

## Documents

Muhsin, S.M.<sup>a</sup>, Yahya, F.<sup>b</sup>, Parachottil, R.<sup>c</sup>, Shaikh, S.<sup>c</sup>, Chin, A.H.B.<sup>d</sup>

**Sex Reassignment Surgery, Marriage, and Reproductive Rights of Intersex and Transgender People in Sunni Islam** (2024) *Archives of Sexual Behavior*, .

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<sup>a</sup> Department of Fiqh and Usul Al-Fiqh, AHAS KIRKHS, International Islamic University Malaysia, Gombak, Malaysia

<sup>b</sup> Syariah Consultancy Education & Training, Singapore Post Centre, Singapore, Singapore

<sup>c</sup> Department of Study of Religion, Darul Huda Islamic University, Kerala, Chemmad, India

<sup>d</sup> Singapore Fertility and IVF Consultancy Pvt Ltd., 531A Upper Cross Street, #04-95, Hong Lim Complex, Singapore, 051531, Singapore

### Abstract

The traditional gender binary constitutes an integral aspect of Islamic social ethics, which has a pivotal role in shaping religious obligations, legal proceedings, and interpersonal judgments within Muslim communities. Within the familial sphere, this gender binary underscores fundamental responsibilities encompassing parenthood, filial duties, and inheritance rights. Recent years have witnessed a growing challenge to the traditional concept of the gender binary within Islamic societies. This shift is driven by increasing social libertarianism that emphasizes gender fluidity and individual choice. Hence, this article aims to critically scrutinize evolving discussions and controversies about the rights of intersex and transgender individuals, particularly issues relating to sex reassignment or gender-affirming surgery, marriage, and reproduction, from the perspective of the Sunni tradition of Islam. To support the various interpretations and insights presented here, a comprehensive and rigorous analysis is carried out on various religious texts and scholarly sources to elucidate the theological and jurisprudential positions on gender issues. It is thus concluded that Shariah offers greater flexibility in the treatment of intersex individuals compared to those with gender dysphoria because the intersex condition is viewed as a physical impairment that is not the choice of the afflicted individual. By contrast, in the case of individuals with gender dysphoria, they are willfully attempting to change their recognized biological sex, that God had naturally given to them at birth. Therefore, it is recommended that such transgender individuals deserve respectful psychological and social rehabilitation with help and guidance from religious authorities, their families, and communities. © The Author(s), under exclusive licence to Springer Science+Business Media, LLC, part of Springer Nature 2024.

### Author Keywords

Fatwa; Fiqh; Gender dysphoria; Intersex; Islam; Muslims; Theology; Transsexual; Transvestite

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**Correspondence Address**

Chin A.H.B.; Singapore Fertility and IVF Consultancy Pvt Ltd., 531A Upper Cross Street, #04-95, Hong Lim Complex, Singapore; email: boonchinheng@yahoo.com

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