

An analysis of female circumcision according to Islamic law

We were unable to find any Qur'anic verse that sheds light on this issue directly. However there are some books of Traditions and of Islamic jurisprudence and some other books, which take up a discussion on the issue of female circumcision. There is disagreement on this issue however, among all four schools of jurisprudence in Islam as well as with the Ja'fariyyah sect of the Shi'ites.

- Some regard female circumcision to be as compulsory as male circumcision, such as the Shafi'i and the Hanbali schools of jurisprudence.
- Some regard it as a Sunnah, i.e., something which would be a sin if disregarded intentionally. The Hanafi and the Maliki sects maintain this belief. Some books go so far as to regard this act as being desirable.
- Original Islamic jurisprudence literature endorses only male circumcision and regards female circumcision as not being Sunnah.

The following traditions and accounts are found in various books with respect to female circumcision. (The translation presented here is the same as that made by various religious scholars in support of their respective points of view).

1) 'Abdul Wahid relates that he once met an old lady from Kufah who was the paternal grandmother of Ali Bin Ghurab. She related that Ummul Muhajir told her of her imprisonment along with some female slaves from Rome. Hadrat Uthman^{ra} invited all of them to accept Islam. However none accepted Islam except Ummul Muhajir and one other female slave. Hadrat Uthman^{ra} directed that the two women should be taken away and purified by directing that their circumcision be carried out.¹

The same tradition is also mentioned in Babo Khitanil-Ima' (which means, 'the chapter discussing the circumcision of female slaves').

¹ Al adabul-Mufrad Babo Khafdil-Mar'ati; Hadith 1281; Daral Ma'rifah, Beirut 2003.

2) 'Amr relates that Bukair told him that Umme 'Alqamah told him, 'when Hadrat 'Aishah's^(ra) brother's daughters were circumcised, it was inquired of her if someone should be called to entertain the girls. She replied, "why not?" I therefore sent for Addi and he consequently arrived. When Hadrat 'Aishah^{ra} was walking past in the house she saw him singing and swaying his head to the song. He had very long and thick hair. Hadrat 'Aishah^{ra} said, "fie, he is just like a Satan, get him out, get him out".¹

3) Umme 'Atiyyah Ansariyyah relates that there was a lady in Medina who used to circumcise girls. The Holy Prophet^{SAW} said to her, 'do not cut off too much, as it is a source of pleasure for the woman and more liked by the husband.'²

Umme 'Atiyyah relates that the Holy Prophet^{SAW} said to a lady who used to circumcise girls, 'do not cut off too much as it is a source of enjoyment for the woman and more likeable to her husband.'³

Hadrat Anas^{ra} relates that the Holy Prophet^{SAW} said, 'when you circumcise, you must not cut off too much as it is a source of loveliness of the face and more enjoyable for the husband.'⁴

4) Abu Malaih bin Usamah recounts a report from his father that the Holy Prophet^{SAW} said, 'circumcision is a Sunnah for a man and a source of respect for a woman.'⁵ According to the religious scholars under discussion, Sunnah refers to a path or a method which is followed because it is regarded as a preferred and necessary act in the light of the instruction of the Holy Prophet^{SAW} where he said, 'it is obligatory upon you to act according to my Sunnah and upon the Sunnah of the Khulafa'i Rashidin after me.'

5) 'Five things are a part of human nature; circumcision, the use of a blade (for the removal of the hair beneath the navel), the

¹ Al-Adab ul Mufrid; Babul Lahwi fil-Khitan; Hadith 1283; Darul-Ma'rifah, Beirut 2003

² Abu Dawud; Kitabul-Adab; Abwabun-Naum; Babo Ma Ja' fil-Khitan; Hadith No. 5271

³ As-sunanul-Kubra Lil-Baihaqi; Volume 8; Kitabul-Ashribah wal haddi fiha, babus-Sultani Yukriho 'alal ikhtitani awis-Sabiyyi; Hadith 18050

⁴ As-sunanul-Kubra Lil-Baihaqi; Volume 8; Hadith 18053

⁵ Musnad Ahmad Bin Hambal; Volume 6; Haditho Usamatil Hozali; Hadith No. 20994; 'Alamul-Kutub; Beirut, 1998 AD

removal of armpit hair, the cutting of nails and the trimming of the moustache.¹

6) According to the Ja'fariyyah School of thought (i.e. the Shi'ite sect), circumcision is necessary for men and is a Sunnah of Hadrat Ibrahim^{as}; but it does not apply to women. Al-Kafi, which is a renowned book of Shi'ite law says, 'it is a Sunnah to circumcise men but it is not Sunnah to circumcise women.'² In another Shi'ite book of traditions, 'Mal-La Yahdorohul-Faqiho, it is mentioned, 'Hadrat Imam Ja'far Bin Muhammad reporting an account given to him by his father says, 'Hadrat 'Ali^{ra} said that if a woman is not circumcised it is acceptable but it is obligatory for a man to be circumcised.'³

In the light of the above references, one can surmise that various schools of thought in Islam have differing points of views on the issue of female circumcision. Some deem it obligatory while others regard it as being a Sunnah in that if someone intentionally evades it, he will be committing a sin. Others regard it only as an act which is favoured; meaning that although it is not necessary for women to be circumcised, it is preferred if they are. They deduce this from the words of the tradition, 'it is a source of enjoyment for the woman and more likeable to her husband' and from, 'it is a source of loveliness of the face and more enjoyable for the husband' and '(it is)...source of respect for a woman'.

We did not find any Qur'anic verses that give clear instructions on the matter. However, different scholars of jurisprudence have quoted various verses of the Holy Qur'an in support of their respective point of views. The scholars, who favour circumcision, deduce it from the following verses of the Holy Qur'an:

“And *now* We have revealed to thee, *saying*, 'Follow the way of Abraham *who was ever inclined to God.*” 16:124

¹ Bukhari; Kitabul-Libas, Babo Qussish-Sharib; Hadith 5889

² Al-Kafi; Babo Khafadil Jawari; Volume 6; page 37

³ Mal-La Yahdorohul-Faqiho; Sheikh Soduq; translated by Sayyed Hasan Imdad; Volume 3; Hadith 4724; second edition 1996

“There is a good model for you in Abraham and those with him.”
60:5

“Whoso obeys the Messenger obeys Allah indeed.” 4:81

“And whoso disobeys Allah and His Messenger, surely strays away in manifest error.” 33:37

“And remember when his Lord tried Abraham with certain commands which he fulfilled.” 2:125. In this verse, some commentators take the word ‘ibtala’ (tried) to mean circumcision. (God forbid)

Those scholars who do not regard female circumcision as an act essential to be practiced in Islam present the following verses in response to the scholars who hold an opposing view¹:

“And assuredly I will lead them astray and assuredly I will excite in them vain desires, and assuredly I will incite them and they will cut the ears of cattle; and assuredly I will incite them and they will alter Allah’s creation.” 4:120

¹ Quoted from: Khitanul-Inasi baina ‘Ulamaish-Shari’ah wal-Atibba’; page 27, Dr. Maryam Ibrahim Hindi, Madrasatush-Shari’atil- Islamiyyah bi kulliyiti Daril-‘Ulum Bi Jami’atil Qahirah

The humble opinion of the Jama'at research cell on the aforementioned traditions

As previously mentioned, we could not find any verse of the Holy Qur'an giving any instruction with respect to female circumcision. Sahih Bukhari, the most authentic book of traditions does not relate any such tradition. Second to Bukhari in terms of authenticity is Sahih Muslim, which again does not record any tradition with regards to this matter. Indeed, of the six authentic books of traditions, five do not contain any mention of the subject. Only the sixth authentic book of traditions, 'Sunnan Abu Dawud' mentions the tradition quoted earlier, 'Ummi 'Atiyyah Ansariyyah was told that when she circumcised anyone...' we will discuss this in detail later, but at this juncture we would like to mention that Abu Dawud has a note recorded with this tradition which says, 'this report is *Da'if* (substandard)'. Similarly the account of Islamic Law offered by Abu Dawud states, 'the tradition reporting female circumcision has many different versions and each of them are substandard, unsound and seriously doubtful.'

In similar vein all the accounts mentioned in this regard are regarded by scholars of traditions and *asma'ur-Rijal* as being mostly substandard.

As far as the books of traditions are concerned, superiority can be assigned to Mo'atta Imam Malik which enjoys the distinction of being an earlier book of traditions. Its writer was a resident of Medina and when he was collecting the various accounts, thousands of Companions of the Holy Prophet^{saw} were alive and present. Indeed a vast majority of the population of Medina was composed of Companions^{ra}. Yet Mo'atta Imam Malik does not record any tradition whatsoever that mentions female circumcision.

Another important matter to consider is that although reports are presented which instruct on how to do female circumcision and upon some of its attendant factors but there is no tradition in existence that reports that the Holy Prophet^{saw} instructed or commanded women to go and get circumcised. Even the

promoters of the idea do not put any such tradition forward in support of their assertions.

We also take into consideration the fact that the Holy Prophet^{sa}w went into fine and extensive details when teaching the Islamic law to the Muslims. Indeed this was done to such an extent as to prompt a Jew to aver (sarcastically) that the Muslims' prophet had taught them everything, including how to wash after answering the call of nature. The holy Companions^{ra} also made certain that they understood Islamic law extensively. Neither women nor men lagged behind in any way in correctly understanding these issues. Issues such as menstruation, puerperal haemorrhage, post coition bathing, the prayer to be read while a husband and wife were consummating their relationship, all were explained to the Muslims. Some women even used to come and directly inquire about issues such as wet dreams. One Muslim lady went to see the Holy Prophet^{sa}w complaining of her husband's method of establishment of sexual relations to seek elucidation on the matter. The blessed Prophet^{sa}w who was a compassionate father to them and who was an embodiment of mercy would explain such issues with extreme wisdom. Furthermore, our kind mothers—the Mothers of the believers (the wives of the Holy Prophet^{sa}w)—would elaborate affectionately upon issues they were able to assist with. Is it not strange then that something as important as female circumcision, if it were indeed a source of respect for the woman should have been left out so completely? Neither the Mothers of the believers nor anyone else mentioned a single word about this important issue. It would be wrong to claim that it is not mentioned because it is too embarrassing or demands concealment when it was such an important commandment for half of the members of an Islamic society.

In the light of this background it is our contention that **female circumcision is not a religious issue at all; rather it arises out of custom or of personal preference.**

As far as the references quoted by scholars of jurisprudence who assert that female circumcision is obligatory or a must or that it is preferred are concerned, their in-depth analyses reveals a different case altogether. The only firm conclusion that can be

ascertained from such an analysis is that this was a custom practiced prior to the time of Islam and continued in the time of the Holy Prophet^{saw}, which was not declared by Islamic Law to be Haram, or advised against. However neither was it instructed to be a part of the Islamic law.

We now turn to a discussion of female circumcision being termed as a Sunnah. When circumcision is termed as a Sunnah, it does not refer to it being a Sunnah in the sense that it was the practice of the Holy Prophet^{saw}. When circumcision is termed a Sunnah it refers to the Sunnah of Ibrahim^{as}. It was in following this Sunnah of Ibrahim^{as} that the custom of circumcision was prevalent in Arabia. It is in the same vein that the Muslims have also been instructed to become circumcised. The Sunnah of Ibrahim^{as} however instructs male circumcision solely. Whatever instruction Ibrahim^{as} received with respect to circumcision was not applicable to his wives or daughters.

In this regard we will also have to keep in mind the references that assert that the Holy Prophet^{saw} was born circumcised.

In précis, male circumcision was prevalent in Arabia due to the practice of following in the Sunnah of Ibrahim^{as}. Female circumcision was not generally practiced in Arabia at all. When we study this in further depth, we discover that this was practiced in ancient times in Egypt; from where it spread into the rest of the African continent. We also found that it was practiced in order for woman's sexual desires to be weakened and lessened. Normally only slave women used to be subjected to female circumcision. This practice then found its way into Arabia as well among a few individuals, but never became commonplace.

A commentary on the traditions and the historical reports

The conclusions drawn from the traditions that are presented in support of this practice are made indirectly. It can also be alleged that the standards of quality of a report and an intelligent assessment is neglected in the conclusions.

For instance the first tradition is taken from Al-Adabul Mufrid which speaks of Hadrat ‘Uthman^{ra} instructing that some slave girls from Rome be circumcised because they had accepted Islam. How could Hadrat ‘Uthman^{ra} neglect to instruct them to offer prayers, keep fasts or give *Zakat* etc, which are essential parts of being a Muslim and only instruct that they be circumcised? Therefore this tradition appears flawed even by the application of simple reasoning. The basic instructions to be given upon someone’s acceptance of Islam are present in the Holy Qur’an and in the Sunnah of the Holy Prophet^{saw}. Hadrat ‘Uthman^{ra} was well aware of the practice of the Holy Prophet^{saw} in this regard. Thousands of men and women had accepted Islam at his hand, when they were told to perform *Salat*, keep fasts, give *Zakat*, instructed not to practice idolatry. Women were also instructed not to commit adultery and not to steal etc, but nowhere were they told to become circumcised. Indeed even men were not instructed to get circumcised at becoming Muslim; and being circumcised was never a consideration in anyone’s eligibility to become Muslim.

Fat-hul-Bari is a commentary on the traditions contained within Sahih Bukhari. In its commentary on Hadith no. 6297, it is written that it is related from Salman^{ra} that when he accepted Islam he was not instructed to get circumcised.¹

It appears strange indeed that the Holy Prophet^{saw} had never given a similar instruction with respect of men who accept Islam. Furthermore, commonsense does not accept that the first instruction Hadrat ‘Uthman^{ra} would have given to women prisoners who had travelled far and suffered much hardship was that they should be circumcised. When one ponders upon the meaning of the words ‘Akhfiduhuma’ attributed towards Hadrat ‘Uthman^{ra} at this occasion, one realises that one of its meanings is ‘al-‘aishut-Tayyab’. This means that Hadrat ‘Uthman^{ra} may have meant, ‘arrange comfortable living quarters for these ladies.’ The entire incident is then understood in completely different light which makes far more sense. (According to dictionaries ‘khafd’ also means ‘circumcision’ and in fact the word *Khatnah* is used for men and *khafd* or *ikhfad* is used for Women’s circumcision).

¹ Fat-hul-Bari; volume 11; page 91; ‘inda sharhi bab No. 51 And Hadith No. 6297

In Lane, the word is translated as, 'his life was or became easy, free from trouble' and 'she circumcised the girl'.

The tradition that says, 'Five things are a part of nature; circumcision, the use of a blade (for the removal of the hair beneath the navel), the removal of armpit hair, the cutting of nails and the trimming of the moustache,'¹ is also presented in this regard. Taking their cue from this tradition, some scholars of jurisprudence make these matters compulsory upon Muslims. However these matters do not form the fundamentals of religion, they are general matters of personal hygiene which conform to human nature. The other question that arises is that why should the issue of circumcision apply to women at all? If all these matters apply in the same manner to both men and women, then why does the instruction of trimming of the moustache not apply to women? Obviously things that are specific to men such as circumcision apply to men and not to women and to try and apply it to women is a pointless exercise.

We shall now discuss the report that the Holy Prophet^{saw} said, 'circumcision is a Sunnah for a man and a source of respect for a woman.'² The inference that circumcision is not essential for women but is a source of respect for them that some scholars of jurisprudence draw is based on the above report. Upon closer scrutiny one discerns that there is some flaw in the reporting of this tradition. As it is evident from accounts of history, female circumcision was not the norm in Arabia at the time in question. If it were indeed the case that the Holy Prophet^{saw} had said that it was a source of respect for women, Muslim women would have practiced it far more routinely. It would have been a source of even greater respect for women if they believed their master the Holy Prophet^{saw} considered it to be so. In other matters, Muslims were ready to offer their lives in obedience to their beloved prophet. It should therefore have become the norm in Mecca and in Medina. This is most certainly not the case. We read the instruction to practice '*Aqiqah* for newborn children in books of tradition, which we observe was practiced widely by the

¹ Sahih Bukhari; Kitabul-Libas, babo Qasush-Sharib; Hadith 5889

² Musnad Ahmad Bin Hambal; Volume 6; Hadith Usamah Hazli; Hadith No. 20994; 'Alamul-Kutub; Beirut 1998 AD

Companions of the Holy Prophet^{saw}. The practice of shaving of the head and of circumcision of a male child on the seventh day of his birth is mentioned in the traditions but no such mention with respect of little girls. These facts make it lucidly evident that this issue was never a religious issue at all, nor was it a part of Arab culture. It was practiced on a very small scale and it wasn't considered particularly commendable.

We can conclude therefore that there may have been a mistake in understanding the true import of this tradition. The Holy Prophet^{saw} must have meant, 'circumcision is a Sunnah for men (it being the custom in Ibrahim's^{as} religion) and it (male circumcision) is also beneficial for women.' This, of course makes perfect sense.

The report from Umme 'Atiyyah which is most relied upon with reference to female circumcision is as follows: "Umme 'Atiyyah Ansariyyah relates that the Holy Prophet^{saw} said to a lady who used to circumcise girls, 'do not cut off too much as it is a source of enjoyment for the woman and more likeable to her husband.'"¹

And, "Hadrat Anas^{ra} relates that the Holy Prophet^{saw} said, 'when you circumcise, you must not cut off too much as it is a source of loveliness of the face and more enjoyable for the husband.'"²

From these references it is deduced that if circumcision was not essential for women in Islam then why did the Holy Prophet^{saw} not put a stop to the practice? On the contrary why does this reference exist that assigns this statement of instruction on how it should be carried out to the Holy Founder of Islam^{saw} ?

Two matters must be kept in view when analysing these references. Firstly, this forms a small portion of a longer report and when one analyses it as a whole, the conclusion normally drawn from it appears flawed. The logic of the entire report also does not give credence to the translation normally made of this report. The entire detailed reference is found in the Shi'ite book of traditions Al-Kafi (which they regard as being as authentic as

¹ As-sunanul-Kubra Lil-Baihaqi; Volume 8; Kitabul-Ashribah wal haddi fiha, babus-Sultani Yukriho 'alal ikhtitani awis-Sabiyyi; Hadith 18050

² As-sunanul-Kubra Lil-Baihaqi; Volume 8; Hadith 18053

Bukhari). It is as follows: “Abu ‘Abdullah reports that some ladies who had just migrated went to meet the Holy Prophet, may peace and blessings of Allah be upon him. One of them was Umme Habib who used to circumcise woman slaves. When the Holy Prophet^{saw} saw her he inquired of her, ‘Umme Habib, are you still engaged in the same occupation you used to be engaged in or have you discontinued it?’ she replied, ‘yes O prophet of Allah, as it is neither forbidden nor have you instructed me to discontinue it.’ The Holy Prophet^{saw} said, ‘it is *Halal* (not *Haram*); come close to me as I wish to tell you something.’ She said that she went close to the Holy Prophet^{saw} and he told her that if she was going to continue with her practice then she shouldn’t cut off too much, i.e., she shouldn’t dispose of it completely and only take a little bit off as it was a source of embellishment of the face and a source of enjoyment for the husband. Umme Habib is then said to have returned to her sister and told her of what the Holy Prophet^{saw} had instructed her to do. At this Umme ‘Atiyah went to the blessed company of the Holy Prophet^{saw} and told him what her sister had told her. The Holy Prophet^{saw} told her to go close to him. He said, ‘O Umme ‘Atiyah, when you adorn brides don’t wash the face with a cloth as it spoils the charm of the face.’”¹

Another report² in the same book elucidates that these (one or two) ladies were residents of Medina. Although the Holy Prophet^{saw} did not stop them from their practice since there was nothing in the Islamic Law revealed to him to make it unlawful, the style of the report suggests that it was not an agreeable matter. The women addressed also understood the Holy Prophet’s^{saw} stance on the matter to be of an aversion towards it. This is evident from the part of the tradition which states that the Holy Prophet^{saw} asked them whether or not they had stopped engaging in their occupation. The manner of the question suggests that it was not a widespread practice and was not agreeable to a majority of the populace. As we have mentioned earlier, as there was no Divine command declaring it unlawful, the Holy Prophet^{saw} did not command them to put a stop to it. This is obvious also from the reaction of the lady in question since she said, ‘yes O prophet of Allah, as it is neither forbidden

¹ Al-Kafi; Kitabul-Ma‘ishati; Babo Kasbil-Mashitati wal-Khafizah; part 5, page 118

² Al-Kafi; Volume 5; page 119

nor have you instructed me to discontinue it.' Indeed, the Holy Prophet's ^{saw} statement is akin to his limiting the practice of female circumcision and of an expression of his dislike for the practice.

There is a likelihood of a further mistake being committed in understanding the last part of this tradition. Generally translators have understood this to mean that female circumcision is a source of radiance of the face. We do not consider this to be its correct translation because as we have been discussing, this practice was far from commonplace in Arabia. It was not viewed upon as being an agreeable act. We have also argued that the Holy Prophet ^{saw} did not encourage it; indeed he subtly expressed his dislike for it. In this particular case, we believe that the words 'asra' indicates towards the part of the female anatomy that is cut. That is, that part of the body is being said to be a source of radiance for the face etc so it so care must be taken to ensure too much is not cut from it. Our point of view is supported by the fact that this practice existed to quell the sexual urge of female slaves. Our conclusion therefore is far from making it permissible, the Holy Prophet ^{saw} in fact discouraged this act albeit subtly.

Therefore the matter of female circumcision is not a matter of Islamic law at all, it was an old custom which was not made unlawful as such by the Holy Founder of Islam ^{saw} , and was certainly not encouraged by him.

Of course, Allah knows best.