

Bodily Integrity and Male Circumcision: An Islamic Perspective

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Abstract

The notion of bodily integrity forms an important part of the value-structure of many religions and cultures. In this paper, we explore the notion of bodily integrity in Islam using male circumcision as the focus of the discussion. Our aim is to contribute to a better understanding of the Muslim perspective and of the differences and similarities between Western and Islamic ethical structures, in particular, regarding the concept of bodily integrity.

Key words: bodily integrity, male circumcision, Islam

Introduction

Modern bioethics developed in the 1970s and was mainly based on the principles of autonomy, beneficence, nonmaleficence and distributive justice. However, contemporary developments in bioethics in the USA and Europe have led to other concepts and principles including dignity, respect for life, solidarity, and bodily integrity. Because modern bioethics developed in the West, Christianity was quite influential. Principles such as bodily integrity sprang from Western philosophies, such as the thoughts of Thomas Aquinas and Kant, who derived most of their ideas from Christian concepts and teachings. Many peoples and religions, particularly the three Abrahamic religions, Judaism, Christianity, and Islam consider these principles as key elements in their religious or cultural value system. In this paper we will explore how the concept of bodily integrity is deeply rooted in Islamic Shariah and Muslims' life.

The Islamic point of view must be examined

in both Arabic/Islamic and English literature. Both sources are important for our kind of study. The Arabic/Islamic texts can provide a succinct overview of the Islamic perspective. However, these texts are inaccessible to most Western bioethicists because they are written in the Arabic language. The English references chosen for this study are necessary to explore additional ethical concepts and principles. If we want to translate the term “bodily integrity” to Arabic, we find that the best word to use is *ḥurmat al-jasad* (i.e., “body sacredness” or “forbidding transgression against the body”). Although it is not a literal translation, the term accords the intended sense. *Ḥurma* linguistically means “the thing which is unlawful to violate.” We have chosen the word *ḥurma* because it was previously used by the various Islamic law schools for expressing the precise meaning for the intended meaning of “bodily integrity.” We will attempt to understand these ethical concepts from an Islamic point of view and explore how these concepts might play a role in modern global bioethics. This might contribute to bridging the gap between Western and Islamic bioethics.

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In this paper we focus on male circumcision. The custom of circumcision is a worldwide phenomenon, although it occurs at different rates, depending on prevailing religions and traditions. It is not restricted to Jews and Muslims. Many more nations and peoples practice it at lower rates. Uncircumcised Muslims are rare. The rate of circumcision in Muslim nations is between 90 and 100 percent. This includes the Christians who form a significant part of some Arab states.¹ Studies indicate that the rate of circumcision in the USA is between 58 and 70 percent.² Around the world, statistics show that 13.3 million boys are circumcised annually.³ There are several reasons why circumcision is so widespread. It is practiced for medical-therapeutic, medical-preventive, or religious reasons. Some researchers say it is also performed as a social custom.⁴ For Muslims, male circumcision is performed for religious reasons, mainly to follow the *sunnah* (practice) of Prophet Muhammad ﷺ. Moreover, there are attempts to label it as a contributor to cleanliness / personal hygiene. These are done largely to grant the practice scientific legitimacy and a moral foundation. Because drops of urine and smegma gather under that piece of foreskin and may cause impurity to clothes and the body, many Islamic jurists understand the purpose of legislating circumcision as a way to purify the body from urine and smegma.

First, we provide a short overview of the Islamic regulations of male circumcision. Subsequently, we will highlight some central Islamic aspects of bodily integrity and explore relevant applications and guidelines. Finally we make a comparison between Islamic and Western views of the concept of bodily integrity, thereby distinguishing between three dimensions of 'bodily integrity': biological wholeness, subjective wholeness, and normative wholeness. We thereby focus on the relation between bodily integrity and male circumcision. Our aim is to contribute to a better understanding of the Muslim perspective of the differences and similarities between Western and Islamic ethical structures, particularly regarding the concept of bodily integrity.

Circumcision and its Islamic Rules

Both Jews and Muslims legislate circumcision, a commandment that originated with the

Prophet Ibrahim ﷺ, the first to practice circumcision in accordance with the divine directive. The Glorious Qur'an does not enjoin circumcision directly; however, the relevant ruling is mentioned in the writings of the Qur'anic interpreters who clearly elucidated the importance of following Prophet Ibrahim's steps:

وَمَنْ أَحْسَنُ دِينًا مِمَّنْ أَسْلَمَ وَجْهَهُ لِلَّهِ وَهُوَ مُحْسِنٌ
وَاتَّبَعَ مِلَّةَ إِبْرَاهِيمَ حَنِيفًا وَاتَّخَذَ اللَّهُ إِبْرَاهِيمَ خَلِيلًا

Who can be better in religion than one who submits his whole self to Allah, does good, and follows the way of Ibrahim the true in Faith? For Allah did take Ibrahim for a friend.⁵

قُلْ صَدَقَ اللَّهُ فَاتَّبِعُوا مِلَّةَ إِبْرَاهِيمَ حَنِيفًا وَمَا كَانَ مِنَ الْمُشْرِكِينَ

Say: Allah has spoken the truth, therefore follow the religion of Ibrahim, the upright one; and he was not one of the polytheists.⁶

The commandment to circumcise is however mentioned in the *aḥādīth* (singular *ḥadīth*), reports about the sayings and actions of the Messenger Muhammad ﷺ.

الفطرة خمس الختان والاستحداذ وقص الشارب
وتقليم الأظفار ونتف الآباط

Five practices are characteristic of the *fiṭra* (sound innate disposition): circumcision, shaving the pubic hair, cutting the moustaches short, clipping the nails, and depilating the hair of the armpits.⁷

Among Sunni Muslim jurists, there are some differences in religious rulings on male circumcision. Jurists of the school of Imam Ahmad and al-Shafi'i consider circumcision compulsory.⁸⁻¹⁰ Al-Shafie school considers it recommended during childhood but obligatory only after puberty.^{10,11} Imam Abu Hanifa and Imam Malik consider circumcision to be recommended but not obligatory.¹²⁻¹⁴ This means that if done, its doer is rewarded by God, and if not done, there is no punishment or reward. The

scholars agree that circumcision entails the removal of all or the majority of the foreskin that covers the glans only.^{10-1,15} It has to be done during or at the end of the childhood.^{12,16-19} All scholars agree that circumcision of the dead is not allowed.²⁰⁻³

Rare voices, such as Sami Awad Aldeeb Abu-Sahlieh, a Swiss writer of Palestinian Christian origin, have recently called for Muslims to put an end to the practice of circumcision and consider it a violation of the sacred human body.¹ Such voices are unusual, receive little attention, and have no effect on actual practice. Such activists believe that circumcision is in conflict with physical nature and constitutes the amputation of a healthy and functional part of the body.¹ While there are a few rare cases where attempts were made to restore the prepuce,²⁴ nothing like this has been reported among Muslims.

Islam and Bodily Integrity

Islam expresses a remarkable interest in the honor and preservation of the body. Many Quranic verses and Prophetic traditions set out the restrictions and instructions for its care. Islam views the body as a divine miracle, one that points to the existence of the Creator and the greatness of His creation. Accordingly, in the Glorious Qur'an, God repeatedly calls people to contemplate their bodies.

وَفِي الْأَرْضِ آيَاتٌ لِّلْمُؤْمِنِينَ وَفِي أَنْفُسِكُمْ أَفَلَا تُبْصِرُونَ

And on the earth are signs for those who have Faith with certainty. And also in their own selves. Will you not then see?²⁵

In Islam, human dignity constitutes a significant part of human's moral existence; it is considered one of the characteristics that distinguish human beings from other creations. God ﷻ says:

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ

And indeed We have honored the Children of Adam.²⁶

The honor bestowed by Almighty Allah is the reason for the restrictions and practices set upon human beings. These restrictions are boundaries set to guard human dignity and bodily integrity.

Islamic law honors the body even after death. Islamic law forbids defacing or maiming a corpse. Breaking the bone of a corpse is equivalent to breaking the bone of a living being. In this respect, Prophet Muhammad ﷺ said:

فإن لجسدك عليك حقاً

Your body has a right on you.²⁷

Each individual is responsible to preserve, care for, and respect the integrity of his or her body before God. A human being is not just responsible for maintaining moral accountability with the body, but also its physical body as the body is a trust from God. Prophet Muhammad ﷺ says:

لا تزول قدما عبد حتى يسأل عن عمره فيما أفناه

وعن علمه فيما فعل وعن ماله من أين اكتسبه

وفما أنفقه وعن جسمه فيما أبلاه

A servant's feet never move (even one step) until he has been asked about: his/her lifetime as to how he/she spent it; his/her knowledge as to how he/she utilized it; his/her wealth; how he/she made it and spent it; and his/her body, as to how he wore it.²⁸

Moreover, in Islam care of the body becomes a legal responsibility and religious duty, one with correlating rewards and punishments. Diseases and calamities that befall the human body have a moral dimension, one related to the will of God. This dimension is the foundation both for bodily and moral integrity. It is for this reason that righteous Muslims who are sick or wounded or have lost part of their bodies have been asked not to feel deficient. They believe that their ordeals are the will of God. The Prophet Muhammad ﷺ said:

ما يصيب المسلم من نصب ولا وصب ولا هم ولا

حزن ولا أذى ولا غم حتى الشوكة يُشاكها إلا

كُفِّر الله بها من خطاياها

No fatigue, nor disease, nor sorrow, nor sadness, nor hurt, nor distress befalls a Muslim, even if it were the prick he

receives from a thorn, but that Allah expiates some of his sins for that.²⁹

The Qur'an considers human dignity to be bestowed upon human beings by God who created the human in perfection.

لَقَدْ خَلَقْنَا الْإِنْسَانَ فِي أَحْسَنِ تَقْوِيمٍ

Verily, We created man in the best stature (mould).³⁰

الَّذِي أَحْسَنَ كُلَّ شَيْءٍ خَلَقَهُ وَبَدَأَ خَلْقَ الْإِنْسَانِ

مِنْ طِينٍ

Who made everything He has created good and He began the creation of man from clay.³¹

The Rules of Respecting Bodily Integrity in Islam

Changing the body is religiously forbidden

All actions that would deface or maim the body are forbidden in Islam. The body must remain in its original form unless specific permission is given from the Creator to make a change. Any change in the original creation of the body is considered one of the great sins in Islam. When Shaitân (Satan) was dismissed from Paradise, he threatened that he would urge the human beings to make changes in their own bodies and to the bodies of animals by piercing their ears, which are considered a violation of bodily integrity. God quotes Shaitân's words in the Glorious Qur'an:

وَلَأُضِلَّنَّهُمْ وَلَأُمَنِّيَنَّهُمْ وَلَا مَرْئِيَنَّهُمْ فَلْيَتَّكِبْ آدَانِ

الْأَنْعَامِ وَلَا مَرْئِيَنَّهُمْ فَلْيُغَيِّرَنَّ خَلْقَ اللَّهِ وَمَنْ يَتَّخِذِ

الشَّيْطَانَ وَلِيًّا مِّنْ دُونِ اللَّهِ فَقَدْ خَسِرَ خُسْرَانًا

مُتَبَيِّنًا

Verily, I will mislead them, and surely, I will arouse in them false desires; and certainly, I will order them to slit the ears of cattle, and indeed I will order them to change the nature created by Allah." And whoever takes *Shaitân* (Satan) as a *Walî* (protector or helper) instead of Allah, has surely suffered a manifest loss.³²

Consequently, cosmetic changes of the body are not lawful because aesthetic reasons are not considered moral justifications for violating bodily integrity. Tattoos, cleaved teeth, plucked eyebrows, and other procedures are absolutely forbidden. A hadith states:

لعن الله الواشمات والمتوشمات والمتنمصات

والمتفلجات للحسن المغيرات خلق الله

Allah curses those women who practice tattooing and those who get themselves tattooed, and those women who remove the hair from their faces and those who make artificial spaces between their teeth in order to look more beautiful whereby they change Allah's creation.³³

Although women are the direct subject of this hadith, the prohibition covers both men and women.

Moreover, the ruling concerning bodily integrity also encompasses animal bodies, so it is unlawful to violate their integrity. Prophet Muhammad صلى الله عليه وسلم says:

لا تمثلوا بالبهائم

Do not mutilate the animal bodies.³⁴

Necessities Make Prohibitions Lawful

According to the juristic rule, "necessities make prohibitions lawful,"³⁵ Muslim jurists allow intervention into the human body when there is a greater good at stake, such as preserving a life or an organ. Accordingly, physical interventions that are forbidden become permissible when performing indicated surgery.

Islamic jurisprudence distinguishes between various types of surgery and divides them into categories: necessary surgeries (for preserving life), required surgeries (for treating diseases that usually do not lead to death, such as tonsillectomy), and cosmetic surgeries (such as face lift and breast augmentation). Islamic law allows the first two types while the third type, cosmetic surgery, is forbidden.³⁶

The Rule of "Necessity is Duly Estimated"

"Necessity is Duly Estimated"³⁵ is a highly important legislative rule among Muslims. It says that legalizing any forbidden procedure, such as violating bodily integrity, must be within the narrowest limits and in accordance with only

that which is absolutely necessary. Therefore, there must be a good reason for an intervention into the human body. Based on this rule of "Necessity is Duly Estimated," circumcision is a legal necessity, to be performed within the limits of this necessity. In terms of circumcision, this rule means only removing the part of the skin that covers the glans. Exaggerated circumcision, akin to skinning the penis (complete removing of penis's skin), is absolutely forbidden.

The Integrity of the Dead Human Body is the Same as That of the Alive Body

Many bioethicists, both Muslims and non-Muslims, see a greater moral value in the treatment of living bodies than in the treatment of corpses. They believe that violating a dead body is less serious than violating a living body, as the living body belongs to someone who is aware of his or her surroundings, in contrast to when he or she is dead.³⁷ However, even if Islam shares the viewpoint that the living human is more important than a corpse, it warns against violating the bodily integrity of the dead.

In Islamic law, a Muslim's bodily integrity is preserved after his or her death. As such, Muslims avoid cutting, maiming or anatomizing the body, except in a case where there is a considerable necessity, for example, studying anatomy in medical schools or autopsy to determine the cause of death. This permission was stated in *fatāwā* (legal opinions) by the Committee of Senior Scholars in Saudi Arabia in 1999³⁸ and the Islamic Fiqh Council in 1987.³⁹

Bodily integrity: a Comparison between Islamic and Western perspectives

Bodily Integrity as an Instinctive Feeling

The concept of bodily integrity is deeply rooted in religious and philosophical considerations. Moreover, it instinctively exists in a person's everyday life and, more specifically, in the various phases of life. For example, a child fears blood flowing from a wound in a finger.⁴ It is not surprising that medical students, regardless of their religion or beliefs, feel restraint and embarrassment when they make the first cut into a corpse during their anatomical training. The same is true for surgeons in their early days of surgical experience, forming a memory that will never leave them. In the same way, a person witnessing

for the first time a circumcision performed on a small child might consider the procedure a violation of bodily integrity and an unjustified aggression. However this strong instinctive feeling may diminish gradually, day after day, by experience and practice. The surgeons remain the best example for that.

While there is general agreement among Muslims that the principle of bodily integrity is something natural and instinctive, a correlation between circumcision and the violation of bodily integrity does not exist. In Islamic culture, circumcision itself is a 'natural' practice, based on the religious ruling. In contrast, uncircumcised people are "abnormal" and seen as lacking something. Most Muslims find no reasonable explanation for the campaigns against the procedure that originate with institutes and organizations that were originally Christian, a religion which, contrary to Judaism and Islam, does not command circumcision.

Bodily Integrity and Other Ethical Principles

Bodily integrity and its various consequences for medical practice cannot be properly understood unless a shift is made from seeing the human body as simply a material body to seeing it within a set of aesthetic or moral values and dimensions. This means a shift from the "person-oriented approach" toward a "body-oriented approach".⁴⁰

Viewed from the person-oriented approach, bodily integrity has two interpretations: first, protecting the body from others' violations, and second, the person's right to have control over his or her body. Moreover, when bodily integrity is respected, a person's right to possess an independent personal life is inferred, so only an individual has the right to make use of his or her body.⁴¹

Islam, along with Judaism and Christianity, provides a different viewpoint in that these religious traditions do not give an individual full control over his or her body. Rather, Islamic texts restrict the autonomy of the individual on the body as it is a creation of God. As such, caring for the body is a religious / legal enjoinder incumbent upon every individual. Each person is held accountable before God, for the way he or she takes care of his or her body.

From a body-oriented approach, there are three distinguishable dimensions of bodily integrity: biological, subjective, and normative

wholeness.⁴¹ We will explore these three dimensions and their Islamic interpretation, paying particular attention to their relevance for male circumcision.

Biological wholeness

The idea of biological wholeness means that, although the human body consists of numerous body parts, organs, tissues, cells, and sub-cellular components, it is still an anatomical and physiological unity, an integrated whole that is more than the sum of its parts. The anatomical point of view focuses on the structure of the body and the texture of its tissues and organs, whereas the physiological refers to how these tissues and organs function properly. There is a general consensus that preserving the biological structure and the physiological function of the body is an ethical duty in many divine laws, religions, and societies.³⁷ For example, Kant considered any violation of bodily structure, even in part (e.g., amputating a limb), to be a willful refutation of the perfect entity. Such violation is either material, i.e., related to anatomical structure, or formal, i.e., related to the natural power and physiological function.⁴² Likewise, according to the Ethical and Religious Directives for Catholic Health Care Services (ERDs) "all persons served by Catholic healthcare have the right and duty to protect and preserve their bodily and functional integrity".⁴³

Most of the time, a medical intervention in the human body is not considered a violation except when it leads to removing a healthy part of the body or inactivating a function that was working naturally beforehand. Removing a gangrenous foot should therefore not be considered a violation of bodily integrity, although some argue that it is a violation of the integrity of the body, even if there are good reasons for intervention. Concerning the requirement to respect the body and avoid violating the health of the body, Islam has the same attitude as the other Abrahamic religions.⁴³

However, a significant question arises in this respect: is the foreskin an essential part of the body such that removing it constitutes an anatomical deficiency or causes physiological dysfunction? If so, circumcision would be considered a violation of bodily integrity, unless there are clear medical reasons to perform the intervention. Opinions differ as to the anatomical and functional significance of the

foreskin. Some hold the opinion that it is no more than an extra piece of skin that lacks value and function and, subsequently, bears no anatomical or physiological significance. Therefore, the process of circumcision is no more than a minor operation.⁴⁴ Those who oppose circumcision believe the foreskin is highly important for protection and sexuality in addition to the possibility of its use in certain reparative surgical operations, such as in case of hypospadias. Those who oppose circumcision describe the process of circumcising as a major operation that leads to a permanent anatomical, structural, and functional change in the penis.⁴⁵⁻⁶

The prevailing opinion among Muslims, however, is that the foreskin does not form an essential part of the body and that it bears no physiological function. This opinion also raises a theological contradiction. How could God, who repeatedly declares that humans are created in the best image, form an organ (the prepuce) whose anatomical and physiological significance is in question? Why would He then command the performance of a painful operation to remove it? Muslim intellectuals argue that the answer is two-fold. First, they conjecture that the foreskin might be significant in the fetal stage or that it provides protection during birth while removing it later on becomes important for purity, something to which Islam gives great attention. Second, there is a theological underpinning in that circumcision is considered a test in order to make a distinction between those who obey and those who disobey God. In the Glorious Qur'an it is stated:

لَا يُسْأَلُ عَمَّا يَفْعَلُ وَهُمْ يُسْأَلُونَ

He cannot be questioned as to what He does, while they will be questioned.⁴⁷

Like all commands, God only requires that which benefits those who obey him. To this end, Muslims say that new research into the medical significance of circumcision, such as prevention from diseases (particularly AIDS), proves that the procedure is scientifically and morally justifiable on the grounds of bodily integrity.

Subjective wholeness

A human being constitutes a psycho-somatic unity.⁴⁸ When this psycho-somatic unity is exposed to some physical defect, a feeling of not

being whole in a psychological sense might occur. This lack of subjective wholeness can also occur when the anatomical structure and physiological function is intact which is the case in the so-called Body Dysmorphic Disorder.⁴⁹ The opposite can also happen. In this type of cases a person may feel that his or her body is perfectly functional despite having real anatomical or physiological deficiency. This is exhibited, for example, in patients who ignore the paralyzed parts of their body. The feeling of wholeness, both for those who are paralyzed and for those who have lost one of their organs, differs from one person to another, but this deficiency will not change the essence of a person as long as his or her personal identity is intact.

Muslims seldom express feelings of psychological deficiency, or not being "whole" as a result of circumcision. Rather, according to Islamic law, circumcision confers perfection to the human body. Jurists say it is not good for an Imam to be uncircumcised.⁵⁰ Additionally some jurists do not accept the witnesses of uncircumcised.⁵¹ Moreover, there are no recorded attempts among Muslims of restoring the foreskin, a phenomenon that is also rare among non-Muslims. Circumcision is never considered a negative among Muslims. In fact, in many cases where the family, particularly the father, is not happy with an "incomplete" circumcision, another circumcision is requested to complete it. In addition, specialized physicians who perform circumcisions never suffer from relevant psychological issues, moral concerns, or painful memories as have been mentioned in some accounts by Western sources.²

Normative wholeness

The biological and subjective wholeness of the human body is also a normative and moral wholeness. According to Kant, a violation of the body's integrity is morally wrong on three accounts.⁵² First, bodily integrity is part of a person's dignity. Subsequently, any violation of bodily integrity is considered a violation of personal dignity. Second, bodily integrity of all the components of the body is a necessary element for establishing the moral construction of the human as a whole. Accordingly, bodily integrity is based on avoiding all temptations and stimulations that could compromise any moral principle.⁵³ Third, respecting bodily integrity is a basic condition for creating an

appropriate moral conscience, which should be preserved and immune from violation.⁵⁴ Respectful treatment of the body is no less than a moral duty, a duty performed by respecting the humanity of the individual. On the basis of this moral duty, violating any part of the body disparages the human and the person as a whole.

Kant also differentiates between violations of bodily integrity based on whether the part of the body in question is essential or unessential. He provides the example of selling pulled teeth versus selling cut hair. The former, teeth, are an essential part of the person, and the action is considered a violation, whereas the latter, hair, is non-essential. Selling cut hair is not a violation of bodily integrity.⁵⁶ Although Kant does not mention circumcision directly, some researchers have projected his perception upon this topic.⁴ Accordingly, circumcision is not merely a biological violation but rather a moral violation of the integrity of the human body.

It is interesting to realize that Kant's notions of "moral duties toward oneself and other persons" and "moral duties toward one's body"⁵⁵ have been basic tenets of Islam promulgated 14 centuries ago Prophet Muhammad ﷺ, said:

فإن لجسدك عليك حقاً

Your body has a right on you.²⁷

Islamic teachings established that bodily integrity is essential, that it is a human right, and that it bears a deep moral dimension. Islam also affirms the integrity of the bodies of both the dead and animals. Any violation of the integrity of either type of body also has a moral dimension. The deeply rooted belief that God issued the command for circumcision and that this procedure is an essential part of their religion make Muslims believe that performing circumcision is not a violation of bodily integrity nor that it causes any moral deficiency whatsoever. Muslims also believe that their religion is infallible and that Islam's commandments are always correct, even if the reasoning behind them is unknown. Consequently they pay little attention to the conjectures of scholars who oppose circumcision, whom they believe to be mere human beings, whereas they see their legislation as a revelation from God. The moral norms of the Islamic culture are built on the rules of their

religion. This set of norms includes the issue of circumcision, which is understood to be a religious matter that is exempt from the possibility of being a violation of bodily integrity.

Conclusion

The relation between circumcision and bodily integrity is one of the new topics raised by some bioethicists. The anti-circumcision movement that started to appear in the West is not expected to succeed among Muslims. In this case there is a conflict between those who oppose circumcision and the legislative requirements of Islam.

Islam shows a lot of interest in honoring and safeguarding the human body, in both the Qur'an and the prophetic tradition. Interventions in the body can be allowed only according to certain juristic rules. However, because circumcision is considered a legal procedure, it may not violate bodily integrity or even lead to a biological deficiency or a feeling of a lack of wholeness.

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