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## Editorial

# The Islamic view on female circumcision

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### Abstract

The history of Islam had not itself been previously confronted with what is now called “women’s issues,” despite the great diversity in customs and cultures among Muslims over the centuries. As a result of their encounter with the West, however, and its particular history during the Dark Ages, calls for the liberation of women have begun to be loud. Though these have found their way into the discourse of those living in Muslim societies, the truth is that the Muslim woman has been liberated for centuries under Islamic rule. What is striking in this new discourse is the way in which it puts women against men in a continuous struggle and state of competition. Islam, however, is a religion which recognizes the equal status of men and women in the eyes of God, as is attested by numerous passages in the Holy Qur’an. The most fundamental aspect of this status is the unity of the human spirit shared by both genders. As Allah says “O mankind! Be careful of your duty to your Lord Who created you from a single soul and from it created its mate and from them twain hath spread abroad a multitude of men and women. Be careful of your duty toward Allah in whom ye claim (your rights) of one another, and toward the wombs (that bare you)”. The fundamental principle is that both men and women are honored members of creation, possessing equality with respect to spirituality and worship. Following from this spiritual and legal equality is the equity envisioned by Islam in the social relations between men and women. Socially, the relationship between them is one of complementarity, and not of competition. As the Qur’an says, “And in no wise covet those things in which Allah Hath bestowed His gifts More freely on some of you than on others: To men is allotted what they earn, and to women what they earn: But ask Allah of His bounty”. From this follows the concept of social equity, and not identity. This standpoint maintains the distinction between men as men, and women as women, a distinction which has come under attack from some materialist philosophies. Either of the two genders fulfills its role in life in accordance with its natural specificities and responsibilities.

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Religious leaders with sensitivity to both the intellectual debates of the time and the circumstances of the Muslim community have long taken an interest in the questions raised with respect to Islam and women. I have published a number of fatwa collections exclusively devoted to this topic, addressing contemporary matters in public lectures and study circles, and convening seminars to investigate how better to advance women's rights.

This has been done in response to the realization that modern Western concepts have begun to have great impact on Muslim societies, and in particular doubts about the status of women within the Islamic worldview have begun to proliferate. The history of Islam had not itself been previously confronted with what is now called "women's issues," despite the great diversity in customs and cultures among Muslims over the centuries. As a result of their encounter with the West, however, and its particular history during the Dark Ages, calls for the liberation of women have begun to be loud. Though these have found their way into the discourse of those living in Muslim societies, the truth is that the Muslim woman has been liberated for centuries under Islamic rule.

What is striking in this new discourse is the way in which it puts women against men in a continuous struggle and state of competition. Islam, however, is a religion which recognizes the equal status of men and women in the eyes of God, as is attested by numerous passages in the Holy Qur'an. The most fundamental aspect of this status is the unity of the human spirit shared by both genders. As Allah says "O mankind! Be careful of your duty to your Lord Who created you from a single soul and from it created its mate and from them twain hath spread abroad a multitude of men and women. Be careful of your duty toward Allah in whom ye claim (your rights) of one another, and toward the wombs (that bare you)" [1].

Similarly, on more than one occasion, He has made clear the spiritual equality of men and women in matters of religious worship, considering solely the sincerity of their acts of worship and piety. Instead of paying any attention to the gender (or ethnicity or class) of the worshipper, Allah has made the standard for acceptance of one's worship based on the degree of reverence, sincerity and purity of heart exhibited by the worshipper. As He says in his Holy Book, "O mankind! Lo! We have created you male and female, and have made you nations and tribes that ye may know one another. Lo! The noblest of you, in the sight of Allah, is the best in conduct. Lo! Allah is Knower, Aware" [2]. Indeed, it may be said that not only are the genders equal in their servitude to the Almighty, but indeed all of creation presents itself before Him simply as a servant: "There is nothing in the heavens and the earth but that it will come to the All-Merciful as a servant" [3].

The matter is no different in terms of legal obligations, and the rewards and punishments that accrue from these obligations, as is clearly stated in the following verse: "He that works evil will not be requited but by the like thereof: and he that works a righteous deed - whether man or woman - and is a Believer - such will enter the Garden (of Bliss): Therein will they have abundance without measure" [4]. The very structure of legality in the Sharī'ah is based on a reciprocity which recognizes the importance of according equality to women. As the Qur'an says "And women shall have rights similar to the rights against them, according to what is equitable" [5].

The fundamental principle is that both men and women are honored members of creation, possessing equality with respect to spirituality

and worship. Following from this spiritual and legal equality is the equity envisioned by Islam in the social relations between men and women. Socially, the relationship between them is one of complementarity, and not of competition. As the Qur'an says, "And in no wise covet those things in which Allah Hath bestowed His gifts More freely on some of you than on others: To men is allotted what they earn, and to women what they earn: But ask Allah of His bounty" [6]. From this follows the concept of social equity, and not identity. This standpoint maintains the distinction between men as men, and women as women, a distinction which has come under attack from some materialist philosophies. Either of the two genders fulfills its role in life in accordance with its natural specificities and responsibilities.

The extent to which the Islamic worldview on male-female relations constitutes a remarkable breakthrough can only be appreciated against the background of the pre-Islamic customs practised by the Arabs. Describing these customs, the Qur'an castigates this state of affairs in the strongest possible terms: "When news is brought to one of them, of (the birth of) a female (child), his face darkens, and he is filled with inward grief! With shame does he hide himself from his people, because of the bad news he has had! Shall he retain it on (sufferance and) contempt, or bury it in the dust? Ah! What an evil (choice) they decide on?" [7]. Indeed, Allah warns the reader about the position a person committing such infanticide will be confronted with on the Day of Judgment, the day "when the female (infant), buried alive, is questioned - For what crime she was killed" [8]. In place of the shame and embarrassment regularly occasioned by the birth of a baby girl, then, the Prophet of Islam came with a message to expressly state that, "Women are the sisters of men" [9].

Unfortunately, it has become common to think of Islam as precisely the means by which women are oppressed, whereas it is obvious to any clear-minded historian that the place of women in the medieval period was much stronger in the Islamic world than it was in the Western world. There are now, however, a number of allegations leveled against Islamic thought, culture and civilization with regards to particular women's issues. As we have seen above, the Islamic worldview is closely based on a conception of a male-female relation which stresses the importance of women and values their contributions to society. Consequently, it is not surprising that the particularities of Islamic law reflect this status accorded to women and, in fact, honor them for their particularities and specificities. This is the basis for a healthy family arrangement: one in which roles and responsibilities are well understood, and antagonism between the sexes is not seen as a natural state of affairs, but rather a divergence from the ideal which both sides must work toward minimizing and overcoming. This reflects a deep equality and harmony between the sexes which is not accounted for when one focuses on superficial expressions of sameness or identity.

In an effort, however, to clarify the Islamic worldview and dispel a number of misconceptions surrounding Islam's position on women, the remainder of this paper discusses in detail the common objections leveled against Islam regarding the issue of female genital mutilation (FGM).

### Female genital mutilation

The distinguishing characteristic of mankind, according to the Qur'an, is the dignity bestowed upon it by God: "We have dignified

the children of Adam . . . and favored them over much of creation” [10]. Human dignity is, therefore, a fundamental tenet of the Islamic worldview. So, it should not be surprising that Islam’s emergence and presence in the world has placed a very high regard on the protection of human rights. This concern is heightened considerably when one turns to the most vulnerable members of society. Indeed, one of the first missions of the Prophet Muhammad was to express his outrage at and denunciation of the pre-Islamic Arab customs surrounding newborn girls, customs which saw them as less than human and as a source of embarrassment to the family.

The protection of human rights is one of the long-standing and unshakeable principles which are representative of the enduring spirit of Islam. It is crucial, therefore, that, at this stage in our historical development, these principles be understood within the context of modern social conditions and today’s state of scientific knowledge.

When we take a look at the way in which this matter has been addressed in Egyptian legislation, we find that the first legal provision issued concerning female circumcision was the ministerial decree #74 in 1959. The first article of this decree includes a list of the fifteen committee members made up of Muslim religious scholars and medical practitioners, including the undersecretary of the Ministry of Health, Mustafa Abd al-Khaliq, the Grand Mufti of Egypt at the time, Hassan Ma’mun, and the previous Grand Mufti, Hasanayn Muhammad Makhluaf [11]. The second article of the decree states that the committee decided on the following:

- It is forbidden for anyone but a trained doctor to perform circumcisions; and those who want [circumcisions to be performed] must have partial, not full circumcisions.
- For health, social and psychological reasons, circumcisions are not to be carried out in the medical units of the Ministry of Health.
- Certified midwives are not licensed to carry out any kind of surgical operation including female circumcision.
- Circumcision, in the manner in which it is currently being carried out, causes both physical and psychological harm to women, whether it is performed before or after marriage [12].

When the cases of female circumcision increased, causing great harm to women’s health, the Minister of Health issued a decree dated 8/7/1996 (decree # 261 for the year 1996) stating:

“Female circumcision is prohibited, regardless of whether it is performed in a hospital or a public or private health clinic. The performance of female circumcision is not permitted except in cases of medical necessity which are to be determined by the head of the Women’s Disease and Birth department of the hospital and based on the recommendation of the patient’s doctor.”

Some shortsighted Muslims considered this decree to be at odds with Islamic law and, as such, unconstitutional. They took a case to the court, which mentioned the following in its judgment:

The court has concluded that an examination of the juridical opinions presented revealed that Islamic law does not contain a conclusive ruling or unequivocal textual evidence making female circumcision mandatory or forbidden. It follows that all the rulings related to this matter are presumptive: the medical field has not agreed on one unified position, with some medical practitioners considering female circumcision as having a medical benefit, and others considering it as having grossly negative medical and

psychological effects; and the political leadership is permitted to settle affairs concerning which no unequivocal legal text is found in the Qur’an or the Sunna, nor has there been a scholarly consensus. This also applies to legal questions concerning which there is a difference of opinion such that Islamic jurisprudence has not settled on one opinion, and generally to all those issues concerning which one may use *ijtihad*. The approach the political leadership should take in these matters is not absolute; they must seek to achieve the greater good of the people or the alleviation of harm by managing these affairs in a way that does not defy an unequivocal legal text or go against a ruling established with certainty.

In 1997, the court decided that the minister’s decree could not be considered unconstitutional saying:

“Since circumcision is a surgical procedure for which Islamic law does not provide a rule making it obligatory, it should basically not be carried out except with the aim of medical treatment. Any surgery, regardless of its nature and extent, which is carried out without having the cause of its permissibility with all of its conditions in their entirety is considered a forbidden (*haram*) action from the Islamic and legal point of view, holding fast to the general basis upon which the human right of bodily integrity is ensured and to the criminalization of any action which is not legally sanctioned and leads to the encroachment of that integrity” [13].

These regulations refer to Egypt. As for other Muslim countries like Saudi Arabia, they do not practise female circumcision at all.

With this in mind, Dar al-Ifta convened an international conference in November 2006 on the topic of FGM. Participants included scientists, scholars of Islamic law, specialist researchers on the topic, and activists from civil rights organizations in Egypt and around the world. Upon hearing an array of presentations from across the spectrum, the conference concluded that the mutilation presently practised in some parts of Egypt, Africa and elsewhere represents a deplorable custom which finds no justification in the authoritative sources of Islam, the Qur’an and the practice of the Prophet Muhammad.

One of the highest values of Islamic law is the Prophetic command to neither inflict nor accept harm. This imperative will be familiar to non-Muslims as the golden rule. As it is a universal commandment that applies to all, irrespective of social class or gender, special care must be taken to ensure that no type of harm befall those who can neither cause nor repel harm on their own, the weak and helpless in our societies. In the light of this reality, and because of the significant physical and psychological harm to young girls (and later women) caused by FGM, all measures must be taken to put a halt to this unacceptable tradition.

Thus, one of the recommendations of the conference was that taking active action on this front is crucial, if we are to remain true to our Islamic values and principles. Islam is a religion of knowledge, learning and research. While FGM was previously practised as a social custom (and not a religious matter), the state of today’s knowledge makes clear the serious negative effects of such practices on women. As such, it becomes a religious obligation to say unequivocally that the practice of FGM is today forbidden in Islam.

The findings of the conference represented a call upon the nations of the Muslim world – in Egypt and beyond – to hold fast to their Islamic identity by ending this deplorable custom in their communities. Injuring oneself or somebody else in any form is expressly and categorically forbidden. In connection with this, it should suffice for us to follow the example of our Beloved Prophet – the Mercy to all Mankind – who never subjected any of his daughters to this practice [11].

The conference opined that true eradication of FGM depends heavily on the cooperation of international and religious institutions by concentrating their efforts to educate and instruct the population of their countries in this matter in accordance with the Islamic prohibition against harm. In addition to the Islamic legal position outlined above, special attention must be given to raising basic awareness of female hygiene and medicine. Educational establishments and media, for their part, have a duty to educate people about the devastating consequences of the practice of FGM on those subjected to it, as well as on society at large.

In addition, legislative organs in the countries of the Muslim world ought to take decisive action by passing laws which ban the practice of this gruesome custom, declaring it a crime once and for all. Both the actual perpetrators as well as the initiators of instances of FGM must be subject to the full punitive extent of the law in view of the seriousness of the crime against society's most vulnerable members. International institutions and organizations

are encouraged to provide help in all regions to facilitate its elimination.

Islam is, without doubt, a religion that adapts and develops to the changing conditions of the world and the state of scientific knowledge. The enduring commitment to human rights and dignity demands action on our part toward the eradication of FGM.

## References

- [1] The Holy Quran, Chapter Al-Nisa' (The women), verse number 1.
- [2] The Holy Quran, Chapter Al-Hujuraat (The chambers), verse number 13.
- [3] The Holy Quran, chapter Maryam (Mary), verse number 93.
- [4] The Holy Quran, chapter Ghafir (The forgiver), verse number 40.
- [5] The Holy Quran, chapter Al-Baqarah (The cow), verse number 228.
- [6] The Holy Quran, chapter Al-Nisa (The women), verse number 32.
- [7] The Holy Quran, chapter Al-Nahl (The bees), verse number 58-59.
- [8] The Holy Quran, chapter Al-Takwir (The overthrowing), verse number 8-9.
- [9] Tirmidhi. S. (Prophetic traditions) of Abu Dawud.
- [10] The Holy Quran, chapter Al-Israa (The night journey), verse number 70.
- [11] [Gomaa A. Responding from traditions. 11th ed. Cairo: al-Moqatam Publication; 2008. p. 100.](#)
- [12] [Gomaa A. Responding from traditions. 11th ed. Cairo: al-Moqatam Publication; 2008. p. 101.](#)
- [13] [Gomaa A. Responding from traditions. 11th ed. Cairo: al-Moqatam Publication; 2008. pp. 101–102.](#)