

FEMALE CIRCUMCISION: BETWEEN MYTH AND LEGITIMATE DOCTRINAL ISLAM

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ABSTRACT

Circumcision on female has sociologically been practiced since long time ago. It is believed to be done for certain purposes. One of the intentions is that it is as an evidence of sacrifice of the circumcised person to get close to God. In the last decades, the demand for ignoring this practice on female by various circles often springs. Reason being is that the practice is accused of inflicting female herself. Moreover, it is regarded as a practice that destroys the rights of female reproduction and that of female sexual enjoyment and satisfaction. Commonly, female circumcision is done by cutting clitoris and throwing the minor and major labia. This practice of circumcision continues based on the myths that spread so commonly among people. This article aims to conduct a research on female circumcision in the perspective of Islamic law. According to Islamic doctrine, female circumcision is legal by Islamic law. By adopting the methodology of syar'a man qablanā (the law before us) and theory of maqāṣid al-syarī'ah (the purposes of Islamic law) and some other legitimate Quranic verses, circumcision becomes an important practice. Again, the famous female circumcision practice is evidently not parallel with the way recommended by Islam.

Keywords: *circumcision, female, Islamic law, tradition*

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INTRODUCTION

Circumcision practice is a tradition, known worldwide and admitted by monotheistic religions members especially the Jewish, Muslim and some of the Christians. This circumcision is practiced on male and female. In the last decades, the demand for –passing this practice on female by various circles often spring.¹ Reason being is that the practice is accused of inflicting female herself. Moreover, it is regarded as a practice that destroys the rights of female reproduction and that of female sexual enjoyment and satisfaction.

Due to such assumptions, this article aims to conduct a research on female circumcision in the perspective of Islamic law. It is to respond whether Islam legitimizes its practice, which is regarded as something inflicting on the female, or this practice itself being entrenched in society and does not fit the demand in the progress of Islamic religion.

CIRCUMCISION AND ITS HISTORY

Circumcision also known as “*sunat*”, is an Indonesian term that originated from an Arabic noun, “*al-khitān*”. It came from its original verb “*khatana*”, which means literally “to cut”.² The circumcision here means to cut a part of the sexual organ. For male, it is practiced in the way that is to cut skin covering head of sexual organ (*hasyafah*). For female, it is by cutting the top part (*kelentit*) of her sexual organ (*faraj*). It is precisely located on a part for the entrance of male sexual organ when having coitus, which looks like dates palm seed or cock’s comb.³

Circumcision is an activity that penetrates various parts of the world and is still practiced until now by the Jewish, Muslim and some of the Christians. Apparently, it came from the tradition practiced by the Prophet Abraham (May

¹ On the Fourth World Female Conference in Beijing 1995, this was attended by 180 world delegate members, Hilary Clinton, a wife of ex President of the United States, mentioned in details violations befalling female on and on. These violations are not separate from humans’ rights. One of them is circumcision or that is for woman, which is known with Female Circumcision or Female Genital Mutilation (damaging female sexual organ). See further Alwi Shihab (2001), *Islam Inklusif*, 9th edition, Bandung: Mizan, p. 274.

² Ahmad Warson Munawwir (1984), *Kamus al-Munawwir*, Yogyakarta: Pustaka Progressif, p. 349.

³ Ibn Hajar al-‘Asqālānī (1993), *Fathī al-Bārī fī Syarḥ Ṣaḥīḥ al-Bukhārī*, Vol. XI, Beirut: Dār al-Fikr, p. 530.

God bless him). He was the first man being circumcised. According to a sound Prophet Muḥammad's tradition as reported by Abū Hurayrah as follows:

اختتن ابراهيم خليل الرحمن بعد ما أتت عليه ثمانون سنة واختتن بالقدوم

“The Prophet Ibrāhīm, the love of God, got circumcised when he was 80 years old, and was circumcised by a qadūm [courageously]”.⁴

Alwi Shihab clarifies that the Prophet Abraham's circumcision is a symbol of holy commitment (*mūthāq*) between him and God. In a similar tone, Coptic Christian and Jewish assert that it shows not only a process of physical skin surgery but also contains the meaning and essence of purity. It is also a symbol of the opening of truth screen in a pure commitment between God Almighty and the Prophet Abraham, which was later followed by his successors. Then, these successors related between circumcision and permission of reading Holy Book, *Tawrah*. It indicates that *khitān* is like an identity card, let alone God's lubricating grease, to enter a holy area where we can meet with or commit to God.⁵ This is, thus, like the baptizing done by Christians. According to them, dipping their children into baptizing water means that they purify them, since which they legally become Christians.

Due to the religion of Abraham that was revealed for both male and female, circumcision was also practiced among the female Christian during the Abraham's time with similar goal, namely making pure commitment. The first female circumcised was Siti Ḥajar. Based on a told story, Siti Sarah allowed the Prophet Abraham to marry Siti Ḥajar and thereby got her pregnant. It created the jealousy in Siti Sarah and sworn to cut three parts of Siti Ḥajar's body. As a solution, the Prophet Abraham suggested Siti Sarah to make a little hole on both ears of Siti Ḥajar and circumcise her sexual organ.⁶

That was the beginning of the circumcision practice during the period of the Prophet Abraham. Since then, it has continuously been practiced by the messengers, then their disciples from one generation to the other and still being practiced to present times. The researchers working in the field of anthropology

⁴ *Ibid.*, tradition number 6298. This tradition is also available in Imām Muslim, *Ṣaḥīḥ Muslim*, tradition number 2370, al-Bayhaqī (n.d), *al-Sunan al-Kubrā*, Vol. 8, p. 325.

⁵ Alwi Shihab (2001), *op.cit.*, pp. 275-276.

⁶ Ibn Qayyim al-Jawziyyah (2001), *Tuḥfah al-Mawdūdi bi Ahkām al-Mawlūd*, translated by Fauzi Bahreisy, *Mengantar Balita Menuju Dewasa*, first edition, Jakarta: Serambi, p. 155.

found that the circumcision practice has been popular among ancient Egyptian society. It is based on a finding of a female mummy of the 16th century Before Christ, which has a sign of *clitoridectomy* (a cut that breaks her sexual organ). Moreover, in the 2nd century B.C, female circumcision was a ritual during wedding celebrations.⁷ Hassan Hathout states that female circumcision has been practiced since long ago before the birth of Islam especially around the Nil Valley, Sudan, Egypt and Ethiopia.⁸

In addition, some other researcher's findings affirmed that circumcision was practiced among the nomadic community such as Semite, Hamit and Hamotoid in South West Asia and East Africa, some Niger nations in the East and South of Africa and in Indonesia. All of these showed the existence of circumcision tradition during the period of pre-Islam. In Indonesia, for instance, archeological ancient items from the Middle Java dated before the birth of Islam, preserved in Batavia Museum, exhibit a circumcised sexual organ. In addition, circumcision tradition practiced by Badui ethnic (original Sundanese ethnic in Banten) displayed the presence of circumcision in pre-Islam.⁹

Form and Circumcision Goal

Male circumcision being entrenched in various parts of the world is practiced nearly in similar form in other places, i.e. cutting foreskin of male sexual gender.¹⁰ While for female, it is practiced in different ways and places as follows: Washing clitoris tip only, touching clitoris tip lightly with the fingertips and pinch while sticking a needle into it, cutting part of clitoris and cutting whole clitoris. Above that, there is another circumcision form: cutting minor labia (small lip of female sexual organ) than sewing major labia (outside lip of female sexual organ) after throwing whole clitoris. The above forms of circumcision stated above, except for washing and touching lightly, are often called Female Genital Mutilation (FGM).¹¹

⁷ Asriati Jamil (2001), "Sunat Perempuan Dalam Islam: Sebuah Analisis Gender" in *Refleks: Jurnal Kajian Agama dan Filsafat*, Vol. 3, No. 2, Jakarta: Fak. Usuluddin IAIN Jakarta, p. 53.

⁸ Hasan Hathout (1996), *Revolusi Seksual Perempuan, Obstetri dan Ginekologi dalam Tinjauan Islam*, Jakarta: Remaja Rosdakarya, as quoted by Asriati Jamil (2001), *op.cit.*

⁹ *Ibid.*, p. 54.

¹⁰ Elga Serapung *et al* (1999), *Agama dan Kesehatan Reproduksi*, Jakarta: Pustaka Sinar Harapan, p. 118.

¹¹ Discourse of FGM, including their practices, is completely explained by Anika Rahman and Nahid Toubia, see Anika Rahman and Nahid Toubia (2000), *Female Genetical Mutilation: a Guide to Laws and Politicies Worldwide*, London: Zed Books.

According to the author of *Female Genital Mutilation: A Call for Global Action*, Nahid Toubia, FGM is classified into two parts:¹²

1. Clitoridectomy: making some or whole clitoris disappears and making clitoris and some of the minor labia of female sexual organ disappear.
2. Infibulation: throwing whole clitoris and some part of or whole minor labia, then sewing major labia hence covers nearly whole female sexual organ. The open part is small and it is only for throwing menstruation blood. Its hole is like a head of matches stem or little finger tip. If a circumcised woman wants to get married and to make sexual intercourse, that skin must be cut first to open again.

In general, circumcision on either for male or female has its own purpose and meaning. Medically, circumcision for male by flinging the skin layer covering foreskin of male sexual organ has a positive connotation. This skin layer is too long and considered to be narrowed thereby difficult to clean its folds. If it is not properly cleaned, feces could accumulate within it. The feces look like albumen called *smegma* and could infect the male who possesses it. It is also assumed to cause cancer in mother's womb, with whom he makes sexual intercourse.¹³

Besides its goal to avoid feces lumping in the folds of foreskin of male sexual organ, the circumcision also aims at giving complete enjoyment for male when he makes love to his partner. Uncircumcised male sexual organ is more sensitive as opposed to a circumcised one. Medical investigation has proven that the male sexual organ is a very sensitive organ full of impulses as it comprises erotic nerves.¹⁴ Cutting the foreskin will prolong sexual intercourse (not suffer from ejaculation premature). Hence, the male may enjoy biological need optimally. This is in tone similar to Sayyid Sābiq's statement that:

*“Circumcision for male is to cut the foreskin tip of his sexual organ in order to avoid the feces lump and easy to clean after urinating and not lessen pleasure during intercourse”.*¹⁵

¹² Nahid Toubia (1993), *Female Genital Mutilation: A Call for Global Action*, USA: United Nation Plaza, as quoted by Asriati Jamil (2001), *op.cit.*, p. 55.

¹³ Tim Penyusun Buklet Kesehatan Reproduksi PATH Indonesia (Compilation Team of Healthy Reproduction Booklet) (n.d), *Kesehatan Reproduksi*, Jakarta: PATH Indonesia in corporation with The William Gates Jr. Foundation & Nike, INC, p. 21.

¹⁴ *Ibid.*, p. 26.

¹⁵ Sayyid Sābiq (1987), *Fiqh al-Sunnah*, Qāherah: Dār al-Fikr, Vol. I, p. 36.

Meanwhile, circumcision for female has medically yet to be found. Up to now, circumcision practice for female is associated to cultural meaning that influences her. A myth about female as a second-number creature, who does not deserve to express her sexual needs, makes female circumcision one of the tools to castrate this said need of her.

Myths as believed by society states that female does not deserve sexual pleasure. This pleasure is deemed a supplementary sexual satisfaction for male. This means that female does not need to get passionate or to enjoy orgasm. Hence, circumcision for female becomes appropriate. Technically, it is allowed to cut her clitoris, as the most female sensitive sexual organ towards getting passionate and to remove an erogenous area from front (clitoris) to the hidden one (hole of her sexual organ). Like the male, this circumcision aims at prolonging sexual satisfaction to her husband. In some African nations, female circumcision is done by an indigenous medical practitioner by cutting her clitoris totally. Such cutting makes it difficult for African female to experience orgasm during sexual intercourse.¹⁶

The infibulation practice as stated earlier seems to have mythological content that woman as servant to males; is ready to sacrifice herself for her husband and proves that she is still pure. In addition, the myth also says that the major labia intact sewing is considered to indicate that the female has never made sexual intercourse. The myth telling that female who makes her first sexual intercourse should suffer from harm apparently legalizes circumcision practice by sewing major labia. Blood and scream of female on the wedding night is associated to a physical power of male whose sexual organ succeeds to damage the sewing.

There is another myth that mentions the curse from God imposed to females. This myth receives religious acknowledgement. The Book of Talmud mentions that there are ten God's curses against female. Two of them are as follows:

*“When female still feels strong during sexual intercourse, her husband has already felt weak ahead, and she has a strong desire to make love with her husband, but she has difficulties to express it to him”.*¹⁷

Due of this, some people believe that female has basically a strong sexual passion. If it is not castrated, the female may do something bad to herself

¹⁶ Tim Penyusun Buklet Kesehatan Reproduksi PATH Indonesia (n.d), *op.cit.*, p. 29.

¹⁷ Nasaruddin Umar (1997), “Bias Gender Dalam Pemahaman Agama”, in *Jurnal Perempuan*, edition 03, Jakarta: Yayasan Jurnal Perempuan.

and her family. In order to reduce this female sexual tendency, females are circumcised, viz., some part of her reproductive organ must be amputated.

In view of this, one can say that cutting clitoris aims at stabilizing female passion. One of the academic researches states that female circumcision has basically a motivation to avoid sexual violation. European society in the twelfth century after Christ used what they called chastity belt (purity belt) to control it (sexual purity). In the Eastern part particularly Senegal, Mali, Somalia, Sudan and Egypt, people cut a certain part of the female sexual organ skin to avoid sexual violation.¹⁸

CIRCUMCISION IN THE PERSPECTIVE OF ISLAMIC LAW

i. The Religious Argumentation of Legalizing Circumcision and Jurisprudent's Opinion

As explained earlier, circumcision is practiced for the first time as an Islamic law to the Prophet Abraham (May God bless him). This practice is adopted by the Prophet Muhammad and continued by his followers. This adoption is possible in the perspective of Islamic law. Reason being is that its legalization is based on the following rule:

شرع من قبلنا شرع لنا

"The Islamic law of our predecessors is that of ours".

Relating to this issue, the Quran recommends Muslims to follow the religion of the Prophet Abraham (May God bless him) as one of the Quranic verses, states as follows:

ثُمَّ أَوْحَيْنَا إِلَيْكَ أَنْ اتَّبِعْ مِلَّةَ إِبْرَاهِيمَ حَنِيفًا وَمَا كَانَ مِنَ الْمُشْرِكِينَ ﴿١٢٣﴾

"Then We reveal you a revelation so that you are to follow the faith of Abraham truly and he was not from the polytheists".

(Sūrah al-Naḥl 16: 123)

In addition to the rule of "The Islamic law of our predecessors is that of ours", circumcision is also based on several guidelines as expressed in the tradition (*ḥadīth*) of the Prophet Muḥammad (May God bless him and give him peace) as follows:

¹⁸ Alwi Shihab (2001), *op.cit.*, p. 276.

- a. A narration of ‘Uthmān bin Kulayb, received by him from his father from his grandfather, states that his grandfather came to the Prophet Muḥammad (May God bless him and give him peace) and said: “I have embraced Islam”. Then, the Prophet Muḥammad said:

ألق عنك شعر الكفر واختتن

“Throw from you the hair of infidelity and get circumcised”.¹⁹

- b. *Mursal Ḥadīth* reported by Ḥarb bin Ismā‘īl that comes from al-Zuhrīas follows:²⁰

من اسلم فليختن ولو كان كبيرا

“Who adheres Islam is to get circumcised, despite the fact that he is already adult”.

- c. Tradition narrated by Abū Hurayrah states that the Prophet (May God bless him and give him peace) says:

الفطرة خمس: الختان والاستحداد وقص الشارب وتقليم الأظفار و تنف الإبط

“There are five natural tendencies: circumcision, shaving sexual organ hair, and mustache, clipping nails, and putting the armpit”.²¹

¹⁹ This Prophet’s statement (*ḥadīth*) is included in to fair (*ḥasan*) *ḥadīth* and mentioned by Abū Dāwud (n.d), *Sunan Abī Dāwud*, number 356, Imām Aḥmad bin Ḥanbal (n.d), *al-Musnad Imām Aḥmad*, Vol. 3, p. 415, and al-Bayhaqī (n.d), *al-Sunan al-Kubrā*, Vol. 1, p. 172. in his work, *al-Irwa*, p. 79, Syaikh al-Albānī says: “This Prophet’s saying is fair, because it has two witnesses, which is one of them is Qaṭabah Abī Hisyām and another one is Watsilah bin al-Asqā”, see Salīm bin ‘Alī bin Rasyīd al-Syublī Abū Zur’ah and Muḥammad bin Khalīfah bin Muḥammad al-Rabbah (1994), *Aḥkām al-Mawḥūd fī al-Sunnah al-Muṭahharah*, al-Maktabah al-Islāmī, translated by Ummu Ishaq Zulfa bin Husain (1421 H), *Hukum Khusus Seputar Anak Dalam Sunnah yang Suci*, first edition, Yogyakarta: Pustaka al-Haura, p. 108.

²⁰ The experts in *ḥadīth* agreed that many *mursal ḥadīth* originating from al-Zuhrī are the weakest *ḥadīth*, and not able to become religious argumentations. Some who said so are Ibn Abī Ḥatim, who narrated it from Aḥmad Ibn Sīnan, who narrated it from Yahyā bin Sa‘īd al-Qaṭṭān. Included into that agreement is an opinion reported by ‘Abbās al-Dawrī from Yahyā Ibn Mā’in. For the complete explanation, see Ibn Qayyim al-Jawziyyah (2001), *op.cit.*, p. 139.

²¹ This tradition is available in Ibn Hajar al-‘Asqālanī (n.d), *Faṭḥ al-Bārī fī Syarḥ Ṣaḥīḥ al-Bukhārī*, number 6297, al-Nawāwī (n.d), *Syarḥ Ṣaḥīḥ Muslim*, Vol. 3, p. 257, Imām Mālik (n.d), *al-Muwatṭā’*, tradition number 1927, Abū Dāwud (n.d), *Sunan Abū Dāwud*, tradition number 4198, al-Turmudhī (n.d), *Sunan al-*

- d. The Prophet's tradition narrated by Ibn 'Abbās states:

الختان سنة للرجال مكرمة للنساء

“Circumcision is a sunnah prescribed for male and priest worthy for female”.²²

- e. The Prophet Muḥammad's order to Ummu 'Aṭīyyah (female circumciser):

عن أم عطية رضي الله عنها قالت: أن امرأة تختن النساء في المدينة، فقال لها رسول الله صلى الله عليه وسلم: لا تنهكي فإن ذلك أحظى للمرأة وأحب للبعل. وفي رواية أخرى: اشمي ولا تنهكي فإنه أنور للوجه وأحظى عند الرجال.

From Ummu 'Aṭīyyah (May God bless him), she said that there is a female circumciser for women in Medina, the Messenger of Allah (May He bless him and give him peace) said to her: “Do not be excessive, because it is the most pleasant part for female, because of which she is loved by [her] husband”. Another report mentions: “Cut only its tip and do not be excessive, because it is the most lightest for face and loved by husband”.²³

On the basis of the reasons just stated, all the Islamic school leaders agreed that circumcision is an Islamic law. Despite that fact, they have different opinions on its law status. Some of them claimed that circumcision for male and female is compulsory. While others make a legal opinion that it is compulsory for male and prescribed for female.

Wahbah al-Zūḥaylī, a Syrian contemporary jurist describes the different opinion of jurist regarding circumcision as follows:

“According to Ḥanaḥī and Malikī's school, circumcision for male is strongly prescribed (sunnah mu'akkadah, which is close

Turmudhī, tradition number 2756, al-Nasā'ī(n.d), *Sunan al-Nasā'ī*, Vol. 1, pp. 14-15, Ibn Majah (n.d), *Sunan Ibn Majah*, tradition number 292, Imām Aḥmad Ibn Ḥanbal (n.d), *Imām Aḥmad Ibn Ḥanbal*, Vol. 2, p. 229, and al-Bayhaqī (n.d), *al-Sunan al-Kubrā*, Vol. 8, p. 323.

²² This tradition is narrated by Ibn 'Abbās through a weak transmitter (*mawquf* tradition). It is also reported by al-Ḥajjaj bin Artha'ah from Abī al-Maliḥ bin Uṣāmah from his father from Mākhūl from Ayyūb and from the Prophet (May God bless him and give him peace). This all is also mentioned by al-Bayhaqī. According to the traditionists, this tradition is weak and *munqaṭī'*. See further Ibn Qayyim al-Jawziyyah (2001), *op.cit.*, p. 144.

²³ This tradition is reported by Abū Dāwud (n.d), *Sunan Abū Dāwud*, tradition number 5271.

to compulsory), and priest worthy for female. If it is practiced for her, should not be excessive in order to feel the pleasure of sexual intercourse. According to Imām al-Shāfi ʿī, circumcision is compulsory for both male and female. While Imām Aḥmad said that it is compulsory for male and priest worthy for female. It is usually done in the hot areas”.²⁴

ii. Reviewing Female Circumcision

We have just dealt with the Islamic argumentation of legalizing circumcision and jurisprudent’s opinion. But, it does not denote the status of circumcision law, in particular that of female. Sayyid Sābiq affirms that “all traditions concerning order of female circumcision are weak (*ḍaʿīf*), no single tradition of it is sound (*ṣaḥīḥ*)”.²⁵ In similar tone, Muḥammad Syaltūt asserts that circumcision either for male or female is not related to the religious text. The reason is that there is no any text of Qur’an sound tradition explaining this case.²⁶

Therefore, we can automatically say that the circumcision issue remains in an interpretative matter. Hence, we can still review the status of both male and female circumcision law formulated by earlier jurists. From my point of view, we should focus in reviewing it is that of the law legalization purposes (*maqāṣid al-syarīʿah*). Imām al-Syāṭībī states that Islamic law is founded with purpose by serving benefit to humans for present times and hereafter. According to al-Syāṭībī, no one escapes the bare universal advantage mission of humanity in the law of God.²⁷

The advantage ideal can exist, if five principles exist and preserved. These five principles are preserving religion (*ḥifẓ al-dīn*), soul (*ḥifẓ al-naḥs*) and generation (*ḥifẓ al-nasl*) and wealth (*ḥifẓ al-māl*) and mind (*ḥifẓ al-ʿaql*). In lieu effort of realizing and preserving these five principles, al-Syāṭībī divides the purposes into three levels. Firstly serve the necessities (*maqāṣid al-ḍarūriyyāt*) to keep those five principles. Second, serve the needs (*maqāṣid al-ḥājiyyāt*) that aim to make an obstacle disappear or the preservation to better the five principles. Third, purposes of improvement (*maqāṣid al-taḥsīniyyāt*) that

²⁴ Wahbah al-Zuhaylī (1989), *al-Fiqh al-Islāmī wa Adillatuhu*, Damsyiq: Dār al-Fikr, Vol. III, p. 642.

²⁵ Sayyid Sābiq (1987), *op.cit.*, p. 26.

²⁶ Muḥammad Syaltūt (n.d), *al-Fatāwā*, 3rd edition, Cairo, Dār al-Qalam, p. 302.

²⁷ Al-Syāṭībī (n.d), *al-Muwāfaqāt fī Uṣūl al-Syarīʿah*, Vol. II, Cairo: Muṣṭafā Muḥammad, p. 6.

aim at making human being do something better in order to complete, while keeping those five principles.²⁸

In line to set the assumption above, we are clear that advantage consideration becomes the basis of Islamic law. Circumcision for male can indeed give him a great advantage and use, which is to keep his sexual organ clean and prevent it from any venereal disease. The reason is that behind the foreskin there is a fertile part supporting its increasing and even bringing womb cancer into the woman with whom he experiences intercourse with. Having known five principles as mentioned above, we know that circumcision for male aims at preserving not only his soul but also his wife. Therefore, the foreskin covering his sexual organ must be cut. From this point of view, Islam obliges circumcision for male, which is in order to give him advantage (*maṣlahah*) and to avoid damage (*mafsadah*). Furthermore, there is a relevant jurisprudential rule to that context as mentioned by Muḥammad Syāltūt:

إيلا م الحي لا يجوز شرعا إلا لمصالح تعود عليه وتربو على الألم الذي يلحقه
 “Making living person ill is prohibited by religion (Islam), unless
 it gives him or her advantages more than the feeling of illness
 befalling him or her”.²⁹

Based on this rule, we can understand that the basic law of hurting living creature’s physical organ, including human beings, such as cutting a part of sexual organ, is prohibited, unless it brings advantage. We can judge that the basic law of circumcision is prohibited, because it is included into an action that hurts a physical organ. Nevertheless, circumcision practice on male is allowed due to strong medical reason and advantage. The interpretation of the law on female circumcision is also based on its aspect of advantage. If there is a strong medical reason to reach a better advantage, the female circumcision turns to be an allowed practice. On the contrary, if there is no medical reason, the female circumcision law changes to its original law that prohibits the practice.³⁰

²⁸ *Ibid.*, p. 10 & Vol. III, p. 27. In a specific way, al-Ghazālī already formulated this benefit impressively in his famous book, *al-Mustaṣfā min ‘Ilm al-Uṣūl*. He said that the benefit is to realize five principals as stated above. He regards everything that brings protection into those five principles as damage (*mafsadah*), and to refuse it as benefit, see al-Ghazālī (n.d), *al-Mustaṣfā min ‘Ilm al-Uṣūl*, Vol. I, Beirut: Dār al-Fikr, p. 26.

²⁹ Muḥammad Syāltūt (n.d), *op.cit.*

³⁰ Sayyid Muḥammad Ḥusayn Faḍhullāh (1997), “Dunyā al-Mar’ah”, Lebanon: Dār al-Malāk, translated by Muhammad ‘Abdul Kadir al-Kaf (2002), *Dunia Wanita dalam Islam*, first edition, Jakarta: Lentera, p. 73.

If it is that way, we deal with a question of whether or not there is an advantage brought by circumcision to female. Female circumcision as an old tradition living among both Muslim and non Muslim society aims at controlling female sexuality. Reason being is that the female is judged as hypersexual. The power and passion of female sex is stronger than those of male. Therefore, female circumcision is deemed as an action that could stabilize female excessive sexual passion so that it would not become wild hence controllable. So this the reason to explain that circumcision practice included into Female Genital Mutilation (either cutting some or all clitoris or cutting it then sewing major labia) is justified by many people. Female circumcision practice is also justified by myths believed by many people that female is the second-number creature [after male] who does not deserve to enjoy sexual satisfaction. It is held as a rights of male, whereas female as a supplementary of male sexual satisfaction himself.

Despite this fact, according to some researchers, Female Genital Mutilation-namely cutting female sexual organ excessively-makes her difficult to experience sexual satisfaction. Moreover, some data state that there are many wives who could not experience it at all.³¹ Whereas, the fact is that Islam affirms that rights to reach sexual satisfaction between male and female is the same. In other words, sexual satisfaction is a parallel rightsright between male and female and at the same time it is an obligation for both husband and wife. It is explained in the Qur`an:

هِنَّ لِبَاسٌ لَكُمْ وَأَنْتُمْ لِبَاسٌ لَهُنَّ

“They are a garment for you, and you are a garment for them”.

(Sūrah al-Baqarah, 2: 187)

This Quranic verse places husband and wife on the same position. In this context, Imām al-Ghazālī argues, as stated by Fatimah Mernisi, sexual satisfaction is a rights and obligation for husband and wife. A husband has the rights to get sexual satisfaction from his wife and has an obligation to satisfy his wife. At the same time, a wife has rights to get a sexual satisfaction from her husband and has an obligation to satisfy her husband. Therefore, when a wife does not reach orgasm, but only with coitus, her husband is then has a role to warm her up in order to get one.³²

³¹ Nani Zulminarni (2002), *Menguak Tabu: Pengalaman Lapangan PPSW Menyoal Hak dan Kesehatan Reproduksi Perempuan*, first edition, Jakarta: PPSW & Ford Foundation, p. 57.

³² For further information, see Fatimah Mernisi (1997), *Beyond the Veil (Seks*

Based on the purpose of Islamic law (*maqāsid al-syarī‘ah*) and supported by the jurisprudential principles stated earlier, we conclude that if the female circumcision practice brings us into damage, namely the incompetency of getting enough sexual satisfaction, female circumcision cannot be implemented. It is different from the circumcision practice that is just to wash or to scratch the clitoris tip with a small sewing. Some sexologists say that the female circumcision as such could give her sexual sensitivity in during sexual intercourse and finally reaches satisfaction. This is due to the fact that the circumcision practice by washing or scratching the clitoris tip does not aim at throwing the clitoris itself, but at taking off its skin or its cover. Its unbroken cover, according to some sexologists, could enhance the ability of female in getting sexual satisfaction. Therefore, taking off that cover from the clitoris becomes important.³³

Seemingly, the circumcision practice that just cuts off the cover of clitoris is that what the Messenger of God (May God bless him and give him peace) recommended as it is mentioned in the tradition of Ummu ‘Aṭīyyah as follows:

عن أم عطية رضي الله عنها قالت: إن امرأة تحتن النساء في المدينة، فقال لها رسول الله صلى الله عليه وسلم: لا تنهكي، فإن ذلك أحظى للمرأة وأحب للبعول. وفي رواية أخرى: اشمي ولا تنهكي، فإنه أنور للوجه و أحظى عند الرجال.

*From Ummu ‘Aṭīyyah (May God bless him), she said that there was a female circumciser from Medina, the Messenger of God (May God bless him and give him peace) said to her: “Do not be excessive, because it is a part of female satisfaction and husband’s love”. According to a narration, the Messenger of God said: “Cut it lightly, because it is the light for face and part of satisfaction for [her] husband”.*³⁴

Based on this tradition, we can understand that female circumcision practiced in Islam is not allowed to be practiced excessively. There are two approaches that can be practiced. First, it is to view female circumcision practice from the causes of the revelation of tradition (*ḥadīth*). Before the presence of Islam, the Arabs were accustomed to getting their daughters circumcised in

dan Kekuasaan: Dinamika Pria-Wanita dalam Masyarakat Muslim Modern), Surabaya: al-Fikr, pp. 92-107.

³³ Nahid Toubia (1993), *op.cit.*, p. 63.

³⁴ Reported by Abū Dāwud (n.d), *Sunan Abū Dāwud* , tradition number 5271.

the way that her clitoris is cut. Such practice is based on the reason that it could reduce the overwhelming weight of female (their) sex, in turn it might stop moral decadence penetrating among the Arabs at that time. When the Prophet heard that Ummu ‘Aṭiyyah and Ummu Raḥī‘ah circumcised Muslim female in Medina that way, he came to them and told them that such female circumcision practice in that area should be changed. It is said so, because such way of circumcision can give damage to female, namely the decrease of female face beauty and that of satisfaction feeling during sexual intercourse with her husband.

Second, it is to view female circumcision practice from the content of tradition, namely *اشمي ولا تنهكي* (cut it slightly and do not be excessive). *Iṣymām* means literally “to smell”. With his high skill of language, the Prophet (May God bless him and give him peace) compares the term “to cut lightly” with the term “to kiss”. Whereas the term “*lā tunhikī*” that means “do not be excessive” is the exact term of prohibition. Therefore, textually, we can understand that the Prophet never recommends any circumcision practice that damages reproductive tool (sexual organ). On the contrary, the tradition stated above affirms that female circumcision, which is in accordance with the teachings of the Prophet, may give purity to the female face and bring her the grace of sexual pleasure.

In essence, Islam gives spirit of justice and prosperity to both male and female. If circumcision omits the rights of reproduction and shackle female sexuality, the religion of Islam prohibits it clearly. The Prophet himself does not prohibit female circumcision practice, but corrects its wrong manner so that it brings a positive effect to a healthy reproduction and sexuality of female. If female circumcision is dangerous for health, of course, the Prophet (May God bless him and give him peace) strongly prohibits it and the religion will not allow something forbidden and dangerous to remain.³⁵

Seemingly, limitation and circumcision practices lead to certain issues in the practice of circumcision among the society. Some people assume that religion gives legitimacy to the circumcision practice that amputates female sexual organ. In contrast, any religion will not support the damage or amputation of sexual organ. In this context, one thing that is important to quote is that, the wrong manner of circumcision practice puts us into a decision that we are against a beautiful circumcision tradition (practice) that has a sacrifice point and pure commitment to God. We should look for a middle way to sustain the substance of circumcision and avoid its wrong practice. This thinking should

³⁵ Asriati Jamil (2001), *op.cit.*, pp. 65-66.

in turn become a task of Muslim learned men, doctors and society in general, and that of female in particular so that they are able to find the best formulas to protect the circumcision practice and modify only its practice and style.³⁶

CONCLUSION

Circumcision for female has sociologically been practiced for a long time. It has certain purposes. One to mention is that it is as an evidence of sacrifice of the circumcised person so that he or she could get close to his or her God. Seemingly, female circumcision practiced commonly among people is usually done by cutting clitoris and cutting minor and major labia. This practice is based on the myths that spread commonly among people. They assume that female is a subordinate creature of male. Female is prohibited to get the rights to get sexual enjoyment and satisfaction. Female has only an obligation to serve her husband so that he gets his sexual satisfaction.

In contrast, according to Islamic doctrine, female circumcision is included as an action legalized by Islamic law. By adopting the methodology of *syar' a man qablanā* (the law before us) and theory of *maqāṣid al-syarī'ah* (the purposes of Islamic law), and some other legitimate Quranic verses, circumcision becomes an important practice. Again, the famous female circumcision practice is evidently not parallel with the way recommended by Islam. Islam suggests the female circumcision to stabilize her sexual ability so that she is able to get satisfaction when she makes love with her husband. In reality, the circumcision practice among public omits her sexual ability and as a result, she is not able to feel her sexual enjoyment.

Finally, having studied the wrong circumcision practice that ignores God sacrifice point, we realize that we should look for solution. The solution is to keep going with the essence of circumcision tradition and avoid doing it the wrong manner.

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³⁶ Alwi Shihab (2001), *op.cit.*, p. 277.

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