

MFI Pamphlet #1

FEMALE GENITAL MUTILATION: AN ISLAMIC PERSPECTIVE

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Minaret of Freedom Institute

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A war is raging, with extremists on both sides, over the issue of circumcision. On one side are fanatic secularists whose antipathy to religion has induced them to engage in a crusade against all forms of circumcision, including male circumcision, as a form of child abuse. On the other side are ignorant traditionalists who have ascribed to religious belief cultural traditions involving horrific forms of female genital mutilation (FGM, which they defend as a form of "female circumcision"). In between the extremes are many well-meaning people confused about the actual nature of the scientific evidence and the religious prescriptions regarding all sorts of practices involving any form of cutting in the genital areas.

In this pamphlet we shall concentrate on female genital mutilation. Male circumcision is clearly a Muslim tradition. Although it is not prescribed in the Qur'an, it was definitely approved of by the Prophet and he was himself circumcised. The beneficial health consequences of male circumcision are widely known, although some medical groups have begun to waver as to whether they are sufficiently great to justify the fact that infants are circumcised "against their will." We leave this debate for another time and place and mention it here only so that the lay reader may be aware that there is a broader context to the debate over female genital mutilation, which is the debate over whether any form of infant mutilation, including male circumcision constitutes child abuse. We restrict ourselves here to the subject of female genital mutilation and leave the debates over male circumcision and the piercing of infant girl's ears to another time and place.

A concise discussion of the main subject requires a detailed prolog to clarify some issues regarding both the nature of Islamic law and the medical terms used to identify the various forms of FGM. Understanding the background of the matter will permit the reader to understand the Islamic position on this question.

It must be understood that Islamic law has a well-defined tradition of jurisprudence. The sources of Islamic law include both revelation and reason. The efforts of scholars to attain understanding of the *sharî'ah* (i.e., the Divine Law) through various tools (which we shall not detail here) is called *ijtihâd*.

One fundamental of the Islamic law is that what is not prohibited is allowed. This makes for a great deal of tolerance in the religious law. As a result of this tolerance many pre-Islamic practices were not immediately eradicated by Islam. When such practices came to be unpopular (or unfashionable) in future centuries, the tolerance of Islamic jurisprudence was mischaracterized by those inimical to Islam as "backward." It was as if someone from a genteel class of society were to condemn America's toleration for body piercing among its young people as proof of the "barbarism" of American law. It would be wise to remember that there is a great

burden of proof that Islam puts upon those who wish to prohibit a practice, and that the requirement for such proof is a strength of the Islamic law. Toleration is a strength, not a weakness.

In this discussion I shall refer to any form of permanent cutting the genitals as "genital mutilation." Some may feel this is prejudicing the case, since the words certainly sound pejorative. I think the term is fair, however, since the purpose of all the procedures under discussion—and the purpose of male circumcision and of the now commonly practiced forms of body piercing, including the piercing of the ears done by almost every Western female—is unquestionably to mutilate those parts of the body cut or pierced. The issue of interest, then, is not whether mutilation is involved but rather whether it is religiously (or morally) and/or medically desirable or contraindicated.

Although there is no reference to circumcision at all in the Qur'an, there is a well-established tradition of male circumcision in Islam as a "*sunnah*" act. In the Abrahamic tradition this act is understood as a fulfillment of a covenant with God, but there are numerous health reasons for the practice. There is no mandate at all for female circumcision, however, neither in the Qur'an, the traditional reports (called hadith), nor medical theory.

Although female circumcision is not mandated, one tradition of disputed authenticity permits (but does not encourage) the removal of a minuscule segment of skin from the female prepuce, provided no harm is done:

A woman used to perform circumcision in Medina [*Madīna*]. The Prophet (peace be upon him) said to her: 'Do not cut severely as that is better for a woman and more desirable for a husband.'—*Sunan Abu Dawūd*, Book 41, #5251.

One does not want to make too much of this tradition, as it is classified as "weak" by Abu Dawud (the compiler) himself. Nonetheless, it clearly forbids severity in circumcision and bases such limitation on both the potential to harm the woman and the potential to make her less desirable to her husband. Yet, despite the restriction against severity, the Prophet did not here prohibit circumcision completely.

Permitting such a ritual constitutes an act of tolerance by Islamic law for pre-Islamic practices, and may be overruled by the Islamic prohibition against harmful acts. Consider, for example, that Islamic law protects a woman's right to sexual enjoyment, as demonstrated by the fact that a woman has the right to divorce on the grounds that her husband does not provide sexual satisfaction. It follows that Islamic law prohibits clitorodectomy (partial or complete removal of the clitoris) or infibulation (excision of part or all of the external genitalia and stitching/narrowing of the vaginal opening), or any genital mutilation which impairs the woman's ability to enjoy sexual relations. Such prohibitions are consistent with the hadithic warning against severity in female circumcision.

If the Islamic law does not mandate female genital mutilation and tolerates only the most mild form of circumcision (and that only if it produces no adverse effects in the child), then how does it come about that so many people from certain countries with large Muslim populations insist that savage acts which exceed these limits are not only permitted, but required by Islamic law? The answer becomes obvious when one realizes that Christians from many of these countries also insist that the tradition is mandated by their religion as well. People often confuse traditions rooted in local culture with religious requirements.

Immigrants from such countries now residing in the United States stand between the culture of their heritage and the American culture of their environment. They cannot and should not be expected to abandon their religion. There should be no doubt, however, that the young amongst them, at least, will be willing to abandon old-world cultural practices at odds with their adopted culture when such practices are unsupported by religion. (This is because they carry no cultural bias towards such practices. On the contrary, they may absorb biases against them from their adopted culture.)

For Muslims, cliterodectomy and infibulation should be considered *harâm* (prohibited) practices and opposition to it should be part of our ongoing mandate to fight against superstition and oppression. As to the mildest form of female circumcision, the risks to the girl's future ability to enjoy sexual relations with her husband must place it at best in the category of *makrûh* (disliked) practices. Since it has neither hygienic nor religious value, there is no justification for Muslims to engage in this painful and potentially harmful practice and it would be best to avoid it completely.

Wa Allahu a`lam. (And God knows best.)

[Return to home page](#)