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To Mutilate in the Name of Jehovah or Allah: Legitimization of Male and Female Circumcision*

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Abstract Female circumcision is practised in Sudan, Somalia, Egypt and a few other Arab and Muslim countries. It has triggered a passionate public debate in the West. This debate has found somewhat of an echo in the Arab and Muslim world, but some Muslim religious circles such as Al-Azhar (Egypt), the most important Islamic centre in the world, try to justify it on the basis of sunnah (that is, to conform with the tradition of the prophet Mohammed). Male circumcision is practised by all Muslims and Jews and also by some Christians in Egypt, in the United States and Canada. For different reasons, the debate on this topic is still taboo in Western and in Arab and Muslim countries. The object of this study is to define the role of Islamic law and Muslim religious leaders in female and male circumcision. On purpose, it avoids any use of the word 'Islam', and concentrates on the written sources of Islamic law and the opinions of contemporary Arab authors, mostly of Egyptian origin. Juridical logic cannot acknowledge the distinction between female and male circumcision, both being the mutilation of healthy organs which is damaging to the physical integrity of the child, whatever the underlying religious motivations. Furthermore, both practices violate the Koran: 'Our Lord, You did not create all this in vain' (3:191), and '[He] perfected everything He created' (32:7). In our opinion, a god who demands that his believers be mutilated and branded on their genitals the same as cattle, is a god of questionable ethics. To mutilate children, boys or girls, under the pretext that it is for their own good, shows the influence of cynicism and fanaticism.

1 INTRODUCTION

Article 24 paragraph 3 of the Convention on the Rights of the Child of 20 November 1989 stipulates:

'States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.'
In 1984, the president of the Inter-African Committee stated:

'An erroneous idea of Religion has played a key role in maintaining the practice of excision and other practices which tend to relegate the woman to a lower status in relation to the man.'

In April 1987 the vice-president of the Inter-African Committee reiterated:

'I request more aggressive tactics to put an end to the practice of infibulation. I call for more active support especially from the religious leaders of Islam after it has been confirmed many times that this practice is contrary to the precept of Islam.'

In this committee's opinion, religion and Muslim religious leaders play an important role in the matter of female circumcision. The goal of this article is to define this role in male circumcision as well as in female circumcision. We purposely avoid any use of the word 'Islam', as too abstract a notion, and we concentrate on the written sources of Muslim law and the opinions of contemporary Arab authors, mostly of Egyptian origin.

2 DEFINITIONS AND DISTINCTIONS

2.1 Terminology

The English language uses different terms to designate sexual mutilations. Generally, one speaks of circumcision for boys, and of circumcision, excision or infibulation (depending on the case) for girls. In this study, we shall use the terms 'male circumcision' and 'female circumcision'.

The legal Arabic jargon uses the word khitan for male circumcision and the term khafid or khfad for female circumcision. But the everyday language uses the term khitan for both mutilations. There is also taharah, meaning purification, these mutilations being said to be purificatory to their victims.

2.2 Male and Female Circumcision

Female circumcision has triggered a passionate public debate in the West. Many national, non-governmental and international organizations are showing their concern. This debate has been echoed in the Arab world. Feminist circles demand its abolition, while at the same time, the Muslim religious circles try as often as they can to justify female circumcision, only in the form called sunnah, which is said to be 'the one conforming to the tradition of Mohammed'. But the Arabic juridical literature shows very little interest for this issue. The Arabic medical profession does not seem to be much interested either: Constituted of a majority of men, its responsibility is to perpetuate social and moral values which are predominant in its society, thus blindfolding its members.

Unlike female circumcision, male circumcision does not really interest anyone. The debate on the topic is still taboo. This attitude can be observed in article 24 paragraph 3 of the Convention on the Rights of the Child. In spite of its general wording, the preparatory studies prove that its authors had only female circumcision in mind and not male circumcision at all.
The distinction made between male circumcision and female circumcision might be justified for medical and cultural reasons. According to Widad Zenie-Ziegler, an Egyptian woman:

'There is no similarity between male circumcision, a prophylactic measure recommended for boys in almost every society and female circumcision, the goal of which is to diminish, if not suppress sexual desire in women.'

During the United Nations (UN) seminar in Ouagadougou (Burkina Faso), the majority of participants agreed that the justifications of female circumcision based on cosmogony and those based on religion 'must be assimilated to superstition and denounced as such' since 'neither the Bible, nor the Koran recommend that women be excised'. They recommend ensuring that, in the minds of people, male circumcision and female circumcision be dissociated, the former as a procedure for hygienic purposes, the latter, excision, as a serious form of assault on women's physical integrity. This reasoning is groundless and extremely dangerous. If female circumcision were mentioned in the Bible or the Koran, would it be allowed no matter what? And what would be the consequences if one decided to put into practice everything that is said in the Bible and the Koran, starting with the law of retaliation?

Another opinion came from Ghita El-Khayat-Bennai, a Moroccan woman:

'Women are not alone in being subjected to sexual mutilations. Every Jew all over the world for example is circumcised on the 7th day without much concern on the part of his parents. They keep circumcising their male offspring, even knowing this to be an extremely traumatic event, preferring to subject the little boy to pain rather than face their own fear and cultural taboos as adults.'

Geneviève Giudicelli-Delage writes:

'No doubt the consequences are of lesser importance in male circumcision than they are in female excision (although some practices of minimal excision could be seen as identical to male circumcision). But nevertheless, to take a position in view of consequences alone would be a mistake. Custom justifies the most serious actions, even death: the essential here is not action, but culture. If a family from Mali may in France have a son circumcised, but may not have a daughter excised, it is because male circumcision belongs to a cultural order which is more or less ours, male circumcision belongs to this Judeo-Christian ideology which is the melting pot of our culture and this ideology does not know excision and never did.'

For Doctor Gérard Zwang, the reason for making a distinction between the two types of circumcision is simple: Most sexologists and most men in charge of information about it are circumcised (Jews). They oppose any debate on the subject of male circumcision.

Juridical logic cannot acknowledge the distinction between male and female circumcision, both being the mutilation of healthy organs and consequently damaging to the physical integrity of the child, whatever the underlying religious motivations.
2.3 Practice of Male and Female Circumcision

Male circumcision is practised by all Muslims and Jews and also by some Christians, as do the Christians in Egypt. It is also practised by animist tribes in Africa.

As for female circumcision, it is neither practised by all Muslims, nor by all Arabs. In fact, many if not most of the Maghreb countries as well as Turkey and Iran ignore this custom. On the other hand, one can find it among the Egyptian Christians and the Ethiopian Jews (Falachas) who in all probability keep practising it in Israel today, as do Africans living in France. Sudan, Somalia and Egypt are among the largest Arabic countries practising it. In Egypt, 97.5% of uneducated families impose circumcision upon their daughters compared to 66.2% of educated families. Other Arabic countries practise it too: Yemen, the United Emirates, Bahrain, Qatar, Oman, some areas of Saudi Arabia and Mauritania. It appears to be done also in some Muslim countries of Asia such as Indonesia, Malaysia, Pakistan and India under the name of sunnah circumcision, here with a reference to religion. But precise data on the subject are not available. In Africa, 28 countries appear to practise it, among them many animist tribes. It seems to affect about 75 million women.

Often, male or female circumcision is performed without anaesthesia in a barbaric manner, by persons without any medical training, such as barbers or midwives, using rudimentary instruments, causing complications which sometimes lead to death. We have many tragic testimonies on female circumcision but none on male circumcision as obviously nobody is interested in the latter topic. Still today, I can recall my youth and hear the screams coming from my young Muslim neighbours while they were being circumcised. Let us quote here the briefest and least shocking of the women's testimony, that of Samia, a Muslim girl born in a small Egyptian village close to the Sudanese border, who now lives in Cairo:

'I was seven years old when I was excised. I recall the stories from women of my village who spoke of this operation as if their whole life had stopped there and then. The atrocity of their descriptions and at the same time a feeling of inescapable doom had triggered such a panic in me that when the terror-laden day came, I began to vomit. What happened then is still excruciatingly burning my flesh, so much so that I often wake up in the middle of the night screaming and calling for my mother.'

Generally the victim is mutilated without anaesthesia, lying on her back, legs kept wide apart by helpers or by one only lying under the young girl, her ankles being hooked in the helper's feet. To immobilize a seven-year-old girl, the help of five persons is sometimes needed to restrain her head, arms and legs. When the girl is a toddler, one assistant alone can manage body and thighs at the same time, while holding her in a sitting position.

There are many different kinds of male circumcision – the circumcision per se consisting of total or partial excision of the foreskin; phallectomy; castration; emasculation. Only the first kind is of interest to us due to its frequency and its ritual characteristics. The other three seem to be less common and we do not have enough information on them.
There are also many different kinds of female circumcision:

a Sunnah or circumcision according to the tradition of Mohammed: The religious circles in favour of this type of female circumcision do not always give details on what is done. According to a classical author, Al-Mawardi, 'it is limited to cutting off the skin in the shape of a kernel located above the genitalia. One must cut the protruding epidermis without performing a complete ablation'. For Doctor Hamid Al-Ghawabi, it is the ablation of the clitoris as well as labia minora. According to Doctor Mahran, the hood of the clitoris is excised as well as the most important parts of the labia minora.

b Clitoridectomy or excision: This consists of the ablation of the clitoris as well as labia minora. It is the operation of choice in Egypt.

c Infibulation or pharaonic circumcision: This is practised in Sudan and Somalia and involves the complete ablation of the clitoris, labia minora and part of the labia majora. The two sides of the vulva are then sewn together with silk or catgut stitches (Sudan) or with thorns (Somalia) in order to close the vulva, leaving only a very small opening for the passage of urine and menstrual flow. On the wedding night, the groom will have to open his bride, more often than not with a double-edged dagger. In some tribes, the woman is sewn up each time her husband goes travelling and is opened again each time he comes back. In case of divorce, the woman is sewn up to deny her any possibility of intercourse.

Let us mention that in the West, female circumcision and especially infibulation were performed in the past. A chastity belt was made by passing rings in the labia and vulva, wiring them shut or closing them with a lock, the key of which was kept by the husband especially when going away. In Russia, the Skopotzy (circumcisers) who are Christians, have practised infibulation to ensure perpetual virginity. They call upon Matthew 19:12: 'and there be eunuchs, which have made themselves eunuchs for the kingdom of heaven’s sake'. A particular type of female circumcision practised by the Kikuyu tribes in Kenya is said to be performed today in some of the hospitals in Paris to accentuate the pleasure potential in some women of the upper class of society. The clitoris is disengaged and pulled back inside the vagina. Such a practice is said to add to women’s sexual pleasure.

3 RELIGIOUS ARGUMENTS

3 1 Religious Arguments in Favour of Circumcision

3 1 1 The Sources of Muslim Law

Muslim law has two main sources: the Koran and the sunnah (tradition: words and actions) of Mohammed, to which one must add the igtihad, tenets of the schools of Muslim law through the centuries.

Nowadays a specific part of igtihad is becoming more and more important, namely the fatwas (opinions of Muslim religious scholars), which are often worded in a language accessible to the masses, defining which behaviour conforms to the Divine Will. Though juridically non-binding, the fatwas are nonetheless morally obligatory for the believer and at times the first step towards the promulgation or the modification of laws. They are
given in writing or orally and are often published and sold on a wide scale.\textsuperscript{34} Many pertain to male and female circumcision.

We confine our study here to the works and anthologies of modern \textit{fatwas}, mostly Egyptian ones, referring to classical books of Muslim law. This choice is justified by the fact that the public at large seldom has access to the classical books.

\subsection*{3.1.2 The Koran}

The Koran mentions neither male nor female circumcision. An extensive interpretation of verse 2:124 shows some barely traceable indication of it:

"When Abraham was put to the test by his Lord, through certain commandments, he carried them out. God then said: "I am appointing you a guide for the people"."

One of the commands given to Abraham, as a test, was circumcision, as mentioned in some of the sayings of Mohammed. Abraham is a model for the Muslim faithful by virtue of verse 16:123:

"Then we inspired you (Mohammed) to follow the religion (\textit{millat}) of Abraham, a true believer . . . ."\textsuperscript{35}

It is relevant to note the rule of Muslim law according to which norms that were revealed to the prophets prior to Mohammed are valid until unmistakably nullified. Thus the Bible, by a process of referral, becomes a source of law for the Muslims. One can read:

"God told Abraham: "... Here is our alliance which shall be observed between me and you, \textit{i.e.} thy race after thee, may all your males be circumcised. You shall have the flesh of your foreskin cut off and it shall be a sign of alliance between me and you . . . . When they reach their 8th day all your males shall be circumcised from generation to generation . . . . My alliance shall be branded in your flesh as a perpetual alliance. The uncircumcised, the male whose foreskin has not been cut off, this very life shall be cut off. He violated my alliance"."\textsuperscript{36}

Circumcision as a sign of alliance can only be found in two other passages of the Bible.\textsuperscript{37} Elsewhere, it is more narrative: King Saul demanded one hundred Philistine foreskins from David, before he gave his consent to David marrying his daughter Mikal: "David . . . thought it was a good deal in order to become the king's son in law . . . . He went to war . . . . He killed 200 Philistine men, brought back their foreskins, counted them in front of the king . . . . So Saul . . . had to admit that Jehovah was on David's side."\textsuperscript{38}

This interpretation of the Koranic verses with reference to the Bible is considered to be abusive by Imam Mahmoud Shaltut (\textit{israfil-istidlal}).\textsuperscript{39} What is more, this textual argument based on Jewish law concerns male circumcision only, not female circumcision that the Bible does not mention and that the Jews do not practise (Falachas excepted). Al-Sukkari, a modern author, answers that, according to Ibn Hagar, the Jews used to circumcise both sexes, which is why he rejects male and female circumcision on the seventh day, so as not to be mistaken for a Jew. Even the authentic Bible – today's one is considered to be falsified – does not contain any text relating to female circumcision. Nonetheless, Muslims must practise it, if the Muslim law makes provision for it.\textsuperscript{40}
3.1.3 The Sunnah

We will try here to glean, from the works of contemporary Arab authors, the different sayings of Mohammed relating to male and female circumcision:

a. The most often mentioned narration reports a debate between Mohammed and Um Habibah (or Um 'Atiyah). This woman, known as an exciser of female slaves, was one of a group of women who had immigrated with Mohammed. Having seen her, Mohammed asked her if she kept practising her profession. She answered affirmatively adding 'unless it is forbidden and you order me to stop doing it'. Mohammed replied: 'Yes, it is allowed. Come closer so I can teach you: if you cut, do not overdo it (la tanhaki), because it brings more radiance to the face (ashraq) and it is more pleasant (ahza) for the husband.' According to others, he said: 'Cut slightly and do not overdo it (ash-immi wa-la tanhaki), because it is more pleasant (ahza) for the woman and better (ahab, from other sources abha) for the husband.' We shall hereinafter refer to this narration as 'the exciser's narration'.

b. Mohammed said: 'Circumcision is a sunnah for the men and makrumah for the women.' The term sunnah here means that it conforms to the tradition of Mohammed himself, or simply a custom at the time of Mohammed. The term makrumah is far from clear but we can translate it to mean an honourable deed.

c. Speaking to the Ansars' wives, Mohammed said: 'Cut slightly without exaggeration (ikhtafidna wa-la tanhtkna), because it is more pleasant (ahza) for your husbands.'

d. Someone came to Mohammed and became a convert before him. Mohammed told him: 'Shave off your unbeliever’s hair and be circumcised.'

e. Mohammed said: 'Let him who becomes a Muslim be circumcised, even if he is old.'

f. One asked Mohammed if an uncircumcised man could go to pilgrimage. He answered: 'Not as long as he is not circumcised.'

g. Mohammed said: 'Five norms define fitrah: shaving of the pubis, circumcision, moustache trimming, armpit depilation and nail clipping.' Other narrations name ten norms amongst which circumcision is always mentioned. The norms of fitrah are believed to be those taught by God to His creation. The man in pursuit of perfection must conform to those norms. They are not compulsory, but simply advisable (mandubah), except for circumcision which is mandatory. Based on these premises, Al-Sukkari believes Adam to have been the first circumcised man. His descendants having neglected their obligation, it was reconfirmed to Abraham and his descendants. Thus circumcision would be the sign which would differentiate the believer from the non-believer. Therefore, circumcision is the sign of Islam.41

h. Mohammed has stipulated: 'If both circumcised parts (khitanan) meet or if they touch each other, it is necessary to wash before prayer.' From this, it may be deduced that men and women were circumcised in Mohammed's time.
The Shiites add a narration by Imam Al-Sadiq stating: 'Female circumcision is a makrumah, and is there anything better than a makrumah?' They cite Al-Sadiq as the reporter of the exciser's narration. The supporters of circumcision themselves (male or female) acknowledge that those narrations attributed to Mohammed offer little credibility. Mahmud Shaltut states that they are neither clear nor authentic. Sheikh Abbas, Rector of the Muslim Institute at the Mosque of Paris, is even more adamant:

'If the circumcision for the man (though not compulsory) has an aesthetic and hygienic purpose, there is no existing religious Islamic text of value to be considered in favour of female excision, as proven by the fact that this practice is totally non-existent in most of the Islamic countries. And if unfortunately some people keep practising excision, to the great prejudice of women, it is probably due to customs practised prior to the conversion of these people to Islam.'

Custom and Silence of the Law

Female circumcision having fragile foundations in the Koran and the sunnah, Al-Sukkari tries to strengthen those foundations in calling upon custom, which constitutes a source of Muslim law. For him, female circumcision has become the norm inasmuch as it is general, has been practised for a long time and is not contrary to any text of religious law.

He refers to the rule according to which what is not forbidden is allowed. Thus female circumcision, not being expressly forbidden, remains permitted. Even if narrations relating to female circumcision are not credible, none has shown up to forbid it or declare it blameworthy. One of the principles of Muslim law is that it is better to apply the norm than to give it up.

However, this author forgets that Muslim law allows a custom based on ignorance to be abolished. In effect, the Koran states:

'When they are told: "Come to what God has revealed and to the Messenger", they say: "Sufficient for us is what we found our parents doing". What if their parents lacked the knowledge? And the guidance?' (5:104.)

Indeed, he reverses the rule. Instead of supporting physical integrity, indirectly he speaks in favour of the principle of mutilation.

Religious Arguments against Circumcision

God Does Not Mutilate

This argument can be summed up as follows: Can we imagine a god who demands that his believers be mutilated and branded on their genitals the same as cattle? Doctor Nawal El-Saadawi, a Egyptian woman, herself excised, writes:

'If religion comes from God, how can it order man to cut off an organ created by Him as long as that organ is not diseased or deformed? God does not create the organs of the body haphazardly without a plan. It is not possible that He should have created the clitoris
is not possible that He should have created the clitoris in a woman's body only in order that it be cut off at an early stage in life. This is a contradiction into which neither true religion nor the Creator could possible fall. If God has created the clitoris as a sexually sensitive organ, whose sole function seems to be the procurement of sexual pleasure for women, it follows that He also considers such pleasure for women as normal and legitimate, and therefore as an integral part of mental health.\textsuperscript{48}

'It has very often been proclaimed that Islam is at the root of female circumcision, and is also responsible for the under-privileged and backward situation of women in Egypt and the Arab countries. Such a contention is not true . . . Religion, if authentic in the principles it stands for, aims at truth, equality, justice, love and a healthy wholesome life for all people, whether men or women. There can be no true religion that aims at disease, mutilation of the bodies of female children, and amputation of an essential part of their reproductive organs.'\textsuperscript{49}

Renée Saurel goes over the argument again. She writes:

'\textit{The Koran, contrary to Christianism and Judaism, permits and recommends that the woman be given physical and psychological pleasure, pleasure found by both partners during the act of love. Forcibly split, torn, and severed tissues are neither conducive to sensuality nor to the blessed feeling given and shared when participating in the quest for pleasure and the escape from pain.}'\textsuperscript{50}

Both sources mentioned above refer to religion, Islam, Christianity and Judaism. Those abstract notions contain the most conflicting components. It is better to refer to written sources than to abstract notions. It must also be pointed out that this argument is as valid against male circumcision as it is against female circumcision. However, both authors use it against female circumcision only.

\subsection*{3.2.2 Banning Alteration of the Human Being}

It is not difficult to find support for the above argument in the Koran itself. Indeed, verse 4:119 does not allow man to change God's creature:

'[The devil said]: "I will mislead them, and I will create in them false desires; I will order them to slit the ears of cattles, and to deface the fair nature created by God".'

This verse appears to condemn any change of God's creation. It is referred to by Islamists to oppose permanent birth control, be it by measures affecting the man or the woman.\textsuperscript{51} Oddly, male and female circumcision enthusiasts forget this verse completely. They also forget the following one: 'He perfected everything He created' (32:7). Aziza Kamel, adversary of female circumcision, refers to this verse and adds: 'Excision is a distortion of what God created because God is satisfied with His creation.'\textsuperscript{52}

\subsection*{3.2.3 Man Knows Best}

Mohammed had told some farmers not to pollinate their date trees. That very year, the trees did not bear any dates. Having returned to Mohammed for explanations, they were told: 'You know your worldly business better [than I do].'}
The last passage of the narration was quoted by Sheikh Hassan Ahmed Abu-Sabib from Sudan in his presentation to the Seminar on Traditional Practices Having Consequences on the Health of Women and Children (Affecting Women’s and Children’s Health) in Africa (Dakar 6–10 February 1984). Strengthened by this narration, he comes to the conclusion that female circumcision must be banned because medical science has proved it to be harmful. Then, he says, the Koran forbids man to harm himself by virtue of verse 2:195: ‘Do not throw yourselves with your own hands into disaster.’ Elsewhere, Mohammed said: ‘Who harms a believer, harms me and who harms me, harms God.’

This Sudanese sheikh did not pursue his reasoning to its end. In the narration about the date trees, Mohammed did not want to consider himself to be infallible in botany and so admitted that the farmers knew more than he did on the subject in spite of his quality as a prophet. By analogy with female and male circumcision, this narration means that Mohammed indeed could not be infallible on the subject and could be contradicted by medical science. Our sheikh does not go so far. He separates Mohammed’s answer from the whole narration about the date trees and just states that Mohammed’s narrations on female circumcision are not reliable, calling on the authority of his counterpart, Imam Shaltut. He concludes that the issue of male and female circumcision must be judged according to its disadvantages and advantages.53

In spite of this minor inconsistency, his advice against female circumcision is the most explicit known to us on the part of a contemporary religious Muslim leader.

3 2 4 The Al-Mahdawi Case

All of the aforementioned religious arguments are written solely and exclusively against female circumcision. Though they could very well be used against male circumcision, their authors never do so and not without purpose.

Indeed, the only Muslim author to have cast doubts on male circumcision has had legal action brought against him and might be sentenced to death for apostasy. I am speaking of (retired) Judge Mustafa Kamal Al-Mahdawi, who has come under ferocious attack from Libyan religious circles in the mosques as well as in the press. The preacher of the Mosque of the Prophet, in Medima, Saudi Arabia, published in July 1992 a pamphlet handed out free of charge in Libya. In this pamphlet, he asks the Muslim Arab League and the Islamic Conference to set up a collective fatwa of all Muslim scholars against this judge and to execute him as an apostate if he does not retract. As for his book, the preacher asks that it be removed from the shelves, burned and forbidden to any reader. He blames the judge for having, among other things, denied that male circumcision is compulsory when there is unanimity in favour of it and when Mohammed was himself circumcised.54

In fact, this Libyan judge insists that male circumcision is a Jewish custom; the Jews believed that God would only see them if they had distinctive marks such as circumcision or blood stained doors. He refers here to God’s command given to the Jews that the blood from sacrificed cattle be put on jambs and lintel of houses at the time of Passover because He intended
to kill all firstborn in Egypt. God said to Moses and Aaron: 'The blood shall be a sign on the houses where you live. Seeing this sign, I shall pass over those doorways and you shall escape the destructive calamity when I strike down the people of Egypt.' The Libyan judge adds that the Koran does not mention this 'peculiar logic'. For him, God does not devote Himself to such banter no more than He created the foreskin as a superfluous object destined only to be cut off. He quotes verse 3:191 which states:

'Our Lord, You did not create all this in vain! Glory be to You! So spare us the agony of hell.'

3.3 Qualification of Circumcision in Muslim Law

To define an act means to declare it forbidden, reprehensible, permitted, advisable or mandatory. Those are the five categories into which a Muslim believer classifies any act.

The adversaries of circumcision regard it as forbidden when it concerns girls. On the other hand, they do not oppose male circumcision and even consider it to be mandatory.

As for the supporters of male and female circumcision, they are divided on the qualification that should be attached to it. Three opinions have been expressed:

3.3.1 Mandatory for Boys and Girls

Imam Ahmad deems only the prayer and pilgrimage of the circumcised to be worthy of acceptance. Imam Malik refuses access to public office to, and testimony from, a non-circumcised person. Others go as far as forbidding that meat killed by a non-circumcised person be eaten. This school puts forward the following justifications:

a. Verse 16:120 requests that Mohammed follow the path of Abraham. Abraham was circumcised at a very old age, when he was 80 years old, according to others 120, in spite of the suffering that circumcision could cause him. Had it not been mandatory in Abraham’s opinion, he would not have subjected himself to it.

b. Different sayings of Mohammed relating to circumcision which were mentioned earlier.

c. During the era of the Companions of Mohammed, male and female circumcision was carried out.

d. The condition of being non-circumcised keeps impurity in the body and renders prayer null and void, the same way an unclean mouth does.

e. Circumcision (male and female) causes pain. Pain is permissible only for benefit, punishment and obligation. Since benefit and punishment are inapplicable, circumcision (male and female) is an obligation.

3.3.2 Sunnah for Both Sexes

According to this school of thought, male and female circumcision fall under ‘sunnah’, the meaning of which jurists disagree upon. It can have two meanings: the tradition of Mohammed himself, or simply a custom at the
time of Mohammed. Considered as sunnah, it would be advisable and not mandatory.

Those in favour of this qualification call upon the narration which compares circumcision (male and female) to a norm of the abovementioned fitrah. As such, it has man’s perfection as a purpose. Though it is desirable, the Muslim believer is under no obligation to have it done. They add that many persons joined Islam without Mohammed ever searching (under their clothes) to see if they were circumcised or not.

3.3.3 Compulsory for Boys, Sunnah or Makrumah for Girls

Modern authors opt for this opinion. Al-Sukkari states that male circumcision is mandatory because of the smell and the repugnant, greasy substances secreted and kept under the foreskin. This uncleanness renders prayer invalid. But as purity is necessary for prayer, circumcision becomes compulsory according to the legal rule which states that what is necessary to fulfil an obligation becomes in turn mandatory.

On the other hand, the female having no foreskin and therefore no source of impurity ‘down there’, female circumcision is only advisable. Two reasons underlie the recommendation of female circumcision:

a) to fulfil makrumah granted by Mohammed;
b) to avoid falling into a taboo.

For Professor 'Abd-al-Wahhab Khallaf, the term makrumah means that female circumcision adds to the man’s pleasure. Shaltut states that female circumcision is a makrumah for the men who are not used to feeling a protruding piece (za'idah) of flesh.

The majority leans towards the meaning of a commendable or meritorious act on the part of the woman. It is Professor Zakariyya Al-Birri’s opinion that it is better to carry out female circumcision. Anyone who does not do it does not sin if he is convinced in the light of religious texts and doctors’ advice that he is under no obligation to conform (to it). Al-Garadawi leaves the choice to parents according to their beliefs, in spite of the fact that he favours female circumcision, because it protects girls’ morality ‘especially nowadays’.

A fatwa from the Egyptian Fatwa Committee dated 28 May 1949 declared that abandoning female circumcision does not constitute a sin. Another fatwa from the same body dated 23 June 1951 is more rigid. Not only does this fatwa not recognize the abandonment of female circumcision as an option, but is further of the opinion that it is advisable to carry it out because it curbs ‘nature’. Moreover, this fatwa considers doctors’ opinions on the disadvantages of female circumcision to be irrelevant.

A third much more detailed fatwa from the same institution dated 29 January 1981 is adamantly opposed to giving up female circumcision. The author of this fatwa is the present Great Sheikh of Al-Azhar, the most famous university of the Islamic world in Cairo. He insists that it is impossible to abandon the lessons of Mohammed in favour of the teaching of others, be they doctors, because medical science evolves and does not remain constant. The responsibility of female circumcision lies with the parents and with those in charge of the girl’s welfare. Those who do not abide by it do not do their duty.
3.3.4 Motives for the Difference between Boys and Girls

Al-Sukkari tries to explain the difference between boys and girls vis-à-vis the religious norm:

a. Abraham circumcised himself and he would not have done it, had it not been a duty. But there is no evidence that Abraham ordered female circumcision. This is instead a command from Mohammed according to the abovementioned exciser's narration.

b. Male circumcision is a sign which separates Muslim men from the non-Muslim ones. As for the woman, one should adopt a respectful attitude towards her and not impose a physical examination to see if she is circumcised or not.

c. Male circumcision helps prevent many diseases, cancer among them, and reduces having to resort to masturbation. This opinion is also put forward by Imam Mahmud Shaltut for whom the boy's foreskin hides germs harmful to his health, which is not the case for girls.

3.3.5 Consequences of the Qualification

Jurists have asked themselves if public authority can force a Muslim to submit to circumcision, especially if he is getting on in years. The Zaydites and the Shafiites answer affirmatively. According to the Hanafite school, if a group rejects male circumcision, the head of state must declare war against this group. However, some say that a man may be spared circumcision if it endangers his health. Al-Sukkari is of the opinion that health nowadays is not a problem. The Muslim man who fears for his health can ask a doctor to carry out the operation under anaesthesia and with the help of modern equipment.

The Hanbalites say that male and female circumcision is an Islamic ritual; the man can force his wife to be excised as well as force her to pray. The Ibadites consider as invalid the marriage of a non-circumcised Muslim even if it has been consummated. The woman may ask for legal separation. If the husband is circumcised after its consummation, the marriage remains invalid; he must go through another ceremony in order to get his wife back. For the Hanbalites, the non-circumcision of the husband is a breach of contract giving the woman the choice of asking for divorce or continuing the marriage. For some, the non-circumcised man has no right of guardianship of a Muslim and no right to give his consent to the marriage of a Muslim relative. In this case, the marriage is dissolved, except if it has been consummated.

Al-Sukkari grants the woman the right to dissolve the marriage if her husband is not circumcised, because his foreskin can be a vector of diseases. It can also be a source of repulsion, thus preventing the realization of the objectives of marriage, that is love and understanding between partners. The woman has a right to be married to someone handsome and clean, Islam being the religion of cleanness and purity.

Ahmad Amin emphasizes the importance of circumcision in the Egyptian's mind by telling this anecdote: A Sudanese tribe wanted to join Islam. The chief wrote to a scholar of the Al-Azhar to ask him what was to be done. The scholar sent him a list of demands, putting circumcision in first place. The tribe then refused to become Muslim.
For the majority of believers, to belong to Islam implies de facto male circumcision. In Java, to circumcise a boy is translated as 'to welcome someone in the bosom of Islam'; in Algiers, during the colonial era, the printed invitation to the religious ceremony named it in French *baptême* (baptism). In Muslim life, it is an important cause for family celebration, which is not the case for female circumcision, always carried out secretly. According to the Saudi religious authorities, a man who converts to Islam must get circumcised, but if he refuses to join Islam for fear of the procedure, this demand may be postponed until the faith is stronger in his heart.

On a social level, the non-circumcision of a female has serious consequences. In some countries, non-circumcised girls do not get married and people then start talking about them, as if they are guilty of misbehaviour, or possessed by the devil. In the Egyptian countryside, the matron practising female circumcision delivers a certificate which is used for the marriage. Wedad Zenie-Ziegler writes that Egyptian country women are surprised to learn that their sisters in Cairo are not excised. They burst into laughter, interrupted by scandalized comments: 'Really it is not done? Girls remain like that uncut? And they don’t become wild?' El-Masry reports the statement of an Egyptian midwife who circumcised more than 1 000 girls. To her, 'one should lynch the fathers who were opposed to excision of their daughters, because these fathers were in fact willing to see their girls become whores'. In Sudan, where infibulation is practised, brothers tried to protect their young sisters from this torture. Most of them were evicted from the paternal home after terrible quarrels, the parents accusing them of being depraved and of trying to transform their sisters into shameless creatures. Very few succeeded; but, to put an end to the neighbours' gossip, they had to bring their sisters to live under their own roofs in Khartoum or Atbara: 'Because in Sudan, it is as unusual not to sew girls' genitals as in the West, it is unusual not to bath the children. It sets the tongues wagging.'

### 3.4 Modality of Circumcision According to Muslim Law

#### 3.4.1 Male Circumcision

According to classical Muslim jurists, male circumcision involves the cutting of the foreskin, preferably the whole foreskin. If the man has two penises, some say that both should be circumcised, others say that only the one passing urine should be circumcised. If the child was born circumcised, some are of the opinion that he should be left as such, while for others, the knife should be passed over the emplacement of the foreskin to fulfil the commandment. If the circumcision is incomplete, it should be completed.

#### 3.4.2 Female Circumcision

Al-Sukkari describes female circumcision as follows: 'For a start, God should be called upon by saying the opening statement: in the name of God, most gracious, most merciful, followed by praise to God and prayer to the Prophet, the author of this supreme *makrūmah*.' Female circumcision must be carried out by one male or female surgeon of Muslim faith and devout appearance, knowledgeable of the teaching of Mohammed. The best medical means must be used to reduce pain. Female circumcision must be done by
day to allow the physician to perform in full day light, but also in full secrecy; only her mother or her tutor must be present, or the one who feels the most compassion for the girl.\footnote{He does not clarify what female circumcision consists of. For Gad-al-Haq, female circumcision consists of ‘cutting the skin which is located above the urinary orifice without exaggeration and without rooting it out’.\footnote{Al-Sha’rawi stipulates that if the girl does not have any flesh protruding, circumcision should not be done.\footnote{What is described above as in compliance with sunnah remains theoretical. In fact, it is rather clitoridectomy (performed in Egypt) or infibulation (performed in Sudan and Somalia). In Sudan, a study has brought to light that 64% of female circumcisions are done by traditional matrons, 35% by midwives and 0.7% by physicians.\footnote{3 4 3 Circumcision of the Hermaphrodite \footnote{Classical authors’ opinions have differed regarding hermaphrodites, persons with both male and female genitalia. Some say that both must be circumcised, while others say that only the organ passing urine should be cut because it implies rights of inheritance.\footnote{Finally, for others, one must delay circumcision until it is possible to tell which one of the two is predominant. Cautiously, Al-Sukkari chooses the first opinion, meaning circumcision of both sexes, to minimize the chances of mistake.\footnote{3 4 4 Age for Male and Female Circumcision \footnote{Jurists are not unanimous regarding the age at which circumcision should be carried out. Different opinions are presented: any time; at puberty; before ten years of age (the age when one has often to hit the child to force him to pray); at about seven years for the boy; on the seventh day (some take the day of birth into consideration, others not); especially not on the seventh day or before (because it is a Jewish custom and one does not want to be put in the same category with them). Al-Mawardi suggests that circumcision be done at seven years of age at the latest, but preferably at seven days or at 40 days, except in case of inconvenience. That is Al-Sukkari’s opinion for boys. For girls, he suggests the age of seven to ten years, to help them cope with the procedure.\footnote{According to testimony gathered by Wedad Zenle-Ziegler, female circumcision in Egypt is done in principle one week after birth, but it can be done at two months, sometimes at seven months or even seven years.\footnote{Nawal El-Saadawi says that in Egypt it takes place at the age of seven or eight, before the girl starts menstruating.\footnote{Jurists have asked themselves if persons who have died without circumcision should be circumcised. The majority reject such an idea because it affects the deceased’s physical integrity (hurmah) and exhibits his private part (‘awrah); moreover, it is useless, the goal of circumcision being to fulfil an act of worship and to be clean for prayer, which is of no use to the deceased. For others, circumcision of the deceased is necessary; his foreskin is placed in the shroud. They call on a narration by Mohammed, according to which one must do to the dead what is done to those getting married. Al-Sukkari leans towards the first opinion.\footnote{}}}}}}}}}
REASON IN AID OF RELIGION

The Koran says: 'No one questions Him about anything He does, but men are questioned' (21:23). God does not have to justify His norms even if Muslim jurists are of the opinion that divine norms are intended to bring good to man. The criteria of goodness elude man most of the time.

However, there is a tendency among Muslims as well as Jews today to try to justify religious norms a posteriori, conferring beneficial results upon them, real or fictitious. It is a recourse to reason to justify religion. Cases in point are circumcision and dietary taboos. It proves that the idea of God hurting human beings simply in order to brand them like cattle is not accepted anymore.

The supporters of male and female circumcision, after proving the existence of a related religious norm, will endeavour to demonstrate the advantages of circumcision as well as the disadvantages of non-circumcision, in order to comfort the believer, while answering back to those opposed to it. As for the opponents of female circumcision, they, unless they are unbelievers, rejecting any religious justification, also fight on two fronts: After denying the existence of a religious norm prescribing female circumcision (the only one they are interested in), they try to prove its harmful characteristics in order to ban it.

And if reason does not succeed in proving that religion is correct? Then, let it be challenged, as will be seen below.

4.1 Male Circumcision

4.1.1 Advantages of Male Circumcision

Muslim authors skim over male circumcision. They only see advantages and, moreover, the subject does not trigger any debate in the West. According to Al-Hadidi (an opponent of female circumcision), male non-circumcision can cause penile infections arising from urine droplets. It can develop into cancer, requiring the penis to be amputated entirely. Circumcision is even believed to prevent cancer in the circumcised man's partner, as mentioned by Doctor Al-Pangari, who goes on to state that it helps to extend the length of copulation, thanks to the liberation of the glans. Their Jewish counterparts offer the same type of arguments. It is enough to have the Christians, to whom Saint Paul suggests circumcision in their heart rather than in their flesh, turn green with envy! If only Saint Paul could have heard our Jewish and Muslim medical experts before rejecting the obligation to circumcise!

Imam Shaltut does not find any basis for male and female circumcision, be it in the Koran or in the sunnah from Mohammed. Therefore it must be judged according to the general Islamic consensus which forbids hurting anyone, unless advantages outnumber disadvantages. For boys, he states that circumcision is beneficial because it cuts off the foreskin which harbours filth and promotes cancer and other diseases. As such, it is a protective and preventive measure: thus its mandatory quality in Muslim law.

Logically, if male circumcision were beneficial, it should be generalized. Male circumcision cannot however be justified solely on the basis of its usefulness in certain pathological conditions. A foot may be amputated
under medical imperative if it is gangrenous and amputation will then cer-
tainly be beneficial. Nevertheless, nobody would call for generalized foot
amputation among the followers of any given religion. The argument is
compelling, unless it can be shown that the relevant religious adepts have
penises noticeably different from those of their fellow humans.

Let us point out here that circumcision has its enthusiasts among
Christians who believe the Bible to be a scientific book. This is especially
the case in the United States where obstetricians ‘sever at birth the foreskins
of future Methodists, Adventists, Catholics, Sectarians of Love, if not good
brave Atheists’. To them, uncircumcised males ‘can only be country people
and half-witted’. But in 1975, the American Health Commission stated that
circumcision was not a good hygienic measure. Since then, circumcision has
been reduced considerably. The pro-circumcision people then launched a
campaign to persuade the commission to reverse its decision, claiming that
circumcision prevents infantile urinary tract infections and even AIDS
transmission, a claim denied by Swedish experts.

4 1 2 Disadvantages of Male Circumcision

As noted above, male circumcision is of no interest to most people.
Doctor Gérard Zwang, quoted above, stands out as one of the very few op-
ponents of male circumcision in France. Not only does he not see any ad-
vantages, but he notices disadvantages. He writes:

‘One must be extremely suspicious when magicians and shamans
try to irrefutably legitimate ritual sexual mutilations (unless one be-
longs to the clan of those incurably naive ethnographers). As heirs of
the only extra-European culture touched by some sort of scientific
thinking and often contributing to its development, it is the Judaizers
who provide the so-called “logical” arguments in favour of
circumcision.’

He names the five ‘reasonable’ reasons produced by the Western par-
tisans of circumcision, reasons which support those given by the Muslims:

a Circumcision testifies to the legitimate concern of lifting the sexuality
of the individual to perfection.

b Circumcision is a good hygienic precaution.

c Circumcision prevents masturbation.

d Circumcision prevents cancer.

e Circumcision allows better control at the ‘plateau’ stage.

After taking apart those reasons one by one, he points out that the
foreskin of the infant acts as a sheath preventing the glans from soaking
permanently in urine and protecting it from irritations and inflammations
due to contact with clothing, soaked swaddling clothes and diapers. He in-
sists that circumcision at birth is ‘practically always responsible for in-
flamed stricture of the urinary meatus’. The protective function of the foreskin
for the glans and the penis retains its usefulness during erotic activities,
thus the importance of the foreskin at the affective level during childhood,
youth and adulthood.
He concludes that 'there is no [medical] reason to systematically de-prive all new-born, little boys or men of an integral part of the normal human anatomy'. Even for foreskins with problems, he advises against circumcision and prefers those simple, surgical procedures which retain the foreskin. He recommends that plastic surgeons apply themselves to mastering the technique of possible preputial reconstruction for circumcised patients suffering from 'balanic peeling', one of the consequences of circumcision.\textsuperscript{103}

As for surgeons requested to perform circumcision, he asks them to refuse to comply. If it is an adult who makes the request, the surgeon has the right to raise the matter of conscience, as some do, based on liberalism, to avoid carrying out abortions. If it is a normal child brought in by his parents, 'the surgeon is entitled to call upon the impossibility of committing an assault and battery on a minor and advise them to wait until their offspring reaches his majority'.\textsuperscript{104}

It might be necessary to add to the doctors' advice, the psychologists' answer to these questions: What is the influence of circumcision on the following: the victims of paranoia,\textsuperscript{105} the conscious or unconscious male rage and violence in the American culture, and the conflicts between Muslims themselves or between Jews and Muslims? It would also be useful to know what the relationship between circumcision and situational homosexuality is (as opposed to constitutional homosexuality).

4 2 Female Circumcision

4 2 1 Advantages of Female Circumcision in Compliance with the Sunnah

Circumcision not carried out according to the \textit{sunnah} is forbidden by all Muslim religious circles. For some, 'the practice of female circumcision as it is carried out on their daughters by some women from backward countries, is an offence punishable by law'.\textsuperscript{106} Nobody comes to the defence of infibulation even if it is the most practised form of circumcision in Muslim countries. This condemnation is based mostly on the exciser's narration, mentioned earlier. What is strange in this case is that those very religious circles do not try to use this narration in a positive way to fight the practice. As an example, it is estimated that 89.2\% of the women in North Sudan are circumcised – 82.3\% by infibulation. Only 19.2\% of Christian women are circumcised that way. More Christians (57.7\%) than Muslims (20.8\%) appear to favour abolition of this practice for their daughters.\textsuperscript{107}

If these religious scholars, all male chauvinists, are opposed to female circumcision not in compliance with the \textit{sunnah}, they nevertheless do approve of it when it conforms to the \textit{sunnah}. This type of female circumcision, by the way, is not described fully. For some, it is only the removal of a minimal amount of clitoris skin in application of the exciser's narration; for others, it involves the whole clitoris and labia minora.

The goal of defending female circumcision in compliance with the \textit{sunnah} is expressed in no uncertain terms by \textit{Al-I'tissam}, an Islamic magazine from Cairo. This magazine protests against the World Health Organization (WHO), accusing the organization of 'distorting the truth of Islam': \textit{Al-I'tissam} requests Al-Azhar and all religious scholars to 'open their eyes and
be on the alert for those ideas coming to us from outside, so we can fight them, prove their foolishness and save Islamic customs'.

Here are the advantages of female circumcision according to its male supporters:

4211 It Maintains Cleanliness

Doctor Hamid Al-Ghawabi states that bad smells in women, cleanliness notwithstanding, can only be eliminated by cutting off the clitoris and labia minora.

4212 It Prevents Diseases

The number of nymphomaniacs is less among circumcised women. The husband may catch this disease and even die of it. Female circumcision prevents vaginal cancer and swelling of the clitoris which could drive the woman to masturbation or homosexual relations.

4213 It Brings Calm and Gives Radiance to the Face

Female circumcision shields the girl from nervousness at an early age and prevents her from getting a yellow face. This statement is based on a narration by Mohammed: 'Circumcision is makrumah for women' and 'gives them a glowing face'. The exciser's narration is also quoted to say that circumcision makes a woman's face more beautiful and makes her more attractive for her husband. According to a supporter of female circumcision, it brings good health and feminine grace to the girl and protects her morality, chastity and honour, maintaining within reason, of course, the necessary sexual sensitivity.

4214 It Keeps the Couple Together and Prevents Drug Use

Doctor Hamid Al-Ghawabi admits that female circumcision does reduce the sexual instinct in women, but he sees this as a positive effect. With age, the male sexual instinct lessens. His circumcised wife will then be at the same level as her husband. If she was not, her husband would be unable to satisfy her, which then would lead him to drug use in order to succeed.

4215 It Prevents Her Falling into What is Forbidden

This is the most frequently cited reason. Professor Al-'Adawi from Al-Azhar says that female circumcision is makrumah, that is it helps the woman 'to remain shy and virtuous. In the Orient, where the climate is hot, a girl gets easily aroused if she is not circumcised. It makes her shameless and prey to her sexual instincts, except those to whom God shows compassion'. Judge 'Arnus says that female circumcision diminishes sexual instinct which, if not kept in control, reduces the person to the condition of an animal, but if this sexual instinct does not exist, then circumcision reduces her to a lifeless state. He favours moderation and notes that intact men and women have, more often than not, a 'one track mind'.
Chairman of the Muslim Supreme Court (abolished in 1955), reiterates that at one time female circumcision is a makrumah, a meritorious action, that the woman is under no obligation to submit to, but that preferably she should. He adds that circumcision protects a girl from infection, swelling of her external genitalia and from strong psychic reactions and sexual excitement which, if repressed, lead to neurosis or, if unleashed, lead to the path of vice. This happens especially during youth, when hormones of reproduction are at their peak. Salim goes on to describe this circumcision. The procedure consists of cutting off the bulging part of the clitoris which is out of the hood 'so as not to become a cause of arousal while the girl is moving, rubbing against her clothing, riding animals, etc. . . . Thus its name khafid: to lower the level'. Gad-al-Haq, Great Sheikh of Al-Azhar, adds that our times call for female circumcision 'because of mixing of the sexes at public gatherings. If the girl is not circumcised, she subjects herself to multiple causes of excitation leading her to vice and perdition in a depraved society'.

4 2 2 Disastrous Consequences of Any Kind of Female Circumcision

Opponents of female circumcision reject it because of the seriousness of the complications which depend on the method adopted.

4 2 2 1 Physical and Mental Damage

Many complications may occur after female circumcision. Doctor Mahran classifies them as follows:

a Immediate complications: postoperative shock, pain, haemorrhages, infections, urinary complications and accidental injuries to surrounding organs.

b Later physical complications: painful scars, keloid formation, labial adhesions, clitoridal cysts, vulva mutilation, kidney stones, sterility.

c Psychosexual complications: in the woman – a sense of loss of her femininity, lack of libido, less frequent coitus, absence of orgasm, depression and psychosis, high rate of divorce; in the man – premature ejaculation, polygamy.

d Obstetric complications.

There is no surgical technique which will ever repair this mutilation, which will ever bring back the erogenous sensitivity of the amputated receptors. The erotic function in an excised woman is destroyed for ever. The surgeon can only correct the complications; if the mutilated woman’s genitalia will never again give her pleasure, at least it should not cause her undue suffering.

The Muslim enthusiasts of female circumcision do not deny those complications, but state that they arise out of the manner in which the surgery is performed, mostly because nobody pays attention to the conditions laid down by Muslim law. Al-Sukkari writes: 'If one goes to a barber for an appendectomy, must we conclude that this form of surgery has never been provided for in an Islamic book and thus should be banned because the way it is performed is wrong?' He adds that female circumcision has been a
practice for centuries and is a custom accepted by Muslim law. The so-called consequences never occurred in the past. And if we hear of them today, the responsibility lies with those who perform it.  

4.2.2.2 Drug Use

We saw earlier that the enthusiasts of female circumcision called sunnah plead in favour of it because it prevents the use of drugs. The opponents use the reverse argument. The link between female circumcision and the hashish plague in Egypt has been widely exposed by El-Masry. Female circumcision distorts sexual relations: 'Very few healthy males can fully succeed in bringing a circumcised woman to orgasm. She has lost her capacity for pleasure. The man will soon have to admit that he alone cannot do it. There is only one solution: hashish.' He quotes many references, including Police Chief Safwat for whom 'narcotics are widely used in Egypt, because they are linked in people’s minds to sexual activities, themselves linked to excision, unknown in Europe'. Doctor Hanna adds: 'The man will resort to narcotics to satisfy his wife sexually. Excision is responsible for her lack of arousal and the husband has to take drugs to be able to hold his erection as long as necessary.' He states that women are the ones to request that their husbands use drugs before sex: 'They know from experience that it is their only chance of reaching orgasm, for hashish is the only cure for their mutilated clitoris.'

The Cairo magazine Al-Tahrir draws the following conclusion in its issue of 20 August 1957: 'If you want to fight against narcotics, ban excision.'

The same link is observed between female circumcision and narcotics in Yemen where the plague of qat is widespread. An attempt to ban it in the British Colony of Aden, in April 1957, almost triggered a revolt. Yemenis saw in this measure 'an infringement upon their basic rights'. Women themselves showed their reprobation, claiming it was an attack on their conjugal lives. Since 24 June 1958 the use of qat has been legal in Aden.

4.2.2.3 Familial Problems

The woman, having no sexual release, becomes rebellious and neurotic. Instead of protecting her morality, female circumcision leads her to look elsewhere for sexual satisfaction at any cost — thus the obsessive belief in djinn (zar), which does not exist anywhere else but in Egypt 'as if genies (djinns) could only live in Egypt'.

4.2.2.4 Ineffectiveness in Preventing Diseases

For Doctor Al-Hadidi, there is no medical value in female circumcision, contrary to male circumcision, since the woman does not have a foreskin retaining germs. Doctor Nawal El-Saadawi denies also that female circumcision will reduce the incidence of genital cancer.

4.3 Position on Female Circumcision in Religious Circles

The arguments on costs and benefits of male and female circumcision might be of some value if one accepts an absolute parameter to begin with: respect for physical integrity. Any infringement upon the latter must be
forbidden or permitted only on the basis of the costs and benefits of circumcision. At present, this seems to be the case neither among Muslims nor among others, especially where male circumcision is concerned.

As for female circumcision, as we said earlier, Muslim religious circles are opposed to it, if it is not in conformity with sunnah, mostly because of the exciser’s narration. As far as sunnah itself is concerned, those circles refuse to condemn it on principle and the criteria mentioned above, even if differences of opinion can be noticed among them.

4.3.1 Applying the Norm for the Norm’s Sake

Hamrush, Chairman of the Fatwa Committee at Al-Azhar, rejects the idea that female circumcision prevents diseases or keeps girls healthy since, unlike boys, they do not have a foreskin to harbour filth. He also rejects the idea that it is a protection of the woman’s honour and morality, keeping her from throwing caution to the wind. If it were the case, then one would assume that circumcision is an obligation, and not just a makrumah. However, he holds the opinion that female circumcision should be performed to fulfil the teaching of Mohammed.

4.3.2 Benefits of Circumcision Unknown to Reason

Professor Al-Laban says that simple scientific observation must not be used to destroy the norms established by God (including male and female circumcision) and announced by Mohammed, but rather to confirm them. If we do not understand the wisdom of those norms, the deficiency is to be found in our reasoning, not with God. The Islamic law is the final law and is to rule at all times. Our human brains cannot possibly find fault with it. Mohammed does not speak from the heat of passion. He explains how science confirms the religious norm. Sunnah circumcision lets the blood vessels heal (what other types of circumcision do not) and makes purification easy once the excrescence is cut off because it is this part which retains urine and menstrual fluid. This wisdom of the Islamic norm was subsequently acknowledged by science.

In an Egyptian fatwa of 23 June 1951 it is said:

‘Medical theories relative to diseases and to their cure are not constant; they are subjected to changes with time and research. Therefore, it is impossible to use them as grounds to criticize female circumcision. The Lawmaker, wise, expert and knowledgeable, uses his wisdom to rectify the human creation. Experience has taught us that, given time, the true meaning of the Lawmaker’s wisdom, which was hidden, is unveiled to us.’

4.3.3 Neither Misdeed nor Interdiction

Al-Sukkari states that Mohammed never indicated any reservations regarding the harmfulness of female circumcision. How, in these conditions, could any ordinary man forbid it under this pretense? Can we imagine the Prophet keeping silent about something hurtful to the girl? Man has no power to allow or to forbid, only God does, and His wishes are set out in the
Koran or by His Prophet. If in spite of that, some countries forbid female circumcision, it is a state decision and does not make any difference: The religious law allows it.

4.3.4 Maintaining the Custom in the Absence of Misdeeds

Imam Shaltut, as mentioned above, does not see any reason for male or female circumcision, either in the Koran or in the sunnah of Mohammed. To him, female circumcision has no medical value, the girl having no foreskin to hold filth. He packs into one sack those for and those against female circumcision: Both groups go too far. He comes to the conclusion that female circumcision could be a makrumah for men who are not used to feeling the clitoris protruding; for the girl, it comes to the same as taking care of her beauty, dabbing perfume or removing axillary hair. Elsewhere, Imam Shaltut is in favour of keeping the tradition of female circumcision until proven harmful.

Sheikh Al-Nawawi comes to another result through the same reasoning. For him, the narrations of Mohammed regarding female circumcision are weak and do not have a raison d'être. Islam aimed to moderate this practice among Arabs and it is still performed in this moderate form, without ever becoming the rule, apart from exceptional cases. One cannot make a rule out of one exception.

A less clear standpoint is taken by Al-Banna, Egyptian Deputy Minister for Religious Affairs. To him, female circumcision cannot be separated from the benefit criterion: God does not burden us if there is no benefit. So, if there is any value to circumcision, one must abide by it. If not, one must give it up. Competent physicians must take a stand, having considered all girls from different climates, because the problem might not be the same in every country, or even with every girl. If a girl is in peculiar circumstances, she must be circumcised; if not, let nature take its course, as God intended it. As long as no study has been done, Muslims are free to go either way.

According to Professor Khallafl, physicians may not condemn female circumcision based on isolated cases alone, but have to compare excised and uncircumcised girls and then give their opinion. If they conclude that female circumcision is harmful and as such, they decide to forbid it, the prohibition will neither be contrary to a religious text nor to the unanimous position of religious scholars.

4.3.5 Permitted but Soon to be Forbidden because of Adverse Consequences

Doctor ‘Abd-al-Wahid presents a strange reasoning, to say the least. After stating that female circumcision is forbidden the same way as it is forbidden to chop off one’s finger, he admits that the Lawmaker (God) gave permission for the sunnah, any excess being forbidden. However, he adds that this form of circumcision is allowed, but is not mandatory and suggests that it be forbidden due to its medical and psychological consequences, which he recounts in detail.
436 It Must be Forbidden

The most daring and most coherent opinion coming from a religious leader against female circumcision is that of Sheikh Abu-Sabib, a Sudanese, whom we mentioned earlier. He spoke at the Seminar on Traditional Practices (Dakar 1984). The narrations of Mohammed about female circumcision are not reliable. They and the Koran do not require anyone to suffer when science proves the harm done by this mutilation.145

Only the two last-mentioned opinions urge the banning of female circumcision and opt in favour of physical integrity. Others take great care to say nothing about prohibition, even if some leave the choice up to the believer. Let us study this prohibition at state level.

5 LEGAL PROHIBITION OF FEMALE CIRCUMCISION

Female circumcision brings up many questions:

a. Do we have the right to judge the customs of other societies and if so, on which criteria?

b. Can we remain indifferent, in the name of 'difference', to mutilations inflicted upon young children?

c. Must we make a distinction between different kinds of circumcision?

d. Must we forbid circumcision immediately and completely or progressively?

e. May the practice be allowed in hospitals on a temporary basis?

5 1 To Judge Others' Customs

Muslim circles in favour of female circumcision see an imperialistic action in the Western campaign against it. Al-Sukkari writes that, if some are trying to forbid it, 'it is because the West has succeeded in imposing secular materialistic views on our sciences, our tradition, our artistic culture'.146 Imam Shaltut who accepts the idea of forbidding female circumcision if proven harmful, underlines the fact that it should not be prohibited under pressure from others - a polite nod towards the West - but only if proven harmful.147

Jomo Kenyatta, late president of Kenya, said: 'Excision and infibulation unite us tightly; they prove our fecundity.'148 To which Pierre Leulliette replied:

'Millions of children between the age of 2 and 14 are horribly tortured in an atmosphere of collective hysteria, in contempt of their genitalia, in scorn of their bodies, in defiance of their lives . . . . That barbarian culture! Is it not the lowest manifestation of the unlimited, omnipresent phallocracy? Those mutilations! Aren't they first and foremost an example of man acting out his most secret hatred and deepest fear of woman?"149

This problem is now on the agenda of international organizations. On 10 July 1958, the Economic and Social Committee of the United Nations invited the WHO 'to undertake a study on the persistence of customs involving ritual practices on girls and on the measures in effect or planned to
put an end to those practices'. The answer was clear: [The World Health Organization] believes that the ritual practices in question, resulting from social and cultural conceptions, are not within the WHO's jurisdiction. And this in spite of an overwhelming report prepared by the WHO's very own Eastern Mediterranean Regional Office.

In a communication on excision dated 23 September 1980, the United Nations Children's Fund (UNICEF) explained that its approach to eradicate a 2,000-year-old cultural and traditional practice 'is based on the belief that the best way to handle the problem is to trigger awareness through education of the public, members of the medical profession and practitioners of traditional health care with the help of local collectivities and their leaders'.

In 1984 the Inter-African Committee stipulated that 'for understandable psychological reasons, it is the black women who should have the say in the matter'. This committee asked for restraint, in order that the project might be successful, claiming that 'the wave of uncontrollable and violent denunciations of those mutilations on the part of Western countries' was doing more harm than good. On the subject of legal prohibition, this same committee, in 1984, warned against 'untimely haste which would result in rash legal measures that would never be enforced'. As for the health professionals, they were quite satisfied with themselves in condemning 'the medicalisation and modernisation of the female circumcision procedure, as non-conforming to medical ethics' and in advising that 'no medical or paramedical personnel be allowed to practice it', for the same reason.

This problem is puzzling for Western countries. Dominique Vernier writes:

'As soon as the first preliminary investigations of cases on excision started [in France] (the Press mentions them as early as 1982–83), the Justice Department was put in an awkward position and has been ever since.'

This perplexity is due to the principles of the French Penal Code. Indeed, parents have no intention to do violence to their children or to batter them, but rather intend to respect a custom, without the application of which their daughters, once adults, would not be able to integrate into their country of origin. On the other hand, in practice, it is easy for a couple who want their daughter excised to take her back to her country of origin, paralysing the law of the adopted country. Last, but not least, even if the countries of origin adopt some laws against those practices, those laws would not be able to defeat a massively accepted practice, which has become an integral part of that society.

5.2 Right to Difference or Indifference

This debate about the right to be different was settled in favour of the girl’s right to physical integrity (but not the boy’s).

The WHO gave up its abovementioned reservations of 1959. It became involved in 1977 in the creation of the first workshop on female excision. In February 1979, its Eastern Mediterranean Regional Office organized in Khartoum the first International Seminar on Traditional Practices Affecting Women’s and Children’s Health. This seminar recommended that specific
national policies be adopted in order to abolish female circumcision. In June 1982 the WHO made a formal declaration of its position on excision to the Committee on Human Rights of the United Nations. The WHO approved the recommendations made at the seminar in Khartoum and added: 'It has always been the WHO's opinion that female circumcision should never be performed by health professionals in any situation under any conditions, be it in hospitals or other specialized settings.' The most recent stand was taken in 1989: The Regional Committee of the WHO for Africa passed a resolution urging the participating governments a to adopt appropriate policies and strategies in order to eradicate female circumcision; and b to forbid medicalization of female circumcision and to discourage health professionals from performing such surgery. A turnaround was also made by the Inter-African Committee. Whereas in 1984 it had warned against promulgating laws against female circumcision, it requested such laws in 1987, because 'neither the efforts nor the research nor the campaigns ever had any real impact'. Three years later, it reinforced its position, requesting promulgation of specific laws 'forbidding the practice of female genital mutilations and other sexual abuses and making provision for sentencing anyone guilty of such practices'. This law should provide 'an especially severe punishment for health professionals'. Some Western countries have timidly followed in the footsteps of the two abovementioned organizations. For instance, in 1981 France adopted article 312 paragraph 3 of the Penal Code, stating:

'When acts of violence or privation have been habitually inflicted, the sentence to be imposed upon the guilty party shall be: life imprisonment if there is mutilation, amputation, deprivation of the use of a limb, blindness, loss of an eye and other permanent disabilities or death, even if the guilty party did not intend such a result.'

This article is invoked against female circumcision even though the word is not mentioned in the text. In Sweden, a 1982 law forbids any operation on an external organ aimed at mutilating or altering it definitely, whether or not consent is given.

In Switzerland, article 122 of the Penal Code stipulates:

'Anyone who has mutilated a person's body, one of the limbs or one of the important organs, or rendered the limb or the organ unfit to function, will be sentenced to a maximum of 10 years' reclusion or to between 6 months and 5 years of imprisonment.'

Moreover, in 1983 the Central Committee for Medical Ethics of the Swiss Academy of Medical Sciences took a very firm position against female circumcision and its practice by medical professionals.

The Convention on the Rights of the Child is not clear about it. Article 24 paragraph 3 states:

'States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.'

No definition is given of the expression 'traditional practices detrimental to the health of children'. The travaux préparatoires are of no help
either. The definition therefore is left up to the member states. Those states will surely not hesitate to quote article 29 paragraph 1.c of this convention, that the education of the child shall be directed to:

'The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own.'

Lastly, let us point out the London Declaration born out of the First Study Conference on Genital Mutilation of Girls in Europe/Western World (London 6–8 July 1992). This declaration states: 'Any form of genital mutilation or genital injury to the girl child is a violation of her basic human rights, and must be abolished.' It asks national groups and individuals to 'promote a framework for legal action, based on either specific anti-FGM [female genital mutilation] or on general laws against the injury to the body of the child'. This declaration 'urges all governments and all health authorities to stand firm against any attempt to medicalise the genital mutilation of or genital injury to the girl child'.

5 3 Distinction between Different Forms of Circumcision

One must reiterate here that a distinction is wrongfully made at the medical and intellectual level between male circumcision, which is generally accepted, and female circumcision. Neither the WHO, nor the Inter-African Committee, nor UNICEF, nor the London Declaration, nor the Western laws forbidding female circumcision make any mention of male circumcision. It is not mentioned in the travaux préparatoires to article 24 paragraph 3 of the Convention on the Rights of the Child either. Female circumcision is sometimes mentioned, but never male circumcision.

One might have logically expected that those Western organizations and laws would draw a distinction between the different forms of female circumcision, inasmuch as minimal female circumcision can be compared to male circumcision. But this is not the case as already seen. During the abovementioned Conference of European Studies on Female Genital Mutilation, the Netherlands tried to have such a distinction made, to no avail; the WHO vetoed it. Doctor Mehra, representing the WHO, explained to me that this organization fears it would be impossible to control the practice if one permitted one particular form.

This firm attitude opposed to all forms of female circumcision is not shared by Muslim law. The latter makes a distinction between the permitted female circumcision called sunnah, while other forms, though widely practised, are condemned by religious circles. This distinction seems also to apply in Muslim countries.

In Sudan, a law of 1946 classified infibulation as an infraction punishable by a fine and imprisonment. It was abrogated under public pressure and replaced by an authorization for professional midwives to practise sunnah.

On an undated flyer, written in Arabic, the Sudanese Association of Struggle against Traditional Practices states:

a Female circumcision (khafid) is an attack on the physical integrity and an alteration of the human being created by God in the very best way and in the very best form.
Female circumcision is a savage butchery that divine religions do not allow.

Female circumcision is neither a duty nor a sunnah, but a practice of the pre-Islamic era (al-gahiltyyah: the era of ignorance) against which the Prophet warned us in his narration: 'Cut lightly and do not overdo it as it is more pleasant for the woman and better for the husband.'

Female circumcision does not protect chastity which is better guarded by education promoting good morality and healthy teaching of Islam.

Female circumcision preceded religions and is practised by many peoples of different religions and beliefs of which only the Sudan, Egypt and Somalia are Muslim.

Therefore, stop circumcising girls.

This organization, while rejecting female circumcision in general, seems, in the third paragraph, to propose the sunnah, instead of the pharaonic circumcision now prevalent in Sudan. A document prepared by the National Committee of Social Assistance in collaboration with UNICEF Khartoum is doing the same. This document explains that the light form of circumcision is named sunnah which means it is in conformity with the tradition of Mohammed: It is a way of legitimating it rather than eradicating it.

A similar attitude is adopted in Egypt. This country has promoted a governmental decree (No 74–1959) regarding female circumcision. The text is far from clear. It states:

1. It is forbidden for physicians to perform the surgical procedure of female circumcision. If one wishes it, then only partial circumcision may be carried out, but not total circumcision.

2. Female circumcisions are forbidden in the clinics of the Ministry of Health.

3. Certified midwives have no right to perform any surgical procedure whatsoever including female circumcision.
on physical integrity, except in cases of necessity authorized by law, is punishable, unless the act is performed by a physician. The midwife had circumcised a boy and mistakenly amputated his glans, causing permanent disability that the court estimated at 25%. The midwife was sentenced to six months' forced labour, suspended on condition of good behaviour for a period of three years.

5 4 Temporary and Preventive Measures

Everybody agrees that legal measures will never be enough to stop female circumcision. An awareness must be raised among the victims themselves. First, one must try to understand the reasons for those practices. In the meantime, in order to avoid the worst, shouldn't they be permitted to be performed in hospitals, in a less severe form?

5 4 1 Provision of Medical Care

As we have noted above, the WHO, the Inter-African Committee, the Declaration of the Swiss Academy of Medical Sciences and the London Declaration all dismiss this possibility as ethically wrong. They even ask for strict sanctions against members of the medical profession who perform female circumcision.

This attitude may be open to criticism. A radical legal prohibition will only encourage female circumcision to go underground. It will then be performed by persons without proper knowledge of the possible complications, thus endangering women's health. The Senegalese representative raised the issue while the Convention on the Rights of the Child was being drawn up. Thus the actual phrasing of article 24 paragraph 3.

Dominique Vernier is of the opinion that the medicalization of circumcision as it is practised among the urban intellectual élite of some African countries and in some Italian hospitals, in spite of physicians' hostility, should be accepted. She suggests that *symbolic excision* be substituted for *de facto excision* as it is done in Guinea, where the blacksmith's wife performs a light cut sufficient to draw a few drops of blood. This is a way to respect the ritual without mutilating the child.

Medical care implies the risk of legalizing and perpetuating female circumcision especially because of the economic repercussions. During the UN Seminar in Ouagadougou, some mentioned that the medical profession could take the place of the traditional midwives and practise in hospitals in order to make a financial profit. By reducing health risks, they would perpetuate the practice: a guarantee for making money. Their greed, having no limit, leads them to ignore the horror behind each sexual mutilation. Well aware of the trust and respect given to them by the masses, they abuse naïve parents and reassure them that the custom is well-grounded. According to others at the seminar, one must fight against such a tendency which is only going to add a new legitimacy to excision.

5 4 2 Comprehenson

A Gaudio and R Pelletier see in female circumcision 'an expression of male power', "a demonic desire to control female sexuality, an endless tyranny of the dominating male behind the alibi of culture,"
Nawal El-Saadawi, a victim of excision, explains why female circumcision still goes on in Arab society under the male iron will:

'The importance given to virginity and an intact hymen in these societies is the reason why female circumcision still remains a very widespread practice despite a growing tendency, especially in urban Egypt, to do away with it as something outdated and harmful. Behind circumcision lies the belief that, by removing parts of girls' external genital organs, sexual desire is minimized. This permits a female who has reached the dangerous age of puberty and adolescence to protect her virginity, and therefore her honour, with greater ease. Chastity was imposed on male attendants in the female harem by castration which turned them into inoffensive eunuchs. Similarly female circumcision is meant to preserve the chastity of young girls by reducing their desire for sexual intercourse.'

She adds that female circumcision is a means of dominating women in a patriarchal society where a man can have more than one wife. The society uses various means to bind her sexually to one man and to control who is the father of her children.

For Doctor Gérard Zwang, the motive behind circumcision is 'metaphysical guilt'. It is the motivation 'for all the sexual mutilations which human beings have inflicted upon themselves since they discovered the stone knife and the metal blade, a motivation which renders any non-religious, non-metaphysical consideration null and void':

'As a result of metaphysical culpabilization, men present sacrifices to gods, divinities, spirits: any earthly pleasures, carnal desires, organs destined to provide pleasure. In order to be among the “chosen ones” in another life, be it extra-, or supra-, or infra-terrestrial, which follows automatically (!) upon death. That is the origin of fasts, Lent, Ramadan, prohibited foods; that is the origin of ordinances restricting sexual life: chastity, abstinence, continency, reshaping of genitalia (circumcision, excision, infibulation, subincision, hemicastration, etc . . . ).'

Economics can also explain why circumcision is still going on, to take an example mentioned above, when it is performed in hospitals. It is also evident among traditional circles where midwives are not about to give up so lucrative a practice. In some areas, the profession of exciser is passed on from mother to daughter and the economic survival of the family depends upon it. If the practice were to be eradicated, it would remove the family's only source of income. Accordingly, some have recommended retraining women who practise excision; as matrons, they can give up practising excision and still earn a living. Economics plays a role in male circumcision as well. In Canada, where medical insurers in some provinces refuse to reimburse the costs of circumcision, it appears to be becoming less common.

Also, the dowry is higher if the girl is a virgin at the time of her marriage. Virginity is a money-making asset. That is why some nations are so keen on infibulation.
543 Education

Nawal El-Saadawi states that the girls with whom she talked were not aware of the prejudice caused by their circumcision. Some even thought it was good for health and hygiene, especially because, in their language, the word *taharah* means purification.

Girls believed that the purpose of the surgery was just that: purification. People would not speak ill of them, they would behave and their husbands would not be disgusted. After healing had taken place, they had the inner satisfaction of being purified. Nawal El-Saadawi got the same type of response from her medical students who had never been taught, be it by teachers or by textbooks, the sexual function of the clitoris. No question was ever put in exams on the role of the clitoris. The clitoris was considered to be unimportant.189

According to the testimonies gathered by Wedad Zenie-Ziegler from Egyptian women, peasants practise female circumcision because 'it has always been done': they do not know why.190 'The idea that it could be a mutilation is foreign to them.'191

Wedad Zenie-Ziegler adds that women will 'make efforts to perpetuate this ritual as long as they do not understand the uselessness of the sacrifice and that it is part of an immense conspiracy aimed at subjecting them to male domination'.192

6 THE THIRD INTERNATIONAL SYMPOSIUM ON CIRCUMCISION

The Third International Symposium on Circumcision was held from 22–25 May 1994 at the University of Maryland, College Park, Washington DC. I was invited to the symposium to speak of attitudes of Muslims regarding male and female circumcision.193 The following report on the symposium gives an idea about the problem of male circumcision in the United States.

6 1 Organizers and Participants

The symposium was organized by the National Organization of Circumcision Information Resource Centers (NOCIRC),194 and was attended by a hundred or so people belonging to the three great monotheistic religions (Christians, Jews and Muslims) from the United States, Canada, Mexico, Australia, England, France, Switzerland, Somalia and Egypt.

About 40 of the symposium attendees delivered speeches, which were followed by open debates. We also viewed two films, one on male circumcision in the United States, and the other on female circumcision in Somalia.

Every aspect of circumcision was considered: medical, psychological, economic, religious and legal. My own speech concerned circumcision within Islamic law. It was preceded and followed by speeches on circumcision within Christianity and Judaism.

An exposition of photographs and art work was arranged in a room where one could also purchase or receive gratis numerous materials and publications produced primarily by the conference attendees and other groups that attended the symposium.
The symposium concluded on 25 May with a banquet during which awards were presented to individuals who had contributed to the fight against male and female circumcision. On 26 May there was a demonstration in Washington DC against circumcision (see below).

6.2 Reasons for the Symposium

As its title indicates, this symposium was the third of its kind. Although female circumcision was discussed, this symposium principally dealt with male circumcision, which demonstrates in itself that this form of circumcision is a real problem, especially in the United States. What is the nature of this problem?

Infant circumcision in the United States began not for medical or religious reasons, but for social reasons. It began in the 1870's as a Victorian attempt to prevent or cure masturbation, which at the time was believed to cause bedwetting, alcoholism, insanity, curvature of the spine and other physical and mental disorders. The practice spread from England concurrently to other English-speaking countries (Canada, Australia and the United States).

When the masturbation theory was dispelled and declared false in 1948 by the British National Health Service, the rate of circumcision reduced to less than 0.5% in England. The rate of circumcision in Canada and in Australia also dropped, but still remains around 20%.

In the United States, with the development of hospitalized births, male infant circumcision remains a common practice. The American medical community has tried to find 'medical' justifications for the continuation of circumcision. Even today, the United States remains the only country on earth where the majority of male infants are circumcised for non-religious reasons. This rate is today 60% with differences from one region to another. Approximately 3,300 babies each day are submitted to circumcision in American hospitals. This represents more than 1.25 million children circumcised each year. Several babies die as a consequence of the operation, which is performed without anaesthesia, and which results in numerous medical complications. Circumcision is considered today to be one of the reasons for the violence which rages in American society, where the crime rate is six times higher than that in Europe: That which society does to its children, its children do to society. In effect, circumcision injures the brain of the child. It also impairs the normal functioning of the adult sexuality. On average one fourth of the skin of the baby's penis is amputated. This has forced many Americans to seek restoration of their foreskin (see below). Many authorities estimate that the violence done to the infant during circumcision plays a role in the fatal conflicts in the Middle East between Muslims and Jews, two groups that practice circumcision.

In the United States, the American Academy of Pediatrics has adopted a neutral position towards male circumcision, leaving the decision to parents. One cannot say, however, that parents are properly informed of the implication of their decision. Circumcision takes place in hospitals in the first days of life. Doctors rarely give information on the benefits or risks of the surgery. They even exert psychological pressure by expressing disapproval when parents refuse to consent to the operation. The operation has
become a sort of routine, notably in the lower and middle classes. It is performed in a barbarous (this word is not too strong) manner by doctors with clear financial motivations, at the request of ignorant parents, and in any case, it is forced upon infants who cannot express their wishes in the matter. Certainly, in rare instances, circumcision can be useful in the treatment of certain diseases like phimosis (but even in this case, there are medical means of treatment without resorting to circumcision). But the real practice of male circumcision in the United States, like everywhere else in the world, denotes a trivialization responsible for a contemptuous regard for the physical integrity of the child.

6 3 Combating Male Circumcision by Identifying the Responsible Parties

During the symposium, the participants tried to see how one could put an end to male circumcision. In order to do this, it is necessary to consider the roles of those responsible for the practice of circumcision.

6 3 1 The Doctors

Doctors form an imposing body that is very difficult to confront. The participants of the symposium expressed little confidence in them. One participant indicated that it was pointless to try to convince doctors, for like all lobbies, they are against society. Doctors profit by the operation of circumcision and one can hardly expect them willingly to reduce their income. Circumcision and the commerce of the foreskin constitute a lucrative industry in the United States, amounting to several hundred million dollars a year. Despite this, some doctors have been converted and have become opponents of circumcision, especially those at the end of their careers who have less to lose. Some came to bring their testimony and to argue against circumcision. One of these gave to NOCIRC the circumcision tray on which he used to perform circumcisions and delivered an address entitled, 'Leave It Alone!'

6 3 2 The Nurses

Nurses also participate in circumcision. These nurses can be easily mobilized against circumcision by reason of the atrocious suffering they witness during the circumcision of babies. Circumcision is performed without anaesthesia. We viewed a film of the operation and heard repeatedly the screams of the infant being operated upon. It was truly unbearable. It is not an accident that circumcision is always performed behind closed doors, the parents not being permitted to watch. The baby is strapped by its hands and feet and immobilized on a molded plastic tray which conforms to its body. The foreskin is pulled to its maximum length and crushed by a metal clamp before it is sliced off with a scalpel. We saw one of these plastic trays: a veritable instrument of torture.

Nurses, however, fear that they will be relieved of their duties and dismissed if as conscientious objectors they refuse to participate in the operation. The founder of NOCIRC, for example, was a nurse. She lost her job
because of her opposition to circumcision. Actually, it would seem that opposition is now becoming easier to assert. A dozen nurses from St Vincent Hospital in Santa Fe, New Mexico (of which several were Jewish), were present at the symposium and gave us their reasons for taking their decision. These reasons are:

- Neonatal circumcision is a violation of a newborn male’s right to a whole (intact) body.
- There are no compelling medical reasons for amputation of the penile foreskin. Amputating the foreskin deprives the infant of a protective and sexually functional part of his body.
- Circumcision is a surgical procedure with risks of complications, including bleeding, infection and mutilation.
- Neonatal circumcision is painful. Often, inadequate or no anaesthesia is used. Postoperative pain management is rare.
- Parental information on this subject is all too often incomplete or based on myths.
- The infant is unable at this vulnerable age to state his own wishes or to protect himself.

The nurses moved everyone in the auditorium to tears.

6 3 3 The Insurance Companies

Insurance companies could play an important role in the abolition of male circumcision. In Canada, where insurance companies refuse to pay the cost of circumcision, the rate of circumcision is falling dramatically. This is also the case in certain American states. The organizers of and participants at the symposium would like to convince insurance companies to cease covering the expense of male circumcision.

6 3 4 The Religions

Male circumcision is practised by the adherents of the three monotheistic religions: Judaism, Islam and Christianity.

Concerning Jews, the mandate for male circumcision comes from the Bible. There one reads:

'God told Abraham: "... Here is our alliance which shall be observed between me and you, i.e. thy race after thee, may all your males be circumcised. You shall have the flesh of your foreskin cut off and it shall be a sign of alliance between me and you . . . . When they reach their 8th day all your males shall be circumcised from generation to generation . . . . My alliance shall be branded in your flesh as a perpetual alliance. The uncircumcised, the male whose foreskin has not been cut off, this very life shall be cut off. He violated my alliance."'  
(\textit{Genesis} 17:9–14.)

It is in fact from this community that the fiercest opposition to the abolition of circumcision is mounted. The so-called 'medical' justifications for circumcision were formulated principally by Jewish doctors. It would seem even that the development of male circumcision among Christians in
the United States was a premeditated action on the part of the Jewish medical community after the Second World War. By circumcising as many Christians as possible, they sought to make it more difficult to distinguish between Jews and non-Jews in the event of future persecution of the Jews. It would seem also that there is a hint of Jewish proselytizing behind circumcision: A circumcised Christian is more easily converted to Judaism than an uncircumcised one because he will not fear having to submit to circumcision as an adult. Notice here that the Western world has passed laws prohibiting female circumcision, but does not dare to do the same for male circumcision for fear that they will be considered to be anti-Semitic by the Jews. One must note, however, that even the voice of American Jews is being added to the cry against the practice of circumcision (see below).

Muslims systematically practise male circumcision. However, the Koran makes no mention of circumcision. On the contrary, one can find verses which can be interpreted as being against circumcision:

- 'Our Lord, You did not create all this in vain.' (3:191.)
- 'He perfected everything He created.' (32:7.)
- '[The devil said]: "I will mislead them, and I will create in them false desires; I will order them to slit the ears of cattles, and to deface the fair nature created by God".' (4:119.)

One can deduce from the first two verses that the foreskin is an integral part of the human body created by God, and that one should not imagine that by cutting it one is perfecting the work of God. The third verse considers the alteration of nature as obedience to the devil.

The practice of male circumcision among Muslims derives from the practice of the Jews: Each Muslim must be circumcised like Abraham, who is considered to be a model man. One invokes also the recitations attributed to Mohammed. These recitations, however, were collected 200 years after the death of Mohammed.

Concerning Christians, Saint Paul advocates circumcision of the heart instead of circumcision of the flesh (Epistle to the Romans 2:29). Despite this, there is a trend to support circumcision among evangelical Christians in the United States, who follow the Bible to the letter and who believe that this book contains principles of medical science which the believer must follow, such as circumcision. According to them, 'what is good enough for the Chosen People, is good enough for all mankind'. Mormons too practise circumcision even though their holy book considers the dictates of the Bible concerning circumcision to be obsolete.

6.3.5 International Organizations

International organizations refuse to involve themselves in this issue. They are afraid of being considered to be anti-Semitic. This is the case notably with the WHO, the Population Council of the UN, the Inter-African Committee, UNICEF and Amnesty International. These organizations, responsible for overseeing respect for rights, are always ready to criticize—correctly so—female circumcision, but have become accomplices in the violation of the rights of male infants to an intact body. The fear of anti-Semitism paralyses them.
6 3 6 The National Legislature: Towards a Criminalization of Male Circumcision

Is it necessary to pass a law criminalizing male circumcision? This was the question that arose frequently at the symposium. Although numerous Jews who are opposed to circumcision attended the symposium, they were generally against the adoption of such a law. The majority of participants, however, were of the opinion that a law should be enacted which criminalizes male circumcision along with female circumcision. There is no reason to distinguish between the two forms of circumcision: Both are mutilations of healthy sexual organs of non-consenting children. There is no justification for such mutilations. If the foreskin were useless, nature would not have made it. It is imperative in any case to leave the child intact until the age of 18 when he will have the freedom to decide for himself whether he wants to be circumcised or not. He is then even free to have his ears amputated if he chooses, but one does not have the right forcibly to remove his body parts when he is a baby.

I was the only lawyer present at the symposium. I requested that next time the organizers should invite other lawyers and professors of law in order to be able to begin a law project with the aim of condemning male and female circumcision. I also proposed:

a. to identify those professors of law who might be interested in presenting this subject in their lectures and to make available to them the necessary materials; and

b. to provide law libraries with documents to enable researchers to make further studies in this area.

Certainly, the adoption of a law criminalizing male circumcision would provoke the anger and opposition of the Jews. But if a law were adopted, the United States would be the first to be able to do so because of its unconditional support of Israel. This is the only country which need have no fear of being considered to be anti-Semitic, and it is in this country that opposition to circumcision is the best organized.

6 4 How to Restore the Foreskin

This title may cause laughter. It is actually a technique known in the past, notably in the Hellenistic Period (323 to 30 BC) and the Roman Empire (27 BC to AD 140). It is being revived in the United States.

This technique starts with the viewpoint that male circumcision is an affront to the physical integrity and an impairment of the normal functioning of the male organ, especially when a large part of the foreskin is amputated. This technique consists of stretching the skin of the penis in order to compensate for the parts removed in circumcision. One must pull the skin of the penis and tape it in place in the first stage before suspending metallic objects of a certain fixed weight using surgical tape. The process takes about 15 months before the skin of the penis returns to the length it would have been had it not been circumcised.

This technique was used by Jim Bigelow on himself and on others. Jim Bigelow is not a physician, but a psychologist. He earned his doctorate in psychology at Claremont Graduate School and served as a Professor of
Psychology at Whittier College. He also pastored several Evangelical churches. He has explained this technique in a book.\textsuperscript{109} I bought this book, which is full of observations not only about restoration of the foreskin, but also about circumcision in general, notably as it is practised in the United States. It is a scientific publication, 239 pages long, very serious and heavily documented. It is probably the most vibrant attack on male circumcision ever written.

Jim Bigelow is a charming man, full of humour. He was present at the symposium. He delivered a speech using many slides. He did not hesitate to mention his history of success and confessed to me at the end that he wrote the book in the spirit of Christian charity. The restoration of the foreskin using his method was successfully achieved by hundreds of circumcised men, not only Christians, but also Jews (a fact which has not failed to provoke the anger of rabbis). Received at first with skepticism by the medical community, his publication and his technique have been recognized. Several Europeans have tried the technique. Testimony from numerous Christians and Jews in the auditorium offered support to Jim Bigelow. They confessed that they experienced an enormous increase in sexual pleasure after restoration. Furthermore, many support groups for circumcised men wishing to restore their foreskin exist all over the United States, and even in Europe. These groups have the mission of providing free advice and moral support.\textsuperscript{199}

6 5 Demonstration in Washington

On 26 May 1994 the organizers of the symposium and the participants demonstrated in Washington in front of the Physicians’ Committee for Responsible Medicine. Many participants brought with them copies of their birth certificates, signed by the doctor who circumcised them. In front of this organization they burned their birth certificates along with copies of the Universal Declaration of Human Rights, which does not protect the rights of children against sexual mutilation. As this organization is situated across the street from a national television station, several photographers and cameramen were present at the demonstration.

The director of the organization (Mr Neal Barnard MD) asked that the demonstrators form a committee to meet him. The president of NOCIRC, the president of the National Organization to Halt the Abuse and Routine Mutilation of Males (NOHARM),\textsuperscript{200} two other members of NOCIRC, a Jewish nurse, who is a conscientious objector who refuses to participate in circumcision, and myself were selected. The discussion lasted about 45 minutes.

The director allowed each a chance to speak. I introduced myself as a Swiss lawyer, a Christian of Palestinian origin, and the nurse introduced herself as an American Jew, proud to be in my company as a Palestinian. This served to relax the director. He said that there were so many medical problems to regulate in the United States that he could not take up the problem of circumcision without ignoring some other problem. He also mentioned the budget problem, to which we replied that, by beginning with respect for the child, he would have less to bother with and at the same time would save a lot of money. As for our goals, we told him that it was necessary to educate parents and to make a law forbidding male as well as female circumcision. The child does not give his consent, and in the case of circumcision the parents cannot give such consent. In any case, in order for
the parents to give valid consent, it is necessary that they be informed, which is never the case in the United States. I expressed my indignation at the high and unjustified rate of circumcision performed in the United States; a practice which violates the same human rights which the United States pretend to defend.

After leaving the meeting with the director, the Jewish nurse and I declared before the cameras that this marked the very first time in human history that a Jew and a Palestinian stood united to protect each other's children instead of killing them as in the Middle East. We were very proud indeed.

This feeling of pride was shared by all the participants of the symposium. All had the sense of being pioneers and that taking this position had historic significance. It is the first time in history that a group has decided to fight to put an end to a practice unanimously considered to be barbaric and degrading.

The various speeches of the symposium are being published. I fervently hope that the European medical community will take an interest in this research and will take a position against both male and female circumcision. I especially hope that European nurses will follow the example of the courageous Santa Fe nurses and will refuse to assist in any more circumcisions.

7 CONCLUSION

In our opinion, a god who demands that his believers be mutilated and branded on their genitals the same as cattle, is a god of questionable ethics. It could be legitimate to perform either male or female circumcision, as any other surgery, for specific, extremely rare, medical reasons on specific individuals. But arbitrarily to mutilate children, boys or girls, under the pretext that it is for their own good, shows an influence of cynicism and fanaticism.

That is why there is no valid justification for the distinction made between male and female circumcision. Doctor Zwang goes further: 'Female circumcision will never stop as long as male circumcision is going on. How do you expect to convince an African father to leave his daughter uncircumcised as long as you let him do it to his son?' There is no alternative but to condemn the attitude of international and non-governmental organizations which dissociate one type of circumcision from the other, giving legitimacy to male circumcision in the process.

Religion has been a means of justifying both male and female circumcision. It is time to expose the irrationality behind this thinking and reveal the harmful influence of some religious circles which are in favour of it or refuse to denounce it.

That is the goal of this study which, I hope, will contribute to respect for the rights of all children.202

Notes
* The author is most grateful to Jacqueline Maire, of ETHIC, New Westminster, Canada, to Martin Sychold, Staff Legal Adviser at the Swiss
Institute of Comparative Law, and to Frederick Hodges, for having translated this text from the French original. This text is also available in French and Spanish and can be ordered directly from the author.

From the same author: (a) Les Musulmans Face aux Droits de l’Homme: Religion & Droit & Politique, Etude et Documents Verlag Dr Dieter Winkler, Postfach 102665, 44726 Bochum (Germany). 610 pages: (b) L’Impact de la Religion sur l’Ordre Juridique, Cas de l’Egypte, Non-musulmans en Pays d’Islam Fribourg/Switzerland 1979, 420 pages: (c) Discriminations contre les Non-Juifs tant Chrétiens que Musulmans en Israël Lausanne 1992, 36 pages. (The first title can be ordered directly from the editor. The last two titles can be ordered from the author: Sami Aldeeb, 74 rue du Centre, 1025 St-Sulpice, Switzerland.)

1 This convention came into effect on 2 September 1990.
2 Report on Traditional Practices (Dakar 1984) 85. The full name of this specific committee is Inter-African Committee on Traditional Practices Affecting Women’s and Children’s Health.
4 The term ‘female circumcision’ is used by the World Health Organization (WHO). Its ‘position relative to female circumcision’ was submitted in June 1982 to the United Nations Sub-committee for Prevention of Discrimination against and Protection of Minorities, Workshop on Slavery. At the Conference on Traditional Practices Addis Abeba 1990, the delegates considered that the terms ‘female circumcision and excision could lead to confusion and possibly could not fully describe the different methods used for the practice’. They recommended that they be replaced by ‘female genital mutilations’ (Report on Traditional Practices (Addis Abeba 1990) 8).
5 Amin A Qamus al-'adat wal-taqalid wal-ta'ablr al-masriyyah (1992) 188.
6 Here are the most important organizations: (a) Sentinelles, 10 chemin du Languedoc, Lausanne, Switzerland, Tel (021) 6173838. Founded in 1980 by Edmond Kaiser, founder of Terre des Hommes, this organization inaugurated a campaign against female genital mutilations with a press conference held in Geneva on 25 April 1977. This campaign is being kept alive by Sentinelles. (b) Inter-African Committee on Traditional Practices Affecting Women’s and Children’s Health, President: Mrs Berhane Ras-Work, 147 rue de Lausanne, 1202 Geneva, Switzerland, Tel (022) 7312420. Founded in 1984, this committee represents 23 African national committees. (c) WHO, Dr Leila Mehr, Chief Family Planning and Population, Division of Family Health, 20 avenue Appia, 1211 Geneva 27, Switzerland, Tel (022) 7913357. (d) Centre for Human Rights, Service for Legislation and Prevention of Discrimination, Mr Doglo Daniel Atchibro, Bureau D 416, Palais des Nations, Geneva, Switzerland, Tel (022) 9173410. (e) United Nations Children’s Fund (UNICEF), Mrs Marie-Pierre Poirier, Public Affairs Officer NGO, 16 avenue de Tremblay, 1211 Geneva 10, Switzerland, Tel (022) 7910823.

I wish to express my gratitude to these organizations for their support and encouragement in the preparation of this study.
One should take note here that neither Rifa 'ah Al-Tahtawi (1801–1873) nor Qassim Amin (1863–1908), two prominent personalities in the 19th-century fight for women’s liberation, ever mentioned the issue of female circumcision.

I have studied many juridical works in Arabic relative to the Penal Code and to the protection of the child. Some of those papers devote a few lines to the phenomenon, drawing a line between excessive circumcision and minimal circumcision, the latter being considered to be a part of the prophetical sunnah (see for example Muhammad, Muhammad ‘Abd-al-Gawwad Himayat al-umumah wal-tufulah fil-mawathiq ‘al-duwaliyyah wal-shari ‘ah al-islamiyyah (1991) 92 136–137). As customary in the Arab world, those works compare public international law to Muslim law, stating that Muslim law precedes international documents in regard to the protection of the child (Muhammad 15 251).


The following three associations oppose male (and female) circumcision: (a) *Association contre la Mutilation des Enfants*, 50 boulevard Jean Jaurès, 92100 Boulogne (PO Box 220, 92108 Boulogne Cedex), France, Tel 33 (1) 48257956. In line with other organizations opposed to female circumcision, this organization has produced a video cassette on child abuse by means of this unjustified surgical procedure. (b) National Organization of Circumcision Centers (NOCIRC), PO Box 2512, San Anselmo CA 94979–2512, USA, Tel (415) 4889883. (c) *End the Horror of Infant Circumcision* (ETHIC): founder: Bettie Malofie, 1989, PO Box 42526, 1005 Columbia Street, New Westminster BC, V3M 6H5, Canada.


Guidicelli-Delage G *Excision et Droit Penal in Droit et Culture* 20 (1990) 203.

Conversation by phone on 7 January 1993.

On 9 April 1981 the Belgian Department of Public Prosecutions declared male and female circumcision an assault on physical integrity and consequently contrary to the Belgian public order. Thus male circumcision should not be protected under the guarantee of freedom of religion. This decision was rejected by the Court of Appeal in Liège, which considered excision and infibulation to be different from male circumcision (without explaining why). Any physician who practised circumcision would be guaranteed medical immunity. However, the court rejected a request from an Algerian father who wanted his son
circumcised. The son, a minor, whose Belgian mother had been granted custody, had been baptized in the Catholic faith. In this specific case, respect for the rights of the child demanded respect for his right to choose which ideology, religious or nondenominational, to embrace once he became an adult (1982 Revue Trimestrielle de Droit Familial 331–334; Foblets MC Salem’s Circumcision, the Encounter of Cultures in a Civil Law Action, a Belgian Case-study in Living Law in the Low Countries special issue of the Dutch and Belgian Law and Society Journal (1990?) 42–56).

19 Zenle-Ziegler 62 140.
20 Leslau W Coutumes et Croyances des Falachas (Juifs d’Abyssinie) (1957) 93.
21 El-Saadawi 34.
23 Gaudio & Pelletier 53. For other testimonies, see El-Saadawi 7–8 (she describes her own circumcision) and El-Masry Y Le Drame Sexuel de la Femme dans l’Orient Arabe (1962) 39–44.
24 If one can trust unverified information, the Guards of the Holy Shrine of Islam in Saudi Arabia are said to be eunuchs. Where do they come from? Also the Israeli army in its repression of Palestinians often aims at their genitals. In a letter dated 29 November 1988, received by a priest in Jerusalem, one reads: ‘Witnesses often see the Army beating up boys on their private parts (lately in Ramallah and all around). The victims do not dare to talk too much about it, but they are not men any more, their mothers say. Isn’t this a form of genocide?’ (Aldeeb Abu-Sahlieh SA Discriminations contre les Non-juifs tant Chrétiens que Musulmans en Israël (1992) 28).
25 El-Masry 46–47.
29 El-Saadawi 40.
31 Terre des Hommes 45 (intervention of Dr Ahmad Abu-el-Futuh).
32 Gaudio & Pelletier 59.
33 It is by a fatwa of 13 February 1989 that Imam Khomeini sentenced Salman Rushdie to death.
Talking of alliance, Doctor Gérard Zwang writes: ‘After their circumcision, some Africans wear their foreskin around a finger, it is a ring symbolically vulvar, worn on the ring fingers of married civilized persons. It is an alliance that Jehovah has established with the circumcised.’ (Zwang G La Fonction Erotique 3 Supplement (1978) 271 n 2).

Exodus 12:44; Leviticus 12:3. In other passages, circumcision is a rite of initiation to marriage and to life in a group (Genesis 34:14; Exodus 4:24–26; Leviticus 19:23). See comment about Genesis 17:10 in the Bible de Jérusalem (1986) 46.


Shaltut M Al Jatawi (1980) 332.

Sukkari 97.

Ibid 11–12. ‘Abd-al-Razzaq quotes comments by Christ out of the Gospel according to Barnabe: Adam, after his sin, swore to cut his body. The Archangel Gabriel is said to have reprimanded him. As he was unwilling to commit perjury, the Archangel is said to have shown him the foreskin which he then cut off. Therefore, according to ‘Abd-al-Razzaq, “each of Adam’s descendants must fulfil Adam’s oath and be circumcised”’ (‘Abd-al-Raziq 16).


Sukkari 103–107.

Shaltut 331.

Excerpt from a text read during an undated broadcast of Resistance and forwarded by the Muslim Institute of the Mosque of Paris to Mr Edmond Kaiser, founder of Terre des Hommes.

Sukkari 99–100.

Ibid 103–106.

El-Saadawi 42.

Ibid 41–42.


Buti, Muhammad Sa’id Ramadan Al- Mas’alat tahdid al-nasl waqayatan wa-tlagan (1982?) 33–34; Khatib, Um Kulthum Yahya Mustafa Al- Qadiyyat tahdid al-nasl filshart’ah al-islamiyyah (1982) 143–146. In one of the narrations, some of Mohammed’s companions were taking part in a razzia. As they were experiencing deprivation, they asked Mohammed if they could castrate themselves. Mohammed forbade it. Commenting on the narration, Ibn-Hagar wrote: ‘Emasculation brings among other damage much suffering and deformity as well as a probability of death; it deprives someone of his manhood and transforms God’s creation. It is ungratefulness toward God’s blessings because to be created a man is one of God’s supreme blessings. Without it, the man looks like a woman and in fact chooses imperfection versus perfection.’ According to other commentators, the interdiction comes from the fact that castration changes the creation and brings an end to having progeny (Ibn-al-Dardir, Abd-al-‘Aziz Li-maslahat man tahdid al-nasl wa-tanzimuh (1990) 52 54–55).
52 Report on Traditional Practices (Addis Abeba 1987) 83. This verse can also be read on the cover of a Sudanese pamphlet against circumcision (Al-Darir, Asma' 'Abd-al-Rahman Murshid mukhrabat al-khifad (1982)).


56 He refers here to verse 86:14: 'It is not vain talk.'


58 Sukkari 45.


60 Shaltut 332.

61 Ibid 55–61.


63 This author contradicts himself as he earlier relied upon the circumcision of Jewish women as a basis for the circumcision of Muslim women.

64 Sukkari 63–66; Shaltut M Khitan al-banat in 'Abd-al-Raziq 76.

65 Shaltut 333–334.

66 Birr, Zakariyya Al- Ma hukm khitan al-bint wa-hal huwa daruri in 'Abd-al-Raziq 95–96.


71 This author contradicts himself as he earlier relied upon the circumcision of Jewish women as a basis for the circumcision of Muslim women.

72 Sukkari 63–66; Shaltut M Khitan al-banat in 'Abd-al-Raziq 89–90.

73 Ibid 70–77.

74 Amin 187.


76 See the two Saudi fatwas in Magallat al-buhuth al-islamiyyah, Riyadh, No 20 of 1987 161 and No 25 of 1989 62.


78 Ibid 64–65.

79 El-Masry 3.

80 Ibid 62.

81 Sukkari 65–67. Some jurists believe that Mohammed was born circumcised. Others insist that he was circumcised on the seventh day.

82 Ibid 86.

83 Gad-al-Haq 3121.


86 According to Muslim law, a girl’s share of an inheritance is half the size of her brother’s. If a person is hermaphrodite, this person will inherit according to which sex can pass urine.

87 Sukkari 87–89.
Jewish male circumcision was banned on several occasions through the centuries. It was banned in Strasbourg, France, in 1793 after the establishment of the Cult of Reason. In Russia, Jewish and Moslem circumcision was fought against by the Bolshevist Revolution, but for the same reason as any other religious practice. Tendencies can be found favouring exemption from this practice for converts to Judaism in order to help proselytism (already during the 2nd century). In the middle of the 19th century, the Judaic German Reform urged the abolition of mandatory circumcision for newborn Jews. In spite of the failure of this attempt in Frankfurt, Germany, in 1843, the American Reformed Judaism, some 40 years later, adopted the official policy that non-circumcised converts be accepted (Erlich M Les Mutilations Sexuelles (1991) 110–113).
For more about those complications, see Mahran 1–2; Report on Traditional Practices (Addis Abeba 1990) 56–57; Terre des Hommes Les Mutilations Sexuelles 25 (presentation by Doctor Gérald Zwang).

For the link between drugs and female circumcision, see Amin 188; Morsy SA Sex Differences and Folk Illness in an Egyptian Village in Women in the Muslim World (1978) 611; Hadidi 67–70.

El-Masry 61–62. Doctor Al-Fangari presents remarks in the same vein: 'Without banning female circumcision, we shall never be able to stop the use of drugs in the Arab and Moslem world' (Fangari 144; see n 93 supra). Doctor Mahran writes: 'Excision is one of the causes of the ever increasing use of hashish among men who believe, albeit wrongly, that smoking it delays ejaculation, giving men their orgasms at the same time as their excised wives: 16% of excised women admit that their husbands smoke hashish for sexual reasons' (Mahran 2; see n 27 supra).


Reference is made here to verse 53:3: 'Neither does he speak out of whim'; alternatively, 'And neither does he speak out of his own desire'. Labban, Muhammad Muhammad Al-Khitan al-banat in 'Abd-al-Raziq 85–86.


For further details, see par 3 2 3 supra.

Sukkari 41. Shaltut in 'Abd-al-Raziq 89. Gaudio & Pelletier 59. See Kenyatta J Au Pied du Mont Kenya (1967) 96–110. At 98 one reads: 'clitoridectomy – as indeed circumcision among Jews – is a bodily mutilation, viewed somehow as the condition sine qua non for receiving a complete religious and moral education'.

cited by Gaudio & Pelletier 60.

WHO 12th World Health Assembly 11th Plenary Meeting 28 May 1959.

Text of this report in Terre des Hommes Les Mutilations Sexuelles 9–12.

UNICEF Department of Information Position of UNICEF on Female Excision (23 September 1980) 1.


ibid 71.

ibid 7.


ibid 193–194.

Giudicelli-Delage 211.


See WHO’s position relative to female circumcision supra.


ibid 8–9.


This declaration, formulated after Mr Edmond Kaiser’s intervention, states:

"We ask every physician in a hospital or private practice to be very attentive to the content of the following Declaration.

The Central Committee for Medical Ethics of the Swiss Academy of Medical Sciences,

- attentive to the fact that some parents coming from countries where ritual practices of sexual mutilation are performed on women, are trying to get their children admitted into our hospitals or day surgery clinics in order to have those types of surgery performed,
- preoccupied by the fact that one might be tempted to accede to such demands for reasons of misconceived compassion or other badly thought out reasons,
- convinced that such procedures, performed according to customs in opposition to our ethical principles concerning minors unable to judge by themselves, are cruel and degrading, and convinced that they contradict the eminently personal right to physical integrity and as such constitute an infraction automatically prosecuted as serious bodily assault according to article 122, numeral 1, paragraph 2 of the Swiss Penal Code,

declares:

- Anyone, be it a physician and practicing in clinical conditions beyond reproach, who performs sexual mutilations on children and teenagers of the female gender, is guilty of serious deliberate bodily assault according to article 122 of the Swiss Penal Code. This person therefore must be prosecuted automatically."
Moreover, this person violates the fundamental rights of a human being in performing a degrading and cruel procedure on a minor incapable of judgement and who is unable to enforce her own claim to the right to physical integrity.

Whoever collaborates in such a procedure becomes an accomplice under the criminal law and, generally speaking, is guilty of the violation of human rights.

The guilty parties and their accomplices, doctors and auxiliary nursing staff, are moreover violating in the most serious way, the moral principles applicable to the exercise of their duties.'

(Declaration published in 1983 Bulletin des Médecins Suisse 64: 1275.)

Document provided by Dr Leila Mehra of the WHO.


Meeting of 12 January 1982.


According to another source, a decree from the Ministry of Health on 24 June 1959 created a committee in charge of studying female circumcision in Egypt as well as its religious, sanitary and social aspects. This committee then took the decision mentioned above, but the first paragraph should read: 'It is forbidden for anyone but a physician to practice excision.' A fourth paragraph is added: 'Excision as it is practiced in Egypt today has harmful consequences for women before and after marriage. As the religious authorities have decided that it is contrary to Islamic dogma to practice total excision of sexual organs, it is not therefore a ritual of Islam' (Report on Traditional Practices (Dakar 1984) 88).

El-Saadawi 34–35.

Zenie-Ziegler 62–63 72.

Ibid 137.


The title of my speech: 'To Mutilate in the Name of Jehovah or Allah: Legitimization of Male and Female Circumcision'.

PO Box 2512, San Anselmo CA 94979–2512, USA, Tel (415) 488–9883, Fax (415) 4889883. This is the most important organization in the fight against male and female circumcision. It was founded and is presided over by Marilyn Fayre Milos, a nurse who was fired for her views on this subject.

The tray on which an infant is restrained while a doctor performs a circumcision on him.

Contact Nurses of St Vincent Hospital, c/o Ann Lown RN, PO Box 8824, Santa Fe NM 87504, USA.

Address: Mr Jim Bigelow, PO Box 52138, Pacific Grove CA 93950, USA, Tel/Fax (408) 3154326.

Bigelow J The Joy of Uncircumcising Restore Your Birthright and Maximize Sexual Pleasure, published by Hourglass Book Publishing, PO Box 171, Aptos CA 95001, USA.

Address: Mr R Wayne Griffiths, RECAP – UNCIRC, 3205 Northwood Drive, Suite 209, Concord CA 94520–4506, USA, Tel (510) 8274077, Fax (510) 8274119.

PO Box 460795, San Francisco CA 94146–0795, USA, Tel/Fax (415) 8269351. This organization was founded and is presided over by Mr Tim Hammond.

Conversation by phone on 7 January 1993.

I possess a great number of documents on male and female circumcision. They are at the disposal of all interested persons. I am also ready to discuss this problem with those interested. I may be contacted at the following address: Sami Aldeeb, Swiss Institute of Comparative Law, Dorigny, 1015 Lausanne, Switzerland, Tel (021) 6924912, Fax (021) 6924949.