

## Countering Islamic conservatism on being transgender: Clarifying Tantawi's and Khomeini's fatwas from the progressive Muslim standpoint

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## Countering Islamic conservatism on being transgender: Clarifying Tantawi's and Khomeini's fatwas from the progressive Muslim standpoint

In the late 1980s, prompted by an actual case of an assigned male-at-birth (AMAB) transgender person who was allowed to have genital reconstructive surgery, two *fatwas*<sup>1</sup> were issued. One was by the Mufti of the foremost university in Islamic scholarship, the Al-Azhar University (Tantawi in June, 1988), and the second was by the Spiritual Leader of Iran (who was Khomeini in 1986). Initially, these *fatwas* were upheld as a tolerant and progressive approach of Islam toward transgender Muslims. However, due to the strong majority of Islamic conservatives who continue to be prevalent in Iran and other Muslim countries, Muslim transgender women are still suffering from heightened stigma and transphobia, discrimination and injustice, violence and persecution (Barmania & Aljunid, 2017; Carolina, 2018; Lee, 2012; Sarcheshmehpour et al., 2018). In this editorial, we provide a counter-narrative to Islamic heteropatriarchal conservatism that constructs Islam as homo/bi/intersex/transphobic. We challenge the conservative arguments based on the verse in the Qur'an (4: 119) that states "God has created everything as it is", and "changes in one's body are only allowed under medical circumstances". These arguments are highly ambiguous and the verse has long been taken out of its original context by the conservative view (Youssef, 2016). Not only are these arguments in contradiction with the principle that "God does not make mistakes", they are also irrelevant as far as modern medical science is concerned. Tantawi (Sunni) and Khomeini (Shia) *fatwas* are then explored as they allow Muslim transgender people to receive treatment and/or gender affirming surgery and, therefore, show how the *fatwas* provide trans-inclusiveness in Islam. While we are cognisant that Tantawi and Khomeini *fatwas* did not address the legal rights of cis-gender same-sex attracted people, we offer a perspective which encourages a deeper understanding of the progressive Muslim standpoint within the periscope of Muslim Sunni and Shia construal in order to reach a more nuanced understanding of an archaic position on being transgender posed by Islamic conservatism; and thereby encourage stronger voices and empowerment within transgender Muslim communities.

Islam has always taken sides with the oppressed rather than with the oppressor since the day of its establishment, and this includes taking a stand against transphobia, xenophobia and misogyny (Duderija, 2010, 2013,

2016). Esack (2006: 125) connects the "principle of prophetic solidarity" in the early time of Islam with the marginalized and oppressed communities (*mustad'afin*: the weak one) of the world today (Esack, 2006). Ironically, the spirit of Islam is all about empathy, tolerance and understanding, yet the practice of Islam carried out by many Muslims expresses the opposite. In challenging and remedying the normative discourse of prevalent unsympathetic conservative *fatwas* toward transgender people, we analyze the main sources of *Shari'a*, the *Qur'an* and *Hadith*, while reclaiming transgender Muslim identity by highlighting Tantawi's (Sunni) and Khomeini (Shia) *fatwas* in relation to modern scientific arguments. The analysis reveals that being transgender is a natural occurrence and the *Qur'an* unequivocally acknowledges the existence of transgender people (*Qur'an*, 42: 49–50).

Being transgender has been vigorously discussed in a number of scientific discourses in the last century as part of the diversity of medical, psychological and socio-cultural phenomena (Primo et al., 2020). The current standard World Health Organization (WHO) (2019) classification removed "transsexualism" from its list of mental disorders in the 11th revision of the International Classification of Diseases and Related Health Problems (ICD-11). WHO stated that it had developed a better understanding that being transgender was not actually a mental health condition, and identifying it as such was causing stigma (Drescher et al., 2012; Ravitz et al., 2019). Nevertheless, the "influence of the medical approach to transsubjectivities" remains "pervasive and profound" in "shaping the cultural understandings ... towards a dysphoric representation of gender diversity" (Primo et al., 2020; see also Pallotta-Chiarolli et al., 2019).

### Challenging Islamic conservatism on being transgender: a progressive Muslim standpoint

Islam teaches that God designed and created two distinct and complementary sexes, male and female, for conjugal union and reproduction. God assigns biological sex at creation as a gift, a blessing. Resistance to or rejection of one's assigned sex is rebellion against the created order ... Islam considers it sinful for men to imitate women and women to imitate men.<sup>2</sup>

Although alternative interpretations of homosexuality and gender diversity within Muslim scripture certainly exist (Dialmy, 2010; Habib, 2009; Hendricks, 2010; Rahman, 2014), the dominant heteronormative discourse of Islam, as exemplified in the Amicus quote above, constructs same-sex attraction and gender diversity as problematic (Siraj, 2014). Thus, for many Muslims, but certainly not all, LGBTIQ+<sup>3</sup> realities exist in tension with the teachings of Islam (Ghoshal, 2014; Pallotta-Chiarolli, 2018). Many Muslim countries consider being transgender is a sin or deviant. In many Muslim countries such as within the Middle East, Pakistan, Malaysia, Indonesia and Afghanistan, transgender people live in fear as they are often subjected to sexual abuse, police brutality, and abandonment by families (Barmania & Aljunid, 2017; Carolina, 2018; Lee, 2012; Sarcheshmehpour et al., 2018). The majority of Muslims internationally uphold the predominant conservative opinion that a person is forbidden to change what Allah has created based on an interpretation of the *Qurʾānic* verse (4: 119). Conservative Muslim tradition, as opposed to progressive Islam, is best explained by Barlas:

the conservatism of Muslim tradition, method, and memory, I have suggested, can be ascribed to a specific configuration of political and sexual power that privileged the state over civil society, men over women, conservatism over egalitarianism, and some texts and methodologies over others (2019, p. 87).

But who are Progressive Muslims? In the words of Esack, Progressive Muslims aim to:

[r]elate [far more directly] to global structures of oppression whether economic, gender, sexual etc., and ensuring that the oppressed are once again active agents of history. This fight for us [Progressive Muslims] involves the centrality of God, the imagining of mankind [sic] as al-nas – a carrier of the spirit of God and an appreciation of Islam as a liberatory discourse (2006, p. 127).

Progressive Islam, as explained by Duderija (2013, 2016), demonstrates a strong correlation between Islam and social justice. Incorporating trans-inclusionary Islamic feminism (Barlas, 2019; Cervantes-Altamirano, 2013), it emphasizes gender equality as a foundation of human rights expanding on the classical Islamic tradition (Duderija, 2013). Progressive Muslims see themselves as advocates for all human beings and are against all form of injustices, marginalization and any form of oppression. At the same time, Progressive Muslims do not subscribe to dichotomies such as tradition versus progressive, or secularism versus religion, but engage in open and progressive dialogue by interpreting the foundational Islamic texts without questioning their ontologically divine nature (Duderija, 2013, 2016). Despite this, progressive Muslims prefer to use the *wasati* (moderate) as opposed to *salafi* (conservative)

theoretical approach in Islamic jurisprudence<sup>4</sup> that has far more potential to contribute meaningfully and lastingly to Islam globally (Duderija & Rane, 2018).

A thorough analysis of the *Qurʾān* concludes that there is no direct reference to a prohibition on changing one's gender within it. Indeed, if Muslims are only allowed to follow the conservative argument that "God has created everything as it is", and "God does not make mistakes", then people who are born with a cleft palate and lip should not be treated, as this too would mean "interfering with God's perfect creation". Conservative Muslims take this particular *Qurʾānic* verse (4: 119) to say that God commands us not to change the creation of Allah, otherwise Satan will take shape instead of Allah and we will be acting against God's intrinsic nature. In this view, imitating the characteristics of the opposite gender from that which one is assigned at birth, or changing one's gender, is *haram* and deserves to be cursed as it is seen to be challenging God's role as the Creator. Many Islamic scholars argue that the verse, "changing the creation of Allah" or "wrongly interfering in God's creation" do not refer to the body or to gender-affirming surgery, but refer to "changing religion, namely Islam, and God's commands" (Alipour, 2017; Kariminia, 2010). Moreover, numerous Muslim scholars (e.g., Al-Tabari, 1978; Tabatabai, 1971) have explained that the *Qurʾān* verse (4: 117–119) was revealed in relation to *shirk* (polytheism) activity before Islam by the following of Satan, abandoning the worship of Allah, and indulging in idolatry. Eventually, the *Qurʾān* verse in Surah al-Nisā', (4: 118–119) describes how Satan misleads people. The pagan practice before Islam as explained in this verse (4: 118–119) involved the traditional cutting of the ears of camels or removal of the eyes of animals that had bred more than once. This would mark them as sacred, inconsumable and to be devoted to the idols (Sarcheshmehpour et al., 2018). Thus, if a Muslim believes the argument that this verse prohibits any change to Allah's creation because "God has created everything as it is", then most of our daily activities, including those as simple as cooking, would be *haram* (illegal), because they would change the nature of a substance. Hence, the change in Allah's creation as expressed in this verse entails that any change to creatures that is done contrary to God's commands (*halal* to *haram* or vice versa) are changes made with an evil (*shirk*) motive.

Various academics such as Alipour (2017) and Rowson (1991) point to references in the *Hadith* to the existence of *mukhannath*: a man who carries femininity in his movements, in his appearance, and in the softness of his voice. The Arabic term for a trans woman is *mukhannith* as they want to change their biological sex characters, while *mukhannath* presumably do not/have not. The *mukhannath* or effeminate man is obviously male, but naturally behaves like a female, unlike the *khuntha*, an intersex person, who could be either male or female. Ironically, while there is no obvious mention of *mukhannath*, *mukhannith* or *khuntha* in the *Qurʾān*,

this holy book clearly recognizes that there are some people, who are neither male nor female, or are in between, and/or could also be “non-procreative” [عق ي م] (Surah 42 Ash-Shuraa, verse 49-50):

The dominion of the heavens and the earth belongs to Allah. He creates whatever He pleases. He grants females to whomever He pleases and males to whomever He pleases, (42:50) or grants them a mix of males and females, and causes whomever He pleases to be barren. He is All-Knowing, All-Powerful.

This verse 49-50 describes varieties of genders and sexualities that could refer to physical, psychological or both forms of ambiguity. Scientist for example, found that certain brain structures in AMAB (assigned male at birth) transsexual folks resemble those of cis-gender females (Foreman et al. 2019). This situation happens when the receptor gene associated with the sex hormone testosterone among AMAB transsexual in the study is found to be longer than usual, thus causes insufficiency in the uptake of male hormones during the foetus development in the womb, leading to a ‘feminised’ brain (Foreman et al. 2019). Hence, verses 42:49–42 also emphasise that because Allah could create ‘what He wills’, then the existence of a diversity of gender identity in humans and animals are created according to Allah’s will, not as a result of a mistake. For this reason, transgender people should not be considered sinners and shameless people due to their characteristics, and the existence of these people is also a sign of Allah’s natural creation.

### Demystifying Tantawi’s and Khomeini’s fatwas on transgender people

Conservative scholars argue that changes to one’s body are only allowed under medical circumstances, such as in the case of *khunsa* (intersex people), but is this not in contradiction of the principle that “God does not make mistakes”? Not only that, the fact that being transgender has been vigorously explored in a variety of science discourses in the last century as a medical, psychological and socio-cultural phenomenon (e.g., Burgess, 1999; Carroll et al., 2002; Zubernis & Snyder, 2007) automatically nullifies the conservative argument that “changes in one’s body are only allowed under medical circumstances”. With this coherent argument, Muslim transgender people should be allowed to receive treatment too, as clarified briefly in both the Tantawi and Khomeini fatwas (Alipour, 2017).

Islam has always encouraged the follower to embrace modern and scientific knowledge. Alipour (2017) explains that both the *fatwas* are considered neo-traditionalist (read: progressive) in the way they provide articulation of a particular tradition of Islamic practice from the past by adapting scientific and technological discourse

within the parameters of Al-Quran and Sunnah. By issuing these *fatwas*, both religious clerics have satisfied the requirement of conducting the traditional methodology of *ijtihad* (independent reasoning). Progressive Islamic scholars like Fazlur Rahman (cited in Alipour, 2017) explain how and why *ijtihad* allows certain Islamic jurisprudence (*fiqh*) to be changed at a particular time or place, because of different political and societal situations, or to adapt to cultural conditions. Minwalla et al. (2005) talk about the inward struggles or *ijtihad* of those attempting inner reconciliation of their faith and gender identity and sexual orientation (see also Manji, 2003). In their research with British queer Muslims, Jaspal and Cinnirella found: “A clear distinction was made between spirituality, associated with a (perfect) God, and religion, which was perceived as being prescribed by generations of human beings who had misinterpreted, and thus misrepresented, God’s word” (2010, p. 866; see also Jaspal & Cinnirella, 2014; Pallotta-Chiarolli, 2018; Yip, 2005). Thus, an Allah who endorses a sense of respect, freedom and benevolence is reclaimed, in contrast to the conservative Allah who seeks retribution and persecution for the perceived acts of abomination by people of diverse sexualities and genders (Siraf, 2012; Siraj, 2014). This rule makes the Islamic *Shari’a* laws flexible over time and space or, in general, across cultures (Alipour, 2017).

As a high Sunni Mufti of Egypt, Tantawi has satisfied all criteria in making an *ijtihad*, by first referring to the scriptures (*Qur’an* and *Hadiths*) before moving to the second stage: doing *ijtihad* through his opinion (*ra’y*) and analogy (*qiyas*) (Alipour, 2017). As a Sunni scholar under the Shafi’i school of thought, Tantawi follows this legal school in resorting to *ijtihad* by only doing it if: a) one has sufficient knowledge and skill to first return issues into *Qur’an*, *Hadiths*, and a consensus of Muslims; and b) when these sources are found not to deal sufficiently with certain topics, one may then return the cases involved to *qiyas* or analogy (Al-Shafi’i, 1938). As mentioned earlier, trans women do not nominally exist during the Prophet’s time, hence resulting in this *ijtihad* decision. In Alipour’s work, the explanation of the Tantawi *fatwa* is clarified:

Based on Al-Tabari’s understanding of the *Hadith*, he (Tantawi), at first, acknowledges that the Prophet did not forbid the hermaphrodite [sic] and *mukhannath* from entering the women’s quarters until he heard them giving a description of the women in great detail. Tantawi thus concludes that the person who is naturally a hermaphrodite [sic] or a *mukhannath* is not to be blamed but, as s/he has a disease, s/he must be cured. Tantawi, however, excludes persons who are not *mukhannath* by nature (2017, p. 96).

Unlike Tantawi, Khomeini did not cite the *Qur’an* or *Hadith* sources that influenced him in making his *fatwa*. However, he used a similar *ijtihad* method within the

Shi'a context. He applied the *ijtihad* method of al-Qawā'id al-Fiqhiyyah (Islamic legal maxims) and al-'Usul al-'Amaliyyah (procedural principles) because there is nothing in the scriptures, Qur'an, or hadiths that clearly refers to being transgender (Alipour, 2017). There are two legal maxims through al-Qawā'id al-Fiqhiyyah that Khomeini used in making the decision. Firstly, the "principle of permissibility" (isalat al-ibahah) and secondly, the "principle of lawfulness" (isalat al-hillyyah), support the Shi'a belief that everything, or every action, that cannot be clearly regarded as being forbidden or permissible in Islam, is permitted and lawful (Alipour, 2017). These general maxims are also in line with the Islamic jurisprudence principle of "necessity overrides prohibition", as long as those things or actions are not clearly prohibited in conventional Islamic sources.

Another point of difference between the *fatwas* is that Khomeini's *fatwa* on gender-affirming surgery was more insistent in getting a medical doctor's permission:

In the Name of God. Sex-reassignment surgery is not prohibited in shari'a law if reliable medical doctors recommend it. Inshallah you will be safe and hopefully the people whom you had mentioned might take care of your situation (cited in Alipour, 2017).

Alipour concludes his explanation of Tantawi's *fatwa* when he states:

To sum up: It is permissible to perform the operation in order to reveal what was hidden of male or female organs. Indeed, it is obligatory to do so on the grounds that 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 (2017, p. 97).

Both Tantawi and Khomeini, in issuing the *fatwa*, have explained the Islamic jurisprudence principle "necessity overrides prohibition", in which a gender transition through gender affirming medical intervention(s) can be accepted as it becomes permissible given the desperate need of transgender people as part of a medical remedy (Alipour, 2017; Barmania & Aljunid, 2017). These *fatwas* are also in line with the *maqasid al-shari'a*, the objectives of Islamic law that aim to protect and preserve humanity's faith, life, intellect, progeny and property on the path toward Allah (Salek, 2015; Skovgaard-Petersen, 1995). In recent times, this has been extended to include social welfare to support freedom, human dignity and human fraternity (Al-Qaradawi, 1999), fundamental rights and liberties, economic development, as well as research and development in science and technology (Kamali, 1989). We concur with Sarcheshmehpour et al. in their conclusion where they state: "they should not be prohibited according to Islamic ethics and their surgical treatment should not be considered as a manipulation of Allah's creation" (2018).

## The *Hadith* on transgender people and their position in early Islam

The presence of effeminate men (*mukhannath*) during the time of the Prophet is well documented. However, almost all references justifying animosity toward transgender people in the *Hadith* have been quoted out of context, and they wrongly condemn transgender people, despite so many major Islamic scholars having argued that the *Hadith* actually refer to cross-dressers who want to deceitfully gain access to women's spaces (Sarcheshmehpour et al., 2018; Youssef, 2016). This particular *Hadith* in reference to being transgender has been narrated by many Islamic scholars like Ibn Majah, Al-Bukhari, Al-Tirmidhi, Ibn Hanbal and Abu Dawud. There is considerable evidence that in pre-colonial Islamic communities, *mukhannath* served as servants as long as they had no sexual interest in women. They would then be allowed to enter women's private places such as harems and other exclusively female spaces (Pallotta-Chiarolli, 2020; Rowson, 1991). Those males whose effeminate qualities are innate and natural, and who do not experience sexual attraction toward women, receive no blame, guilt or shame as they are not considered sinners and should not be punished (Alipour, 2017; Malik, 2003). Because of the regularity of *mukhanath* hired in women's spaces, there were men who sought to take advantage because they lusted after women and pretended to be *mukhanath* in order to gain access into women's spaces. Al-Tabari (1978) took it as an example that the Prophet did not forbid a particular *mukhanath*, Hit, from entering the women's quarters until he heard the servant giving a description of the women's bodies in great detail. Hit was later prohibited from the house because he had breached the trust of the Prophet, but not because of her effeminate identity. Rather the Prophet's prohibition was a response to his actions in this particular situation. Clearly, just like any other person, the principles of moral and ethical behavior were also applied to them and did not entitle them to speak or behave inappropriately. This hadith narration is commonly used by conservative Muslim scholars to justify hatred for effeminate men and transgender people as it is used as proof that Muslims should not allow them in their houses (Hendricks, 2010). In reality, the Prophet did not punish *mukhanath* unless they carried out immoral acts, nor did he try to cure them. In one *Hadith*, the Prophet was recorded to have saved the life of a *mukhanath* when others wanted to kill him (Sunan Abu-Dawud, Book 41, Number 4910). In the narration, although he was exiled from Medina for immoral behavior, the Prophet still respected this person as a human being, sparing his life and allowing him to carry out his religious deeds.

Therefore, this *Hadith* should not be used to further condemn those who are transgender as it does not relate to the issue of trans identity but to the dishonest behavior of a person who happens to be transgender. Most

importantly, this *Hadith* narrative shows that during the Prophet's period, the *mukhanath* were allowed to serve in houses as domestic helpers, and Muslim women did not observe the practice of wearing the hijab (veil) in front of them. In *Qur'an* 24:31, God commands a list of persons to whom women are permitted to reveal their charms and beauty, and this includes various relatives, female slaves, those male attendants having no sexual desire for them, and children. Kugle (2014) describes how "eunuchs" inhabited an in-between position that was legally and socially of neither gender, while occupying a high-status function as guards and servants for the women's quarters of aristocratic households, where sexually potent men were not allowed access. They could rise to positions of great power and authority in compensation for their exposure to enslavement, violence and castration as youths. Some Muslim "eunuchs" became highly successful courtiers or generals. The *mukhanath* also acted as marriage brokers and go-betweens between consenting parties, and played prominent roles in the development of music in the early period of Islam and beyond (Rowson, 1991). Malik (2003) finds that same-sex dynamics are an integral part of Islamic history and culture and it does not prohibit the use of these individuals as passive sex partners and harem guards because they were not considered males. In fact, even long after the time of Muhammad, Muslims had accepted the *mukhannathun* (plural form) in the sacred boundaries of Islam and they were employed as royal teachers, while some held important political positions in the court as documented throughout the Mughal era in India (1526–1827) (Hinchy, 2014). Indeed, during his life, the Prophet allowed a "eunuch" servant to live with his wife, and until recently, elderly "eunuchs" guarded the Prophet's tomb in Medina (Pallotta-Chiarolli, 2020).

## Conclusion

Despite numerous juristic opinions, judicial decisions and some religious verdicts (*fatwas*) and rulings, transgender people in the majority of Muslim countries continue to suffer persecution, stigma, discrimination, intimidation, arrest, torture and harassment, and in some cases death. It is necessary to reform or remove these archaic conservative *fatwas* to provide support for trans people who are the victims of gender violence, especially when there is so much evidence and justification from the *Qur'an* and *Sunnah*, along with scientific explanations, that being transgender is a natural occurrence. Islam has always encouraged Muslims to seek treatment for their "illnesses" as stated in an authentic *hadith*:

Usamah bin Syariik (ra) said, "I was with the Prophet when the Bedouins came to him and said, 'O Messenger of Allah, should we seek medicine?' He said, 'Yes, O slaves of Allah, seek medicine, for Allah has not created a disease except that He has also

created its cure, except for one illness'. They said, 'And what is that?' He said, 'Old age'" (narrated by Abu Daud, see *Aun al-Ma'buud* volume 10, p334).

Gender affirming medical intervention, including hormone treatment and surgeries are recognized as effective treatments for transgender people, and are like any other medical treatments, and hence should not be considered deliberate acts to change Allah's creation as in reference to verse 4: 119. Nevertheless, although Alipour (2017) argues that the *fatwas* of both Khomeini and Al-Tantawi were issued on the basis of the binary logic of male and female genitalia and are based on inherently patriarchal and (neo) traditionalist arguments (Tolino, 2018), we argue that the *fatwas* also recognize the existence of transgender Muslims who wish to live as a third gender or as a non-binary identifying person. Our argument is based on Ibn Hajar's descriptions of the *fatwas*' conclusion: that the curse is confined only to those who want to dress as females to deceive for immoral gain, but not transgender and gender diverse people who are intrinsic and ethical.

The *Hadith* that has been deliberately misquoted and become the basis of the *Shari'a* enactment to criminalize transgender people should be reversed to avoid further injustice. Muslim transgender people are exhausted and mistreated by the extremely mediocre, essentialist oversimplification of this *Hadith* that was preordained for those cisgender men who sought to infiltrate women's spaces pretending to be *mukhanath* or trans women. Accusing transgender people of being sinners and justifying the discrimination perpetuated upon them without understanding the whole *Hadith* is a negligent complacent approach, because it is easier than accepting the realities of our complex world, and easier than accepting our own intellectual ineptitude and social weaknesses. Imagine if the jihad concept from the *Qur'an* to 'slay them wherever ye catch them (the infidels), and turn them out from where they have turned you out' [Al-Qur'an 2:190–191] was given an extreme religious interpretation and taken literally by the majority of Muslims. It would endorse and make widespread the use of violent Jihad!

Through the progressive Muslim standpoint, this editorial brings awareness of Tantawi's and Khomeini's *fatwas*, that of trusting in the modern science of psychology, gender and sexuality studies in concurrence with Surah 42 Ash-Shuraa, verse 49-50, whereby Allah could create neither male nor female, or non-binary genders. The conservative perspectives that "privileged the conservatism over egalitarianism, and some texts and methodologies over others" (Barlas, 2019: 87) should be unshackled to reflect the vastness and greatness of Allah's powerful knowledge (Surah 42:50) that is beyond human grasp. Above all, it is an obligation for every Muslim to read, think, reflect and investigate, as suggested in the first verse revealed to the Prophet (*Qur'an*, 96:1), and to not blindly follow those who urge us to discriminate against Muslims who are different from others.

## Notes

1. In Islamic jurisprudence, a *fatwa* is the theological and legal reasoning of a scholar based on that scholar's understanding of Islamic scriptures, the scholar's knowledge of the subject in question, and the social milieu that raised the issue or question (Othman et al., 2005). Individual scholars have been known to express differing opinions when addressing the same issue in a changed environment or situation. Although a *fatwa* is not legally binding, it has been defined as a ruling on a point of Islamic law given by a recognized authority (Othman et al., 2005).
2. Amicus brief on being transgender filed by RFI (Islam and Religious Freedom Action Team) in Supreme Court on Sexual Orientation and Gender Identity to challenge the Supreme Court in America that interprets "sex" in the 1964 Civil Rights Act to include transgender status. Read more at: <https://www.religiousfreedominstitute.org/blog/rfi-islamic-scholars-file-brief-in-supreme-court-on-sexual-orientation-and-gender-identity>.
3. LGBTIQ+: Abbreviation for Lesbian, Gay, Bisexual, Transgender, Intersex and Queer. A, for ally or asexual, depends on the user of the acronym and the context within which it is being used. A plus sign covers anyone else who is not included within these current terms. The term LGBTIQ+ is often used as an umbrella term to refer to the community as a whole. Source: LGBTQIA Resource Center, <https://lgbtqia.ucdavis.edu/educated/glossary>.
4. *Wasati* approach is associated with scholars such as the "Global Mufti," Yusuf Al-Qaradawi, whereas the *Salafi* (or neo-Salafism) is associated with the religious establishment in Saudi Arabia (Wahhabism) that depends on an exceptionally puritanical, narrow and militant interpretation of Islam based on the teachings of a rigid 18th-century preacher, Muhammad ibn Abd al-Wahhab (Duderija & Rane, 2018).

## Declaration of interest

The authors declare that they have no conflict of interest.

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