

In the name of Allah, the Most Gracious, the Most Merciful,

## Fatwa On Gender Transition

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All praise is due to Allah, Lord of all the worlds, and prayers and peace be upon the seal of the prophets. To proceed:<sup>2</sup>

If a person has physical organic reasons necessitating surgical intervention to align their appearance with their true gender, being inherently one of the two sexes but exhibiting sexual characteristics of the opposite sex, then undergoing such surgery is permissible in Sharia. This is not considered a gender transition or a change in Allah's creation but rather a correction of their gender, a resolution of a state of gender ambiguity, an actualization of their true condition, and an affirmation of their true, predominant, gender as created by Allah and confirmed by doctors. Allah, the Exalted, created humans as male and female, with no third gender.

The purpose of these operations is to heal and alleviate the pain caused by a gender identity disorder. However, for someone who does not have these physical organic reasons, meaning their internal and external sexual organs are typical, but who wishes to undergo a gender transition surgery that involves changing a female to a male, or a male to a female, through surgeries that involve the removal of sexual organs and the development of other organs, primarily to make the external sexual organs resemble those of the opposite sex, are only a response to psychological motives. Such procedures are strictly prohibited in Islamic law. The evidence for their prohibition includes the following:

First Evidence: It constitutes a change in Allah's creation and an answer to the call of Satan, who vowed to mislead Adam's descendants, insighting them to alter Allah's creation. This is referenced in Allah's statement: "They call upon none but a rebellious Satan whom Allah has cursed. He had said, 'I will take from Your servants a portion marked off; I will mislead them, and I will create in them false desires; I will order them so they will slit the ears of cattle, and I will order them so they will alter the creation of Allah.' And whoever takes Satan as an ally instead of Allah has surely suffered a manifest loss." [An-Nisa 4:119]

Second Evidence: It is reported in both Sahih Bukhari and Sahih Muslim from Abdullah bin Mas'ud, may Allah be pleased with him, who said: "We were with the Prophet, peace be upon him, in a campaign and we had no women with us. We said, 'Should we not castrate ourselves?' He prohibited us from doing so." This hadith indicates the following:

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(a) If the removal of a reproductive organ, such as the testicle, is prohibited, then, by greater reason, gender transition surgeries involving the removal of most reproductive organs are also prohibited.

(b) A person's desire for gender transition due to psychological reasons is not considered a necessity that permits the removal of reproductive organs. This is because the Prophet, peace be upon him, did not consider a greater need, such as the need for men to be with women during military campaigns, as a necessity that allows the removal of a reproductive organ, namely the testicle.

These pieces of evidence collectively underscore the Islamic legal stance that gender transition surgeries, prompted by psychological rather than physiological reasons, are impermissible.

The Third Evidence: Narrated by Al-Bukhari and Muslim from Abdullah ibn Mas'ud, may Allah be pleased with him, he said: "Allah has cursed those women who practice tattooing and those who get themselves tattooed, and those who remove their face hairs, and those who create a space between their teeth artificially to look beautiful, altering Allah's creation." The curse means expulsion from Allah's mercy, which indicates prohibition. If merely altering Allah's creation through tattooing, plucking eyebrows, or dental modification is prohibited, then altering one's entire gender is even more strictly forbidden.

The Fourth Evidence: Narrated by Al-Bukhari from Abdullah ibn Abbas, may Allah be pleased with them, he said: "The Prophet, peace be upon him, cursed effeminate men and masculine women." Effeminate men are those who imitate women in their walk, talk, or gestures, which is different from a hermaphrodite whose gender is ambiguous and is thus excused without sin. The implication of these hadiths is that merely imitating the opposite gender in certain aspects leads to curse and expulsion from Allah's mercy. If mere imitation in some matters is prohibited, then transitioning from male to female or female to male is even more clearly prohibited, as the lesser prohibition logically extends to the greater.

The Fifth Evidence: Allah has forbidden women from wishing to be men and men from wishing to be women, as stated in His saying: "Do not wish for what Allah has favored some of you over others. For men is a share of what they have earned, and for women is a share of what they have earned." This hadith indicates that desiring the characteristics or roles assigned to the opposite gender is prohibited.

This comprehensive approach, incorporating scriptural evidence and prophetic teachings, underlines the Islamic perspective on gender identity and alteration, emphasizing the prohibition against altering one's gender for reasons other than legitimate, medically necessary cases.

The Sixth Evidence: Gender transition among men implies that they will derive pleasure from men as women do from men, despite the surgery, they remain biologically male because the operation only alters external appearance, not the biological composition. Similarly, a woman, despite undergoing gender transition surgery, remains biologically female and will derive

pleasure from women as men do from women. Therefore, gender transition leads to homosexual relationships between individuals of the same biological sex, which is unequivocally prohibited and deviates from the natural disposition. Allah destroyed the people of Lut for such actions.

The Seventh Evidence: Gender transition surgeries involve exposing one's private parts to doctors and their assistants repeatedly and for prolonged periods, which is unequivocally forbidden in Islam, except in cases of necessity or extreme need, which does not include psychological desire without physical medical reasons necessitating the surgery.

The Eighth Evidence: The psychological pain from gender dysphoria does not constitute a necessity because necessity is defined as a situation where a person must engage in the prohibited to prevent death, imminent death, or the loss of a limb. Since it is not a necessity, the psychological discomfort does not justify engaging in prohibited actions.

These evidences collectively form a comprehensive Islamic view on gender transition, emphasizing the prohibition of gender transition surgeries based on psychological desires alone and highlighting the importance of adhering to one's biological gender as determined by Allah.

If we were to assume, although incorrectly, that the psychological need for gender transition is a necessity, the conditions for permitting what is normally prohibited due to necessity are not met in this case.

These conditions include:

1. Certainty or High Probability of Harm: The harm must be certain or highly probable. If the harm is merely suspected with low probability or is speculative, it should not be considered, and the prohibited actions remain impermissible.
2. Absence of Greater or Equal Harm: This necessity must not be opposed by a greater or equal harm upon its consideration. As we will demonstrate in the tenth evidence, accommodating this necessity by performing gender transition surgery results in harms that far exceed the supposed necessity.

Given that the conditions for permitting what is normally prohibited due to necessity are not met for individuals seeking gender transition surgeries based solely on psychological motives, such surgeries are not permissible.

The Ninth Evidence: The apparent and fixed gender markers, which determine a person's sex, cannot be changed. Their indication of masculinity or femininity is definitive. In contrast, the psychological factor's indication of gender is not definitive; it is speculative or even imaginary and subject to change based on culture, environment, and psychological therapy.

Prioritizing speculative or imagined psychological feelings over the definitive and apparent indicators of a person's sex is not permissible. This is because the consensus, based on

numerous texts, is that rulings are based on apparent characteristics, not on the internal states or hidden thoughts of individuals.

These points underline the Islamic perspective that gender transition, based on psychological motives without medical necessity, contradicts Islamic principles. The emphasis is on the importance of adhering to the biological and apparent markers of gender, and any change based on psychological motives alone does not meet the strict conditions required for overriding Islamic legal prohibitions.

The Tenth Evidence: Assuming there is harm in an individual, due to psychological distress, remaining in their birth-assigned gender, the harms of gender transition far exceed this distress because their effects extend to both the individual and society. Whereas the psychological distress is a personal harm, it is preferable to alleviate the broader harm over the personal one since more severe harm should be mitigated by incurring lesser harm, and it is not permissible to alleviate minor harm by committing greater harm.

### **The Harm of Gender Transition on the Individual and Society**

For the individual, the surgery does not end their psychological suffering; instead, it persists and is compounded by societal rejection, disdain, and even disgust from those closest to them. This is in addition to significant surgical disfigurement of their reproductive organs and their entire body, rendering them unable to live a normal life like the rest of humanity.

Moreover, many experience shock from not finding the relief they anticipated from the surgery, leading to depression, despair, and often suicide. It has been proven that individuals who have attempted or undergone gender transition have a higher rate of attempting suicide.

This illustrates that the broader societal and individual harms of gender transition surgeries significantly outweigh the initial psychological distress of gender dysphoria. The Islamic perspective prioritizes preventing greater harm over lesser harm, emphasizing the importance of addressing psychological distress through means other than gender transition, which brings about more significant, multifaceted harm.

The suicide rate among individuals who have undergone gender transition surgery is double that of those who have not proceeded with the surgery. Furthermore, gender transition poses risks to society as well; for instance, a man might transition to a woman to avoid punishment for a serious crime committed or to engage in immoral activities with men. Conversely, a woman might transition to a man to claim a son's inheritance instead of a daughter's, leading to disputes and discord among siblings who know her true gender, or to avoid punishment for a crime, or to mingle and be alone with men.

In summary, gender transition surgeries pose a threat to legal, familial, and social structures.

The Eleventh Evidence: Jurists have mentioned specific markers for masculinity, such as urination from the penis and ejaculation, and for femininity, such as menstruation, breast

development, and lactation. They did not consider a person's psychological desire to be a male or female as a marker for determining one's gender in Islamic law. Instead, such desires should be addressed through psychological therapy and religious and moral education, which can guide individuals back to their natural disposition.

Furthermore, seeking gender transition surgery is prohibited, and performing it for someone who requests it is also prohibited, as it constitutes cooperation in sin and aggression.

If it is argued that the principle in beneficial things is permissible, we respond that, as scholars of principles of Islamic jurisprudence have stated, this principle applies to beneficial things for which there is no evidence of prohibition. However, numerous pieces of evidence indicate the prohibition of gender transition surgeries.

Allah knows best.

Dr. Hamdi Subhi Taha

#### Fatwa Two Homosexuality

It is an inherent aspect of the natural disposition (fitrah) with which Allah the Almighty has created all beings, that each gender, male and female, is sexually attracted to the other. This is the normative and upright state of creation.

However, among the Children of Adam, both males and females, there are those who deviate from this natural disposition. Males inclined towards their own gender, developing sexual attractions and engaging in sexual activities and their preliminaries with them, and females inclined towards their own gender, similarly developing attractions and engaging in sexual activities and their preliminaries with them as well. These individuals, engaging in sexual activities with their own gender, are referred to as homosexuals and lesbians. Thus, homosexuality denotes the orientation, attraction, and practice of sexual activities among individuals of the same gender.

In the developed parts of the world, this behavior is accepted, and there are organizations supporting them, advocating for what they call their rights, and same-sex marriage is recognized, despite it being a sin, a deviant behavior, and a disgraceful act known among males as sodomy and among females as lesbianism. Sodomy is defined as the insertion of the male organ into the anus of another male, while lesbianism is defined as a woman engaging with another woman in acts resembling those done to her by a man.

Some of our societies have been affected by this, although both practices are prohibited in our religion, with evidence from the Qur'an and the Sunnah of our Prophet, peace be upon him.

Sodomy, in itself, is considered more abhorrent and severe than fornication. Allah the Almighty has condemned it, describing it as an abomination and its perpetrators as transgressors,

profligates, ignorant, perpetrators of vile deeds, and mentioned the severe punishment bestowed upon them, branding them as a vile and rebellious people.

Allah Almighty states: “And [mention] Lot, when he said to his people, ‘Do you commit such immorality as no one has preceded you with from among the worlds? Indeed, you approach men with desire, instead of women. Rather, you are a transgressing people.’” [Al-A'raf 7:80-81].

And He, Glorious in His Majesty, said: “And [mention] Lot, when he said to his people, ‘Do you commit immorality while you are seeing? You lust after men instead of women! Indeed, you are a people who are ignorant.’ The only response of his people was to say, ‘Expel the family of Lot from your city. Indeed, they are people who keep themselves pure.’ So We saved him and his family, except for his wife; we destined her to be of those who remained behind. And We rained upon them a rain [of stones]. And evil was the rain of those who were warned.” [An-Naml 27:54-58].

And Allah, Most High, said: “And [mention] Lot, We gave him judgment and knowledge, and We saved him from the town that was doing vile deeds. Indeed, they were a wicked, rebellious people.” [Al-Anbiya 21:74].

The Prophet Muhammad, peace be upon him, also condemned this act and stated it was what he feared most for his Ummah, indicating that those who engage in the act of the people of Lot are committing adultery and are cursed. Jabir, may Allah be pleased with him, reported that the Prophet, peace be upon him, said: “What I fear most for my Ummah is the deed of the people of Lot.” (1)

And the Prophet, peace be upon him, said: “Allah curses the one who does the actions of the people of Lot, Allah curses the one who does the actions of the people of Lot, Allah curses the one who does the actions of the people of Lot.” (2)

Abu Musa reported that the Messenger of Allah, peace be upon him, said: “When a man mounts another man, the throne of Allah shakes.”

These passages and narrations highlight the stern prohibition and condemnation within Islamic teachings regarding homosexual acts, emphasizing the severe moral and spiritual ramifications attributed to them.

Al-Tirmidhi reported that the Prophet, peace be upon him, said: “Allah, Mighty and Majestic, will not look at a man who commits sodomy with a boy or a woman in her anus.” (1)

The punishment for someone committing this crime, according to the majority of jurists, is the same as for adultery: flogging for the unmarried and stoning for the married. Given the heinousness of sodomy and its grave immorality, the Maliki scholars believe that both the active and passive participants should be stoned, whether they are muhsan (married) or not. (1)

As for lesbianism, it is considered equivalent to sodomy among males. The jurists unanimously agreed on its prohibition, and many consider it a major sin because it constitutes adultery. Those who engage in it are aggressors and cursed. Allah described the righteous believers as those who guard their chastity except with their spouses or those their right hands possess, for they are not to be blamed. However, those who seek beyond that are transgressors. [Al-Mu'minun 23:5-7] Committing the crime of lesbianism means seeking someone other than one's spouse.

The Prophet, peace be upon him, said: "Lesbianism among women is adultery among them." Ibn Qudamah in Al-Mughni stated: "If two women simulate intercourse, they are considered adulteresses and cursed," based on what was reported that the Prophet, peace be upon him, said: "When a woman mounts another woman, they are both considered adulteresses." (1) The implication of being considered adulteresses is related to the sinfulness of the act rather than the prescribed legal punishment (hadd).

They are deemed deserving of the punishment for adultery on the Day of Judgment, not that the legal punishment (hadd) for adultery is applied to them in this life; as the jurists are unanimous that there is no hadd punishment for lesbianism, but rather discretionary punishment (ta'zir). (1)

Ibn Abd al-Barr stated: The two women, if proven to have engaged in lesbianism, should be subjected to painful discipline. (2)

And Zakariya al-Ansari said: If a woman comes upon another woman, they are to be disciplined. (3)

Therefore, a punishment that ensures deterrence and prevents the spread of this immorality in society should be applied to each individual involved.

The absence of a hadd punishment for lesbianism does not mean it is not considered a major sin. The lack of a fixed punishment for an act does not imply that it is not a grave sin; false testimony, disrespecting parents, usury, and consuming the wealth of orphans are all considered major sins despite the absence of a hadd punishment for them.

Both sodomy and lesbianism, aside from being prohibited in themselves, involve multiple sins, such as exposing one's private parts to those it is not permissible to expose them to, looking without necessity or legitimate reason, which would make it permissible, and also touching and kissing with desire. All these actions are unanimously considered haram by Muslims.

The jurists have agreed that it is forbidden for a man to look at another man with desire, and it is forbidden for a man to look at the private parts of another man even without desire. This indicates that looking at another's private parts with desire is even more strictly forbidden. Abu Sa'id al-Khudri reported that the Messenger of Allah, peace be upon him, said: "A man should not look at the private parts of another man, nor a woman at the private parts of another woman."

“And they should not lie under the same cover, nor should a woman lie with another woman under the same cover.” It is agreed among the jurists that it is prohibited for a man to kiss another man on the mouth or to touch any part of his body with desire, as well as for a woman to kiss another woman on the mouth or to touch any part of her body with desire. This is based on reports that the Prophet, peace be upon him, prohibited intimate hugging and kissing. (2)

The Prophet, peace be upon him, said: “Every son of Adam has his share of adultery, the eyes commit adultery by looking, the hands by touching, the feet by walking, the mouth by kissing, the heart desires and wishes, and the private parts confirm that or deny it.” (3)

Homosexuality, whether it be sodomy or lesbianism, is unequivocally forbidden in Islam, contradicting the natural disposition (fitrah) with which Allah has created humans. It is known to lead to many diseases, if not AIDS alone, which should be deterrent enough for people.

Moreover, our Prophet, peace be upon him, indicated that homosexuality (both sodomy and lesbianism) is among the causes of destruction. Anas ibn Malik, may Allah be pleased with him, reported that the Messenger of Allah, peace be upon him, said: “If my Ummah deems six things permissible, then destruction will befall them,” and he mentioned among these six: “When men satisfy their needs with men and women with women.” (4)

This comprehensive Islamic view underscores the prohibition and serious moral implications associated with homosexual acts, highlighting their conflict with both human nature as defined in Islamic teachings and the social and ethical fabric of Muslim communities.

The harm of homosexuality is further exacerbated by the fact that homosexuals and lesbians may influence others with their deviance, enticing them to engage in similar acts. This leads to the spread of immorality, adding another crime to their actions. Allah Almighty says, “Indeed, those who like that immorality should be spread among those who believe will have a painful punishment in this world and the Hereafter.” [An-Nur 24:19].

To protect individuals and society from this imminent danger, it is crucial to take several measures:

1. Religious Education: Clarify lawful and unlawful sexual relations, highlighting their harm and the punishment in both this life and the hereafter.
2. Open Communication in Families: Parents should open their hearts to their children, becoming their friends, and discuss sexual topics to ensure they receive correct sexual information from them rather than from bad influences. Parents have a duty not to overlook their children’s actions but to always monitor and guide them.
3. Institutional and Community Effort Against Drugs: Drugs are one of the causes of this plight.
4. Reducing Barriers to Timely Marriage: Minimize obstacles that delay marriage to an appropriate age.



5. Rejecting and Punishing those who Insist on Their Homosexuality: Those who cling to their homosexuality should be shunned and punished as they deserve.

6. Opposing Movements in International Institutions: Oppose any efforts in international institutions that aim to promote or support the rights of homosexuals, highlighting that our religion prohibits and condemns such behaviors.

These steps are vital in addressing the threat of homosexuality, emphasizing the importance of religious guidance, family support, societal efforts against contributing factors like drug abuse, and a clear stance against international pressures conflicting with Islamic principles.

In conclusion, I call upon all homosexuals and lesbians to repent to Allah the Almighty and to know that what Allah has made lawful for them is sufficient.

I ask Him, Glorious is He, to protect all the daughters and sons of the Muslims from this trial and from all trials, whether apparent or hidden.

To Allah we turn for guidance and support,  
Dr. Hamdi Subhi Taha