



# **FGM In the Context of Islam**

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### **Question 1: Is FGM a precept of Islam since it has been mentioned in the Sunna?**

**Answer 1:** Islamic Sharia is derived from the following authentic sources: the Holy Quran, the Sunna (traditions), Qiyas (use of analogical arguments) and Ijma' (juridical consensus), the four fundamental principles of Islamic jurisprudence.

In order to determine where Islamic Sharia stands as far as FGM is concerned we have to search in the Holy Quran, then the Sunna, then Ijma' and finally Qiyas.

- The Holy Quran is void of any reference to FGM, there is no Ijma' or consensus on a specific legal ruling, and there is no Qiyas or analogy that can be accepted.
- As for the Sunna, there is doubt as to the authenticity of some of the Hadith attributed to the Prophet (PBUH) in this concern. The truth is there is no proof of the authenticity of these narratives that can be used as the bases for a legal ruling on such a life-threatening issue.
- Scholars cannot base their argument on narratives that cannot be traced to a credible source since a valid argument can only be based on authenticity.

### **Hadith on Female Circumcision**

#### **First Hadith**

It is the most famous Hadith in which it is related that a woman called Om Atteya performed circumcision in Medina and that the Prophet (PBUH) told her: "Do not cut severely as that is better for a woman and more desirable for a husband". The Hadith was related by Al Hakim, Al Bayhaqy and Abu Dawood in similar wording but with weak ascription to the Prophet as is indicated by Al Hafez Zeineddin Al Iraqy in his commentary on "The Revival of Religious Sciences" by Al Ghazaly (1/148).

Abu Dawood commented on this Hadith, the version of which differed from the previous, saying: It was narrated by Obaid Allah Ibn Amr on the authority of Abdel Malik, with its meaning and ascription, but it is Da'if (weak) because the transmission was interrupted and Mohamed Ibn Hassan, one of the narrators, is anonymous. Therefore this Hadith is weak. <sup>(1)</sup>

Imam Shams Al Din Al Haq Al Azim Abady commented on Abu Dawoud's statement, saying: "The Hadith is weak because of the

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<sup>(1)</sup> *Sunnan Abu Dawoud with an explanation (Awn Al Ma'boud). 14/125-126.*

confusion about and “weakness” of the narrator, Mohammad Ibn Hassan Al Kufy”. Ibn ‘Ahdy and Al Baqihy concurred with Abu Dawoud on the anonymity of the narrator but Al Hafez Abdel Ghany ibn Said disagreed, saying:

“He (the narrator) is Mohammad Ibn Said who was crucified for being an atheist and is unreliable. <sup>(2)</sup> This narrator, Mohammad Ibn Hassan or Mohammad Ibn Said, is a liar of whom scholars have said that he has fabricated 4000 Hadith, attributing them falsely to the Prophet (PBUH). Imam Mohammad said: Al Mansour crucified him because he was an atheist. <sup>(3)</sup>

Some contemporary scholars have traced back the ascriptions of this Hadith but they are all weak. In fact, the renowned scholar Dr. Mohammad Lotfy Al Sabbagh, Professor of Islamic Studies at the University of Riyadh, Saudia Arabia, in his study on female circumcision said:

“Consider those two honorable Imams, Abu Dawoud and Al Iraqi, who have described the Hadith as weak, and disregard those who maintain it is authentic”.

Before that, Shams Aldin Al Haq Al Hazim Al Abady said: The Hadith on female circumcision was narrated in different ways, all of which are weak and distorted, and, therefore, cannot be the bases of a legal ruling. <sup>(4)</sup>

To conclude, Om Atteya’s Hadith, in all the ways it was reported, is of no benefit.

## **Second Hadith**

This Hadith is attributed to the Prophet (PBUH) as saying: “Female circumcision is an act of Sunna for men and an honorable act for women.”

Al Hafez Al Iraqi, in his commentary on “The Revival of Religious Sciences”, described the Hadith as weak. Preceding him were Imam Al Bahiqi, Ibn Abu Hatem, and Ibn Al Barr, who also described the Hadith as weak. The Hadith is traced back to Al Haggag Ibn Artaa, who is a liar and, therefore, cannot be considered credible.

Al Hafez Ibn Hagar also states in his book “Talkhees Al Khabeer Fi Takhreej Ahadith Al Rafi’e Al Kabeer” that the Hadith is weak and

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(2) *Ibid*

(3) *Brief citation from Sheikh Mohammad Ibn Lotfy Al Sabbagh’s Legal Ruling on Male and Female Circumcision: Al Huda Al Sihi series, WHO Middle East Regional Office, 1995, p.9.*(4) Imam Shams

(4) *Awn Al Ma’boud, Volume 14, p.126. Reference to the non- authenticity of Hadith on female circumcision, pp. 122-126.*

quotes Imam Al Baqihy as saying: "It is weak and interrupted". Ibn Abdel Barr also says in "Al Tamheed Lima Fi Al Mawta Min Al Ma'any wa Al Assaneed" that the Hadith is reported by an unreliable person.<sup>(5)</sup>

Al Hafez Ibn Hagar also states in the same book: "Those who claim that female circumcision is a Sunna base their argument on Ibn Maleeh's Hadith, which is traced back to Haggag Ibn Artaa who cannot be accepted as a reliable source. Muslims have agreed that circumcision is for men."<sup>(6)</sup>

Therefore, the Hadith is considered inauthentic and weak, having been traced back to an unreliable source. How then can we base on it the legal ruling that it is an act of Sunna or an honorable act? It could be considered Mostahab (recommended) but even such a legal ruling necessitates authentic evidence.

Moreover, it cannot be argued that Om Atteya's Hadith provides evidence to the Hadith in question. All the evidence provided by those who attest to its authenticity is unreliable and cannot constitute the bases for a legal ruling. The argument, therefore, in favor of female circumcision, is weakened.

Even if we were to consider the Hadith as hypothetically acceptable, which it is not, the ruling on circumcision does not put males and females on an equal footing, for while circumcision is an act of Sunna for males, it is an honorable act for females. It is as if Islam deemed it necessary to regulate this practice which was already performed by the Arabs prior to the advent of Islam. This is clear in the very detailed and fine wording of Om Atteya's Hadith that says: Do not cut severely.....

Moreover, it has come to my attention that, in fact, Om Atteya's Hadith contains a contradiction – the first part of the Hadith contradicts the last part. While the first part makes circumcision mandatory; the second part refers to a little part (of the external genitalia) that should not be removed because "it is better for the woman and more desirable for the man." So why God's creation shouldn't remain unaltered to complete the woman's fairness and the man's satisfaction.

Furthermore, the two Hadith, if hypothetically credible, do not carry further interpretations. Had the Prophet (PBUH) wanted to put men and women on an equal footing, he would have said: "Circumcision is an act of Sunna for men and women" or "circumcision is an act of Sunna" without elaborating, in which case it would be a general rule.

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(5) See: *Awon Al Ma'boud, Abu Dawoud's Explanation of Shams Al Haq Al Azeem Abady, 14/124.*

(6) *Al Tamheed Lima Fi Al Mawta' Min Al Ma'ani Wa Al Assaneed, 21/59.*

Accordingly, it would be appropriate to accept as true the statement by Imam Ibn Al Munthir, a prominent scholar in Fiqh and Hadith of the 4<sup>th</sup> Century Hejira, concerning circumcision, who said: “there is no evidence to refer to, nor a Sunna to follow.”<sup>(7)</sup>

The same opinion was held by Sheikh Mohammad Rasheed Reda in reply to a question published in Al Manar magazine.<sup>(8)</sup>

Imam AlShawkany maintains that “the Hadith fails to provide evidence since the term Sunna, used by laymen, is more general than the term used by legists. There is no evidence that circumcision is mandatory for males, although it is clear that it is an act of Sunna.... All natural dispositions are not obligatory.” (Nayl Al Awatar 1/135).

The renowned scholar Sayed Sabeq said in his famous work “Fiqh Al Sunna” : Hadith mandating female circumcision are weak and inauthentic.<sup>(9)</sup>

### Third Hadith

This Hadith, reported on the authority of Abdullah Ibn Amr, ordered the women of Al Ansar (the Prophet’s supporters in Al Medina) to be circumcised. The Hadith is weak as Al Shawkani<sup>(10)</sup> points out that, as narrated by Abu Naim, one of the narrators was Mandal Ibn Aly who is considered a weak narrator and, as narrated by Ibn Ady, another source for the Hadith, one of the narrators was Khalid Ibn Amr Al Qurashy, who is an even weaker narrator.

### Fourth Hadith

The authentic Sunna contains a Hadith on the authority of Aisha attributed to Prophet Mohammad that states: Should the two circumcised organs meet, then Ghusl (ablution) is necessary”. Malik, Muslim, Al Turmuthi, Ibn Hajeh and others have included this Hadith in their writings of the Sunna. The point to consider here is that the Prophet (PBUH) said the “two organs”, meaning the male and female organs. This may be used by some as an argument in support of female circumcision.

However, mention of the two organs does not mandate female circumcision nor does it legitimize it. In fact, in the Arabic language two things or persons may be given one quality or name that belongs only to one of them because that quality or name is more famous, stronger, more able, more prominent

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(7) See: Shams Al Haq Al Azem Abady in his explanation of Abu Dawoud, 14/126.

(8) Al Manar, Issue 7, 1904, pp. 617-618.

(9) Fiqh Al Sunna, Sayed Sabeq, Volume 1, p. 37.

(9) Nayl Al Awtar, Volume 1, p.139.

or more easily pronounced. This quality or name may or may not be that of a female. There are many examples of this duality:

The name Al Omaran (the two Omars) refers to Abu Bakr and Omar; Al Qamaran (the two moons) and Al Nayran (the two fires) to the sun and the moon, although the moon does not emit any light but reflects the light of the sun; Al Isha'an (the two evenings) to the Maghreb (sunset) and Isha (evening) prayers; Al Zuhraan (the two noons) to the Zuhr (noon) and Asr (afternoon) prayers; Al Aswadaan (the two black things) to dates and water, although water is colorless; Al Abawan (the two fathers) to the father and mother; Al Bahran (the two seas) as used in the Holy Quran refers to the river and sea ("And the two seas are not alike, this one is fresh, sweet, good to drink, this other bitter, salt". Fatir: 12); Al Marwatan refers to Al Safa and Marwa hills in Mecca; Al Asfaran (the two yellow things) to gold and silk, giving priority to the color of gold although silk comes in various colors. All these examples of the duality used in the Arabic language are known to scholars.<sup>(11)</sup>

Thus, the use of the words "the two organs" in this authentic Hadith does not provide legitimacy to female circumcision since they were used only as a form of duality that gives priority to the stronger, i.e. the male.

Moreover, the subject matter of the Hadith is Ghushl (ablution) and what makes it a requirement, rather than circumcision. In addition, all scholars have interpreted the Hadith to mean that the mere meeting of the (male and female) sexual organs does not require Ghushl unless sexual intercourse (penetration) takes place. Hence, if the literal meaning of the Hadith is unacceptable, how then can its implications be acceptable?

### **Fifth Hadith**

According to Al Shaykhan, Abu Dawoud, Al Turmuthi, Al Nisaai, Ahmed, and Malik in Al Mawta, the Prophet (PBUH), on the authority of Abu Huraira, said: "Acts of natural disposition are five: circumcision, removal of the pubic hair, shaving of the moustache, cutting of the fingernails, and plucking of the armpit hair."

On the authority of Aisha and other Companions of the Prophet, the acts of natural disposition are ten including shaving the moustache and growing a beard.

This authentic Hadith does not provide evidence in support of female circumcision since shaving the moustache and growing a beard are acts pertaining to males only. The original narration of this Hadith is cited by Ibn Malik in Al Mawta on the authority of Yahya Ibn Said that

<sup>(11)</sup> See: *Al Nahw Al Wafi* by Abbas Hassan, 1/118-119.

Abraham, peace be upon him, was the first to be circumcised . This is agreed upon by Muslims scholars. It was also cited by Ibn Abdel Barr in Al Tamheed who said that it is a Sunna that should not be neglected by males. The same author refutes the validity of female circumcision as mentioned previously.

It would therefore be erroneous to regard female circumcision as an act of natural disposition. In fact, only male circumcision can be regarded as such for the term circumcision as it appears in the Arabic language and as it is used by scholars refers to male circumcision, not female circumcision for whom the term Khefad (reduction) is used.

Another argument that refutes the legitimacy of female circumcision is based on the fact that there is no evidence that shows that the Prophet (PBUH) had any of his wives or daughters circumcised. Had female circumcision been among Islam's precepts or principles, the Prophet would have been the first to apply the practice on his wives and daughters.

Thus, it is clear that the authentic Sunna does not contain evidence that supports the legitimacy of female circumcision and that the Hadiths quoted to support the practice are weak and do not constitute a basis from which a legal ruling can be derived. In fact, female circumcision is but a custom or tradition which Islam left to time and medical progress to eliminate.

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**Question 2: The different schools of Islamic jurisprudence hold different opinions on female circumcision. The Imam Shafii school upholds that circumcision is obligatory for both males and females; the Imam Ahmed Ibn Hanbal school considers circumcision obligatory for males and an honorable act for women; and the Imam Abu Hanifa and Imam Malik schools regard circumcision as a Sunna for males and an honorable act for women. However, none of the schools prohibits the practice. Therefore, can we say that circumcision is permissible since it has not been prohibited?**

**Answer 2:** Scholars have defined Fiqh (Islamic jurisprudence) as knowledge of the canonical laws that are based on detailed evidence, that is the Holy Quran, the authentic Sunna, Ijma' according to established conditions and acceptable Qiyas.

The jurist is required not only to be knowledgeable of Fiqh and Sharia but also to be strongly in touch with reality and to give his opinion, pass judgment or teach people accordingly.

The work of the jurist is a human task carried out by specialists in Sharia who provide Muslims with the necessary guidelines in matters that concern them. However, the words of the jurist



are not “Sharia” and cannot be regarded as a “religion”. They are an understanding of the stipulations of Sharia, adapting them to reality. The jurists are not infallible and may give correct as well as erroneous interpretations. The qualified jurist is rewarded twice if correct and once if erroneous. Imam Shafii says: “My opinion is correct but it may be wrong; the opinion of others is wrong but may be correct.”

Moreover, not all the themes in Fiqh and Hadith are purely religious. In fact, many deal with medicine, nutrition, clothing and the like.

As far as non-religious issues are concerned, the Prophet (PBUH) set a good example when he ordered the Muslims to leave the pollination of palm trees to nature and when the trees did not bear as much fruit as expected he said: “You have more knowledge of your worldly affairs.”

It follows then that the jurist should deem people’s knowledge of their worldly matters as correct as long as it does not violate an authentic stipulation.

All the medical issues contained in Fiqh books and in Hadith pertain to worldly matters for which jurisprudence is sought after medical and scientific opinion is given. The physician’s opinion is related to reality and the jurist adapts his ruling to reality. The jurist’s opinion is based on that of the physician, not the other way around.

If we apply the previous principles on FGM, then the person who guides people and elucidates on such a sensitive issue that affects the lives and future of our girls should meet the qualifications of the jurist, not the Da’iya (preacher), interpreter or orator. In other words, he should have comprehensive knowledge of the various Islamic sciences, especially Fiqh. He should also have detailed information about the practice in terms of its history and its social and culture aspects, as well as scientific information about the organs that are removed, including their nature and vital functions, and consider, from a religious perspective, the effect of their removal on legitimate sexual enjoyment.

In this way, the jurist will provide an opinion based on scientific facts and not on popular culture.

The scientific opinion on FGM is clear. It is the total or partial cutting of the female’s external reproductive organs which deprives the body of its natural functions and of legitimate physical pleasure. In short, it is a social practice to control women and constitutes a violation of her rights.

How then can today’s jurist, in the prevalence of all this advanced scientific and social knowledge, allow this practice and defend its continuity?

**Question 3: Do “weak” Hadith provide sufficient evidence to prohibit FGM? Some people maintain that one can adhere to a weak Hadith because it encourages good morals or good deeds.**

**Answer 3:** Here we have to clarify that those who advocate adhering to a weak tradition (which in their view is neither inauthentic nor weak) do so in matters related to honorable deeds not to the unjustified injury of people and their psychological and physical harm as is the case with FGM. Moreover, in refuting FGM, Islamic methodology does not stop at describing Hadith as weak but it is based on a number of fundamental principles:

**First:** The need for an accurate scientific and social understanding of FGM that is not based on norms and inherited misconceptions. This includes knowledge of the following:

1. The scientific definition of the practice.
2. The natural functions for which the organs were created.
3. The physical and psychological consequences of the practice on the girl child or the mature woman.
4. The social reasons behind the practice, i.e. what motivates the Egyptian family to circumcise their daughters.

**Second:** A juristic opinion should be based on the accurate social and medical understanding and interpretation of the practice and the implementation thereof of a legal ruling that is derived from accepted sources, namely the Holy Quran, the Sunna, Ijma’ and Qiyas.

#### **FIRST: THE SCIENTIFIC UNDERSTANDING OF FGM**

- 1- The scientific definition of FGM is the total or partial cutting or excision of the external genitalia.

The scientific definition of FGM is different from the widespread definition of the practice which maintains that circumcision is the cutting of an “extra skin tags” of the female’s reproductive organ. The term “extra skin tags” has the connotation that it is an unnecessary part that is not only useless but can also be harmful. On the other hand, the scientific definition of the practice is that it is a cutting of the organs, and the organ is a scientific term that applies to a group of tissues that is fed by blood vessels and nerves and has vital functions necessary to the body.

- 2- The medical view of the natural functions for which these organs were created.
  - They protect other genital organs.

- The natural secretions facilitate sexual intercourse and increase the close relationship between the two parties.
- They facilitate the attainment of sexual satisfaction by the female which is a legitimate human right.
- They help direct expulsion of urine away from the body, thereby maintaining cleanliness of the organs.

### 3- Physical, psychological and social consequences.

We can summarize the short and long term physical, psychological and social consequences of FGM in the following:

#### **Physical Consequences**

- Total or partial deprivation of the natural functions of the organs according to the degree of excision.
- Exposing the girl child and later the woman to numerous health consequences and risks that persist for life.

#### **Psychological and Social Consequences**

- Circumcision is a painful experience for any girl child and has numerous psychological consequences such as fear, depression, and mistrust of parents and loss of self-confidence.

Moreover, the procedure implants in the mind of the girl child a dreadful image of herself as an immature being who is unable to respect her body and control her sexual desires and behavior as stipulated by her religion, mind and conscience and is therefore forced to do so by having her reproductive organs removed, and being subjected to pain. By this, we are, individually and collectively, implanting in our daughters negative, in fact erroneous, values.

### 4- Why do Egyptian families circumcise their daughters and what are the beliefs and traditions that support the perpetuation of the practice?

Most researchers agree that FGM is a social practice based on unfounded traditions and beliefs: Of these are that:

- FGM reduces the sexual desire of a female, thereby helping maintain a girl's virginity prior to marriage and her fidelity thereafter.
- An uncircumcised female exhausts her husband during intercourse while a circumcised female is more placid and less demanding, and thus will remain faithful if he is sick or absent. All this is done to guarantee the man's sexual happiness and contentment regarding his wife's fidelity.
- The legendary misconceptions concerning the size and function

of a female's reproductive organs that circumcision allows the girl to develop into a mature woman fit for marriage and childbirth.

- Circumcision is a procedure meant to beautify and maintain the cleanliness of a female since it rids her of impure and ugly parts.

## **SECOND: THE MAIN ISLAMIC PRINCIPLES REFUTING THIS ANCIENT PRACTICE.**

1. There is no evidence in Islamic law that necessitates female circumcision nor is it part of the Sunna (Prophetic traditions), nor an honorable act, as previously detailed
2. The value and sanctity of the body as well as the right of the human being, male or female, to enjoy physical and psychological health are among the precepts of all divine religions and are advocated by the authentic prophetic hadith "Do not harm yourself or others".<sup>(12)</sup>

This Hadith urges every Muslim to avoid any practice that would "harm him or others". Both modern science and human experience corroborate the fact that FGM definitely leads to the harm of the girl child and, later, the mature woman as a result of removing vital organs from her body and depriving her of their natural functions, and exposes her to lifelong health risks and psychological consequences. Such harm is unacceptable under Islamic law for God Almighty said: "Do not kill yourself"<sup>(13)</sup> and "Do not cast yourself into perdition".<sup>(14)</sup>

There is no doubt, therefore, that depriving a woman of her right to sexual enjoyment after marriage through this despicable practice, which is unfoundedly attributed to Islam, constitutes extreme harm and a form of moral cruelty.

3. Altering God's creation is forbidden

God Almighty says in the Holy Quran "We have created man in the best form". (The Fig: 4) People are of the view that FGM is meant to beautify the female. It is as if God created her physique with a flaw and they are repairing it!! (God forbid).

On the contrary, female circumcision is a mutilation of God Almighty's creation by cutting and inflicting injury.

The Prophet (PBUH) forbade such alteration and is attributed to have cursed those who introduce any change in God's creation. The Holy Quran regards the cutting of organs, even in animals, as an act of disobedience, in fact, one of the evil actions that Satan promised he

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<sup>(12)</sup> Narrated by Al Dar Qutny on the authority of Abu Said Al Khidri of whom Al Hakem said: authentic on the condition of Muslim; Sunnan Ibn Majeh, 2/784 No. 2340; Mawta Malik: 2/745; Al Sunnan Al Kobra by

Bahiqi: 6/69; Al Mostadrak by Al Hakim, 2/58; Sunnan Al Dar Qutny, 4/227; Majma' Al Zawā'id, 4/110.

<sup>(13)</sup> Surat Al-Nessa'a (The Women), Verse 29.

<sup>(14)</sup> Surat Al Bakara (The Cow), Verse 195.

would lure man to commit. God Almighty said of Satan: “Whom Allah cursed, and he said: Surely I will take of Thy bondsmen an appointed portion. And surely I will lead them astray, and surely I will arouse their 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. Whoso chooseth Satan for a patron instead of Allah is verily a loser and his loss is manifest.”<sup>(15)</sup>

4. The precepts of Islam ensure the woman’s right to a successful and satisfying marital relationship.

The precepts of Islam call for the respect of the sexual relationship between a man and his wife and emphasize that each party is entitled to a successful and happy relationship. It would therefore be considered selfish and egotistical, a matter interdicted by Islam, should one party, and not the other, attain satisfaction.

The inherited beliefs and ideas about sexual relationships enhance the man’s right to enjoy the relationship but not the woman’s. This is clearly manifest in the cultural beliefs that associate FGM to the male’s satisfaction and contentment during sexual intercourse.

On the other hand, the precepts of Islam have considered the human being’s inclination towards sexual enjoyment and regarded sexual demand a matter of instinct. The role of religion is not to resist this instinct but, instead, to regulate it in such a way as to ensure it remains within the framework of what is permissible.

Islam has given this relationship due importance and has asked us to respect the woman’s feelings and her equal right to sexual satisfaction.

The Holy Quran ensures women’s right to the same sexual satisfaction attained by the men. It says: “Your women are a tilth for you (to cultivate) so go to your tilth as ye will, and send (good deeds) before you for your souls.”<sup>(16)</sup> Sending good deeds is a reference to preparation and foreplay so as to allow the woman to attain pleasure. The Sunna also addresses women’s right to sexual pleasure, maintaining that, during sexual intercourse, a man should start with foreplay and when his wife responds as he does, he should penetrate. Also that when a man has sexual intercourse with his wife and reaches orgasm, he should give her time to do so herself.

How then can a woman attain satisfaction if the organs which help her to do so have been removed?

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<sup>(15)</sup> *Surat Al-Nessa’a (The Women), Verse 119.*

<sup>(16)</sup> *Surat Al-Bakara (The Cow), Verse 223.*

Islam respects the woman's feelings but the customs and traditions passed down to us do not. In fact they have intentionally oppressed and frustrated her.

5. The precepts of Islam refute the social beliefs behind FGM.

Islam categorically refutes all social beliefs that drive families to circumcise their daughters. People who claim that women are lewd and void of mind and will, or that their lust is twenty-five fold that of men!! Have no evidence whatsoever based on science or reason that supports their claims which constitute a clear violation of the precepts of Islam. The following authentic tradition "women are equal to men" nullifies these claims.

The woman is equal to the man in that she has feelings and desires, the ability to reason, and a conscience which can guide her towards observing religious precepts and respecting her body and chastity, thereby ensuring her righteousness.

Some are of the view that FGM is a means by which a woman's desire can be disciplined. This contradicts the scientific fact that the source of a woman's sexual desire is the brain, not the organs. Sexual behavior in men and women is determined by the brain which sends orders to the organs. The body is an obedient servant to the brain where natural needs (food, sleep, sex, etc.) are concerned. The external organs of both men and women play no role in determining sexual desire or behavior. Therefore, scientifically, FGM does not help in disciplining a woman's desire or in changing her behavior. A circumcised woman's sexual desire and behavior are similar to those of an uncircumcised woman and depend on the morals, upbringing and family in which she was raised. The imbalance occurs when the woman is deprived of the natural functions of her body as a result of the removal of natural organs.

Virtue and purity are demanded by Islam from men and women alike. Sound morals and self-discipline through adherence to religion and fear of God constitute the true restraint for both man and woman.

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**Question 4: Permissibility is generally the rule, and if there is no religious stipulation prohibiting FGM, then is it up to the family to decide?**

**Answer 4:** The fact that permissibility is the rule is a true principle of Fiqh that refers to the use of all things created by God such as water, vegetation and earth's various raw materials. However, in whatever concerns man, his property, his honor or reputation, forbiddance is the rule. Consequently, any aggression on man's property, honor or reputation in the form of defamation or the violation of his body by beating, inflicting injury or cutting, is considered a crime severely punishable under Sharia.

FGM subjects the girl child to injury and cutting and, therefore, should not be permissible. In fact it is considered a crime, legally and under Islamic law, on the basis that forbiddance is the rule in whatever concerns man's blood, property or honor.

**Question.5: We want a form of FGM that complies with Islamic law or the Sunna, not to African or Pharaonic customs or Western views. Have we solved all our problems that we can afford to give FGM so much attention?**

**Answer 5:** The Sunna does not stipulate any form of female circumcision and the Prophet's biography which has recorded the details of the prophet's life and that of his household does not mention that the Prophet circumcised his daughters, wives or any female member of his household.

Most Islamic countries such as Saudi Arabia, the Gulf states, Lebanon, Syria, Palestine, Libya, Tunisia, Algeria, Morocco, Indonesia, Malaysia ..etc. are not familiar with this practice. So is it possible that the Muslims in these countries have neglected to abide by an important Islamic precept or an authentic Sunna (i.e. female circumcision) as its proponents claim?

Efforts to eliminate the practice are not the result of Western criticism or in implementation of the recommendations of the 1994 International Conference for Population and Development held in Egypt, nor are they in response to the film broadcast by the CNN showing a girl child undergoing circumcision, a matter which offended every patriotic Muslim.

FGM is not a new concern for either Muslim scholars or the State and society. In fact, in the late 1920s, the Egyptian Medical Association issued the first call for eliminating the practice for health reasons.

Moreover, several fatwas which emphasize that FGM is not a Sunna go back to the 1940s. Among these are the fatwas issued by the renowned scholar Sheikh Hassanein Makhoul, the Egyptian Mufti in 1949, Sheikh Sayed Sabiq, whose book "Fiqh Al Sunna", published in the 1940s, serves as an important reference since it deals with Fiqh issues that are supported by authentic Sunna and states that hadith concerning female circumcision are weak and inauthentic,<sup>(17)</sup> and Sheikh Mohamed Rasheed Reda, whose fatwa was published in Al Manar magazine in 1904.

The elimination of FGM is first and foremost a human concern, so how can any parent aware of the consequences of this practice on his daughter agree to it?

Let us fear God and remember the Prophet's recommendation "to be good to women".

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<sup>(17)</sup> *Fiqh Al Sunna, Sayed Sabiq, Volume 1, p. 37.*

**Question 6: FGM is a norm and an old practice, and norms constitute a source of legislation. Should we then accept the norm and allow the practice?**

**Answer 6:** The norm that should be observed is one that does not contradict an Islamic principle and that is beneficial to the people and the society. FGM contradicts the Islamic stipulations that prohibit the cutting of organs and harming of people and cannot be permissible on the bases that it has been practiced for a period of time, however long that may be, since people's customs cannot serve as an argument against a stipulation. In addition, we cannot accept a particular Fiqh opinion or mazhab (doctrine) since there is no strong evidence in Sharia that supports it.

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**Question 7: Does not the parent's consent or the consent of the girl herself give FGM a form of legality?**

**Answer 7:** The parent's consent or the consent of the girl herself does not make the practice permissible. The parent does not own the girl's body, nor the right to dispose of it as he pleases. He merely has the right to discipline the girl and take care of her affairs. The body is owned by its creator and we have no right to it and, therefore, the girl has no right to dispose of her body either. Islam has prohibited any form of bodily harm, including suicide.

In this sense, FGM is considered a crime, legally and under Islamic law. Muslim scholars have stipulated that the cutting of the labia manor or lips (part of the external genitalia) is punishable by payment of the Diya (indemnity) which is considered a compensation. They argue that the labia manor is the source of sexual pleasure and, therefore, any reduction in such pleasure calls for the penalty of payment, and that preventing the cause is, not only valid, but better than waiting for it to occur and then analyzing and justifying it. <sup>(18)</sup>

### **Muslim Scholars Refute FGM Sheikh Rasheed Reda (1904)**

Under the heading "Female Circumcision: Obligatory or An Act of Sunna," Sheikh Reda wrote in Al Manar Magazine (1st Moharram, 1322 H. – 18 March, 1904) that Ibn Al-Munzir said: "There is no evidence to refer to, nor a Sunna to follow". Those who claim that FGM is an act

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<sup>(18)</sup> See: Al Mahaly by Hazm Al Zaher, 10/458. reported opinion of scholars and disagreed on Qassas (reprisal) for the premeditator and refuted Diya (blood money) for one who commits an error; Al Mughny by Ibn Qamah, 12/158, 11/546, reported two opinions: one allows Qassas for cutting the vaginal lips, the other upholds payment of Diya only for technical reasons related to the procedure of Qassas.



of Sunna support their view with the hadith related by Al-Bayhaqi and Ahmad on the authority of Usamah, that “Circumcision is an act of Sunna for men and an honorable act for women”. However, Al-Hajjaj Ibn Arta’ah, to whom the narration of this hadith is traced back, is mudallas (known for his dishonesty in narration).

### **Sheikh Hussein Mohammad Makhlof**

Sheikh Makhlof was the Egyptian Mufti (1946-1950) as well as a founding member of the Islamic World League in Saudi Arabia and a member of the Higher Judiciary Council in Saudi Arabia. Among his works are “Kalimat Al Quran Tafsir wa Bayan” (Words of the Quran: An Interpretation and Explanation), “Safwat Al-Bayan Li-Ma`ani Al-Quran” (A Clear Explanation of Quran Meanings), and “Adab Tilawat Al-Quran Wa Sama`uh” (the Etiquette of Recitation of and Listening to the Quran). He was well-known for his reformative thinking and fatwas that conformed to people’s life.

Fatwa of Sheikh Hussein Mohammad Makhlof on female circumcision (1949)

### **Legal Ruling on Circumcision**

The Principle: Most scholars agree that female circumcision is not obligatory and that abandoning the practice is not sinful. On the other hand, male circumcision is obligatory, being a rite practiced by Abraham (PBUH)

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### **Question by Abdel Fattah Al Sayed : Is female circumcision obligatory?**

**Answer:** Scholars have had different opinions on whether male and female circumcision is obligatory or an act of Sunna. The Shafiites, according to “Al-Magmou” by Imam Nawawi, believe that both male and female circumcision is obligatory. The Hanbalites, according to “Al-Mughni” by Ibn Kadama, maintain that male circumcision is obligatory while female circumcision is an act of Sunna and a honorable deed, a view expressed by many scholars. The Hanifites and Malikites are of the view that female circumcision is an act of Sunna and a religious rite. We can, therefore, conclude that most scholars agree that female circumcision is not obligatory, a view maintained by the Hanifites, Malikites and Hanablite and that, according to a number of Shafites, abandoning the practice does not constitute a sin and that, according to the Shafites and Hanbalites, male circumcision is obligatory since it was a religious rite performed by Abraham.

We can therefore deduce that abandoning FGM, as is the case in many countries, does not constitute a sinful act.

### **Sheikh Sayed Sabeq, author of *Fiqh Al Sunna***

One of the most prominent Muslim scholars in Egypt, Sheikh Sayed Sabiq began writing his famous encyclopedia “*Fiqh Al Sunna*” in the mid-forties and continued to do research work and classify his writings for more than twenty years. This encyclopedia is considered a main reference for any student as it deals with issues of Islamic Fiqh supported by evidence from the Holy Quran, the authentic Sunna, and Ijma’ (consensus of scholars).

### **In his book, “*Fiqh Al Sunna*”, he writes:**

“The hadith ordaining female circumcision are weak and inauthentic.”<sup>(19)</sup>

### **Sheikh Mahmoud Shaltout, Egyptian Mufti (1950s)**

#### **Sheikh Shaltout’s Fatwa (1959)<sup>(20)</sup>**

#### **Female Circumcision**

One queried: Physicians have disagreed on FGM. Some support and allow the practice while others refute it and warn against it. Despite this disagreement, however, people persist on performing the practice and holding family banquets to celebrate it. They believe that it is called for by religion and a rite particular to Muslims. Can we know what has been ordained by Islam in this matter and at which age should circumcision be performed?

This is not the first person to ask about Islamic ordinance on female circumcision, nor is my answer the first concerning this issue. I have written about it many times, in reply to queries but not for the benefit of all readers. Today, I have chosen to speak publicly about Islam’s provision on the subject so that he who has posed the question as well as others can know the position of Islam on the matter and have a clear idea about the relationship between female circumcision and Islamic Law.

### **FGM is an ancient practice**

Circumcision is an ancient practice that goes back to the beginning of history when both males and females were circumcised. The practice persisted until the advent of Islam, but we do not know whether it

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<sup>(19)</sup> Al Sayed Sabiq, *Fiqh Al Sunna*, Volume 1, Dar Al Fateh for Arab Information, p.43.

<sup>(20)</sup> Mahmoud Shaltout, *Al Fatawi, A Study of the Problems of the Contemporary Muslim in his Daily Life*, Dar Al Sherouq, Cairo/Beirut, 1980.

was performed out of a natural disposition to remove extra organs that were considered useless or even dirty and harmful, or in adherence to a religious percept ordained by a prophet of olden times. What is important is to know where it stands under Islamic law.

### **Jurists and FGM**

Basing their opinion on narrations and Mazhabs as they tend to do when there is no clear textual evidence, some scholars maintain that circumcision was a religious obligation for both males and females while others maintain that it was an honorable act. And just as these scholars differ in their opinions, which vacillate from the highest degree of divergence to the highest degree of convergence, so do they disagree on the age factor. Some maintain that there is no specific age when circumcision should be performed, some prohibit it before the age of ten, some limit the practice to the first week after birth, and others still have different opinions.

### **Diverse Points of View**

If we are to benefit from this diversity – a matter which usually occurs in the absence of clear textual evidence – the first thing we should note is that these scholars enjoyed sufficient flexibility that allowed them to accept or reject other people’s views with an open mind and without stultification or distortion.

Those who hold the view that circumcision is obligatory base their argument on the Quranic verse: “And afterwards We inspired thee (Muhammad, saying): Follow the religion of Abraham, as one by nature upright.) Al-Nahl (The Bees 16: 123) and the hadith that states that Abraham was circumcised at the age of eighty and that the order given to Mohammad (PBUH) and his followers necessitates that they follow in Abraham’s footsteps. Therefore, circumcision, which Abraham underwent, is obligatory on Mohammed and his followers.

Another argument in favor of circumcision is that it is one of the “Commands” (covenants) Abraham was tried with and which are mentioned in the Quranic verse “And (remember) when his Lord tried Abraham with (His) commands, and he fulfilled them.” Al-Bakara (The Cow: 2: 124). They also argue that these “commands” are, according to Ibn Abbas, acts of natural disposition i.e. circumcision, shaving of the moustache, removal of the armpit hair and cutting of the fingernails, as stated in all interpretation books.

### **Our Opinion**

Having considered the narrations pertaining to circumcision, we have concluded that they do not contain any evidence that the practice is an act of Sunna or that it even represents any 'substance' for jurisprudence. This is the same view expressed by previous scholars who said that "there is no evidence to refer to or Sunna to follow" concerning circumcision. In fact, the word "sunna", if correctly used in some of these narrations, refers to the then prevailing norm and not to the word as it was later used by the Prophet in its juristic sense.

In my opinion, circumcision cannot be founded on reports, but rather on the fundamental Islamic principle that inflicting pain on a human being is unlawful unless it brings benefits that exceed the pain.

### **Male Circumcision**

If we take the above into consideration, we can conclude that circumcision for males is different than it is for females since male circumcision brings about benefits that exceed the pain it causes. The foreskin of the penis is a ripe source for the formation of secretions which ultimately lead to bacteria that may cause cancer or other fatal diseases. Thus, circumcision can be regarded as a preventive measure that safeguards a human being's life. Such a matter is considered a requirement under Islamic Law.

### **Female circumcision**

Female circumcision on the other hand cannot be regarded as a preventive measure. True, people believe what physicians say about circumcision, that it is related to "the strength and weakness of sexual desire in females".

Some maintain that an uncircumcised female will have strong sexual desires that may drive her to promiscuity and, therefore, circumcision is necessary to preserve her virtue and chastity. Others maintain that circumcision will weaken the female sexually, thereby forcing the male to use substances that may irritate him, in which case it would be better to leave the female uncircumcised to preserve the male's psychological and physical health.

### **Overstatements**

I hope I do not make an overstatement myself when I say that the physicians' views are as much an overstatement as jurists' arguments.

Sexual desire, whether weak or strong, is not related to circumcision but to the strength or weakness, liveliness or inactivity of the body and glands. We have seen and read about vice crimes in which circumcised females have gone astray and perhaps we know only a little of what is hidden.

The sexual desire felt by those who take drugs is but an illusion created under the influence of drugs.

In fact, the matter, from both its positive and negative aspects, is one of creation, environment, sound upbringing, and monitoring. FGM, therefore, is not called for or required, neither under Islamic law nor morally and medically.

### **It may be an honorable act**

True, female circumcision, as some jurists maintain, may be an honorable act in the interest of males who have not experienced the effect of the “extra part” of the clitoris and, as such, does not exceed other natural dispositions such as beautifying the body, applying scents and shaving pubic hair.

This is my view of male and female circumcision which is based, not on textual evidence but on the general principles of Shari’a.

### **The Imam Mohammad Sayed Tantawi, Sheikh of Al Azhar**

Fatwa by Imam Mohammad Sayed Tantawi, Sheikh of Al Azhar <sup>(21)</sup>  
Dr. Aly Abdel Fattah, Minister of Health.

Peace be upon you,

In response to the letter submitted by Dr. Mahmoud Ibrahim Al Qist, Director of the General Administration for Cultural and Health Information, concerning jurisprudence pertaining to female circumcision, we would like to inform you of the following:

1. Scholars have agreed that male circumcision is an Islamic rite. Among the hadith on which the scholars based their opinion is the one narrated by Al Hakim and Al Bayhaqi, on the authority of Aisha that the Prophet (PBUP) circumcised Al Hassan and Al Hussein on the seventh day of their birth.
2. Female circumcision is not supported by any hadith that can be corroborated as authentic, but, according to scholars, based on weak hadith such as “circumcision constitutes a Sunna for males and a honorable act for females” and “do not cut severely as that is better for a woman and more desirable for a husband” (in other words do

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<sup>(21)</sup> *Al Azhar Magazine, Issue of Gamadi Al Awwal 1417 H., September/October 1996.*

not make a deep excision). Other hadith state “cut only a little, not severely”, “have your hair cut and be circumcised” and “whoever embraces Islam should be circumcised.”

Imam Al Shoukani mentions the above hadiths in his book, “Nayl Al Awtar” (pp. 137, 140) and classifies them as weak after discussing in detail the chain of authorities on which the traditions were based. He also mentions Imam Munthir’s statement on circumcision: “There is no evidence to refer to, nor a Sunna to adhere to”.

The author of the book “Awn Al Ma’boud Fi Sharh Sunnan Abu Dawoud” (p.183 onwards) states that the issue of female circumcision was the subject of different narrations, all of which are inauthentic and weak and cannot be considered as evidence.

He also states: Ibn Abdel Bar maintains (in Al Tamheed) that Muslims have agreed that circumcision is mandatory for males.

3. The book of Fatwa by the late Sheikh Mahmoud Shaltout (pp.2, 3) under the title “Female Circumcision”, reads: “We have concluded from the narrations on female circumcision that there is no evidence that supports circumcision as being a Sunna or of having substance for jurisprudence, a view expressed by some previous scholars who said: There is no evidence to refer to, nor a Sunna to adhere to”.
4. Sheikh Sayed Sabeq, in his book “Fiqh Al Sunna”, said: Hadiths mandating female circumcision are weak and inauthentic.
5. Sheikh Mojhamed Arafa (member of the University of the Grand Ulemas) published a research study in Al Azhar magazine, Volume 24 (1952), p.1242 which states: “Female circumcision is the subject of consideration by scholars to clarify its position under Islamic Law, by physiologists to determine the function of the organ and by sociologists to pinpoint both the negative and positive social effects of the practice. The physiologists maintain that the organ is a sensitive part of the body created for the purpose of completing the process of fertilization and that removing it reduces sexual desire. Some sociologists are of the view that circumcision is the reason behind the spread of drugs in the countries where the practice is performed, including Egypt, because the man reaches orgasm faster than the woman so he resorts to drugs which are falsely believed to delay ejaculation. They also maintain that, in order to overcome the widespread use of hashish, opium and other drugs, its causes should be eliminated, i.e. female circumcision, so that both men and women can be normal. Sheikh Arafa said: If the above is true, then the female who undergoes circumcision will be none the worse on the condition that the excision is not severe. There

is no objection to having the practice prohibited in Egypt as it is in some Islamic countries like Turkey and the Maghreb countries.

6. Having considered the opinions of both old and contemporary scholars on circumcision we maintain that male circumcision is a Sunna or requirement for men based on authentic textual evidence. Female circumcision, on the other hand, is not substantiated by any authentic textual evidence. We believe it is a practice which was passed down from one generation to another and is about to disappear from all social classes, especially the intellectual class.

The fact that most Islamic countries, home to numerous jurists, have abandoned the practice constitutes sufficient proof that female circumcision is not substantiated by any authentic textual evidence. Among these countries are Saudi Arabia, the Gulf States, Yemen, Iraq, Syria, East Jordan, Palestine, Libya, Algeria, Tunisia, and Morocco.

Since this is the case, I believe that the final word belongs to physicians. Should they maintain that the practice has harmful consequences; then we should abandon it. If they state otherwise, then it is incumbent upon the Ministry of Health in Egypt to take the necessary legal measures to ensure that the practice is performed in such a way as to preserve the girl's dignity.

**Dr. Mohammad Bin Lotfy Al Sabbagh, Professor of Islamic Studies, University of Riyad**

Dr. Al Sabbagh, in his documented research paper which contains evidence from the Holy Quran and the authentic Sunna for a legal ruling on circumcision, reached the following conclusion: <sup>(22)</sup>

Female circumcision is no longer acceptable from a religious point of view since nothing that recommends this practice, which has numerous harmful consequences, is definitely established to have been said by the Prophet (PBUH). It is, however, established that he said: "Do not harm yourselves or others." Thus, we can conclude that female circumcision is neither a requirement, nor an obligation, nor a Sunna. This view is held by many scholars in the absence of any hadith that may be authentically attributed to the Prophet (PBUH).

**Dar Al-Ifta Conference**

On Preventing the Mutilation of the Woman's Body

22-23 November 2006

The Egyptian Dar Al Ifta has considered the issue of FGM from

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<sup>(22)</sup> Dr. Mohammad Ibn Lotfy Al Sabbagh, *Legal Ruling on Male and Female circumcision, Al Huda Al Sili, Health Education through Religious Precepts, WHO Middle East Regional Office, 1995, p.14*

all its aspects, namely religious, health and legal, in order to answer questions posed by Egyptian families who want to know the legal ruling on the matter.

Under the auspices of the Grand Mufti of Egypt, Dr. Aly Gomaa, "The International Conference of Scholars on Preventing the Mutilation of the Woman's Body" was organized on 22-23 November, 2006.

A huge number of Muslim scholars, physicians and experts from Egypt and other Arab, African and European countries participated in the conference and delivered important research papers and lectures on FGM.

#### **Prominent Attendees:**

- Sheikh of Al Azhar, the Grand Imam Dr. Mohammad Sayed Tantawi
- Minister of Waqf, Dr. Mahmoud Hamdi Zaqqouq
- The Grand Mufti of Egypt, Dr. Aly Gomaa
- The former Grand Mufti of Egypt, Sheikh Nasr Farid Wassel
- Head of the World League of Muslim Scholars, Dr. Youssif Al Qaradawi
- Secretary General of the National Council for Childhood and Motherhood (NCCM, Ambassador Moushira Khattab
- Professor of Islamic Philosophy, Faculty of Girls, Azhar University, Dr. Amna Nosair
- Head of the Egyptian Association for Gynecology and Obstetrics and former head of the Gynecology and Obstetrics Department, Mansoura University, Dr. Ezz Eldin Osman

#### **Recommendations**

The International Conference of Scholars on Preventing the Mutilation of the Woman's Body" was held on 1-2 Thul Qi'da, 1427 H. (22-23 November, 2006) on the premises of Al Azhar. A number of research papers were submitted and following deliberations by their Excellencies the scholars, physicians, experts and concerned civil community associations in Egypt, Africa, and Europe, the conference adopted the following recommendations:

Recognizing that Allah has honored Man, He said: Verily We have honored the Children of Adam. Thus He has forbidden aggression on Man whatever his social status whether male or female;

Recognizing that FGM is an ancient practice that appeared in certain communities and was performed by Muslims in certain regions without relying on a Quranic text or authentic hadith;



Aware that female circumcision as practiced today inflicts both physical and psychological harm on women, and should therefore be discontinued in adherence to one of Islam's foremost principles, that is not to inflict harm on man. The Prophet (PBUH) said: "Do not harm yourselves or others." In fact, it would be an aggression that necessitates punishment;

1. Calls upon all Muslims to refrain from performing this practice in compliance with the teachings of Islam which prohibit all forms of harm to Man.
2. Urges regional and international organizations to exert efforts towards educating people and disseminating awareness of the health risks involved in this harmful practice so that it may be discontinued.
3. Reminds educational and information organizations of their duty to disseminate awareness of the negative consequences of this practice and its impact on society with a view to its elimination.
4. Calls on legislative institutions to enact a law prohibiting female circumcision and penalizing the perpetrator.
5. Calls on international organizations and associations to provide all forms of assistance to the regions where female circumcision is practiced with a view to eliminating it.

**Excerpts from the Speech by Sheikh Youssef Al Qaradawy, Head of the World League of Muslim Scholars**

Islamic Law on female circumcision is derived from the following agreed upon sources: the Holy Quran, authentic Sunna, Ijma' according to the conditions stipulated by Fiqh principles, and Qiyas .

If we want to reach a legal ruling on female circumcision we have to look in the Holy Quran, the authentic Sunna, Ijma' and Qiyas.

There is no reference whatsoever to female circumcision in the Holy Quran, nor is there Ijma' on a legal ruling nor an acceptable Qiyas. Moreover, there is no authentic evidence in the Sunna that requires female circumcision.

The First Hadith: It is related that a woman called Om Atteya performed circumcision in Medina and that the Prophet (PBUH) told her : "Do not cut severely as that is better for a woman and more desirable for a husband". Abud Dawoud maintains that Mohammad Ibn Hassan (one of the narrators) is anonymous and that the hadith is weak.

The fact that the hadith was reported by several narrators, although all weak, may lend it some degree of authenticity as Sheikh Al Albani maintains. However, since female circumcision concerned every household, providing good reason for the sound transmission of the

hadith, why then was it transmitted in such a weak way?

Second Hadith: "Circumcision is a Sunna for males and an honorable act for females." This hadith is weak in evidence.

Third Hadith: "If the two organs meet, Ghusl (ablution) is required." This is an authentic hadith that proves that women underwent circumcision at that time but does not prove that female circumcision is mandatory.

Female circumcision is neither a requirement nor a Sunna. Scholars have disagreed on this issue but none has said it is prohibited. Therefore, it may be said that female circumcision is permissible, i.e. it may or may not be performed. At the same time, an act permissible under Islam Law can, if harmful, be prohibited on the bases of the principle: "Do not harm yourselves or others."

Therefore, female circumcision may be prohibited on the bases of the principle "curtail what is permissible if it is a cause for harm or evil".

**Al Azhar Al Shareef  
The Islamic Research Council  
Declaration of the Council regarding Female Genital Mutilation  
During the session held on 28 June 2007**

In light of the controversy around the issue of female genital mutilation (FGM) and the position of the Islamic Sharia regarding it, and in light of the latest events namely the death of one of our Moslem girls as a result of performing this harmful practice that many link to our Islamic teachings.

The Islamic Research Council examined the issue from the Islamic jurisprudence (Fiqh) and health points of view. The Council's members unanimously agreed, based on scientific investigation, that there is nothing in the foundations of Islamic jurisprudence or provisions stating that this practice a required action, under any circumstance whatsoever ... it is a harmful practice that is prevalent in a small number of Islamic communities. The harmful and dangerous impact of FGM on the health of young girls is well proven.

To that end the Council felt that it was its duty to disseminate the scientific and correct information and to launch a media campaign warning citizens not to practice FGM.

**Arab Republic of Egypt  
Ministry of Justice  
Al Ifta'a Council**

**In the name of Allah the Merciful, the Compassionate**

“We did not send before you except men whom we inspired. Ask those who know the scripture, if you do not know.” The Bee (Al-Nahl) [16:43]

Thanks to the Almighty, blessings and prayers be upon our Prophet Mohamed, the last of prophets, on his family, companions, and followers, till judgment day.

**Statement concerning Female Genital Mutilation**

The Egyptian Ifta'a Council has decreed that female genital mutilation is but a custom and is not one of the rituals of Islam, whereas male circumcision is part of the rituals of Islam.

Imam Ibn Al Hag, in “Al Madkhal” (3/310) “People differed on this regard: do they absolutely cut, or divide between the people of the East and the people of the West.” (see Fath Al Barri of Ibn Haggar (10/340)

Imam Al Shaokany says in “Nayl Al Awtar” (1/191) “even though the Hadith is not to abide with, because it does not bear any proof to what is required.”

Shams Al-Haq Al-`Azim Abady said in “Awn Al Maaboud”, “The Hadith on female circumcision has been reported in many ways, all of which are weak, blemished and defective, and thus, as such it is unacceptable as a legal ruling.”

Al Munzir said “As for female circumcision, there is neither report to refer to, nor tradition to follow.”

Ibn Abdel Bar in his “Tawheed” said: “Only male circumcision has been unanimously agreed upon by the Muslim scholars’ Allah knoweth best.”

All the above show that the issue of female genital mutilation in its essence is not a religious one, but is one of medical heritage, traditions and customs.

After in-depth research and investigation, it was found that this practice is performed in a harmful manner, which leads us say that it is prohibited according to the Shari’a. Many Ulemas have adopted this position after lengthy and extensive research and have expressed it in various ways:

Sheikh Mohamed Arafa, member of the Grand Ulemas Association, said in an article in Al Azhar Magazine, (no. 24, 1952, page 1242): “When considering the above, we can conclude that there is no blame

on those who did not undergo female circumcision". He further added: "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 North African countries."

The Grand Imam, Dr. Mohammed Sayed Tantawy, Sheikh of Al Azhar, in one of his Fatwas, said: "With regards to females, there is not legal text there is no hadith fit to be a proof of it, what we see is but a custom that has spread in Egypt from one generation to another. It is a practice that is gradually disappearing from the different social strata, particularly among the learned and educated." He further added: We find that most Islamic countries, abounding with Ulemas, do not perform female genital mutilation, among these countries is Saudi Arabia, the Gulf countries, as well as Yemen, Iraq, Syria, Lebanon, Jordan, Palestine, Algeria, Morocco, and Tunisia."

Dr. Yussef Al Karadawy says in his research study on the legal ruling regarding female genital mutilation: "Based on the foundations of Islam agreed upon (i.e. maintaining Allah's creations as He created them and keep them unchanged) female genital mutilation or cutting part of the female body without any necessity, is considered an action not permissible and legally prohibited."

Dr. Selim Al Awa, asserts that according to Sharia female genital mutilation is not a requirement, nor a Sunna, and nor an honorable act for women, due to the weakness of all hadiths. It is a custom, an extremely harmful practice, which made the Ulemas - because of what is currently occurring in our country - impose a diyya (blood money) or chastisement if women are deprived of pleasure during sexual intercourse.

One might ask: Why did the practice persist for so long?

We answer: It kept going on because its harmful effect had not been apparent. But now, after these harmful effects became quite evident based on the decisions of the medical authorities, it became imperative to prohibit it. The damage is a reality, because clothing is tighter and different from what it used to be. The modern way of life and its fast pace is spreading, in addition to environment pollution, different types of food, quality of air and life modes. Furthermore, medical progress proved beyond doubt its harmful effects, as well as the different pain thresholds in surgical operations, etc.

Those well read in the writings of our predecessors discovered the truth behind this practice – even those maintaining that FGM is religious ritual similar to male circumcision – and that it is just a small incision above the vulva without removing any skin.

Al Maroudi said: "It is incising part of the skin above the vulva: like a date pit, or crest of a rooster; incising this upper skin without removing it." Fath Al Barry (10/340)

Al Nawawi in "Al Magmooḥ" (3/140) said: "It is incising the lower part of the skin situated above the vulva."

This shows that what is mentioned here is incising and not removing, and this is what is meant by: "Take a little part and do not exaggerate." Such an operation needs a plastic surgeon expert in such matters, which in our time carries harmful consequences on the human body, and is not required by the Shari'a.

Many have referred this matter to physicians, who have affirmed its harmful effects, thus it became necessary to criminalize this practice. Dr. Yussef Karadawy says: "What is permissible could be prohibited if when applied causes harm, based on the rule "Not to harm and not to be harmed" and thus the permissible becomes prohibited to avoid damage and corruption."

Those opposing this should fear God, and realize that fatwas are based on reality, and the issue of FGM has changed, it now has many harmful effects: bodily and psychologically, which necessitate its prohibition, with the approval of all, and without dissident opinions void of any grounds.

Those aware of the truth have only one way to go and that is to prohibit this practice.

The Egyptian Ifta'a Council

## A Map illustrating the Prevalence of FGM in African and Arabic Countries







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