



Recognized by Faith, Contested by Law: Intersex and Transgender Persons in Islam and Pakistan

Rimsha Irshad*

Department of Applied Psychology, The Government Sadiq College
 Women University (GSCWU), Bahawalpur, Pakistan.

Email: rimsha.irshad@gscwu.edu.pk

Hafiza Nimra Shabbir

Department of Applied Psychology, The Government Sadiq College
 Women University (GSCWU), Bahawalpur, Pakistan.

Email: syedatayyaba1506@gmail.com

Submission Date:

20 July 2026

Review Date:

28 July 2026

Acceptance Date:

09 August 2026

Publication Date:

28 August 2026

Article Link:

<https://alamir.com.pk/index.php/ojs/article/view/35>

Islamic jurisprudence (*fiqh*) has long recognized the intersex individual (*khunthā*) as a distinct legal category with structured rights. Conversely, transgender identity—defined by a self-perceived gender identity that differs from the biological sex assigned at birth—presents distinct theological, social, and legal queries. In Pakistan, these two distinct identities are frequently conflated under the socio-cultural umbrella term *khwaja sira*, leading to contested legal status among Parliament, superior courts, and religious institutions. This study aimed to: (a) delineate intersex from transgender identity within the Qur'an, Hadith, and classical *fiqh*; (b) examine contemporary juristic fatwas and resolutions; (c) analyze the evolution of Pakistani jurisprudence regarding this distinction; and (d) assess the implications of these legal-theological debates on the psychological and social well-being of the affected individuals. A qualitative documentary analysis was conducted across foundational Qur'anic verses, canonical Hadith reports, classical *tafsīr* and *fiqh* literature, contemporary juristic resolutions, Pakistani statutory/case law, and empirical psychosocial studies. The texts were systematically coded by domain and analyzed thematically. Classical Islamic sources situate intersex individuals within a binary framework, offering detailed criteria for determining legal sex alongside regulations for inheritance, marriage, and social conduct; notably, the Ḥanbalī school accepts self-declaration for ambiguous cases regarding marriage. Conversely, texts concerning gender transition center on prohibitions against altering creation (*taghyīr khalq Allāh*) and intentional imitation of the opposite sex, while excusing innate behavioral traits. Contemporary bodies, such as the Islamic Fiqh Council (1989), endorse corrective procedures for intersex conditions but prohibit gender reassignment for biologically determinate individuals. In Pakistan, legal



frameworks transitioned from judicial recognition (2009–2012) to statutory self-identification (2018), and subsequently to the Federal Shariat Court’s 2023 ruling, which affirmed intersex rights while invalidating self-perceived gender identity. Empirical literature highlights severe societal stigma, institutional exclusion, and heightened psychological distress among *khwaja sira* populations. In conclusion, Islamic teachings provide clear legal recognition and protection for intersex persons, whereas deliberate gender transition remains juristically disapproved. Precise legal and conceptual clarification—while upholding the inherent dignity of every human being—is critical for informing equitable legislation, sound religious guidance, and targeted psychosocial support mechanisms in Pakistan.

Keywords: Intersex; *Khunthā*; Transgender; *Khwaja sira*; Islamic Jurisprudence; Pakistan; Federal Shariat Court; Mental Health; Gender Identity.

Introduction

Islamic teachings are derived primarily from the Qur’an and the Hadith. The Qur’an, which Muslims regard as the literal word of God (Allah) revealed to the Prophet Muhammad (peace be upon him), is the foundational text of Islam and provides guidance on theological, moral, legal, and social matters. The Hadith—the recorded sayings, actions, and tacit approvals of the Prophet—constitute the second source of Islamic law, elaborating on and contextualizing Qur’anic injunctions. Muslim scholars developed rigorous methods to authenticate Hadith, assessing both the reliability of the chain of narrators (*sanad*) and the soundness of the content (*matn*) (Ali et al., 2015; Wasman et al., 2023)¹, a tradition that has also attracted sustained attention in Western scholarship (Alshehri, 2015)². Islamic jurisprudence (*fiqh*) is the discipline through which jurists derive practical rulings from these sources, and contemporary questions of sex and the body—including the medical management of differences in sex development—are routinely addressed by extending classical *fiqh* categories to new situations (Zainuddin & Mahdy, 2017)³.

Two such questions concern intersex and transgender persons. Intersex, or differences/disorders of sex development (DSD), refers to congenital conditions in

¹ Ali, M. A. M., Ibrahim, M. N., Usman, A. H., Nazri, M. A., & Kadir, M. N. A. (2015). Al-jarh wa al-ta’dil (criticism and praise): Its significance in the science of hadith. *Mediterranean Journal of Social Sciences*, 6(2 S1), 284. <https://doi.org/10.5901/mjss.2015.v6n2s1p284>; Wasman, W., Mesraini, M., & Suwendi, S. (2023). A critical approach to prophetic traditions: Contextual criticism in understanding hadith. *Al-Jami’ah: Journal of Islamic Studies*, 61(1), 1–17. <https://doi.org/10.14421/ajis.2023.611.1-17>

² Alshehri, M. S. (2015). Western works and views on hadith: Beginnings, nature, and impact. *Marmara Üniversitesi İlahiyat Fakültesi Dergisi*, 46(46), 203. <https://doi.org/10.15370/muifd.41804>

³ Zainuddin, A. A., & Mahdy, Z. A. (2017). The Islamic perspectives of gender-related issues in the management of patients with disorders of sex development. *Archives of Sexual Behavior*, 46(2), 353–360. <https://doi.org/10.1007/s10508-016-0754-y>

which the development of chromosomal, gonadal, or anatomical sex is atypical (Lee et al., 2006)⁴. Transgender, by contrast, describes people whose gender identity does not fully align with the sex assigned to them at birth (American Psychological Association [APA], 2015)⁵. The first concerns physical sex characteristics present from birth; the second concerns identity and, for some, social or medical transition. Classical Islamic law addressed the first extensively under the category of the *khunthā*, seeking to assign each such person to one sex wherever possible (Sanders, 1991)⁶. It also discussed the *mukhannath* (effeminate man), a figure known in early Medina whose moral status depended on whether his behavior was innate or adopted (Rowson, 1991)⁷. In the modern period, jurists have debated the permissibility of sex-reassignment surgery and reached divergent conclusions (Alipour, 2017)⁸.

Pakistan offers a particularly instructive setting for examining these questions. The local term *khwaja sira* is applied indiscriminately to intersex people, eunuchs, and transgender women, and the country's first census to count this population recorded 10,418 persons in 2017 (Khan, 2017)⁹. Between 2009 and 2012, the Supreme Court recognized their fundamental rights (*Khaki v. SSP (Operations) Rawalpindi*, 2013)¹⁰. In 2018, Parliament enacted the Transgender Persons (Protection of Rights) Act, which grouped intersex and transgender persons together and allowed legal recognition of self-perceived gender identity. In 2023, the Federal Shariat Court declared key provisions of that Act contrary to Islamic injunctions while expressly affirming the rights of intersex persons (*Hammad Hussain v. Federation of Pakistan*, 2023)¹¹. The status of these persons is thus recognized in one sense by faith and contested in another by law.

⁴ Lee, P. A., Houk, C. P., Ahmed, S. F., & Hughes, I. A. (2006). Consensus statement on management of intersex disorders. *Pediatrics*, 118(2), e488–e500. <https://doi.org/10.1542/peds.2006-0738>

⁵ American Psychological Association. (2015). Guidelines for psychological practice with transgender and gender nonconforming people. *American Psychologist*, 70(9), 832–864. <https://doi.org/10.1037/a0039906>

⁶ Sanders, P. (1991). Gendering the ungendered body: Hermaphrodites in medieval Islamic law. In N. R. Keddie & B. Baron (Eds.), *Women in Middle Eastern history: Shifting boundaries in sex and gender* (pp. 74–95). Yale University Press. <https://doi.org/10.12987/9780300157468-007>

⁷ Rowson, E. K. (1991). The effeminates of early Medina. *Journal of the American Oriental Society*, 111(4), 671–693. <https://doi.org/10.2307/603399>

⁸ Alipour, M. (2017). Islamic shari'a law, neotraditionalist Muslim scholars and transgender sex-reassignment surgery: A case study of Ayatollah Khomeini's and Sheikh al-Tantawi's fatwas. *International Journal of Transgenderism*, 18(1), 91–103. <https://doi.org/10.1080/15532739.2016.1250239>

⁹ Khan, M. Z. (2017, August 26). Census shows over 10,000 transgender population in Pakistan. *Dawn*. <https://www.dawn.com/news/1354039>

¹⁰ *Khaki v. SSP (Operations) Rawalpindi*, PLD 2013 SC 188 (Supreme Court of Pakistan).

¹¹ *Hammad Hussain v. Federation of Pakistan*, Shariat Petition No. 05-I of 2020 (Federal Shariat Court of Pakistan, May 19, 2023). <https://www.federalshariatcourt.gov.pk/Judgments/Shariat%20Petition%2005-I%20OF%202020%20Hammad%20Hussain%20v%20FOP%20-%20Transgender.pdf>

Despite a rich juristic tradition, the difference between intersex and transgender persons remains poorly understood in public debate, among religious leaders (Azhar et al., 2026)¹², and even in legislation. At the same time, research documents the heavy psychological and social costs of stigma for this population (Azhar et al., 2024; John et al., 2025)¹³. The present study brings these strands together: it offers a systematic, source-based comparison of intersex and transgender identity in Islamic teachings and relates it to contemporary fatwas, Pakistani law, and the wellbeing of the people most affected.

1.1 Research Objectives

1. To distinguish between the concepts of intersex and transgender within Islamic teachings, drawing on the Qur'an, Hadith, and *fiqh*.
2. To examine contemporary juristic positions on intersex conditions and gender transition.
3. To analyze how Pakistani legislation and case law have engaged with the distinction between intersex and transgender persons.
4. To consider the implications of these religious and legal frameworks for the psychological and social wellbeing of intersex and transgender persons in Pakistan.

1.2 Research Questions

1. How do Islamic teachings differentiate between intersex and transgender persons?
2. What positions have contemporary jurists and juristic bodies taken on intersex treatment and gender transition?
3. How has Pakistani law recognized, and contested, the status of intersex and transgender persons?
4. What are the implications for the psychological and social wellbeing of these persons?

2. Method

2.1 Research Design

The study employed a qualitative documentary research design using content analysis. Documentary analysis is well suited to questions that must be answered from authoritative texts—scripture, jurisprudence, statutes, and judgments—rather than from new empirical data.

¹² Azhar, S., Acharya, A., Ahmad, I., Arshid, M., Islam, M. S., & Malik, D. (2026). Religious leaders' views on rights of khwaja sira in Pakistan. *Health and Human Rights Journal*, 28(1), 141–153.

¹³ Azhar, S., Ahmad, I., Guzman Herrera, M. M., Tariq, N., & Lerner, R. (2024). "I would prefer to be dead than to live this way": Lived experiences of stigma and discrimination against khwaja sira in Swat, Pakistan. *Cambridge Prisms: Global Mental Health*, 11, Article e60. <https://doi.org/10.1017/gmh.2024.53>; John, A., Demant, D., John, A., Obeagu, E. I., Dar, W. M., Haider, A., & Faridi, T. A. (2025). Exploring demographics, depression, anxiety, and low body appreciation as correlates of suicide among transgender people in Pakistan. *Violence and Gender*, 12(4), 140–150. <https://doi.org/10.1177/23267836251388853>

2.2 Sources

Five categories of documents were analyzed:

1. **Qur'an.** English renderings of verses are adapted from Saheeh International (1997)¹⁴ and Usmani (2007)¹⁵.
2. **Hadith.** Reports from *Ṣaḥīḥ al-Bukhārī* and *Ṣaḥīḥ Muslim*, numbered according to Sunnah.com.¹⁶
3. **Classical tafsīr and fiqh.** Al-Qurṭubī's *al-Jāmi' li-aḥkām al-Qur'ān*, Ibn al-Mundhir's *al-Awsaṭ*, Ibn Qudāmah's *al-Mughnī*, and Ibn Hajar al-'Asqalānī's *Fath al-Bārī*, representing the Mālikī, Shāfi'ī, and Ḥanbalī traditions as well as the wider scholarly consensus they report.¹⁷
4. **Contemporary juristic opinions.** The resolution of the Islamic Fiqh Council of the Muslim World League (1989)¹⁸, fatwas issued by the Islamweb Fatwa Center, and the 2016 fatwa issued by Pakistani clerics.
5. **Pakistani law and empirical literature.** The Transgender Persons (Protection of Rights) Act, 2018¹⁹; judgments of the Supreme Court and the Federal Shariat Court; and peer-reviewed studies on the wellbeing of intersex and transgender persons.

2.3 Procedure and Analysis

Relevant texts were identified through keyword searches of Qur'anic concordances, standard Hadith collections, and digital editions of classical works (e.g., Sunnah.com and the Islamweb Library), using Arabic and English terms such as *khunthā*, *mukhannath*, *tashabbuh* (imitation), *taghyīr khalq Allāh* (altering God's creation), *dhakar* (male), and *unthā* (female). Each passage was checked against a standard edition for wording, reference, and context. Arabic and Urdu passages were translated

¹⁴ Saheeh International (Trans.). (1997). *The Qur'an: Arabic text with corresponding English meanings*. Abul-Qasim Publishing House.

¹⁵ Usmani, M. T. (Trans.). (2007). *The meanings of the Noble Qur'an with explanatory notes*. Maktaba Ma'ariful Qur'an.

¹⁶ al-Bukhārī, M. (n.d.). *Ṣaḥīḥ al-Bukhārī*. Sunnah.com. <https://sunnah.com/bukhari>; Muslim ibn al-Ḥajjāj. (n.d.). *Ṣaḥīḥ Muslim*. Sunnah.com. <https://sunnah.com/muslim>

¹⁷ al-Qurṭubī, M. (n.d.). *Al-Jāmi' li-aḥkām al-Qur'ān* (الجامع لأحكام القرآن) (Commentary on Qur'an 4:11). <https://quran-tafsir.net/qortoby/sura4-aya11.html>; Ibn al-Mundhir, M. (n.d.). *Al-Awsaṭ fī al-sunan wa-l-ijmā' wa-l-ikhtilāf* (الأوسط في السنن والإجماع والاختلاف) (Vol. 7, Kitāb al-Farā'id, Dhikr mīrāth al-khunthā). Islamweb Library. <https://www.islamweb.net/ar/library/content/1007/1728>; Ibn Qudāmah, M. (n.d.-a). *Al-Mughnī* (المغني) (Vol. 6, Kitāb al-Farā'id, Mas'alat al-khunthā al-mushkil). Islamweb Library. <https://www.islamweb.net/ar/library/content/15/4237>; Ibn Qudāmah, M. (n.d.-b). *Al-Mughnī* (المغني) (Vol. 7, Kitāb al-Nikāḥ, Mas'alat qāla al-khunthā al-mushkil anā rajul). Islamweb Library. <https://www.islamweb.net/ar/library/content/15/4790>; Ibn Hajar al-'Asqalānī, A. (n.d.). *Fath al-Bārī sharḥ Ṣaḥīḥ al-Bukhārī* (فتح الباري شرح صحيح البخاري) (Vol. 10, Kitāb al-Libās, Bāb al-mutashabbihūn bi-l-nisā' wa-l-mutashabbihāt bi-l-rijāl). Islamweb Library. https://www.islamweb.net/ar/library/index.php?page=bookcontents&ID=10754&bk_no=52

¹⁸ Islamic Fiqh Council of the Muslim World League. (1989, February 19–26). *Qarār bi-sha'n taḥwīl al-dhakar ilā unthā wa-bi-l-'aks* [Resolution on changing a male into a female and vice versa] [Eleventh session, Makkah]. Reproduced in Islamweb Fatwa Center (2011).

¹⁹ Transgender Persons (Protection of Rights) Act, No. XIII of 2018 (Pakistan).

into English by the authors, and key technical terms were retained in transliteration. The material was then coded deductively by source (Qur'an, Hadith, *fiqh*, contemporary opinion, law) and by legal domain (definition, identification, inheritance, marriage, social interaction, and legal recognition), after which recurring themes and points of contrast between intersex and transgender persons were identified inductively. Interpretations were discussed among the three authors until consensus was reached.

3. Intersex and Transgender Persons in Islamic Texts

Table 1 summarizes the principal findings of the textual analysis. The sections that follow present the evidence in detail.

Table 1

Comparative Summary of Intersex and Transgender Persons in Islamic Sources

Theme	Intersex (<i>khunthā</i>)	Transgender
Definition	A person born with physical sex characteristics that are not typically male or female (<i>khunthā</i>).	A person whose gender identity differs from their birth sex; in the classical sources, discussed as imitation of the opposite sex and alteration of the body.
Qur'an	Humanity created from male and female (49:13); all things created in pairs (51:49; 53:45). God grants males, females, or both, as He wills (42:49–50). Dignity of all descendants of Adam (17:70).	Satan's vow to make people "alter the creation of Allah" (4:118–119). "No change in Allah's creation" (30:30).
Hadith	An effeminate man was admitted among women while thought to lack desire, then excluded (al-Bukhārī 5887; Muslim 2181).	Curse on men who imitate women and women who imitate men (al-Bukhārī 5885, 5886). Curse on altering God's creation for beautification (al-Bukhārī 5948).
Identification	Urinary pathway; then which flows first or more; then pubertal signs. Persisting ambiguity: <i>khunthā mushkil</i> .	Legal sex follows biological sex.
Inheritance	Male or female share according to identified sex; if ambiguous, half of each share or the lesser share, depending on the school.	Not treated as a separate category.

Theme	Intersex (khunthā)	Transgender
Marriage	Permitted once sex is determined. Ambiguous case: marriage discouraged (al-Qurṭubī), or permitted on the person's own declaration (Ḥanbalī).	Not treated as a separate category.
Social interaction	Governed by the presence or absence of sexual desire (24:31).	Innate effeminacy is excused but should be restrained; adopted imitation is prohibited.
Medical intervention	Corrective treatment to resolve ambiguity is permitted (Islamic Fiqh Council, 1989).	Sex change for a person of determinate sex is prohibited (Islamic Fiqh Council, 1989).
Overall stance	Recognized and accommodated within the male–female binary.	Deliberate gender transition generally disapproved.

Note. Qur'anic references are given as chapter:verse. Hadith numbering follows Sunnah.com.

3.1 Intersex (Khunthā)

In the classical sources, the *khunthā* is a person who has both male and female genitalia, or who has neither and only an opening through which urine passes (Islamweb Fatwa Center, 2016).²⁰ In modern medical terms, intersex conditions may involve:

1. **Both male and female characteristics:** elements of both male and female genitalia.
2. **Ambiguous genitalia:** external genitalia that do not appear clearly male or female.
3. **Internal or genetic variation:** internal organs (e.g., ovaries or testes) or chromosomal make-up that combine male and female features, sometimes without visible external difference (Lee et al., 2006).²¹

Qur'an

The Qur'an presents human beings as created in pairs, male and female, while affirming that God creates as He wills:

“O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you.”
(49:13)

²⁰ Islamweb Fatwa Center. (2016, January 13). *Al-farq bayna al-khunthā wa-l-mukhannath* (الفرق بين الخنثى والمخنث) (Fatwa No. 320089). <https://www.islamweb.net/ar/fatwa/320089>

²¹ Lee, P. A., Houk, C. P., Ahmed, S. F., & Hughes, I. A. (2006). Consensus statement on management of intersex disorders. *Pediatrics*, 118(2), e488–e500. <https://doi.org/10.1542/peds.2006-0738>

“And of all things We created two mates; perhaps you will remember.” (51:49)

“And that He creates the two mates—the male and female.” (53:45)

“To Allah belongs the kingdom of the heavens and the earth. He creates what He wills. He grants females to whom He wills, and grants males to whom He wills. Or He combines for them couples, both males and females, and makes whom He wills barren. Surely, He is All-Knowing, Very-Powerful.” (42:49–50)

Verse 24:31, which lists the persons before whom women may relax their dress, includes “those male attendants having no physical desire” (*ghayr ulī al-irbah*). Jurists used this clause to regulate the presence of the *mukhannath* and the intersex person among women. Above all, the Qur’an affirms the dignity of every human being:

“And We bestowed dignity on the children of Adam and provided them with rides on the land and in the sea, and provided them with a variety of good things, and made them much superior to many of those whom We have created.” (17:70)

Hadith

The Hadith literature records that an effeminate man (*mukhannath*) used to visit the Prophet’s household and was regarded as one of “those having no physical desire.” When he was heard describing a woman’s body in detail, the Prophet ordered that he no longer be admitted:

Narrated Umm Salamah: The Prophet was in my house and an effeminate man was there. The effeminate man said to ‘Abdullāh, Umm Salamah’s brother, “If Tā’if is conquered tomorrow, I recommend to you the daughter of Ghaylān, for she comes forward with four folds and goes back with eight.” The Prophet said, “These (effeminate men) should not enter upon you.” (al-Bukhārī, no. 5887)²²

Narrated ‘Ā’ishah: An effeminate man used to come to the wives of the Prophet, and they regarded him as one of those having no physical desire. ... The Prophet said, “I see that he knows about such things; do not let him enter upon you.” After that, they observed seclusion from him. (Muslim, no. 2181)²³

These reports establish that access to women’s quarters depended on the absence of sexual desire, not on the person’s category as such.

Fiqh

Identification. The jurists’ central aim was to assign every intersex person to one of the two sexes. Commenting on verse 4:11 (“Allah instructs you concerning your children...”), al-Qurṭubī devotes the twelfth of his legal issues to the *khunthā* and records the following criteria (al-Qurṭubī, n.d., commentary on 4:11, issue 12):²⁴

²² al-Bukhārī, M. (n.d.). *Ṣaḥīḥ al-Bukhārī*. Sunnah.com. <https://sunnah.com/bukhari>

²³ Muslim ibn al-Ḥajjāj. (n.d.). *Ṣaḥīḥ Muslim*. Sunnah.com. <https://sunnah.com/muslim>

²⁴ al-Qurṭubī, M. (n.d.). *Al-Jāmi‘ li-aḥkām al-Qur’ān* (الجامع لأحكام القرآن) (Commentary on Qur’an 4:11). <https://quran-tafsir.net/qortoby/sura4-aya11.html>

1. If the person urinates from the male organ, he is male; if from the female organ, she is female.
2. If urine passes from both, the organ from which it begins first is decisive—the view of Saʿīd ibn al-Musayyib.
3. If urine begins from both simultaneously, Abū Ḥanīfah's two companions, Abū Yūsuf (Yaʿqūb) and Muḥammad, held that the organ discharging more is decisive, whereas Abū Ḥanīfah regarded such a person as ambiguous (*mushkil*).
4. If no determination is possible, the signs of puberty are considered: growth of a beard or nocturnal emission indicate a male; development of breasts or menstruation indicate a female.
5. Al-Qurṭubī also reports a criterion attributed to ʿAlī ibn Abī Ṭālib based on the number of ribs—fewer ribs indicating a male and an additional rib a female.

A person whose sex remains undetermined after these steps is termed a *khunthā mushkil* (ambiguous intersex person). Contemporary Muslim clinicians regard modern diagnostic tools—karyotyping, hormonal profiles, and gonadal assessment—as the present-day equivalents of these classical signs (Zainuddin & Mahdy, 2017).²⁵

Inheritance. Ibn al-Mundhir reports scholarly consensus that the *khunthā* inherits according to the urinary pathway: as a male if urinating as a male does, and as a female if urinating as a female does (Ibn al-Mundhir, n.d., Vol. 7, p. 494)²⁶. Al-Qurṭubī, citing Ibn al-Mundhir, adds that no opinion is recorded from Imam Mālik, because Ibn al-Qāsim was reluctant to ask him about it. For the person whose urine issues from both organs at once, Saʿīd ibn al-Musayyib assigned half of a male's share and half of a female's share; one narration from Abū Ḥanīfah instead gives the ambiguous heir the lesser of the two shares, and a didactic verse cited by al-Qurṭubī assigns the ambiguous heir “six-eighths of the share” (al-Qurṭubī, n.d., commentary on 4:11, issue 12)²⁷. The Ḥanbalī school holds that the *khunthā mushkil* inherits half of a male's and half of a female's share (Ibn Qudāmah, n.d.-a, Vol. 6)²⁸.

Marriage. Al-Qurṭubī's verse states that the *khunthā mushkil* should not marry or be given in marriage for as long as the ambiguity persists (al-Qurṭubī, n.d., commentary on 4:11, issue 12)²⁹. Once sex is determined, a person identified as male may marry a woman and a person identified as female may marry a man. The Ḥanbalī school goes further: Ibn Qudāmah, following al-Khiraqī, holds that if an ambiguous intersex person

²⁵ Zainuddin, A. A., & Mahdy, Z. A. (2017). The Islamic perspectives of gender-related issues in the management of patients with disorders of sex development. *Archives of Sexual Behavior*, 46(2), 353–360. <https://doi.org/10.1007/s10508-016-0754-y>

²⁶ Ibn al-Mundhir, M. (n.d.). *Al-Awsaṭ fi al-sunan wa-l-ijmāʿ wa-l-ikhtilāf* (الأوسط في السنن والإجماع والاختلاف) (Vol. 7, Kitāb al-Farāʿid, Dhikr mīrāth al-khunthā). Islamweb Library. <https://www.islamweb.net/ar/library/content/1007/1728>

²⁷ al-Qurṭubī, M. (n.d.). *Al-Jāmiʿ li-aḥkām al-Qurʾān* (الجامع لأحكام القرآن) (Commentary on Qurʾan 4:11). <https://quran-tafsir.net/qortoby/sura4-aya11.html>

²⁸ Ibn Qudāmah, M. (n.d.-a). *Al-Mughnī* (المغني) (Vol. 6, Kitāb al-Farāʿid, Masʾalat al-khunthā al-mushkil). Islamweb Library. <https://www.islamweb.net/ar/library/content/15/4237>

²⁹ al-Qurṭubī, M. (n.d.). *Al-Jāmiʿ li-aḥkām al-Qurʾān* (الجامع لأحكام القرآن) (Commentary on Qurʾan 4:11). <https://quran-tafsir.net/qortoby/sura4-aya11.html>

declares “I am a man” (or “I am a woman”), the declaration is accepted for purposes of marriage, because inclination and desire are inner matters that only the person can know—just as a woman’s report of her menstruation is accepted. Having married on that basis, however, the person may not later marry as the other sex (Ibn Qudāmah, n.d.-b, Vol. 7, p. 159)³⁰. This ruling shows that classical law, while firmly binary, gave weight to the inner experience of the intersex person in cases of genuine physical ambiguity.

Social interaction. Applying 24:31 and the Hadith above, jurists linked the rules of seclusion to sexual desire. Ibn Qudāmah, as quoted in a contemporary fatwa, treats a man who has lost sexual desire through age, impotence, or illness as having the ruling of a *maḥram* (unmarriageable relative), and the fatwa applies the same principle to intersex persons: where feminine characteristics predominate, female rulings apply; where masculine characteristics predominate, male rulings apply; and a person without sexual desire may be treated like “those having no physical desire” (Islamweb Fatwa Center, 2012).³¹

3.2 Transgender

The classical sources do not use a term equivalent to “transgender.” The texts relevant to transgender identity fall into two groups: those prohibiting the alteration of God’s creation and those prohibiting the deliberate imitation of the opposite sex.

Qur’an

The Qur’an describes Satan’s vow to lead people astray:

“...and I will command them, whereby they shall alter the creation of Allah.” Whoever takes Satan as a friend instead of Allah incurs an obvious loss. (4:118–119)

“So, set your face to the Faith uprightly, this (faith) being the nature (*fiṭrah*) designed by Allah on which He has created mankind. There is no change in Allah’s creation. That is the straight faith, but most people do not know.” (30:30)

Contemporary juristic bodies rely chiefly on 4:119 in prohibiting sex change for persons of determinate sex (see Section 4). The Qur’anic narratives of the people of Lot (e.g., 7:80–81; 26:165–166), which concern sexual acts, are frequently invoked in public debate on this subject; however, jurists treat sexual conduct as a distinct legal topic, and conflating it with gender identity obscures the distinctions drawn within the tradition itself.

³⁰ Ibn Qudāmah, M. (n.d.-b). *Al-Mughnī* (المغني) (Vol. 7, Kitāb al-Nikāḥ, Mas’alat qāla al-khunthā al-mushkil anā rajul). Islamweb Library. <https://www.islamweb.net/ar/library/content/15/4790>

³¹ Islamweb Fatwa Center. (2012, February 29). *Kayfiyyat al-ta’āmul ma’a al-khunthā alladhī lā yashtahī al-nisā’* (كيفية التعامل مع الخنثى الذي لا يشتهي النساء) (Fatwa No. 174537). <https://www.islamweb.net/ar/fatwa/174537>

Hadith

Narrated Ibn ‘Abbās: The Messenger of Allah cursed men who imitate women and women who imitate men. (al-Bukhārī, no. 5885)³²

Narrated Ibn ‘Abbās: The Prophet cursed effeminate men and masculine women, and said, “Turn them out of your houses.” (al-Bukhārī, no. 5886)³³

Narrated ‘Abdullāh ibn Mas‘ūd: Allah has cursed the women who tattoo and those who have themselves tattooed, those who remove facial hair, and those who create gaps between their teeth for beauty, altering the creation of Allah. (al-Bukhārī, no. 5948)³⁴

Fiqh

Innate versus adopted traits. Some people are clearly of one sex but display, from birth, mannerisms associated with the other sex in gait, posture, or speech. Ibn Ḥajar al-‘Asqalānī explains that the curse in the Hadith applies to those who deliberately adopt such traits; a person in whom they are innate is not blameworthy, but should strive gradually to restrain them (Ibn Ḥajar, n.d., Vol. 10, Kitāb al-Libās)³⁵. Contemporary fatwas maintain the same distinction between the *khunthā*, whose condition is a matter of creation, and the *mukhannath* who affects the manners of women by choice (Islamweb Fatwa Center, 2016).³⁶

Alteration of the body. Building on 4:119 and the Hadith on altering creation, contemporary jurists hold that a person with complete male or female organs may not change sex (Islamic Fiqh Council, 1989; Islamweb Fatwa Center, 2011).³⁷

4. Contemporary Juristic Positions

Modern surgery and endocrinology have forced jurists to apply the classical categories to new possibilities. Three developments are especially significant.

The Islamic Fiqh Council (1989).³⁸ At its eleventh session in Makkah (19–26 February 1989), the Islamic Fiqh Council of the Muslim World League resolved that (a) a person whose male or female organs are complete may not be changed into the

³² al-Bukhārī, M. (n.d.). *Ṣaḥīḥ al-Bukhārī*. Sunnah.com. <https://sunnah.com/bukhari>

³³ al-Bukhārī, M. (n.d.). *Ṣaḥīḥ al-Bukhārī*. Sunnah.com. <https://sunnah.com/bukhari>

³⁴ al-Bukhārī, M. (n.d.). *Ṣaḥīḥ al-Bukhārī*. Sunnah.com. <https://sunnah.com/bukhari>

³⁵ Ibn Ḥajar al-‘Asqalānī, A. (n.d.). *Faṭḥ al-Bārī sharḥ Ṣaḥīḥ al-Bukhārī* (فتح الباري شرح صحيح البخاري) (Vol. 10, Kitāb al-Libās, Bāb al-mutashabbihūn bi-l-nisā’ wa-l-mutashabbihāt bi-l-rijāl). Islamweb Library. https://www.islamweb.net/ar/library/index.php?page=bookcontents&ID=10754&bk_no=52

³⁶ Islamweb Fatwa Center. (2016, January 13). *Al-farq bayna al-khunthā wa-l-mukhannath* (الفرق بين الخنثى والمخنث) (Fatwa No. 320089). <https://www.islamweb.net/ar/fatwa/320089>

³⁷ Islamic Fiqh Council of the Muslim World League. (1989, February 19–26). *Qarār bi-sha’n taḥwīl al-dhakar ilā unthā wa-bi-l-‘aks* [Resolution on changing a male into a female and vice versa] [Eleventh session, Makkah]. Reproduced in Islamweb Fatwa Center (2011); Islamweb Fatwa Center. (2011, April 27). *‘Adam mashrū’iyyat taḥwīl jins al-dhakar alladhī kamulat a-ḍā’ dhukūratih* (عدم مشروعية تحويل جنس الذكر الذي كملت أعضاء ذكوره) (Fatwa No. 155263). <https://www.islamweb.net/ar/fatwa/155263>

³⁸ Islamic Fiqh Council of the Muslim World League. (1989, February 19–26). *Qarār bi-sha’n taḥwīl al-dhakar ilā unthā wa-bi-l-‘aks* [Resolution on changing a male into a female and vice versa] [Eleventh session, Makkah]. Reproduced in Islamweb Fatwa Center (2011).

other sex, an act it described as altering God's creation; (b) a person in whom the characteristics of one sex predominate may be treated medically or surgically to remove the ambiguity in favor of the predominant sex; and (c) treatment of an ambiguous intersex person to resolve the ambiguity is likewise permitted, as a form of therapy rather than prohibited alteration (Islamic Fiqh Council, 1989; Islamweb Fatwa Center, 2011).³⁹ The resolution thus translates the classical distinction directly into modern medical terms.

Divergent modern fatwas. Not all modern jurists have taken the same view. In the late 1980s, fatwas by Ayatollah Khomeini in Iran and by Sheikh Muḥammad Sayyid al-Ṭanṭāwī in Egypt made sex-reassignment surgery permissible (*ḥalāl*) under certain conditions in *sharī'ah* and/or state law, marking a shift from the traditional position (Alipour, 2017).⁴⁰ The Iranian position, grounded in Shī'ī jurisprudence, remains the most permissive. The present study focuses on Sunni sources, in which the position of the Islamic Fiqh Council is dominant.

Pakistani fatwa (2016). In June 2016, more than 50 clerics associated with Tanzeem Ittehad-i-Ummat in Lahore issued a fatwa holding that a *khwaja sira* with visible signs of being male may marry a woman or a person with visible female signs, and vice versa, whereas a person with visible signs of both sexes may not marry. The fatwa also declared that depriving *khwaja sira* of their inheritance is unlawful, that insulting or harassing them is forbidden, and that their funeral rites are the same as those of any other Muslim (Dawn, 2016).⁴¹ The fatwa applies the classical *khunthā* rules in the Pakistani context and places strong emphasis on dignity and protection.

5. Pakistan: Legal Recognition and Contestation

Pakistani law has passed through three phases in its treatment of intersex and transgender persons.

1. **Judicial recognition (2009–2012).** In a public-interest petition filed by Dr. Muhammad Aslam Khaki, the Supreme Court held that *khwaja sira* are entitled to all fundamental rights guaranteed by the Constitution. It directed the National Database and Registration Authority (NADRA) to record their status in identity documents and on electoral rolls so that they could vote, and directed the federal and provincial governments to ensure access to education and to protect them

³⁹ Islamic Fiqh Council of the Muslim World League. (1989, February 19–26). *Qarār bi-sha'n taḥwīl al-dhakar ilā unthā wa-bi-l-'aks* [Resolution on changing a male into a female and vice versa] [Eleventh session, Makkah]. Reproduced in Islamweb Fatwa Center (2011); Islamweb Fatwa Center. (2011, April 27). *'Adam mashrū'īyyat taḥwīl jins al-dhakar alladhī kamulat a'ḍā' dhukūratih* (عدم مشروعية تحويل جنس الذكر الذي كملت أعضاء ذكوريته) (Fatwa No. 155263). <https://www.islamweb.net/ar/fatwa/155263>

⁴⁰ Alipour, M. (2017). Islamic shari'a law, neotraditionalist Muslim scholars and transgender sex-reassignment surgery: A case study of Ayatollah Khomeini's and Sheikh al-Tantawi's fatwas. *International Journal of Transgenderism*, 18(1), 91–103. <https://doi.org/10.1080/15532739.2016.1250239>

⁴¹ Dawn. (2016, June 27). Fatwa allows transgender marriage. *Dawn*. <https://www.dawn.com/news/1267491>

from harassment (*Khaki v. SSP (Operations) Rawalpindi*, 2013).⁴² In the 2017 census, 10,418 persons were enumerated in the new transgender category (Khan, 2017).⁴³

2. **Legislative self-identification (2018).** The Transgender Persons (Protection of Rights) Act, 2018 defined “transgender person” broadly to include intersex persons (*khunsa*), eunuchs, and transgender men and women whose gender identity differs from the sex assigned at birth. It recognized a right to self-perceived gender identity, to be registered with NADRA, and guaranteed rights to inheritance, education, employment, health care, voting, and holding public office (Transgender Persons (Protection of Rights) Act, 2018).⁴⁴
3. **Shariat review (2023).** On 19 May 2023, the Federal Shariat Court declared sections 2(f), 3, and 7 of the Act—concerning the definition of gender identity, the right to self-perceived gender identity, and the associated inheritance provision—repugnant to the injunctions of Islam (Amnesty International, 2023).⁴⁵ The Court held that Islamic law bases legal status on biological sex rather than self-perception, while stating expressly that it was not denying protection to intersex persons, whose status Islamic law recognizes (*Hammad Hussain v. Federation of Pakistan*, 2023).⁴⁶ Transgender rights advocates challenged the judgment before the Supreme Court in July 2023 (Malik, 2023)⁴⁷, and commentators warned of its implications for the mental health of transgender people in Pakistan (Riaz & Awan, 2023).⁴⁸

Read against the findings in Section 3, the Federal Shariat Court’s reasoning closely tracks the classical distinction between the *khunthā* and the person of determinate sex. The difficulty lay in the 2018 Act’s single umbrella category: by placing intersex persons, whose rights are well established in *fiqh*, alongside self-identified transgender persons, whose recognition is contested, the Act exposed both groups to the same challenge. A framework that distinguished the two might have secured the rights of

⁴² *Khaki v. SSP (Operations) Rawalpindi*, PLD 2013 SC 188 (Supreme Court of Pakistan).

⁴³ Khan, M. Z. (2017, August 26). Census shows over 10,000 transgender population in Pakistan. *Dawn*. <https://www.dawn.com/news/1354039>

⁴⁴ Transgender Persons (Protection of Rights) Act, No. XIII of 2018 (Pakistan).

⁴⁵ Amnesty International. (2023, May 19). *Pakistan: Revocation of rights of transgender and gender-diverse people must be stopped*. <https://www.amnesty.org/en/latest/news/2023/05/pakistan-revocation-of-rights-of-transgender-and-gender-diverse-people-must-be-stopped/>

⁴⁶ *Hammad Hussain v. Federation of Pakistan*, Shariat Petition No. 05-I of 2020 (Federal Shariat Court of Pakistan, May 19, 2023). <https://www.federalshariatcourt.gov.pk/Judgments/Shariat%20Petition%2005-I%20OF%202020%20Hammad%20Hussain%20v%20FOP%20-%20Transgender.pdf>

⁴⁷ Malik, H. (2023, July 16). Trans community challenges Shariat court’s decision in SC. *The Express Tribune*. <https://tribune.com.pk/story/2426498/trans-community-challenges-shariat-courts-decision-in-sc>

⁴⁸ Riaz, M. M. A., & Awan, M. M. (2023). Transgender rights in Pakistan: Implications of Federal Shariat Court ruling. *The Lancet Psychiatry*, 10(8), e20. [https://doi.org/10.1016/S2215-0366\(23\)00191-8](https://doi.org/10.1016/S2215-0366(23)00191-8)

intersex persons on unambiguously Islamic grounds while leaving the more contested questions to separate deliberation.

6. Psychological and Social Wellbeing

Religious and legal categories shape how intersex and transgender persons are treated by families, communities, and institutions, and therefore their wellbeing. Minority stress theory proposes that stigmatized minorities experience excess stress from prejudice, discrimination, expectations of rejection, and internalized stigma, which in turn increase the risk of psychological distress (Meyer, 2003).⁴⁹ Evidence from Pakistan is consistent with this model.

1. **Social exclusion.** A qualitative study in Pakistan found that family rejection, lack of education, and exclusion from the labor market pushed many *khawaja sira* toward begging, dancing, and commercial sex work, with attendant risks to health and safety (Abdullah et al., 2012).⁵⁰
2. **Stigma across institutions.** Interviews with 45 *khawaja sira* in Swat identified internalized stigma (shame), perceived stigma (regarding employability and sex work), and enacted stigma through exclusion from families, schools, religious spaces, and health care; the words of one participant—"I would prefer to be dead than to live this way"—gave the study its title (Azhar et al., 2024).⁵¹
3. **Mental health.** In a sample of 135 transgender people in Pakistan, depression, anxiety, and low body appreciation together explained about 40% of the variance in suicidal ideation, attempts, and future suicide risk (John et al., 2025).⁵²
4. **The family as a buffer.** In a survey of 200 *khawaja sira* adults, distal (external) and proximal (internalized) minority stress were strongly correlated ($r = .66$), and parental affection weakened this link, suggesting that family warmth may protect against the internalization of stigma (Irshad & Fahd, 2026).⁵³
5. **Religious leaders' views.** Interviews with 40 religious leaders in Mansehra found that many conflated *khunsa* (intersex) with transgender persons, and that

⁴⁹ Meyer, I. H. (2003). Prejudice, social stress, and mental health in lesbian, gay, and bisexual populations: Conceptual issues and research evidence. *Psychological Bulletin*, 129(5), 674–697. <https://doi.org/10.1037/0033-2909.129.5.674>

⁵⁰ Abdullah, M. A., Basharat, Z., Kamal, B., Sattar, N. Y., Hassan, Z. F., Jan, A. D., & Shafqat, A. (2012). Is social exclusion pushing the Pakistani Hijras (transgenders) towards commercial sex work? A qualitative study. *BMC International Health and Human Rights*, 12, Article 32. <https://doi.org/10.1186/1472-698X-12-32>

⁵¹ Azhar, S., Ahmad, I., Guzman Herrera, M. M., Tariq, N., & Lerner, R. (2024). "I would prefer to be dead than to live this way": Lived experiences of stigma and discrimination against *khawaja sira* in Swat, Pakistan. *Cambridge Prisms: Global Mental Health*, 11, Article e60. <https://doi.org/10.1017/gmh.2024.53>

⁵² John, A., Demant, D., John, A., Obeagu, E. I., Dar, W. M., Haider, A., & Faridi, T. A. (2025). Exploring demographics, depression, anxiety, and low body appreciation as correlates of suicide among transgender people in Pakistan. *Violence and Gender*, 12(4), 140–150. <https://doi.org/10.1177/23267836251388853>

⁵³ Irshad, R., & Fahd, S. (2026). Parental affection buffers the link between distal and proximal minority stress among *khawaja sira* (transgender) adults in Pakistan. *Falcons Journal of Advanced Research*, 4(2), 38–50. <https://doi.org/10.63287/741736>

support for rights was often reserved for “real” *khwaja sira*—those born with ambiguous sex—rather than for those regarded as having “made themselves” so (Azhar et al., 2026).⁵⁴

These findings carry two lessons. First, the conflation of intersex and transgender persons harms both groups: intersex persons are denied the recognition that Islamic law clearly affords them, while all *khwaja sira* are exposed to a stigma that the tradition does not sanction. The Qur’anic affirmation of the dignity of every child of Adam (17:70), the classical rules protecting the inheritance of the *khunthā*, and the 2016 fatwa’s prohibition of harassment all provide religious grounds for protection that are rarely invoked in practice. Second, religious framing is a potential resource for wellbeing, not only a source of stigma. Because religious leaders strongly influence family and community attitudes (Azhar et al., 2026)⁵⁵, accurate religious education on the rights of intersex persons, and on the obligation to treat every person with dignity, could reduce family rejection—one of the most consistent drivers of distress identified in this literature—and strengthen the parental affection that appears to buffer minority stress in this population (Irshad & Fahd, 2026).⁵⁶

7. Discussion

This study compared the treatment of intersex and transgender persons in Islamic sources and traced the consequences of that distinction in contemporary fatwas, Pakistani law, and wellbeing research. The central finding is that the two categories rest on different foundations. The intersex person is defined by physical characteristics present from birth, and the tradition responds with a detailed body of law designed to establish their legal sex and secure their rights in inheritance, marriage, and social life. This is consistent with historical research showing that classical jurists sought to incorporate the *khunthā* into the binary legal order rather than to exclude them (Sanders, 1991).⁵⁷ The texts relevant to transgender identity, by contrast, concern voluntary conduct—imitating the opposite sex and altering the body—and are largely prohibitive.

Three points qualify this contrast. First, the tradition distinguishes innate from adopted traits: the early Medinan *mukhannath* was tolerated in the Prophet’s household until his

⁵⁴ Azhar, S., Acharya, A., Ahmad, I., Arshid, M., Islam, M. S., & Malik, D. (2026). Religious leaders’ views on rights of *khwaja sira* in Pakistan. *Health and Human Rights Journal*, 28(1), 141–153.

⁵⁵ Azhar, S., Acharya, A., Ahmad, I., Arshid, M., Islam, M. S., & Malik, D. (2026). Religious leaders’ views on rights of *khwaja sira* in Pakistan. *Health and Human Rights Journal*, 28(1), 141–153.

⁵⁶ Irshad, R., & Fahd, S. (2026). Parental affection buffers the link between distal and proximal minority stress among *khwaja sira* (transgender) adults in Pakistan. *Falcons Journal of Advanced Research*, 4(2), 38–50. <https://doi.org/10.63287/741736>

⁵⁷ Sanders, P. (1991). Gendering the ungendered body: Hermaphrodites in medieval Islamic law. In N. R. Keddie & B. Baron (Eds.), *Women in Middle Eastern history: Shifting boundaries in sex and gender* (pp. 74–95). Yale University Press. <https://doi.org/10.12987/9780300157468-007>

conduct revealed sexual awareness (Rowson, 1991)⁵⁸, and Ibn Hajar exempts innate effeminacy from the prophetic curse. The moral weight of the rulings therefore falls on deliberate choice rather than natural disposition. Second, classical law was not indifferent to inner experience: the Ḥanbalī acceptance of an ambiguous intersex person's self-declaration regarding marriage shows that, within the bounds of physical ambiguity, the person's own knowledge of their inclinations carried legal weight. Third, the tradition is not monolithic; the Shī'ī position following Khomeini permits sex-reassignment surgery (Alipour, 2017)⁵⁹, although the dominant Sunni position, as articulated by the Islamic Fiqh Council, does not.

The Pakistani experience illustrates what happens when this distinction is lost. Both the 2018 Act and much public and religious discourse treat intersex and transgender persons as a single group, and the resulting legal contest has left the rights of both uncertain. Yet the Federal Shariat Court itself reaffirmed the protection of intersex persons. The phrase “recognized by faith, contested by law” thus captures a paradox: the group whose rights Islamic law most clearly secures has been drawn into a legal dispute about a different question. Meanwhile, empirical research documents that stigma, exclusion, and psychological distress affect *khwaja sira* regardless of the category to which they belong (Azhar et al., 2024; John et al., 2025).⁶⁰

7.1 Implications

1. **For religious scholars and leaders:** the comparative framework offers a clear, source-based account of the rights and legal status of intersex persons, and highlights the religious grounds—dignity, protection of inheritance, and the prohibition of harassment—for opposing their mistreatment.
2. **For legislators and policymakers:** separating provisions for intersex persons from those concerning gender identity would allow the rights of intersex persons in identity documents, inheritance, health care, and education to be secured on firm Islamic and constitutional grounds.
3. **For health professionals:** early and accurate diagnosis of DSD, combined with family counselling that is sensitive to religious concerns, is consistent with both

⁵⁸ Rowson, E. K. (1991). The effeminates of early Medina. *Journal of the American Oriental Society*, 111(4), 671–693. <https://doi.org/10.2307/603399>

⁵⁹ Alipour, M. (2017). Islamic shari'a law, neotraditionalist Muslim scholars and transgender sex-reassignment surgery: A case study of Ayatollah Khomeini's and Sheikh al-Tantawi's fatwas. *International Journal of Transgenderism*, 18(1), 91–103. <https://doi.org/10.1080/15532739.2016.1250239>

⁶⁰ Azhar, S., Ahmad, I., Guzman Herrera, M. M., Tariq, N., & Lerner, R. (2024). “I would prefer to be dead than to live this way”: Lived experiences of stigma and discrimination against *khwaja sira* in Swat, Pakistan. *Cambridge Prisms: Global Mental Health*, 11, Article e60. <https://doi.org/10.1017/gmh.2024.53>; John, A., Demant, D., John, A., Obeagu, E. I., Dar, W. M., Haider, A., & Faridi, T. A. (2025). Exploring demographics, depression, anxiety, and low body appreciation as correlates of suicide among transgender people in Pakistan. *Violence and Gender*, 12(4), 140–150. <https://doi.org/10.1177/23267836251388853>

medical guidance and Islamic juristic opinion (Islamic Fiqh Council, 1989; Zainuddin & Mahdy, 2017).⁶¹

4. **For psychologists and counselors:** interventions for *khwaja sira* should address minority stress and family rejection, and may usefully draw on religious teachings on dignity to engage families and communities.

7.2 Limitations and Future Research

This study has several limitations. First, the textual corpus was drawn mainly from Sunni sources, and Shī'ī jurisprudence and regional traditions were considered only briefly. Second, the analysis relied on published texts and secondary empirical studies rather than new data. Third, the voices of intersex and transgender Muslims themselves are represented only through existing studies. Future research could interview intersex persons and their families in Pakistan about their experience of religious and legal recognition, examine how religious education affects community attitudes, and follow the outcome of the pending Supreme Court appeal and its effects on wellbeing.

8. Conclusion

Islamic teachings recognize intersex persons explicitly and accommodate them within the male–female binary, providing detailed rulings on their identification, inheritance, marriage, and social interaction. By contrast, Islamic sources generally disapprove of deliberate gender transition—a biologically male person adopting a female gender, or a biologically female person adopting a male gender—on the basis of the prohibitions against imitating the opposite sex and altering God's creation, while excusing innate traits. Contemporary juristic bodies have translated this distinction into modern medical terms. In Pakistan, conflating the two categories has exposed both groups to legal uncertainty and social stigma. Restoring the distinction, while upholding the Qur'anic dignity owed to every person, can support fairer law, better-informed religious guidance, and more effective psychosocial care.

⁶¹ Islamic Fiqh Council of the Muslim World League. (1989, February 19–26). *Qarār bi-sha'n taḥwīl al-dhakar ilā unthā wa-bi-l-'aks* [Resolution on changing a male into a female and vice versa] [Eleventh session, Makkah]. Reproduced in Islamweb Fatwa Center (2011); Zainuddin, A. A., & Mahdy, Z. A. (2017). The Islamic perspectives of gender-related issues in the management of patients with disorders of sex development. *Archives of Sexual Behavior*, 46(2), 353–360. <https://doi.org/10.1007/s10508-016-0754-y>