

The Care Ethic of Ṭaṭṭawī's *Fatwā* (Legal Opinion) on Sally Muḥammad 'Abdullāh's Sex Change (Male to Female) in Egypt

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Abstract. This paper depicts that Ṭaṭṭawī's *fatwā* on Sally Muḥammad 'Abdullāh's sex change (male to a female) embeds the care ethic because his *fatwā* somewhat attends to the feeling of 'Abdullāh (Sally) who suffered from psychological or emotional hermaphroditism. It is a psychological depression or anxiety resulting from dissatisfaction with a male sexual identity.[1][2] His *fatwā* contains *ḥadīths* (the utterances ascribed to the Prophet Muhammad and his companions). Some of these *ḥadīths* encourage curing all illnesses including psychological hermaphroditism and others discourage hermaphrodites. This *fatwā* seems to be on the side of medicine because it endorses surgical procedures to cure Sally's psychological hermaphroditism. This *fatwā* addresses both aspects of these conflicting *ḥadīths*. The *fatwā* concludes that the operation is permissible as long as it is performed under the advice of a trustworthy doctor and that Sally did not have it to indulge her desires.[1]

Keywords: care ethic, Ṭaṭṭawī's *Fatwā*, Sally Muḥammad 'Abdullah, sex change

1 Introduction

On June 8, 1988, Sayyid Ṭaṭṭawī (b. 1928), the Muftī (jurist consult) of the Republic of Egypt, issued a *fatwā* on the sex-change operation of Sayyid Muḥammad 'Abdullāh, a 19-year-old Egyptian student of medicine at Al-Azhar University. 'Abdullāh underwent a sex-change operation on January 29, 1988. In April 1988, 'Abdullāh changed his [her] name to Sally. The operation caused a great deal of controversy in Egypt. Transforming a man into a woman was unheard of in Egyptian culture.

The major players in this controversy are two parties: Sally and her supporters, which consist of psychologists (Hanī Najīb and Salwā Jirjis Labīb), an anesthesiologist (Ramzi Jādd), a public prosecutor, a medical counselor for the hospital sector (Fakhr Ṣāliḥ), and a surgeon (Asham Allāh Jibrā'īl). Then, there are Sally's opponents, which include other students at Al-Azhar University who disparaged Sally's wish to be a woman, and Islamists at Al-Azhar University including syndicate doctors. It was the doctors who requested the *fatwā* from Shaikh Ṭaṭṭawī to determine whether or not it was permissible to do the sex-change surgery.

In this paper, I explore that in his *fatwā*, Ṭaṭṭawī created an emotional relationship between himself and Sally. This relationship refers to the Muftī's insight into the need of Sally and considerate attentiveness to her circumstance, feeling depressed with his [her] identity as a man. I also show that Ṭaṭṭawī's *fatwā* maintained a good relationship with the agents involved

in Sally's case because they seemed to accept the *fatwā*. For this reason, I suggest that Shaikh Ṭaṭṭawī based his *fatwā* on this emotional relationship (attending to the feelings of other people, in particular, Sally). This emotional relationship is what I mean by the care ethic embedded in Ṭaṭṭawī's *fatwā*.

To display the significance of Ṭaṭṭawī's *fatwā* for this ethic of care, first, I depict the chronological story of Sally's sex-change operation to understand better what happened to Sally preceding the *fatwā*. Second, I quote explicitly Ṭaṭṭawī's *fatwā* to enable me to analyze its content. I took this *fatwā* from its English version in Jakob Skovgaard-Petersen's *Defining Islam for the Egyptian State: Muftīs and Fatwās of the Dār Al-Iftā'*.^[1] Third, I explain the care ethic embedded in this *fatwā*. Fourth, I contrast Ṭaṭṭawī's *fatwā* to another *fatwā* dealing also with the psychological hermaphroditism problem to help me understand how Ṭaṭṭawī's *fatwā* solved Sally's case in terms of emotions. By contrast, another *fatwā* contains a Qur'anic verse that denounces changing God's creation in general and a *hadīth*, which denounces hermaphrodites. Then, the *muftī* of this *fatwā* argued against a sex-change operation to an anonymous man who asked for this *fatwā* because the *muftī* considered that the man had psychological hermaphroditism, not physical hermaphroditism—having both male and female sex organs. The *muftī* only allowed this operation if the man had this biological hermaphroditism. This *fatwā*, therefore, eliminates emotional relationships between the *muftī*, who based his *fatwā* on right or wrong in solving this problem, and an anonymous *fatwā* requester who suffered from his psychological hermaphroditism.

This *fatwā* was issued on Sunday, May 4, 2003, by Shaikh Salman Al-Oada (or Al-Ouda), from Buraida, Al-Qassim in Saudi Arabia. I found this *fatwā* on the website *Islam Today (Al-Islām Al-Yawm)*.^[3] *Al-Islām Al-Yawm* is a monthly magazine under the general supervision of Shaikh Al-Oada himself. This magazine is published in three languages: Arabic, English, and French. I found his *fatwā* in its original English version. The anonymous man who asked for this *fatwā* recognized Ṭaṭṭawī's *fatwā* in his question. He sent his question to the Sheikh electronically, by e-mail available on the website.^[4]

2 The Chronological Story of Sally's Sex-Change Operation

Sayyid Muḥammad 'Abdullāh suffered from hermaphroditism since 1982.^[1] From 1982 to 1985, he underwent psychological treatment for three years under the supervision of a psychologist, Salwā Jirjis Labīb. Labīb discovered that her treatment was ineffective because her patient was already past-puberty. Labīb then recommended that 'Abdullāh go to a surgeon, Izzat 'Asham Allāh Jibrā'īl, to have a sex-change surgical procedure performed. The surgeon at first did not fully accept this recommendation and asked 'Abdullāh to go to another psychologist, Hanī Najīb. However, Najīb, like Labīb, decided that surgery would be the best way to overcome 'Abdullāh's illness of depression. Next, Najīb prepared 'Abdullāh for a sex-change operation by treating him with female hormones. Najīb also told 'Abdullāh to dress up like a woman and live as a woman.^[1]

After extensive psychological treatment, 'Abdullāh signed a request to have sex-change surgery performed on January 29, 1988. As a professional surgeon, Jibrā'īl followed the standard procedure for this operation. For example, he consulted the relevant specialists to perform this operation properly. This consultation led Jibrā'īl to avoid physically disabling the patient. Jibrā'īl removed the penis of 'Abdullāh and created a new urinal orifice as well as an

artificial vagina. ‘Abdullāh lived satisfied with his female identity. He became a “cheerful girl,” who planned to marry and would wear the veil.[1]

On April 4, 1988, newspapers published reports of the operation which produced conflicting views about sex-change operations.[1] The supporters and opponents of ‘Abdullāh sex-change surgery disagreed on ‘Abdullāh’s gender identity. The supporters regarded ‘Abdullāh as a female though he still lacked a uterus, ovaries, and did not menstruate. In contrast, the opponents of this operation saw ‘Abdullāh as completely male. For example, a special committee of Al-Azhar studied ‘Abdullāh and found him, one-hundred percent male, outwardly, and inwardly. Many people at Al-Azhar, including students, punished ‘Abdullāh as if his surgery was a crime. They accused the surgeons of legitimating sexual intercourse between men. Dr. Ḥusām Al-Dīn Khaṭīb of the Doctor’s Syndicate condemned ‘Abdullāh’s surgeons, anesthesiologist, and psychologists for not confirming the presence of a disease before operating. This syndicate was dominated by the Islamist movement who denounced the use of surgery and suggested continuing with purely psychological treatment.[1]

The opponents’ attack on Al-Azhar resulted in the Dean prohibiting ‘Abdullāh from taking his final exam. The Dean also refused to send ‘Abdullāh to the Medical Faculty of girls. ‘Abdullāh felt depressed by this prohibition. There was no any positive evaluation of his operation in any Islamic newspaper either. To overcome this post-surgery depression, ‘Abdullāh needed an official recognition of his new sex and name. He then went to the Administration of Civil Matters to have his name changed from Sayyid Muḥammad ‘Abdullāh to Sally Muḥammad ‘Abdullāh. Responding to this circumstance, the Doctors’ Syndicate sent a letter to the Muftī of the Republic on May 14, 1988, asking him for a *fatwā* on Sally’s sex-change. On June 8, 1988, Ṭaṇṭawī Ṭaṇṭawī declared the *fatwā*. [1]

3 Shaikh Ṭaṇṭawī’s *Fatwā* on Sally’s Sex-Change Surgery

I quote the introduction and the conclusion of Shaikh Ṭaṇṭawī’s *fatwā* explicitly as they are translated into English by Jakob Skovgaard-Petersen in his *Defining Islam for the Egyptian State*. The words in the brackets ([]) are mine. This *fatwā* is as follows:

“*Fatwā* on Sex Change Operation June 8, 1988

To the honored general secretary of the Doctors’ General Syndicate. This is an answer to the Syndicate’s letter number 483 of May 14, 1988, asking for the opinion of religion on the matter of a student of medicine at the al-Azhar university, who has been subjected to a surgical operation (removing his male organs) to turn him into a girl. ...

To sum up: It is permissible to operate [perform sex-change surgery to] reveal what was hidden of male or female organs. Indeed, it is obligatory to do so, because it must be considered a treatment when a trustworthy doctor advises it. It is, however, not permissible to do it at the mere wish to change sex from woman to man, or vice versa. Praise be to He who created, who is mighty and guiding. From what has been said the answer to what was in the question will be known. Praise be to God the highest.”[1]

Shaikh Ṭaṇṭawī’s *fatwā* reveals his eagerness to support sex-change surgery to treat Sally’s hermaphroditism. I clarify this Ṭaṇṭawī’s deduction as follows: He says that if the doctor believes that surgery and hormonal treatment are both permissible, then the doctor can

determine the outward organs of the other sex and operate on Sally.[1] In brief, he does so because he realizes that there is a kind of true sex (which Ṭaṇṭawī describes as “hidden male or female organs”[1] in the human body, and to reveal this truth needs a professional and trustworthy physician. Ṭaṇṭawī bases this idea on a process of interpretation, which Jacob Skovgaard-Petersen calls “*ta’wīl*”.[1] Here, Ṭaṇṭawī makes a distinction between “an outward (*zāhir*) appearance” and “an inward (*bāṭin*) essence.”[1] Ṭaṇṭawī, says Skovgaard-Petersen, regards the outward appearance as deceptive, whereas the inward essence is always true. The outward appearance refers to Sally’s sex (i.e., She has male reproductive organs). The inner essence refers to the fact that Sally’s psychological hermaphroditism is a symptom of her “true sex” (i.e., that she understands herself in terms of gender identity as a woman). Overall, Ṭaṇṭawī tends to solve Sally’s illness of psychological hermaphroditism by endorsing a sex-change surgery, a point that Sally seemed to desire to hear from Ṭaṇṭawī. This point, then, is an active participation of Ṭaṇṭawī’s *fatwā* in Sally’s case.

4 Ethic of Care of Shaikh Ṭaṇṭawī’s *Fatwā*

Ṭaṇṭawī’s endorsement, referring to the conflicting *ḥadīths* which led him to support Sally’s sex-change operation, is the care ethic of his *fatwā* to Sally. I base this argument on the emotional role explanation of the care ethic by Nancy Sherman. She describes how the care ethic encompasses insight into the needs of others, and that attentiveness to their circumstances often comes from feeling more than reason.[5][6] So, according to Sherman, emotion does more than reason in the care ethic. In Ṭaṇṭawī’s *fatwā*, this emotional priority is self-evident because he, in his *fatwā*, seems to be lazy with the elaborate *fiqh* (Islamic jurisprudence) discussions of Sally’s hermaphroditism. This laziness in Ṭaṇṭawī’s *fatwā* comes up in a way that he takes an easy way in issuing his *fatwā* by referring to the conflicting *ḥadīths* that led him to support Sally’s sex-change operation. Following Sherman’s explanation of the care ethic, I think that this referring is the way Ṭaṇṭawī concerns and attends to the feeling of Sally who suffers from psychological hermaphroditism.

The care ethic of Ṭaṇṭawī’s *fatwā* might be committed to the flourishing and growth of individuals in Sally’s case, Sally, her supporters, and her opponents because they seemed to feel comfortable with the *fatwā*. For example, Ṭaṇṭawī’s *fatwā*, which recommends a trustworthy doctor’s advice for having a sex-change surgery done, seemed to fit Sally’s desire because she did this medical procedure. The surgeon (Jibrā’īl) was also a trustworthy doctor because he did not directly accept the recommendation of the psychologist (Labīb) for performing surgery on Sally.[1] He was at first unsure. If Jibrā’īl had accepted the recommendation immediately, his behavior might imply that he was untrustworthy or that he might be a money-minded surgeon.

On top of this, the emotional contact of Ṭaṇṭawī’s *fatwā* to Sally might have embodied and revealed the good behavior of Sally. For example, after two-and-a-half months of the *fatwā* declaration (8 June 1988), Jibrā’īl (surgeon) checked the anus of Sally on 12 September 1988. He found that it had not been recently nor continuously used for sodomy (*liwāṭ*).[1] This is a clue that Sally had been living properly.

I think that Ṭaṇṭawī seems to be lazy to the elaborate *fiqh* (or bases his *fatwā* on emotion) because he cares not only to promote treatment for Sally but also to harmonize the people conflicted in Sally’s case. For instance, Sally’s opponents might feel contented with the *fatwā*

because it contains Ṭaṇṭawī's statement which underestimates the mere wish in sex-change surgery practice.

In the long run, such an emotional exchange nuance between the Muftī (Ṭaṇṭawī) and the agents, including Sally, involved in Sally's case finally brought a better human interaction into this case. For instance, in October 1989, almost one year after the declaration of Ṭaṇṭawī's *fatwā*, the Egyptian Administrative Court closed Sally's case. This office even annulled the Azhar decision, which rejected Sally to enter to take her exam because of her sex-change surgery. The Azhar succumbed to this court's decision and allowed Sally to finish her study there. Sally was even allowed by the court to enter any university to pass her final exam in medicine. Above that, Sally also received the certificate stating that she was a woman.[1]

Seeing this impact of the care ethic of Ṭaṇṭawī's *fatwā*, I suggest that the success of this *fatwā* depended on how well this *fatwā* encourages the emotional exchange among differences.[7][8][9][10][11] I suggest that it fits into the fact that Ṭaṇṭawī formulates the *fatwā* by determining the law governing Sally's operation not in terms of right or wrong, but in terms of care, which emphasizes sympathy or emotion as the suitable base of motivation.

The Azhar, which gave up to the court's decision, implies that the *fatwā* suggests implicitly that where two or more traditions meet, as, in modern plural societies, members of one tradition might learn to understand another tradition as "a second first language." Ṭaṇṭawī, Sally, Sally's supporters, and Sally's opponents learn each other from this case. In doing so, each of these groups might recognize that there exists within other traditional resources methods of solving problems unavailable within their tradition.[10][9] Here is, then, the promise that the emotional exchange rather than superior force can shape encounters between differing traditions. For example, the way I understood this is that Ṭaṇṭawī seemed to learn from this Sally's case by recognizing, in modern technology—like a sex-change surgery—, a solution to Sally's psychological hermaphroditism which arises under modern conditions and for which Islamic law theory seems to have had no prior solution. Ṭaṇṭawī's recognition fits Sally's case. This Muftī encouraged Sally to be a good person after this operation. Here, the Muftī came to the feeling of Sally by coming up with various *ḥadīths* in his *fatwā* that somewhat respects the medical operation of the surgeon, Jibrā'īl.

In the long run, such an emotion-based learning exchange produced a feeling of ease with the *fatwā*, and this circumstance might have encouraged the conflicting parties (Sally's supporters versus Sally's opponents) to some good practices which were internal in their selves as I just explained earlier. The Azhar followed the court's decision by allowing Sally to finish her final exam in medicine at this university. Sally received the certificate as a woman. Such these practices happened because there was Shaikh Ṭaṇṭawī who allowed not to couch his *fatwā* in terms of right or wrong in Sally's case. Given the fact that Sally seemed to be a happy and good person after the *fatwā* was issued, I think that a question that Ṭaṇṭawī wanted to try to respond to in his *fatwā* is encouraging active questions, such as: what sort of person should Sally be (after the operation)?

This question might not prevail within a *fatwā*, which disparages psychological hermaphroditism. Disparaging this might exclude discussion on pro-and-con opinions that respond to the case of hermaphroditism. This *fatwā* must try to answer compelling or right-or-wrong-based or questions, like: what must one do? The following section will show an example of this *fatwā* on a sex-change surgery asked by an anonymous man with psychological hermaphroditism.

5 Sheikh Salman Al-Oadah's *Fatwā* on a Sex-Change Surgery

Sheikh Salman Al-Ouadah's *fatwā* in this paper refers to an electronic *fatwā* on a sex-change surgery, which I found on the internet. This *fatwā* gives some identifying names. For example, the term "sheikh" refers to the *muftī* Sheikh Salman Al-Oadah (or Al-Oudah). The terms "psychological hermaphrodite" refer to an anonymous *mustaftī*. The terms "*fatwā* department" refer to the website *Islamtoday.net* (.com) or magazine *Islam Today (Al-Islām Al-Yawm)* supervised by the *muftī* in Al-Qassim-Saudi Arabia. The terms "*fatāwā* reference: 2092" refer to a *fatwā* resource or code in this department, and the terms "*fatāwā* date" to a time when this *fatwā* was issued. What important to me by demonstrating this *fatwā* is to contrast between this *fatwā* and that of Tantāwī in encountering the same issue: a sex-change surgery for handling psychological hermaphroditism. The following is the explicit *fatwā* of Sheikh Salman Al-Ouadah under the title: "Frequently Asked *Fatāwā*." Some words in the bracket, [], are mine. I have shortened this *fatwa* as follows:

"Frequently Asked *Fatāwā* (FAF)

The latest *fatāwā* answered by the Sheikh

Fatāwā Date: Sunday, May 04, 2003

Fatāwā Reference: 2092

Question:

I am a psychological hermaphrodite by nature. I was born a male but my soul and *mouyoula* [*muyūla*:--sexual--tendency] is female. I behave like a woman and even my appearance looks like a woman. I want to undergo the sex-change operation to shift from *khountha nafsī* [hermaphroditism] to a normal woman. ... Please tell me if the operation is *ḥalāl* [permissible] because I cannot change my personality as my *nafsī* is like a woman.

Answer:

Dear brother:

Al-Salām `Alaykum wa Rahmat al-lāh wa Barakātuh.

...

Your condition, as you state, is a psychological and emotional one, even if it may have hormonal causes. Physically you are a man. Therefore, you cannot undergo an operation to change yourself into a woman. ...

If you were to undergo the sex-change operation, it would not make you a woman. You would still be a man according to Islamic Law. You would not be allowed to marry a man.

...

The sin of a sex-change operation is even bigger because you are changing how Allah created you. Allah relates to us that Satan says: "And I shall order them and they will alter Allah's creation." 4:119.

If you are like a woman psychologically but not physically, see this as your test from Allah. You do not have to marry a woman if that would be repugnant to you, but you have to bear this burden patiently and in abstinence and seek your reward from Allah. May Allah bless you and help you to be steadfast in righteousness.

Fatwā Department

IslamToday.net."[3]

Sheikh Al-Oadah did not allow a sex-change operation to this *mustaftī* because he had psychological hermaphroditism, not physical hermaphroditism. All his response to the man's question also denounces a sex-change operation for curing psychological hermaphroditism. For example, the *muftī* claimed at the beginning of his response that the man just *confused* the physical hermaphroditism with his condition, psychological hermaphroditism. The Sheikh also said that in all matters, a physical hermaphrodite—a person having two sex organs—could have a sex-change surgery done with a sex closest to him or her. In the second paragraph, the Sheikh prohibited the sex-change operation for a psychological hermaphrodite. Instead, he allowed medical treatment to make the *mustaftī* full man.

This deduction corresponds to Sheikh Al-Oadah's article on "The Partnership between Body and Soul" I found on his website, www.islamtoday.com dated 3/17/2005. The Sheikh used the term "partnership" to refer to his suggestion for making the body more contemplated. The body should exercise not only physical aspects of rituals, like prayer, but also the spiritual aspects of prayer, such as devotion, and submission to Allāh in full sincerity and devotion. Such partnership, according to the Sheikh, should entail recognition of God's greatness and divinity that inspires people's hearts with a sense of reverence and awe. Sheikh added that this recognition should cleanse and renew the hearts, "making free from base qualities like deception, avarice, rancor, and unbridled lust." [12] This is, I think, what the Sheikh meant when he said: "... the soul is the master while the body is the obedient servant." [12] Considering these Sheikh's statements to his *fatwā*, I know that Sheikh might consider emotional hermaphroditism as one of the base qualities, deception.

6 Conclusion

Both *fatwās* (Sheikh Salman Al-Oadah's *Fatwā* and Sayyid Ṭaṇṭawī's *Fatwā*) agreed that psychological hermaphroditism of their *mustaftīs* remained to be an illness because they suggested medical treatment. The difference seems to remain in how they view this medical treatment. Sheikh Al-Oadah allowed a sex-change operation only to one who had physical hermaphroditism (having two sex organs). He said: "A person who is physically in between a man or a woman toward sex organs may have surgery in all matters." [3] Sheikh Al-Oadah allowed an emotionally hermaphrodite man to deal with medical treatment no more than to make him a full man. [3]

Shaikh Ṭaṇṭawī allowed a sex-change operation either to physical hermaphrodite or to psychological hermaphrodite as long as he or she did not do this surgery for indulging his or her desires. This means that these people had to have clear and convincing corporal motives to have the operation done. The hermaphrodites, according to Shaikh Ṭaṇṭawī, should demonstrate these motives through their persistence or efforts in abandoning their hermaphroditisms. Not only this personal effort but also did they have to get a recommendation from trustworthy doctors who advised a sex-change operation. I base this understanding on the following statements of Shaikh Ṭaṇṭawī:

Shaikh Ṭaṇṭawī said (about a physical hermaphrodite): "The person who is by nature a hermaphrodite ... is not to be blamed [to have a sex-change operation done] ... if he is not capable of abandoning the female [behavior]." [1] The Shaikh said (about a psychological hermaphrodite): "While one who is like this out of a natural disposition must be ordered to abandon it, even if this can only be achieved step by step. Should he then ... persist [in his manners] [to abandon it]." Then, Shaikh said in his conclusion that either man who is naturally

or psychologically hermaphrodite could perform a sex-change operation if there was a trustworthy doctor who recommended it. He said: “It is permissible to perform [sex-change surgery] ... when a trustworthy doctor advises it.”[1]

Having contrasted the *fatwā* of Sayyid Ṭaṇṭawī to that of Sheikh Al-Oadah, I argue that Sheikh Al-Oadah’s argument concentrates on lawful obligations, which feature a contractual basis for obligations. He did not allow his *mustafī* who suffered from psychological hermaphroditism to have a sex-change operation only by referring to a Qur’anic verse that prohibits from changing God’s creation, and a *ḥadīth* that denounces a man behaving like a woman or a woman behaving like a man. Having based his *fatwā* on the Qur’anic verse and the *ḥadīth*, Sheikh denounced any kind of sex-change surgery to cure psychological hermaphroditism. Instead, he recommended a psychologically hermaphrodite to develop his spiritual activities by asking reward (spiritual exercises, such as devotion and sincerity in performing rituals, like praying) in addition to medical [psychological] treatment. Therefore, he failed to capture some moral choices which might prevail within a sex change operation for curing psychological hermaphroditism.

In Sayyid Ṭaṇṭawī’s *fatwā*, I found some moral choices of a sex-change surgery to cure psychological hermaphroditism. For example, he allowed it if this psychologically hermaphrodite person had insisted on treating this illness by him or herself and, in particular, if he or she had a recommendation from a trustworthy doctor, who advised this surgery. Such moral choices in Ṭaṇṭawī’s *fatwā*, I think, are because Sayyid Ṭaṇṭawī’s *fatwā* regarded psychological hermaphroditism of Sally as the inner (*bāṭin*) essence or symptom of her true sex. This true sex was Sally’s understanding herself in terms of gender identity as a woman. Sayyid Ṭaṇṭawī regarded the outward (*ẓāhir*) appearance (Sally having male reproductive organs) as deceptive. In Sally’s case, according to Ṭaṇṭawī, Sally’s true sex could be a buried (*matmūra*) female nature.

Sayyid Ṭaṇṭawī’s *fatwā* is different from Sheikh Al-Oadah’s *fatwā*. Ṭaṇṭawī’s *fatwā* pays attention to the personal identity of Sally who had performed a sex-change surgery done for recovering his psychological hermaphroditism. At least, for example, Sayyid Ṭaṇṭawī, in his *fatwā*, mentioned that Sally was a student of medicine at Al-Azhar University. The *muftī*’s *fatwā* formed moral sentiments between him and psychologically hermaphrodite Sally because, in his *fatwā*, the *muftī* discussed some moral choices (possibilities) in a sex-change operation for Sally. This discussion helped Shaikh Ṭaṇṭawī not reduce his *fatwā* to the *ḥadīths* which denounce hermaphrodite people. Instead, he discussed the conflicting *ḥadīths* concerning this illness, and he elaborated this discussion with his interpretation that a sex-change operation was permissible for Sally if she had a clear and convincing corporal motive. For example, Ṭaṇṭawī said that Sally had to endeavor by herself to overcome her illness through medical (hormonal) treatment, and got a trustworthy—not money minded—doctor’s recommendation for this operation. Sally had performed these requirements. She had been treated by two psychologists (Hanī Najīb and Salwā Jirjis Labīb) for three years (1982 to 1985) and received advice on a sex-change surgery from them and a trustworthy surgeon (Asham al-Lāh Jibrā’īl). This advice said that her treatment was ineffective because her patient was already past-puberty. The best treatment was a sex-change surgery.

Ṭaṇṭawī’s *fatwā* formed moral relationships with Sally and her supporters (Sally’s psychologists and her surgeon). Ṭaṇṭawī’s *fatwā* seemed to form moral sentiment with Sally’s opponents. Ṭaṇṭawī suggested not having a sex-change operation done for indulging personal desires. This suggestion might fit Sally’s opponents who denounced Sally’s sex-change operation. The *fatwā* is successful in making these moral sentiments. It is evidenced by the fact that the Azhar, who at first rejected Sally from medical school, finally allowed Sally to

finish her final exam. Sally also received her certificate telling that she is a woman. The Administrative Court in Egypt also contributed very much to making this happy-ending result for Sally happened. The care ethic of Ṭaṇṭawī's *fatwā*, then, contributed to creating such a good ending in Sally's case.

I compare the care ethic of Sayyid Ṭaṇṭawī's *fatwā* to the healing of the heart illness in the prophetic medicine (the ways of healing that the Prophet Muhammad described in his words or *ḥadīth*) by Imām Ibn Qayyim Al-Jawziyyah (1292-1350 CE) in his *Al-Ṭibb Al-Nabawī* (The Prophetic Medicine). Next, I suggest that his *fatwā* contributes to the treatment of the illness of the soul in a new way. For example, Al-Jawziyyah divided the prophetic medicine into three kinds: physics (like herbs), spirits (like Qur'anic recitation), and a mixture of these first two types.[13] Al-Jawziyyah also divides the illness into two types: the illness of the soul and the illness of physic. I suggest that he promotes healing the hearts spiritually. For example, he says that there is no way (*lā sabīla*) to heal the hearts except by following how the prophets (peace be upon them) healed this illness. Their hearts, for example, recognize their lord (*ʿarīfatan bi-rabbihā*), His names, His laws, and His works.[13]

When Al-Jawziyyah deals with physical disease, he suggests healing it both physically and spiritually. However, he tends to promote the spiritual way to heal the physical disease. Here, I want to say that Sheikh Al-Oadah's *fatwā* resembles Al-Jawziyyah's concept of healing, emphasizing the religious way. For example, Al-Jawziyyah said that healing the body without healing the heart will not be useful. He adds that healing the illness of the body by healing the heart will lessen the disease.[13] He explains further that when the spirits (*al-arwāḥ*) become strong, they will become medicines because they will make self (*al-nafs*) and physic (*al-ṭabīʿah*) also become strong. He takes an example that recitation of the Qur'an can reject the disease (*al-'alam*) through its sentences.[13]

The care ethic helps Ṭaṇṭawī's *fatwā* treat the illnesses of heart, like Sally's psychological hermaphroditism, both with spiritual ways and physical ways. I use the terms "the spiritual ways" in his *fatwā* to refer to his encouraging of Sally to release her from her desires in having a sex-change operation and to cultivate trustworthiness (a trustworthy doctor who advises this surgery). The physical way in his *fatwā* refers to his giving of the possibility to Sally for having a sex-change surgery done as long as Sally had performed the spiritual way. This physical way also refers to Ṭaṇṭawī's *fatwā*, which suggests medical (hormonal) treatment. The combination of healing through spiritual and physical ways is what I mean by the contribution of the care ethic of Ṭaṇṭawī's *fatwā* to making a new way of healing in prophetic medicine.

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