The Care Ethic of Ṭanṭawī’s Fatwā (Legal Opinion) on Sally Muḥammad ʿAbdullah’s Sex Change (Male to Female) in Egypt

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Abstract. This paper depicts that Ṭanṭawī’s fatwā on Sally Muḥammad ʿAbdullah’s sex change (male to female) embeds the care ethic because his fatwā somewhat attends to the feeling of ʿAbdullah (Sally) who suffered from psychological or emotional hermaphroditism. It is a psychological depression or anxiety resulting from dissatisfaction with a male sexual identity.1 His fatwā contains hadīths (the utterances ascribed to the Prophet Muhammad and his companions). Some of these hadīths 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 hadīths. 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, Ṭanṭawī’s Fatwā, Sally Muḥammad ʿAbdullah, sex change

1 Introduction

On June 8, 1988, Sayyid Ṭanṭawī (b. 1928), the Muftī (jurist consult) of the Republic of Egypt, issued a fatwā on the sex-change operation of Sayyid Muḥammad ʿAbdullāh, a 19-year-old Egyptian student of medicine at Al-Azhar University. ʿAbdullāh underwent a sex-change operation on January 29, 1988. In April 1988, ʿAbdullāh 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 (Ḥānī Najīb and Salwā Jīrjī Labīb), an anesthesiologist (Ramzi Ḥādd), a public prosecutor, a medical counselor for the hospital sector (Fākhūr Ẓāhlīḥ), and a surgeon (ʿAshām Allāḥ Ḥibrāʾīlī). 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 Ṭanṭawī to determine whether or not it was permissible to do the sex-change surgery.

In this paper, I explore that in his fatwā, Ṭanṭawī 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 Ṭanṭawī’s fatwā maintained a good relationship with the agents involved
in Sally’s case because they seemed to accept the fatwâ. For this reason, I suggest that Shaikh Ṭanṭâwî based his fatwâ 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 Ṭanṭâwî’s fatwâ.

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

This fatwâ 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 fatwâ on the website Islam Today (Al-Islâm Al-Yawm). [3] Al-Islâm 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 this fatwâ in its original English version. The anonymous man who asked for this fatwâ recognized Ṭanṭâwî’s fatwâ 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 ‘Abdullâh suffered from hermaphroditism since 1982. [1] From 1982 to 1985, he underwent psychological treatment for three years under the supervision of a psychologist, Salwâ Jirjis Labîb. Labîb discovered that her treatment was ineffective because her patient was already past-puberty. Labîb then recommended that ‘Abdullâh go to a surgeon, Izzat ʿAsham Allâh Jibrâ’il, to have a sex-change surgical procedure performed. The surgeon at first did not fully accept this recommendation and asked ‘Abdullâh to go to another psychologist, Hâfiz Najîb. However, Najîb, like Labîb, decided that surgery would be the best way to overcome ‘Abdullâh’s illness of depression. Next, Najîb prepared ‘Abdullâh for a sex-change operation by treating him with female hormones. Najîb also told ‘Abdullâh to dress up like a woman and live as a woman. [1]

After extensive psychological treatment, ‘Abdullâh signed a request to have sex-change surgery performed on January 29, 1988. As a professional surgeon, Jibrâ’il followed the standard procedure for this operation. For example, he consulted the relevant specialists to perform this operation properly. This consultation led Jibrâ’il to avoid physically disabling the patient. Jibrâ’il removed the penis of ‘Abdullâh 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, Ṭanṭawī Ṭanṭawī declared the fatwā.[1]

3 Shaikh Ṭanṭawī’s Fatwā on Sally’s Sex-Change Surgery

I quote the introduction and the conclusion of Shaikh Ṭanṭawī’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 Ṭanṭawī’s fatwā reveals his eagerness to support sex-change surgery to treat Sally’s hermaphroditism. I clarify this Ṭanṭawī’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 Ṭanṭawī describes as “hidden male or female organs”)[1] in the human body, and to reveal this truth needs a professional and trustworthy physician. Ṭanṭawī bases this idea on a process of interpretation, which Jacob Skovgaard-Petersen calls “ta’wil”.[1] Here, Ṭanṭawī makes a distinction between “an outward (ẓāhir) appearance” and “an inward (bāṭin) essence.”[1] Ṭanṭawī, 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, Ṭanṭawī 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 Ṭanṭawī. This point, then, is an active participation of Ṭanṭawī’s fatwā in Sally’s case.

4 Ethic of Care of Shaikh Ṭanṭawī’s Fatwā

Ṭanṭawī’s endorsement, referring to the conflicting hadīths 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 Ṭanṭawī’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 Ṭanṭawī’s fatwā comes up in a way that he takes an easy way in issuing his fatwā by referring to the conflicting hadīths 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 Ṭanṭawī concerns and attends to the feeling of Sally who suffers from psychological hermaphroditism.

The care ethic of Ṭanṭawī’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, Ṭanṭawī’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’il) 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’il 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 Ṭanṭawī’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’il (surgeon) checked the anus of Sally on 12 September 1988. He found that it had not been recently nor continuously used for sodomy (ḥuwā). This is a clue that Sally had been living properly.

I think that Ṭanṭawī 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 Ṭanṭawi’s statement which underestimates the mere wish in sex-change surgery practice.

In the long run, such an emotional exchange nuance between the Muftī (Ṭanṭawi) 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 Ṭanṭawi’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 Ṭanṭawi’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 Ṭanṭawi 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.” Ṭanṭawi, 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 Ṭanṭawi 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. Ṭanṭawi’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 hadiths 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 Ṭanṭawi 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 Ṭanṭawi 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-Oadah’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 mufti Sheikh Salman Al-Oadah (or Al-Oudah). The terms “psychological hermaphrodite” refer to an anonymous mustafī. The terms “fatwā department” refer to the website Islamtoday.net (.com) or magazine Islam Today (Al-Islām Al-Yawn) supervised by the mufti in Al-Qassim-Saudi Arabia. The terms “fatwā reference: 2092” refer to a fatwā resource or code in this department, and the terms “fatwā 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-Oudah under the title: “Frequently Asked Fatwā.” Some words in the bracket, [ ], are mine. I have shortened this fatwa as follows:

“Frequently Asked Fatwā (FAF)
The latest fatwā answered by the Sheikh
Fatwā Date: Sunday, May 04, 2003
Fatwā 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 Taṭāwī’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 Taṭāwī 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 Taṭāwī, 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 Taṭāwī:

Shaikh Taṭāwī 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 Ṭanṭāwī 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 *mustaftī* 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 *ḥadith* 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 *ḥadith*, Sheikh denounced any kind of sex-change surgery to cure psychological hermaphroditism. Instead, he recommended a psychological 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 Ṭanṭāwī’s *fatwā*, I found some moral choices of a sex-change surgery to cure psychological hermaphroditism. For example, he allowed it if this psychological 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 Ṭanṭāwī’s *fatwā*, I think, are because Sayyid Ṭanṭāwī’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 Ṭanṭāwī regarded the outward (*ẓāhir*) appearance (Sally having male reproductive organs) as deceptive. In Sally’s case, according to Ṭanṭāwī, Sally’s true sex could be a buried (*matmūra*) female nature.

Sayyid Ṭanṭāwī’s *fatwā* is different from Sheikh Al-Oadah’s *fatwā*. Ṭanṭāwī’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 Ṭanṭāwī, 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 psychological hermaphrodite Sally because, in his *fatwā*, the *muftī* discussed some moral choices (possibilities) in a sex-change operation for Sally. This discussion helped Shaikh Ṭanṭāwī not reduce his *fatwā* to the *ḥadiths* which denote hermaphrodite people. Instead, he discussed the conflicting *ḥadiths* 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, Ṭanṭāwī 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 (Hani Najib 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 Ḥibrā’īl). This advice said that her treatment was ineffective because her patient was already past-puberty. The best treatment was a sex-change surgery.

Ṭanṭāwī’s *fatwā* formed moral relationships with Sally and her supporters (Sally’s psychologists and her surgeon). Ṭanṭāwī’s *fatwā* seemed to form moral sentiment with Sally’s opponents. Ṭanṭāwī 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 Ṭanṭawi’s fatwā, then, contributed to creating such a good ending in Sally’s case.

I compare the care ethic of Sayyid Ṭanṭawi’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 hadith) by Imām Ibn Qayyim Al-Jawziyyah (1292-1350 CE) in his Al-Ṭibb Al-Nabawi (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 (‘ārifatan 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-arwāh) 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-ʾalam) through its sentences.[13]

The care ethic helps Ṭanṭawi’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 Ṭanṭawi’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 Ṭanṭawi’s fatwā to making a new way of healing in prophetic medicine.

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