

Fatwa Number 953 – Egypt

Fatwa Number: 1997/953

Issuing Date: May 1997

Mufti: Shiekh Atya Saqar

Issuing Authority: Egyptian Dar Al-Ifta

Question: What does religion think about what has spread and what is spreading of some people turning from one sex to another using medical treatment and surgeries?

Fiqh Rule: Surgeries are permitted for those with ambiguous sex (intersex), and it is an obligation in this case, once confirmed by a trusted doctor. It is forbidden for just a desire to change sex from female to male or from male to female (gender identity disorder- transgender).

Full Fatwa

Masculinity has its organs, the most important of which are the penis, testicles, and what is attached to them, like the spermatic cord and prostate. And the dominant signs of puberty for males include attraction to the female, deepening of the voice, growth of beard hair, and tiny busts. And femininity has its organs, the most important of which are the vagina, uterus, ovary, and what is attached to them, like the fallopian tube. And the dominant signs of puberty for females include attraction to the male, softness of voice, non-growth of beard hair, and the menstrual cycle. A person can be born with organs of both sexes called intersex. And they could have dominant male organs and have them emphasized using surgery and other methods to become a male who marries a woman and might have children. Or they could have dominant female organs emphasized using surgery and other methods to become a female who marries a man and might have children.

As for a man with all of the designated systems for this sex, having feminine tendencies is only a mental illness that does not turn him into the female nature. These tendencies may be fake by choosing to act like a female, placing it in the group of forbidden acts according to the [Hadith]: One sex who acts like the other is cursed. And they may be compelling and must be treated using what is needed, and the treatment could succeed or fail, all determined by the will of Allah almighty. The same goes for masculine tendencies in a woman with all of the designated systems for her sex, which are nothing more than symptoms that do not turn her into the male nature, making it a forbidden act if it's a choice and a need for treatment if it's compelling. This and an order were sent to The Egyptian Dar Al-Ifta, which Sheikh Gad Ali Gad Al-Haq answered on the 27th of June 1981.

In summary, Islam has ordered us to medicate, which includes performing surgeries according to a [Hadith] told by a Muslim: that the holy prophet has sent a doctor to Abi Bin Ka 'b, so he cut a part of him and sealed it, and that he has forbidden intentional and artificial feminization as told by Al-Bukhari and a Muslim, then he decided that performing surgery to turn a man into a woman or a woman into a man is allowed, only if the doctor is certain of the existence of natural reasons for it inside the body, which are hidden signs of being a female or hidden sign of being a male, then it becomes the treatment of a physical defect that can only be removed using surgery.

And what proves this is the explanation of Al-Qastalani and Al-Asqalani for the [Hadith], where they pointed to the necessity of removing the signs of femininity, which can be done by using treatment and surgery, as it may be the best solution. But this surgery is forbidden if it is just a desire to change without having clear and dominant physical signs. The verdict is then determined by the holy [Hadith] told by Al-Bukhari about Anas, who said: "The holy prophet of Allah has cursed men who perform femininity and women who perform masculinity," and said: "Kick them out of your homes," therefore the prophet has kicked someone out, and Omar has kicked someone out. So, it is allowed to perform the surgery to release what is hidden from the male or female members. If that is the case, it is a duty since it is considered treatment once the doctor has confirmed that. And the same is forbidden for just a desire to change sex from female to male or from male to female.