars. With regard to the issue of female circumcision, Sheikh Sayyid Sabiq says in his book, "*Hadiths* stating the legality of female circumcision are *da`if* (weak); none of them is *sahih*."³⁹

³⁵ The followers of Imam Ash-Shafi`i

³⁶ Related to the School of Ahmad Ibn Hanbal

³⁷ *Al-Hanafiyyah* are the followers of Imam Abu Hanifah and *Al-Malikiyyah* are the followers of Imam Malik.

³⁸ The followers of Imam Ahmad Ibn Hanbal

³⁹ *Fiqh As-Sunna*, Vol. 1, the edition of the *Fath House for Arab Information*, p. 43.

D -Sheikh Mahmoud Shaltut, the Egyptian *Mufti* in the fifties:⁴⁰

The following is the legal opinion of Sheikh Mahmoud Shaltut issued in 1959 about female circumcision in detail:

Female circumcision

The questioner says: "The Physicians' views have differed as regards female circumcision as it is practiced and supported by some of them while rejected and attacked by others. However, people stick to practicing such an act; they hold feasts for it thinking that it is a religious rite matter and an Islamic rite. So, can we know the opinion of Islam on this practice and the age fit to be practiced at?"

To commence, the questioner is not the first to ask for the opinion of Islam on the act of female circumcision and this is not the first time to answer such a question. This is because I wrote on such an issue many times beforehand but my writing dealt with the case of the questioner only not with the issue in general. This time I prefer to discuss the issue of female circumcision in public from the viewpoint of Islam, which all people are interested to know about. I will show to all people, be they questioners or non questioners, the opinion of the Islamic *Shari`ah* on this issue so that the reader may be aware of the relation between this practice and the Islamic *Shari`ah*.

Circumcision

Circumcision is an ancient habit many people used to do in early history and continued to practice it even after the coming of Islam; they applied such a practice to males and females. However, it is not exactly known what was the real motive behind initiating this practice: Was it motivated by human thinking and natural disposition that require removing extra parts which have no use or may cause harm and impurity in case they are not removed, or did such people build their practice on a religious teaching given by a prophet or messenger at some age? Irregardless of this, what concerns us in this regard is to know the relation between religion and circumcision and the legal ruling pertaining to it.

***Faqih*s and circumcision**

⁴⁰ See *Al-Fatawa* by Mahmoud Shaltut: A Study on the Everyday Problems of the Muslim, Ash-Shorouq House, Cairo - Beirut, 1980.

As for circumcision, *Faqih*s have adopted different views regarding the narrations from which they deduce their legal rulings. This has been their case with each matter lacking an evident textual proof. So, some *Faqih*s maintain that it is an obligatory and honorable act for male and female. As they have differed on the legal ruling of circumcision – about which their views diverge to the highest degree of divergence and also converge to the highest degree of convergence – they have also differed as regards the legal time when such a practice is to be applied. Among their opinions cited in this regard are:

- 1- There is no specific time for it.
- 2- It is prohibited to be applied to a child before reaching the age of ten years.
- 3- It is allowable seven days after birth.

This is in addition to other different opinions in this respect.

Different Viewpoints

The first lesson to be drawn from this *Fiqhi* difference, which is a common thing among *Faqih*s in each matter lacking an evident textual proof, is that those *Faqih*s enjoy great freedom of opinion when seeking the legal ruling from reports or other legal proofs pertaining to matters that lack an evident textual proof. Despite their difference, none of them would find fault with the opinion of the other; they would listen to the proofs offered by each other then support or refute while showing neither inflexibility nor excessiveness.

The oddest deduction in this context comes when some of those deeming the obligation of circumcision prove their view quoting the verse that reads, "***So we have taught thee the inspired (message), follow the ways of Abraham, the true in Faith.***" (Qur'an: An-Nahl "the Bees": 123) To illustrate, they have worked on the two premises that Ibrahim (Abraham), according to a Prophetic *hadith*, was circumcised when he reached the age of eighty years, and the verse in question commanded the Prophet (PBUH) and his followers to follow the footsteps of Ibrahim (PBUH). As such, they conclude that circumcision practiced by Ibrahim is obligatory on Prophet Muhammad (PBUH) and his followers. Such is the excessive deduction that has been met with disapproval.

A similar deduction is that of others who prove the obligation of circumcision by saying, "Circumcision is one of Commands Ibrahim was tried with, which is mentioned in the verse that states, "***And remember that Abraham was tried by his Lord with certain Commands, which he fulfilled.***" (Qur'an: Al-Baqarah "the Cow": 124) They say Ibn `Abbas said,

"These Commands stand for the acts of natural disposition: circumcision, removal of the pubic hair, shaving of the mustache, cutting of fingernails, and plucking the armpit hair." Such a saying is frequently stated in the books of *Tafsir*.⁴¹

My Own View on the Issue

Regarding the aforementioned narrations pertaining to female circumcision, we can conclude that none of them is fit to be a proof of the *Fiqhi Sunnah*⁴² or the *Fiqhi* occurrence. This opinion is adopted by some scholars and expressed as saying that, concerning circumcision, there is no report to be referred to nor a *hadith* to be followed. Further, the word "*Sunnah*," which is mentioned in some narrations as an adjective for circumcision, refers, if true, to the common tradition of the people at that time; uttering the word "*Sunnah*," the Prophet (PBUH) did not mention this *Fiqhi* meaning of *Sunnah* known later on.

Thereupon, I view that the legal ruling on circumcision is not to depend on a transmitted text, but to a legal general norm that reads, "Causing pain to a person is not legally permissible unless it brings benefits that exceed pain."

Male Circumcision

Applying the rule mentioned above to circumcision, we find that circumcision is to be applied to only males as it brings them benefits that exceed the pain resulting from it. This is because the inside of the foreskin of the penis is a place that forms secretions, which help bacteria resulting from decomposition of secretions to grow and thus cause cancer and other serious diseases. Thereby, male circumcision becomes a preventive procedure that keeps man's life, so the Lawgiver⁴³ makes it inevitable and obligatory in this case.

Female Circumcision

As for female circumcision, the case is different as people deal with the matter from a sexual point of view. That is to say the focus, when talking about such an issue, is on the degree to which the sexual desire of the female is affected by such a process; this is discussed by physicians. Some physicians think that abandoning circumcision of females causes their sexual desire to be so intense that they cannot control their sexual conduct, and this may lead them to unchastity. Therefore, female circumcision is a preventive action to keep one's honor and chastity. Another group, on the other hand, think that circumcision weakens the sexual desire of females, a thing which forces the

⁴¹ A science that concerns with the interpretation of the Qur'an.

⁴² This means that no proof in the *Sunnah* of the Prophet legalizes the practice of female circumcision.

⁴³ It is a term for Allah who originates the laws, it refers also to the Prophet (PBUH).

husband to seek help in taking some harmful drugs that may spoil his life. As such, it is obligatory to abandon such a practice to keep the husband's health mentally and physically.

Excessiveness Everywhere

I may be true when I say that physicians are as excessive in their viewpoints as the *Faqih*s in their legal opinions. That is because female circumcision, whether practiced or not, has nothing to do with the sexual desire as the sexual instinct in females, whether strong or weak, depends on the formation of the body and the glands, whether strong or weak. This is supported by the fact that we can find many circumcised females falling into acts of indecency and unchastity; little of such incidents can be read or watched while many are hidden from people.

Those taking harmful drugs are urged into doing so by bad traditions they receive from the corrupt societies as their feelings about the sexual instinct are nothing but illusions resulting from the effects of drugs they take on the nervous system.

As a matter of fact, all the effects of female circumcision, whether positive or negative, are dependent on morals, society, good education, and strict observance. Hence, it becomes clear that there is no need, be it legal, ethical, or medical, for female circumcision.

Maybe it is an honorable act

However, female circumcision may be an honorable act done for men who may feel annoyed with the extra part of the clitoris when having sex with the uncircumcised female. In such a case, it takes the same legal ruling of beautifying, applying perfume, shaving pubic hair and other acts required by natural disposition.

To conclude, this is the legal ruling of male and female circumcision that I have deduced from the general rules of *Shari'ah* not from the legal textual proofs that pertain to this matter.

E -Sheikh of Al-Azhar, Grand Imam Muhammad Sayyid Tantawy⁴⁴

Here is the *fatwa* of the Grand Imam Muhammad Sayyid Tantawy on female circumcision:

⁴⁴ See: Al-Azhar Magazine, issue Jomâdah Al-Awal, 1417 A.H.

Dr. `Ali `Abdul-Fattah, Minister of Health, Allah's peace and blessings be upon you.

According to a letter sent from Dr. Mahmoud Ibrahim – General Manager of General Department of Culture and Health Information – in which he has asked for the legal ruling on female circumcision, we would like to inform you that:

1. *Faqih*s have agreed that male circumcision is an Islamic rite. They support their view with the Prophetic *hadith* related by Al-Hakim and Al-Bayhaqi on the authority of `A'ishah that the Prophet (PBUH) had Al-Hasan and Al-Hussein circumcised on the seventh day of their birth.
2. As for female circumcision, there is no a *hadith* fit to be a proof of it as all *hadiths* and reports pertaining to it are judged to be *da`if*. Among these reports are the *hadith* that reads, "*Circumcision is Sunnah for men and an honorable act for women*" and the *hadith*, "*Do not exaggerate (in cutting by taking much of this part of clitoris when circumcising); such will preserve the fairness of the face and satisfy the husband (when having sexual intercourse with the female circumcised in such a way).*" Another narration of the latter *hadith* begin with the words, "*take a little part (of the clitoris) and do not exaggerate*" that mean to remove a little part of the clitoris. It is reported also that the Prophet (PBUH) ordered the man who came to him and embraced Islam to have his hair cut and be circumcised. Another *hadith* reads, "*Who embraces Islam, should be circumcised.*" All these *hadiths* have been mentioned by Ash-Shawkani in his book "*Nail Al-Awtar*" (Vol. 1, pp. 137, 140). He talked about the chain of transmitters of these reports in detail and judged them as *da`if* quoting Ibnul-Munzir as saying, "As for female circumcision, there is neither a report to refer to nor a tradition to follow." Having mentioned reports related to circumcision, the author of "*`Awn Al-Ma`bud fi Sharh Sunan Abu Dawud*" has said that the *hadith* related to female circumcision has been received from many ways of transmission judged all to be flawed and defective and thus unfit to be a proof of a legal ruling. Then he has quoted Ibn `Abdul-Barr's saying in "At-Tamhid" that only male circumcision has gained the unanimous agreement of Muslim scholars.
3. In his book "*Al-Fatawa*" (the Fatwas) under the title "Female Circumcision" (pp. 2, 3), Sheikh Shaltut said, "From the aforementioned narrations related to female circumcision, we can conclude that none of them is fit to be a proof of the *Fiqhi Sunnah* or the *Fiqhi* occurrence. This opinion is adopted by some scholars." He, further, expressed such a case saying that there is no report to be referred to nor a *hadith* to be followed in such a matter.

4. Sheikh Sayyid Sabiq says in his book "*Fiqh As-Sunnah*" (p. 33, Vol. 1), "*Hadiths* stating the legality of female circumcision are *da`if*, none of them is *sahih*."
5. In Al-Azhar Magazine, Sheikh Muhammad `Arafah presented a research on circumcision in which he said, "Female circumcision is to be studied by the Muslim Scholar who is to deduce its legal ruling, by the physiologist who is to show the function of this organ to be removed in circumcision, and by the sociologist who is to elaborate on the social effects of female circumcision, be they positive or negative. According to physiology, the organ to be removed in female circumcision is very sensitive and, however, helpful in completing the process of fertilization, so removing it weakens the sexual desire of the woman. As far as sociologists are concerned, they think that female circumcision is the reason for the spread of drug addiction in countries that practice it including Egypt. To clarify, when the husband finds that he reaches sexual satisfaction before his wife, he may take some drugs wrongly believing that they cause ejaculation to delay. Sociologists also add, 'If we want to get rid of drug addiction, we must eradicate its reason, namely female circumcision, which keeps the true nature of woman and that of man.' " Sheikh `Arafah continued to say, "When considering the above, we can conclude that there is no blame on those practicing female circumcision but they must not exaggerate in removing this organ; that is, to take only little part of it. Similarly, there is no blame if this habit comes to be prohibited in Egypt as is the case in many Muslim Countries such as Turkey and Morocco.
6. After offering the opinions of late and early scholars on such a matter, I see that male circumcision is either *Sunnah* or an obligatory act for the authentic texts urging to do so. On the other hand, female circumcision lacks the authentic legal text. So, I think that it is a habit that spread in Egypt over years; however, it is about to cease to exist especially among the educated and cultured milieus.

To prove that female circumcision is a habit that lacks the legal textual proof, it is not practiced in most Muslim countries that are full of *Faqih*s. Among these countries are Saudi Arabia, Gulf States, Yemen, Iraq, Syria, some areas in Jordan, Palestine, Libya, Algeria, Tunisia, and Morocco, etc.

Accordingly, I view that the matter of female circumcision is to be decided by physicians. In other words, if female circumcision is said by physicians to have harm, then it is obligatory to abandon such an act, and if they say something different, then the Ministry of Health must take all legal measures so

that such a process is accomplished in a way that keeps for the woman her chastity, dignity, and femininity.

F - Sheikh Muhammad Ibn Lutfi As-Sabbagh, Prof. of Islamic Studies, Riyadh University.⁴⁵

Prof. As-Sabbagh conducted a research on the legal ruling on circumcision substantiating his views with all the legal proofs from the Qur'an and the *Sahih Sunnah* (i.e., Authentic Prophetic Tradition). He concluded, "Female circumcision is no longer legally acceptable, as there is no a *sahih hadith* to support it in addition to the harms and dangers it may cause. The Prophet (PBUH) states, '*Harm is neither to be inflicted nor reciprocated.*' Such a *hadith* is one of the universals of this true Religion. As such, female circumcision is not necessary, obligatory or even an act of the *Sunnah*. This is the view of many scholars as they have not found any *hadith* reported from the Prophet (PBUH) in support of such a practice."

⁴⁵ Prof. Muhammad Ibn Lutfi As-Sabbagh - the legal ruling on circumcision - Health Guide series on health culturing through religious teachings - the regional office of World Health Organization in Middle East 1995, p. 14.

من مطبوعات



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