

Female Genital Mutilation (FGM)

The Controversy within Islam and the West

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By Mike Scruggs

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Reliance of the Traveller - Most revered Sharia Law manual

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According to the United Nations Children's Fund (UNICEF), female genital mutilation (FGM) refers to "all procedures involving partial or total removal of the female external genitalia or other injury to the female genital organs for non-medical reasons." FGM is particularly common in about 30 predominantly Muslim countries, but it is uncommon in as many more. Worldwide, about 22 percent of Muslim women and girls have endured FGM. There is no direct reference to FGM in the Koran, and Muhammad did not institute it. However, according to reliable Muslim scholarship, he did speak favorably of it but with a recommendation for moderation. Because Muhammad spoke of it, it has found its way into Sharia Law.

The Koran is by no means the only sacred foundational document in Islam. Islamic doctrines are formed by a trilogy of foundational writings believed by Islamic scholars to be reliable. The Koran is most sacred, but it represents only about 14 percent the words of Islam's doctrinal sources. The Hadiths are collections of Muhammad's sayings that are almost as sacred and are necessary and explanatory in understanding the Koran. The Hadith collections make up 60 percent Islam's sacred trilogy. Each Hadith collection is composed of individual hadiths, which are usually no more than a short paragraph quote. The Sira is a collection of approved histories of Muhammad, making up another 26 percent of the sacred trilogy. Together the Hadiths and the Sira are often referred to as the Sunna. Whatever is sunna is right, noble, and reliable according to Muhammad. The Koran refers to Muhammad 91 times as the perfect Muslim, so the Golden Rule of Islam is to follow the example of Muhammad. Sharia Law, which is obligatory for all Muslims, is the legal codification of the sayings and example of the Koran and Muhammad.

In the classic and most respected Sharia Law manual *Umdat al-Salik (Reliance of the Traveller)* by Ahmad ibn Naqib al-Misri (1302-1367) and translated by Nuh Ha Mim Keller in 1988, "circumcision" is covered in Section e4.3. This is on page 59 of my 2015 English and Arabic edition.

"Circumcision is obligatory for both men and women. For men it consists of removing the prepuce from the penis, and for women of the prepuce of the clitoris (not the clitoris itself, as some mistakenly assert). (Hanbalis hold that circumcision is not obligatory but sunna [honorable according to Muhammad], while Hanafis consider it a mere courtesy to the husband.)"

Perhaps this alternative translation is more understandable: "Circumcision is obligatory for every male and female. This is done by cutting off the piece of skin on the glans of the penis of the male. Circumcision of the female is by cutting off part of the external fold of the labia minora forming a cap over the clitoris."

There are four jurisprudential schools (*Madhhab*) in Sunni Islam, which are nearly identical in 75 percent of issues and close in most others. Ahmad ibn Naqib al-Misri was of the Shafii school. The Shafii school considers "circumcision" for both men and women, obligatory, while the Maliki, Hanbali, and Hanafi schools consider "circumcision" for women not obligatory but preferable or

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honorably (Sunna) according to the example and words of Muhammad. The Shafii school is the most conservative in sticking to the Koran, Sunna, and historical scholarly consensus in their jurisprudence. Malik ibn Anas (711-795) founded the earliest school of jurisprudence, and Muhammad ibn Idris al-Shafii (767-820) was one of his pupils. The Maliki school of Jurisprudence is probably the second most conservative in interpretations. Abu Hanifah (699-767) established the Hanafi school, which became the largest school during the rise of the Ottoman Empire and is the most inclined to be influenced by opinion. Ahmad ibn Hanbal (780-855) established the Hanbali school, which is the smallest but predominates in influential Saudi Arabia.

The Sunni jurisprudence schools are not exclusive in regional influence but have roughly defined areas of geographical dominance. The Hanafi school is the largest in Sunni Islam with perhaps 40 percent and dominates Western and Central Asia. The Maliki with perhaps 33 percent dominates in North and West Africa. Shafii is third largest with more than 20 percent and dominates East Africa including Egypt, Southeast Asia, and Yemen. It is also strongly associated with Kurds in SE Turkey, northern Syria, northern Iraq, and NW Iran. Hanbali is relatively small with about 5 percent and strongest only in Saudi Arabia, which has financed the building of many mosques in the U.S. and Western Europe.

The Shafii school punches with power far above its numbers. The author of the most used and respected Sharia Law manual, Ibn Naqib, was Shafii, and the six most respected and reliable Hadith collections are all Shafii. They are in the usual order of esteem: **Sahih** (authentic) **al-Bukhari**, **Sahih Muslim**, **Sunan Abu Dawud**, **Sunan al-Tirmidhi**, **Sunan al-Nasa'I**, and **Sunan Ibn Majah**. Hence it is not easy to dismiss the Shafii claim that female “circumcision” is obligatory.

Shia Islam represents no more than 15 percent of Islam. It has three schools of jurisprudence. Jafari (Twelvers) is the largest with 85 percent of the total, and its position on female “circumcision” is similar to Hanafi and Hanbali Sunnis. Female circumcision is honorable but not obligatory. It is frequently practiced, however, by those influenced by the smaller Zaydi and Ismaili jurisprudence schools.

There is a wide difference in Islam of those who practice FGM in its severity. The World Health Organization does not recommend female “circumcision” or any degree of FGM, but recognizes four different types: Type I, partial or total removal of the clitoris or prepuce; Type II, Partial or total removal of the clitoris and labia minora, with or without excision of the labia majora; Type III, Narrowing of the vaginal orifice by cutting and bringing together the labia minora and/or the labia majora to create a type of seal, with or without excision of the clitoris. In most instances, the cut edges of the labia are stitched together, which is referred to as ‘infibulation;’ Type IV, Although usually less severe, all other harmful procedures to the female genitalia for non-medical purposes, for example: pricking, piercing, incising, scraping and cauterization.

Female “circumcision” in Islam is based on some hadiths recorded by Muhammad’s followers. The clearest quoted here has its own ambiguities:

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Narrated: Minn Atiyah al-Ansariyyah: A woman used to perform circumcision in Medina. 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.’ — Abu Dawud 41:5251
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Abul 191 Malih ibn Usama’s father relates that the Prophet said: ‘Circumcision is a law for men and a preservation of honor for women.’ — Ahmad Ibn Hanbal 5:75

This hadith is classified as Sahih (reliable) and indicates Aisha was circumcised: **“Aisha narrated: ‘When the circumcised meets the circumcised, then indeed Ghusl [purification] is required. Myself and Allah’s Messenger did that, so we performed Ghusl.’ (Jami al-Tirmidhi 108)**

However, there is no shortage of Muslim leadership strongly opposing FGM. The Organization for Islamic Cooperation (OIC), representing 57 UN nations called for ending FGM in 2013. In 2005, a dean of Al-Azhar University of Cairo declared the act of infibulation (Type III) to be criminal. An International Islamic Conference held in Cairo the following year converged specifically to condemn infibulations.

The Muslim Brotherhood has not taken a position on FGM but has generally opposed banning it. That is a problem throughout Islam. Although many oppose it, few dare prohibiting it, because it is recognized as sunna. FGM’s prevalence remains very strong in Sub-Saharan central Africa, Egypt, Southeastern Asia, and among Kurds. Eight African nations have FGM rates over 80 percent: Somalia 98%, Guinea 96%, Djibouti 93% Egypt 91%, Eritrea 89%, Mali 89%, Sierra Leone 88%, and Sudan 88%. A recent study in the Southeast Asia nation of Malaysia found that 92 percent of women had been “circumcised.” The FGM rate for Iraq is only 8 percent, and that is almost entirely the effect of Shafii Kurds. Syria and Iran would have very low rates except for their Kurdish minorities.

It is obvious that high rates of FGM is highly correlated with areas dominated by Shafii school of jurisprudence, but the high incidence of FGM in West Africa must surely also have a connection to Maliki influence.

The British National Health Service (NHS) has taken a strong position against FGM and supplied valuable advice on its harmful medical and psychological consequences, but it makes the false claim, undoubtedly bowing to prevalent political correctness and laws against “Islamophobia,” that no religion requires FGM. This is a dangerous half-truth. Most of Islam honors it as noble but does not require it, and a large minority makes it obligatory. Furthermore, few are willing to ban it, because Muhammad made it sunna, and the Golden Rule of all of Islam is to follow the example of Muhammad. Many apologists for Islam say that FGM is cultural, originated among pagan African tribes, and is not religious. But Muhammad found it thriving in Arabia and termed it noble rather than prohibiting it. Wearing a wreath of nobility, which could not be discarded, FGM spread primarily through the advance of Islam. Albeit, some of the most severe forms of it found in Somalia certainly exceed the instructions of Sharia Law stated by Ibn Naqib in *Reliance of the Traveller*. There are also about 27 predominantly Muslim countries that have been fairly successful in

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eliminating FGM. Some prohibit it, as have several European countries—France, Sweden, Germany, UK—but have allowed the acceptance of family Sharia Law courts to effectively abrogate effective prohibition.
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U.S. Senator Marsha Blackburn (R, TN) recently introduced a federal bill to criminalize female genital mutilation in the U.S.