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Islamic Legal Discourse and Gender Inclusivity: The Dynamics of *Khunthā*/*Hijra* and Transgender Identity in Bangladesh

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Abstract
This paper critically explores the theological, legal, and sociopolitical distinction between traditional *khunthā* (intersex) and contemporary socially constructed transgender identities within the framework of Islamic jurisprudence, focusing on the Bangladeshi context. By engaging with classical and contemporary Islamic legal texts, religious interpretations, legal precedents, scholarly works, media representations, and public discourse, the study argues that the conflation of *khunthā* (often culturally aligned with *hijra*) and transgender identities in public narratives—particularly in education and media—has led to widespread confusion, societal backlash, and policy resistance. While *khunthā* has traditionally been recognized in Islam as part of divine creation (*aṣl al-khilqah*), transgender identity—defined as a divergence from one's biological sex—is often perceived as altering God's creation (*taghyīr al-khilqah*) and thus faces greater religious and social resistance. This paper also addresses concern about unverified gender identity claims, citing incidents where individuals falsely claimed *gender* status, resulting in misuse of institutional provisions and violations of women's safety and privacy in gender-segregated spaces. The study suggests that future policy initiatives on gender inclusivity in Muslim-majority countries like Bangladesh should clearly distinguish between traditional legitimate gender and socially constructed gender identities in order to uphold religious and ethical values and prevent misuse in gender-segregated spaces.

Keywords: Gender Inclusivity, LGBTQ+, Transgender, *Khunthā, Hijra,* Islamic Legal Discourse, Bangladesh

I. Introduction

The discourse on gender and sexual identity has significantly evolved in recent years, encompassing a range of perspectives, definitions, and rights movements. The LGBT community—comprising lesbian, gay, bisexual, and transgender individuals—represents a diverse spectrum of experiences that challenge traditional conceptions of gender and

sexuality.[1] While the terms "lesbian," "gay," and "bisexual" relate to sexual orientation, "transgender" refers to individuals whose gender identity does not align with their biological sex assigned at birth.[2] This divergence has sparked critical discussions on inclusion, rights, and identity across different societies, particularly in those where religious teachings are deeply embedded in cultural norms.[3]

In Muslim societies, the conversation around gender identity is complex and layered.[4] Historically, classical Islamic jurisprudence has recognized the category of *khunthā* (intersex), which describes individuals with ambiguous or dual sexual characteristics. Unlike contemporary transgender identities, which some religious authorities view as a modification of God's creation (*taghyīr al-khilqah*), *khunthā* has been accepted as part of divine creation (*ʿasl al-khilqah*).[5] This distinction is crucial for understanding how different gender identities are perceived within Islamic legal and social frameworks. The conflation

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1 Matthew Waites, "Critique of 'Sexual Orientation'and 'Gender Identity'in Human Rights Discourse: Global Queer Politics beyond the Yogyakarta Principles," *Contemporary Politics* 15, no. 1 (2009): 137–56, https://www.tandfonline.com/doi/abs/10.1080/13569770802709604; Elizabeth S. Corredor, "Unpacking 'Gender Ideology' and the Global Right's Antigender Countermovement," *Signs: Journal of Women in Culture and Society*, March 1, 2019, https://doi.org/10.1086/701171; Yeni Sri Lestari, "Lesbian, Gay, Biseksual, Dan Transgender (Lgbt) Dan Hak Asasi Manusia (Ham)," *Community : Pengawas Dinamika Sosial* 4, no. 1 (September 11, 2018): 105–22, https://doi.org/10.35308/jcpds.v4i1.193.

2 Matthew Heinz and Matthew Heinz, "Transgender Media Studies," June 26, 2019, https://doi.org/10.1093/obo/9780199756841-0233; Elijah Adiv Edelman, "Gender Identity and Transgender Rights in Global Perspective," in *The Oxford Handbook of Global LGBT and Sexual Diversity Politics*, ed. Michael J. Bosia, Sandra M. McEvoy, and Momin Rahman (Oxford University Press, 2020), 0, https://doi.org/10.1093/oxfordhb/9780190673741.013.24; Susan Dicklitch-Nelson and Indira Rahman, "Transgender Rights Are Human Rights: A Cross-National Comparison of Transgender Rights in 204 Countries," *Journal of Human Rights* 21, no. 5 (2022): 525–41, https://www.tandfonline.com/doi/abs/10.1080/14754835.2022.2100985; Aoife M. O'Connor et al., "Transcending the Gender Binary under International Law: Advancing Health-Related Human Rights for Trans* Populations," *Journal of Law, Medicine & Ethics* 50, no. 3 (September 2022): 409–24, https://doi.org/10.1017/jme.2022.84; Myles Williamson, "A Global Analysis of Transgender Rights: Introducing the Trans Rights Indicator Project (TRIP)," *Perspectives on Politics* 22, no. 3 (September 2024): 799–818, https://doi.org/10.1017/S1537592723002827.

3 Michael J. Bosia, Sandra M. McEvoy, and Momin Rahman, *The Oxford Handbook of Global LGBT and Sexual Diversity Politics* (Oxford University Press, 2020).

4 Hendri Yulius Wijaya, "Conservative Islamic Forces, Global LGBT Rights, and Anticipatory Homophobia in Indonesia," *Public Discourses about Homosexuality and Religion in Europe and Beyond*, 2020, 325–48, https://link.springer.com/chapter/10.1007/978-3-030-56326-4_15; R James McNinch, "Schools as Queer Transformative Spaces: Global Narratives on Sexualities and Genders: Edited by Jón Ingvar Kjaran and Helen Sauntson, New York: Routledge, 2020. 226 Pp. ISBN 9781032088396.," 2023, https://www.tandfonline.com/doi/abs/10.1080/19361653.2021.1992697.

5 "Office of the Mufti of the Federal Territories - Irsyad Al- Fatwa No. 202: Hakam Rulings Related to Khunsa," accessed June 15, 2024, https://muftiwp.gov.my/ms/artikel/irsyad-hukum/umum/751-irsyad-al-fatwa-ke-202-hukum-hakam-berkaitan-khunsa; "Office of the Mufti of the Federal Territories - Series 5 : Issues Of Transgender, Tasyabbuh Or Resemblance: The Law (Updated Edition)," accessed June 15, 2024, https://muftiwp.gov.my/ms/artikel/bayan-linnas/1820-siri-5-isu-transgender-tasyabbuh-atau-penyerupaan-hukumnya-edisi-kemaskini.

of these categories contributes to societal misunderstandings and influences public attitudes and policies in Muslim-majority contexts.

Modern medical advancements, such as sex-reassignment surgery (SRS),[6] have further complicated classical Islamic interpretations of gender and bodily integrity. While medical interventions for intersex individuals to address gender ambiguity are generally accepted within Islamic thought, the legitimacy of SRS for transgender individuals is far more contentious.[7] Islamic teachings, reflected in *ṣaḥīḥ* (authentic) Prophetic narrations, emphasize the sanctity of God's creation and caution against altering it without necessity.[8]

An ongoing challenge is that influenced by these narrations, many Muslims—particularly in Bangladesh—often conflate "transgender" with *"khunthā"* (hermaphrodite or intersex). This misunderstanding, rooted partly in a lack of familiarity with pre-modern terminology, contributes to social confusion and prejudice within Muslim communities. Although *fiqh* jurists clearly define these terms, societal resentment toward LGBT+ movements continues to influence public attitudes. Consequently, the *khunthā* category, which is considered to be a part of the original creation of God (*aṣl al-khilqah*) and has no condemnation in Islamic *Sharīʿa*, is frequently misidentified with transgender and transsexual identities. For comparison, in Indonesia, people often refer to transgender individuals as *waria*, meaning "female-to-male."[9] In Malaysia, people often use the

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[6] To know details about the process of SRS, see D. Duisin, J. Barisic, and B. Batinic, "837 – Request for Sex-Reconversion Surgery - Case Report," *European Psychiatry*, Abstracts of the 21th European Congress of Psychiatry, 28 (January 1, 2013): 1, https://doi.org/10.1016/S0924-9338(13)76011-5; Yadavendra Singh et al., "Gender Transition Services for Hijras and Other Male-to-Female Transgender People in India: Availability and Barriers to Access and Use," *International Journal of Transgenderism* 15, no. 1 (2014): 1–15, https://www.tandfonline.com/doi/abs/10.1080/15532739.2014.890559; Richard P Fitzgibbons, "Transsexual Attractions and Sexual Reassignment Surgery: Risks and Potential Risks," *The Linacre Quarterly* 83, no. 2 (2016): 337–50, https://journals.sagepub.com/doi/full/10.1080/00243639.2015.1125574a; A. Prunas, "The Pathologization of Trans-Sexuality: Historical Roots and Implications for Sex Counselling with Transgender Clients," *Sexologies*, Sexualités LGBT : nouvelles approches ? LGBT Sexualities : new approaches ?, 28, no. 3 (July 1, 2019): e54–60, https://doi.org/10.1016/j.sexol.2019.06.002.

[7] Ani Amelia Zainuddin and Zaleha Abdullah Mahdy, "The Islamic Perspectives of Gender-Related Issues in the Management of Patients With Disorders of Sex Development," *Archives of Sexual Behavior* 46, no. 2 (February 1, 2017): 353–60, https://doi.org/10.1007/s10508-016-0754-y; Alfred Chabbouh, Rim Chehab, and Elie Charro, "Decision-Making and Implications of Sex-Reassignment Surgery in Intersex Individuals in the Arab World: A Case Series," *International Journal of Clinical Research* 3, no. 1 (2023): 185–91, https://doi.org/10.38179/ijcr.v3i1.207.

[8] ʾAḥmad Ibn ʿAlī Ibn Ḥajar al-ʿAsqalānī, *Fatḥ Al-Bārī*, vol. 10 (Beirut, Lebanon: Dār ʾḥhyāʾ al-Turāth al-ʿArabī, 1985), 333; Muḥammad Khālid Manṣūr, *Al-Aḥkām al-Ṭibbiyya al-Mutaʿalliqa Bi al-Nisāʾ Fi al-Fiqh al-Islāmī* (Beirut, Lebanon: Dār al-Nafāʾis, n.d.), 204; ʾAbū ʿAbd Allāh Muḥammad Ibn Yazīd Ibn Mājah, *Sunnan Ibn Mājah*, vol. 2 (Beirut, Lebanon: Dār ʾḥhyāʾ al-Turāth al-ʿArabī, n.d.)2:23; Būshiya Muḥammad Shāfiʿī Miftāḥ, *Jiraḥāt Al-Dhukūra Wa-al-ʾUnūtha Fī Ḍawʾ al-Ṭibb Wa-al-Fiqh al-Islamī* (Beirut, Lebanon: Dār al-Falāḥ, n.d.), 480.

[9] Rr Siti Kurnia Widiastuti, "Research Method for Exploring Discourse on the Rights for Religion for Transgender," *ESENSIA: Jurnal Ilmu-Ilmu Ushuluddin* 18, no. 1 (April 20, 2017): 105,

offensive Malay term *mak nyah*, or *pondan*, to refer to flamboyant homosexual men or male-to-female transgender women. Meanwhile, people refer to female-to-male transgender men as *pengkids* or *tomboys*.[10] People sometimes refer to transgender individuals as *khwaja Sara* in Pakistan and *hijra (eunuch)* or third gender in Bangladesh.[11]

In light of this theological framework, resistance to the formal recognition and integration of transgender identities persists in various Muslim societies, including Bangladesh. In the Bangladeshi context, conservative Islamic scholars and entrenched cultural norms exert considerable influence over public perceptions of transgender rights. These combined religious and cultural forces create a sociopolitical climate that limits societal acceptance and complicates the pursuit of identity recognition for transgender individuals. Consequently, this resistance exemplifies the broader ideological tension between traditional religious interpretations and contemporary views on gender, setting the stage for complex challenges in the Bangladeshi context.

The recognition of the *hijra* (eunuch/*khunthā*) community, often labeled "transgender" for inclusivity, serves as a poignant example of these tensions in Bangladesh. A recent incident in January 2024 underscored these issues when Asif Mahtab, a lecturer at BRAC University, publicly opposed the inclusion of a chapter about a *hijra (khunthā*), using the term "transgender," in a seventh-grade school textbook. Mahtab's protest, which involved tearing pages from a textbook that told the story of a transgender woman's experiences, has sparked significant concern and criticism. The response from conservative religious groups, including the formation of a "National *Fatwā* (Islamic legal) Board," highlighted the deeply held belief that transgender identity challenges religious norms.[12]

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https://doi.org/10.14421/esensia.v18i1.1473; Muh Bahrul Afif, "Islam and Transgender (A Study of Hadith about Transgender)," *International Journal of Nusantara Islam* 7, no. 2 (2019): 186.

[10] Wan Amir Azlan Wan Haniff et al., "Transgender Rights in Accordance with Civil & Sharia Law: Malaysia and Asean Perspectives," *International Journal of Academic Research in Business and Social Sciences* 11, no. 3 (2021): 1307.

[11] Lubna Jebin and Umme Farhana, "The Rights of Hijra in Bangladesh: An Overview," SSRN Scholarly Paper (Rochester, NY, June 1, 2015), 1, https://papers.ssrn.com/abstract=3028057; Adnan Hossain, "The Paradox of Recognition: Hijra, Third Gender and Sexual Rights in Bangladesh," *Culture, Health & Sexuality* 19, no. 12 (2017): 1418–31; Abdullah Al Mamun, Mariano LM Heyden, and Qaiser Rafique Yasser, "Transgender Individuals in Asian Islamic Countries: An Overview of Workplace Diversity and Inclusion Issues in Pakistan, Bangladesh, and Malaysia," *Sexual Orientation and Transgender Issues in Organizations: Global Perspectives on LGBT Workforce Diversity*, 2016, 171; Muhammad Siraj Khan, Raza Ullah Shah, and Naghma Farid, "An Appraisal of the Transgender (Protection of Rights) Act, 2018 in the Light of Islamic Law," n.d., 125.

[12] "Inclusion of Transgender Rights Chapter in Bangladesh School Textbooks Sparks Debate," Benar News, accessed July 5, 2024, https://www.benarnews.org/english/news/bengali/univ-fires-teacher-opposing-transgender-in-textbook-01222024152402.html; "IAB Takes to Streets over Transgender Story in Textbook," Dhaka Tribune, accessed July 5, 2024, https://www.dhakatribune.com/bangladesh/337852/iab-takes-to-streets-over-transgender-story-in.

This dynamic is further underscored by the government's attempt in September 2024 to address societal tensions through a 10-member National Curriculum and Textbook Board (NCTB) committee tasked with reviewing educational content. However, criticism from Islamic groups, particularly over the progressive stance of two members on social issues like LGBTQ+ rights, led to the committee's dissolution within weeks,[13] highlighting the political and social ramifications of addressing transgender recognition within educational and public policy frameworks.

In addition to these social and legal developments, some existing scholarly works often utilize the term "transgender" when discussing the rights of *khunthā* individuals in Islam, aiming to justify these rights from an Islamic legal perspective. As an illustration, in *"The Legal Rights of Transgender (Khansa) in Islamic State,"* Hussain et al. highlight how Islam promotes equal treatment for transgender (*khunthā)* individuals. They argue that any prejudice toward transgender individuals contradicts Islamic principles, which emphasize universal equality and fairness.[14]

Similarly, in their study, Muhammad Siraj Khan et al. critically evaluate the *"Transgender (Protection of Rights) Act, 2018"* in Islamic law in Pakistan. Although they recognize the significance of safeguarding the rights of transgender (*khunthā)* individuals, they argue that specific provisions of the Act contradict Islamic law and may undermine the integrity of the family unit. They propose a reassessment of these provisions to ensure that they are in line with Islamic values.[15] In their work, Naseem et al. also present a compelling argument that challenges the prevailing belief of social exclusion faced by transgender (*khunthā*) individuals. They highlight the recognition and significant positions that transgender individuals have held within Muslim religious organizations. They argue that the occasional influence transgender individuals had on governmental decisions led to

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[13] "Textbook Curriculum Changes in Bangladesh | Govt Dissolves Committee Formed over Textbook Revision," accessed October 19, 2024, https://www.thedailystar.net/news/bangladesh/education/news/revising-textbooks-govt-dissolves-committee-face-flak-3714491; "Govt Dissolves Textbook Revision Committee | The Business Standard," accessed October 19, 2024, https://www.tbsnews.net/bangladesh/education/govt-dissolves-textbook-revision-committee-952656; "Textbook Review and Revision Committee Dissolved," accessed October 19, 2024, https://www.dhakatribune.com/bangladesh/education/360037/textbook-revision-committee-dissolved; "The Education Ministry Dissolved the Committee on Saturday. Prior to This, Leaders of Several Religion-Based Organisations Raised Objections over Two Members of the Committees. | Prothom Alo," accessed October 19, 2024, https://en.prothomalo.com/youth/education/3deow640d6.

[14] Amjad Hussain, Muhammad Saeed, and Aas Muhammad, "The Legal Rights of Transgender (Khansa) in Islamic State," *Global Social Sciences Review* V (September 30, 2020): 410–16, https://doi.org/10.31703/gssr.2020(V-III).44.

[15] Khan, Shah, and Farid, "An Appraisal of the Transgender (Protection of Rights) Act, 2018 in the Light of Islamic Law."

their high regard, challenging and dismantling negative perceptions and stereotypes surrounding their identity.[16]

Reflecting on the Bangladeshi context, Snigdha et al. argue that a thorough understanding of transgender (*khunthā*/*hijra*) identity is impossible without confronting Islam's cultural practices.[17] Moreover, Sanjida Islam argues that the absence of legal recognition and protection of the rights of transgender (*khunthā* or *hijra*) individuals in Bangladesh results in marginalization and discrimination. She underscores the urgent need for the implementation of specific legislation to protect the legal, social, and political rights of the transgender (*khunthā* or *hijra*) community in Bangladesh.[18]

These studies and recent events raise a critical question: why do academic discussions on *khunthā* rights often employ the term "transgender" despite distinct differences between these categories and the concerns voiced by Muslim communities? This question exposes a significant gap in the literature, particularly within the Bangladeshi context, where a lack of clear differentiation between *khunthā* and transgender identities frequently leads to misunderstandings in both scholarly and societal discourse. By addressing this gap, our paper thoroughly analyzes these gender-ambiguous terms, drawing from both classical Islamic legal sources and contemporary perspectives.

Focusing specifically on the context of Bangladesh, this study investigates how the conflation of transgender identities with the Islamic legal category of *khunthā* (intersex) has contributed to widespread public confusion, religious opposition, and policy dilemmas. Drawing upon classical Islamic jurisprudence, fatwas, contemporary legal interpretations, scholarly writings, public discourse, and media controversies—particularly the debate over "Sharifa's Story" in a national textbook—this paper explores the theological and sociocultural distinctions between *khunthā (hijra)* and transgender identities. By clarifying these categories, the study aims to demonstrate how such conflations have triggered backlash and resistance from religious scholars and the wider public, thereby shaping societal perceptions and policy responses in a Muslim-majority society. The study provides a culturally grounded perspective that promotes more informed and nuanced policymaking that respects Islamic traditions while engaging thoughtfully with evolving discussions on gender identity.

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[16] Fozia Naseem, Muhammad Hamzah, and Syed Shah, "Rights of Transgender Persons: An Analytical Study of Sharia," *Global Legal Studies Review* VI (March 30, 2021): 77–83, https://doi.org/10.31703/glsr.2021(VI-I).11.

[17] Rezwana Snigdha, "An Obscure Perception of Transgender in Islam: A Case of Hijra in Bangladesh An Obscure Perception of Transgender in Islam: A Case of Hijra in Bangladesh," *Global Journal of Human-Social Science*, March 17, 2020, https://doi.org/10.34257/GJHSSCVOL19IS5PG29.

[18] Sunjida Islam, "A Theoretical Analysis of the Legal Status of Transgender: Bangladesh Perspective," *International Journal of Research and Innovation in Social Science* 3, no. 3 (2019): 117–19, https://ideas.repec.org//a/bcp/journl/v3y2019i3p117-119.html.

The paper is organized into five main sections. First, it explores classical and contemporary Islamic perspectives on gender ambiguity to establish the jurisprudential foundation surrounding *khunthā* and related categories. Second, it examines how these Islamic frameworks interact with modern discourses on gender identity and sexuality, especially concerning transgender individuals. The third section investigates global LGBT+ discourse and its implications for Muslim societies, with special attention to the sociopolitical landscape of Bangladesh. The fourth section analyzes key controversies, government decisions, and religious responses within Bangladesh, including real-life events like the 2024 textbook backlash and the 2015 *hijra* job screening scandal. Finally, the conclusion synthesizes these insights and proposes Islamic context-sensitive policy suggestions to distinguish intersex and transgender identities, aiming to safeguard religious values while preventing social and legal misuse.

II. An Overview of Gender Ambiguity in Pre-Modern and Modern Islamic Tradition

To contextualize the pre-modern acceptance of gender ambiguity within Muslim societies, it is helpful to examine the terminologies that historically defined various forms of gender diversity, including the terms *khāsī*, *khunthā*, *hijra*, *mutarajjilāt*, and *mamsūḥ*. Each term denotes unique identities or roles that exemplify culturally recognized gender expressions beyond the male-female binary.[19] Full elaboration of these terminologies is beyond the purpose of this article, but it is essential for our elaboration. Below is a summary of these classifications, which illuminate the nuanced ways in which gender ambiguity was understood and accommodated:

1. *Khāsīs*, or eunuchs, were historically employed as guards, servants, and chamberlains in harems and kings' chambers in the Middle East and China.[20] They possess male reproductive organs and are typically assigned male at birth until undergoing castration, often involving the removal of the testicles. There is a unique legal and social position that *khāsīs* occupy, which does not involve a change to the female gender.[21]

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[19] See for details "Transgender Identity, The Sex-Reassignment Surgery Fatwās and Islāmic Theology of A Third Gender in: Religion and Gender Volume 7 Issue 2 (2017)," 165–66, accessed June 16, 2024, https://brill.com/view/journals/rag/7/2/article-p164_2.xml; Mehrdad Alipour, "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, no. 1 (2017): 91–103; See also Alipour, 91–92.

[20] "Eunuch | Castration, Gender Roles, History | Britannica," accessed June 18, 2024, https://www.britannica.com/topic/eunuch.

[21] Scott Siraj Al-Haqq Kugle, *Homosexuality in Islam: Critical Reflection on Gay, Lesbian, and Transgender Muslims* (Simon and Schuster, 2010); Shaun Marmon, *Eunuchs and Sacred Boundaries in Islamic Society* (Oxford University Press, 1995), 97.

2. *Khunthās (*hermaphrodites or intersex) are persons who combine both or indeterminate male and female reproductive organs or genitals. According to Islamic jurisprudence, there are two types of *khunthās*: *al-khunthā ghayr mushkil* (non-problematic or unambiguous hermaphrodites), whose appearance indicates their gender, especially after they become teenagers,[22] and *al-khunthā mushkil* (problematic or ambiguous hermaphrodite), whose physical traits make it impossible to classify them as either male or female within the binary system, before or after they become teenagers.[23]
3. The term "*mukhannath*" (effeminate men) describes individuals who exhibit physical characteristics or behavior similar to or reminiscent of women, such as a gentle voice or indolent limbs. Subsequent Muslim lexicographers corroborate this interpretation of the term, asserting that "*mukhannath*" originates from the word "*khanāthā*," meaning "to fold back the mouth of a water-skin for drinking."[24] However, early Muslim lexicographers interpreted the term differently, asserting that "*mukhannath*" originates from "*khunthā*," a term that signifies hermaphrodite or intersex. This interpretation would classify a *mukhannath* as either an intersex or a hermaphrodite.[25] Moreover, according to *Sunnī* Islamic jurists, *Ḥanafīs* and *Ḥanbalīs* classify *mukhannath* individuals into two categories: those with a gentle, feminine voice and no attraction towards women and those who are morally depraved (*fāsiq*) and should be prohibited from engaging with women socially.[26] On the other hand, the *Shafiʿīs* and *Mālikīs* define *mukhannath* as an individual who has a voice that resembles that of a woman and displays effeminate characteristics in their words, appearance, thoughts, and

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[22] To understand the matter more comprehensively, see Paula Sanders, "5. Gendering the Ungendered Body: Hermaphrodites in Medieval Islamic Law," in *5. Gendering the Ungendered Body: Hermaphrodites in Medieval Islamic Law* (Yale University Press, 2008), 74–95, https://doi.org/10.12987/9780300157468-007.

[23] Abū al-Qāsim al-Mawsawi al-Khūʾī, *Fiqh Al-Aʾḍār al-Sharʿiyya Wa al-Masāʾil al-Ṭabbiya Min Ṣrāṭ al-Najāh* (Qom, Iran: Dār al-Ṣiddīqa al-Shahīda., 2006), 113, https://www.alkhoei.net/ar/khlib/view/style1/196; Al-Sarakhsī Muḥammad Ibn Aḥmad, *Al-Mabsūṭ*, vol. 30 (Beirut, Libanon: Dār al-Mʿarifa., 1993), 91–92; Khan, Shah, and Farid, "An Appraisal of the Transgender (Protection of Rights) Act, 2018 in the Light of Islamic Law," 127–28; Naseem, Hamzah, and Shah, "Rights of Transgender Persons," 81; Sayed Sikandar Shah Haneef, "Sex Reassignment in Islamic Law: The Dilemma of Transsexuals," *International Journal of Business, Humanities and Technology* 1, no. 1 (2011): 102.

[24] Everett K. Rowson, "The Effeminates of Early Medina," *Journal of the American Oriental Society* 111, no. 4 (1991): 672–73, https://doi.org/10.2307/603399.

[25] Khalīl ibn Aḥmad, *Kitāb al-ʻAyn*, vol. 4 ([Baghdād]: al-Jumhūrīyah al-ʻIrāqīyah, Wizārat al-Thaqāfah wa-al-Iʻlām, Dār al-Rashīd, 1980), 248; Rowson, "The Effeminates of Early Medina," 673.

[26] ʾAbd Allāh Ibn ʾAḥmad Ibn Muḥammad Ibn Qudāma, *Al-Mughnī Li Ibn Quḍāma*, vol. 7 (Riyad, Saudi: Al-Maktaba al-Riyaḍ al- Ḥadītha, n.d.), 462.

decision-making. They may be considered safe to engage in social interactions as long as they do not experience sexual attraction toward women.[27]

4. *Mutarajjilāt* are women who endeavor to emulate males in terms of their conversations and appearance.[28]
5. *Mamsūḫs* are individuals who lack both male and female reproductive organs.[29] Although the majority of *Shiʿa* scholars referred to this group as *mamsūḫ*, there were those, like Ibn Idrīs, who classified these individuals as *al-khunthā mushkil*.[30] In *Sunnī* literature, the word "*mamsūḫ*" is not used, and this group is consistently classified as part of "*khunthā*."[31]
6. *Hijras*, biologically male but socialized as female, undergo ceremonial castration in South Asian nations like Pakistan, India, and Bangladesh to remove their testicles and penis, a practice considered a "third gender or third sex" and associated with the removal of their testicles and penis.[32] However, in general, people in Bangladesh commonly perceive *hijras* as emasculate, asexual, and individuals born with missing or ambiguous genitals. The mainstream population also often uses the term "*hijra*" to mark and describe deviations from societal norms of masculinity.[33] It is worth mentioning that Bangladeshi *ʿulamāʾ* or Islamic scholars acknowledge *hijras* as *khunthā* categories.

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[27] Shams al-Dīn Muḥammad Ibn al-Khaṭīb al-Shirbīnī, *Mughni Al-Muḥtaj ʾIlā Maʿrifati Maʿāni ʾAlfāẓ al-Manhāj*, vol. 4 (Beirut, Lebanon: Dār al-Fikr, n.d.), 430; Muḥammad Ibn ʿAbd Allāh al-Khurashī, *Al-Khurashī ʿalā Mukhtaṣar Sayyidi Khalil*, vol. 2 (Beirut, Lebanon: Dār al-Fikr, n.d.), 273; See also Haneef, "Sex Reassignment in Islamic Law: The Dilemma of Transsexuals," 101; Snigdha, "An Obscure Perception of Transgender in Islam," 30.

[28] Abdelwahab Bouhdiba, *Sexuality in Islam* (London: Routledge, 2007), 141, https://doi.org/10.4324/9780203706916.

[29] ʿAbd al-Fattaḥ, Al-Ḥusainī, *Al-ʿAnāwin al-Fiqhiya*, vol. 1 (Qom, Iran: Intishārāt-i Islāmī, 1997), 38.

[30] ʾAbū Jaʿfar Muḥammad Ibn Manṣūr Ibn ʾAḥmad, Ibn ʾIdrīs al-Ḥillī, *Al-Sarāʾir*, vol. 3 (Qom, Iran: Intishārāt-i Islāmī, 2006), 277.

[31] *Al-ʿAzīz Sharḥ al-Wajiz -Al-Sharh al-Kabīr*, 'Ali Muḥammad Muʿawaḍ wa ʿĀdil Aḥmad ʿAbd al-Mawjūd, vol. 6 (Beirut, Libanon: Dār al-Kutub al-ʿilmiya., 1997), 532, https://archive.org/details/WAQ71626/azez00/; Muḥammad Ibn Aḥmad, *Al-Mabsūṭ*, 30:92.

[32] Serena Nanda, *Neither Man Nor Woman: The Hijras of India* (Wadsworth Publishing Company, 1999), ix (See the preface of the book); Jodi O'Brien, *Encyclopedia of Gender and Society* (SAGE, 2009), 384; See for details Jyoti Puri, "2 Transgendering Development," *Development, Sexual Rights and Global Governance* 29 (2010): 39; Amy Lind, *Development, Sexual Rights and Global Governance* (Taylor & Francis, 2010), 15, https://doi.org/10.4324/9780203868348; Jebin and Farhana, "The Rights of Hijra in Bangladesh," 1; Hossain, "The Paradox of Recognition: Hijra, Third Gender and Sexual Rights in Bangladesh," 1.

[33] See for details Hossain, "The Paradox of Recognition: Hijra, Third Gender and Sexual Rights in Bangladesh," 1420–21; Adnan Hossain, Beyond Emasculation, and Being Muslim, "Hijras in Bangladesh," *Journal of Feminist Theory* 19, no. 2 (2009): 205–18; A. Hossain, "Beyond Emasculation: Pleasure, Power and Masculinity in The Making of Hijrahood in Bangladesh." (PhD-Thesis – Research and graduation external, 2014).

Despite this diversity, most pre-modern Muslim jurists have concentrated their discussion mainly on the categories of *khunthā* and *mukhannath* (*mamsūḥ* in *Shīʿa* perspective) out of the six groups, as they believe that these two groups are biologically equivocal in contrast to the other four. They deliberated on these groups because they believed their ambiguous nature required clarification of Islamic obligations. As a result, Muslim jurists mostly talk about the rules that apply to people who are labeled as *khunthā* or *mukhannath* in different areas of Islamic *fiqh*, such as chastity, worship, the pilgrimage (*ḥajj*), marriage, heirloom, and punishment.[34]

While classical scholars mainly focus on those two categories due to the advanced medical technology, contemporary Muslim scholars have differing opinions on the legitimacy of medical interventions for individuals with sexual abnormalities. While they generally agree that it is acceptable to use medical interventions to correct abnormalities in hermaphrodites (*khunthās*), they dispute the legitimacy of such interventions for effeminate individuals. The perception of medical intervention for hermaphrodites as a legitimate medical reason differs from that of effeminate (*mukhannath*) individuals, who view it as cosmetic and motivated by a desire to defy God's ethical and legal commands. Then, legal experts generally agree that Islamic law authorizes the use of sex change procedures to correct abnormalities in individuals with hermaphroditism.[35]

Islamic teachings encourage Muslims to seek medical treatment for *khunthās*, as the *Sunna* (prophetic narration) states that "God has not created diseases except that He has anticipated, by His will, a cure for them." And, "O Servants of God, seek medical treatment for your illness."[36] The Prophet further underscored the importance of eradicating harm and its consequences, asserting that "one should neither inflict damage

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[34] "Transgender Identity, The Sex-Reassignment Surgery Fatwās and Islāmic Theology of A Third Gender in: Religion and Gender Volume 7 Issue 2 (2017)," 166–67; To know details about rules and rights about khunthā and mukhannath, see Dr Amir Ullah Khan, Dr Shabana Noreen, and Dr Syed Naeem Badshah, "Concept of Transgender and Islamic Concept of Family: From Societal Security Perspective," *Peshawar Islamicus* 13, no. 02 (December 25, 2022): 39–47, http://ojs.uopisl.pk/index.php/peshawarislamicus/article/view/75; Haneef, "Sex Reassignment in Islamic Law: The Dilemma of Transsexuals," 100–102; Khan, Shah, and Farid, "An Appraisal of the Transgender (Protection of Rights) Act, 2018 in the Light of Islamic Law," 126–28; Dr Iram Sultana, Dr Hafiz Muhammad Idrees, and Dr Hafiz Muhammad Sarwar, "Status and Rights of Transgender from Islamic Perspective," *Al-Qamar*, September 30, 2021, 193–99, https://alqamarjournal.com/index.php/alqamar/article/view/1086; Hussain, Saeed, and Muhammad, "The Legal Rights of Transgender (Khansa) in Islamic State," 411–15; Naseem, Hamzah, and Shah, "Rights of Transgender Persons," 77–82.

[35] Haneef, "Sex Reassignment in Islamic Law: The Dilemma of Transsexuals," 102.

[36] Ibn Mājah, *Sunnan Ibn Mājah*, 2:252.

nor retaliate against it."[37] Thus, seeking medical help is morally justified and legitimate, especially when the intention is to recover one's true identity rather than hide it.[38]

III. The Intersection of Gender Identity, Sexual Diversity, and Islamic Perspectives

Building upon historical understandings of gender ambiguity, the intersection of Islamic teachings with contemporary perspectives on gender identity and sexual diversity presents a nuanced and complex landscape. Islamic jurisprudence has traditionally provided detailed classifications, such as *khunthā* (intersex) and *mukhannath* (effeminate individuals), yet modern conceptions of gender identity and sexual orientation add layers of complexity to these categories. As modern societies increasingly recognize diverse gender identities, including those of transgender individuals, new theological and ethical discussions are emerging within Muslim communities, challenging and expanding traditional perspectives.

Reflecting on the complexity of gender and sexual identity, Noraini et al. state that males and females are the two distinct sexes that comprise the human species. Biological factors largely determine these sexes, and as a result, most societies expect each sex to possess certain personal traits and fulfill specific roles. However, there are instances where individuals have an ambiguous sexual identity. This ambiguity can occur because of biological abnormalities, such as intersex conditions, or when individuals exhibit behaviors that are typically associated with the opposite gender. People often refer to these individuals as the "third sex," "psycho-sexual," "effeminate," or "mixed sex," and transgender." People often perceive this group as going through an "identity crisis" in terms of gender.[39] For instance, in a study by Currah and Minter, transgender was described as an "umbrella" term:

> "The contemporary term "transgender" arose in the mid-1990s from the grassroots community of gender-different people. Unlike the term "transsexual," it is not a medical or psychiatric diagnosis. In contemporary usage, transgender has become an "umbrella" term that is used to describe a wide range of identities and experiences, including but not limited to: pre-operative, post-operative, and non-operative transsexual people; male and female cross-dressers [sometimes referred to as "transvestites," "drag queens" or "drag kings"]; intersex individuals; and men

[37] Ibn Mājah, 2:60.

[38] Būshiya, Muḥammad Shāfiʿī Miftāḥ, *Jirāḥāt Al-Dhukūra Wa-al-ʾUnūtha Fī Ḍawʾ al-Ṭibb Wa-al-Fiqh al-Islāmī* (Beirut, Lebanon: Dār al-Falāḥ, n.d.), 471–72.

[39] Mohd Noor Noraini et al., "Sexual Identity: Effeminacy among University Students," *Kuala Lumpur: International Islamic University Malaysia*, 2005, 1–2; Haneef, "Sex Reassignment in Islamic Law: The Dilemma of Transsexuals," 98.

> and women, regardless of sexual orientation, whose appearance or characteristics are perceived to be gender atypical."[40]

Similarly, Lestari categorized transgender individuals into three distinct groups, each exhibiting their behaviors and characteristics: transgender, cross-dresser/transvestite, and transsexual. The first group, transgender individuals, choose to present themselves in a way that aligns with the appearance and traits typically associated with the opposite gender. This group's key feature is their recognition of a discrepancy between their gender identity and their biological sex, despite not undergoing any surgical procedures to alter their sex. The second group, cross-dressers or transvestites, find satisfaction in dressing in clothing typically associated with the opposite gender. However, it is important to note that they engage in this behavior solely as a means of expressing their gender rather than a reflection of their gender identity. Lastly, transsexual individuals are those who present themselves and behave in a manner that corresponds to the gender opposite to their assigned sex, often going to the extent of undergoing "sex reassignment surgery"(SRS).[41] Furthermore, according to Human Rights Watch:

> "Transgender is an inclusive term for anyone whose sex assigned to them at birth—i.e., the designation as "female" or "male" on their birth certificate does not conform to their lived or perceived gender (the gender that they are most comfortable expressing or would express if given a choice)."[42]

Lestari and Sefitri asserted that a variety of factors influence the transgender phenomenon. We can broadly categorize these factors as environmental and congenital. Environmental factors include an improper family upbringing, which encourages boys to exhibit feminine behaviors and vice versa. Traumatic experiences during puberty can also contribute to this phenomenon. On the other hand, congenital factors pertain to biological aspects, such as hormones and genes. Hormonal imbalances are often responsible for this condition. From a medical standpoint, it is important to note that the typical chromosome composition for males is XY, while females possess XX chromosomes. However, some individuals may have XXY chromosomes, resulting in an

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[40] Paisley Currah and Shannon Minter, *Transgender Equality: A Handbook for Activists and Policymakers* (National Center for Lesbian Rights [and] The Policy Institute of the …, 2000), 3; See "Transgender Identity, The Sex-Reassignment Surgery Fatwās and Islāmic Theology of A Third Gender in: Religion and Gender Volume 7 Issue 2 (2017)," 167.

[41] Lestari, "Lesbian, Gay, Biseksual, Dan Transgender (Lgbt) Dan Hak Asasi Manusia (Ham)," 112 (The presented data is translated from Bahasa Indonesia into English); See also Afif, "Islam and Transgender (A Study of Hadith about Transgender)," 188; Alipour, "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," 90–95.

[42] Neela Ghoshal, "I'm Scared to Be a Woman," *Human Rights Watch*, September 24, 2014, https://www.hrw.org/report/2014/09/25/im-scared-be-woman/human-rights-abuses-against-transgender-people-malaysia.

additional X chromosome. Consequently, this can lead to behaviors resembling those of females. This resemblance, in turn, caused him to display behaviors typically associated with females. By adjusting the hormonal state to align with their biological sex more closely, we can rectify the deviation stemming from these innate factors.[43]

In the field of *fiqh* (Islamic jurisprudence), *fiqh* jurists have established a clear distinction between intersex individuals (*khuntha*) and transgender individuals. For instance, the *Muftī* (*fiqh* jurist) of the Federal Territory of Malaysia explains that intersex individuals are considered to be part of the original creation of God (*'asl al-khilqah*), as they are born with characteristics that do not fit typical male or female categories. Transgender people, on the other hand, are viewed as individuals who have changed their God-given creation (*taghyīr al-khilqah*), often through medical or physical changes, such as sex-reassignment surgery (SRS). Consequently, Islamic jurisprudence does not categorize intersex individuals as transgender.[44] The Assembly of Muslim Jurists of America (AMJA) permits corrective procedures for intersex individuals but advises against sex reassignment surgery for those with gender dysphoria, emphasizing adherence to Islamic teachings on gender.[45] Similarly, in 1988, Shaykh Muḥammad Sayyid Ṭantāwī of Al-Azhar University issued a fatwa permitting sex reassignment surgery exclusively for individuals with ambiguous genitalia, recognizing it as a corrective measure. However, he declared it impermissible for those wishing to change their sex based solely on personal desire without any biological ambiguity.[46]

Fiqh jurists further describe transgender individuals as those who exhibit characteristics or behaviors traditionally associated with the opposite gender. This includes men (*mukhannath*) who display feminine traits and women (*mutarajjilāt*) who exhibit masculine traits, manifesting in aspects such as attire, speech, mannerisms, and physical alterations, or "sex-reassignment surgery(SRS).[47] Within this framework, expressions that contradict conventional gender norms are often viewed as divergences

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[43] Indah Lestari and Siti Sefitri, "Konseling Bagi Populasi Transgender," *Jurnal Konseling Gusjigang* 2, no. 1 (August 3, 2016): 39, https://doi.org/10.24176/jkg.v2i1.554; See also Afif, "Islam and Transgender (A Study of Hadith about Transgender)," 188.

[44] "Office of the Mufti of the Federal Territories - Irsyad Al- Fatwa No. 202: Hakam Rulings Related to Khunsa."

[45] "Gender Identity Disorder And Sex Reassignment Surgery | AMJA Online," Assembly of Muslim Jurists of America, August 20, 2007, https://www.amjaonline.org/fatwa/en/22813/gender-identity-disorder-and-sex-reassignment-surgery?

[46] "Sunni Islamic Jurisprudence, Sex Reassignment Surgery and Transgender Rights," openDemocracy, accessed November 24, 2024, https://www.opendemocracy.net/en/north-africa-west-asia/sunni-islamic-jurisprudence-sex-reassignment-surgery-and-transgender-rights/.

[47] "Office of the Mufti of the Federal Territories - Series 5 : Issues Of Transgender, Tasyabbuh Or Resemblance: The Law (Updated Edition)"; See also Afif, "Islam and Transgender (A Study of Hadith about Transgender)," 186.

from what is considered natural human disposition.[48] The *Fiqh* Council of North America asserts that gender is intrinsically linked to biological sex, and intentionally adopting the appearance or roles of the opposite gender is prohibited in Islam.[49]

This interpretation supports early Islamic teachings, where Prophetic traditions strongly discourage such behaviors. For instance, narrations from the distinguished companion Ibn ʿAbbās (RA) recount that the Prophet Muḥammad (PBUH) discouraged gender-nonconforming behaviors among men and women by admonishing those who adopted the appearance or traits of the opposite gender. These narrations illustrate a foundational Islamic view that emphasizes adherence to one's God-given nature, thus framing gender nonconformity as a deviation from divine intent.[50]

It is worth mentioning that Islamic tradition does not condemn every *mukhannath*, contrary to common opinion. It exhibits adaptability while addressing biological transsexual individuals, irrespective of their vocal or physical characteristics. For instance, Ibn Ḥajar emphasized that the Prophetic censure targets those who deliberately deviate from their prescribed gender standards, not those with innate behavioral abnormalities. Instead, Islamic teachings suggest a compassionate approach, offering guidance to help individuals align with their designated identities.[51]

Expanding on this, Islamic legal perspectives articulate specific reasons for opposing the alteration of one's natural gender identity or transgenderism: the act of altering one's natural gender identity is seen as a violation of God's creation and is associated with the influence of Satan.[52] Its main goal is to change one's social and sexual roles, which goes against the teachings of the Prophet regarding effeminacy and masculinity.[53] This act is often motivated by the desire to conceal one's true identity, which is considered deceitful and prohibited in Islam; as the Prophet says, "Anyone who plays deceit does not belong

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[48] Haniff et al., "Transgender Rights in Accordance with Civil & Sharia Law: Malaysia and Asean Perspectives," 1307.

[49] "What Is Islam's Position on Transgenderism?," Fiqh Council of North America, June 17, 2022, https://fiqhcouncil.org/fatwa-regarding-transgenderism/?.

[50] al-Bukhārī, *Ṣaḥih Al-Bukhārī* (Beirut, Lebanon: Dār al-Fikr, n.d.), Ḥadīth no 5886; ʾAbū Dāwud al-Sijistānī, *Sunan Abī Dāwūd. Ed. Muḥammad Muḥyī al-Dīn ʿAbd al-Ḥamīd* (Bayrūt: al-Maktaba al-ʿAṣriyya, n.d.), Ḥadīth no 4930.

[51] Ibn Ḥajar al-ʿAsqalānī, *Fatḥ Al-Bārī*, 10:332; Haneef, "Sex Reassignment in Islamic Law: The Dilemma of Transsexuals," 101.

[52] *Al-Qurʾān. 4: 19*, n.d.; See also Muḥammad al-Shanqīṭī, *Aḥkām Al-Jirāḥa al-Ṭbbiyya* (Riyad, Saudi: Maktaba al-Shāba, n.d.), 135.

[53] Ibn Ḥajar al-ʿAsqalānī, *Fatḥ Al-Bārī*, 10:333; Khālid Manṣūr, *Al-Aḥkām al-Ṭibbiyya al-Mutaʿalliqa Bi al-Nisāʾ Fi al-Fiqh al-Islāmī*, 204.

to our community."[54] The surgical procedure involved in this process is comparable to castration, which the Prophet prohibited his companions from doing.[55]

From a medical perspective, this procedure is deemed inessential from a medical standpoint, as it is pursued for cosmetic rather than legitimate medical purposes. It also poses a risk of complications from post-surgical procedures or hormone medication. Hence, the Prophet's prohibition on causing intentional damage to one's own body deems it forbidden in Islam. Furthermore, individuals who undergo this procedure often encounter challenges in gaining acceptance from the Muslim community, resulting in considerable psychological distress.[56]

However, with the rise of global advocacy for LGBT rights and the recognition of diverse gender and sexual identities, these discussions have expanded beyond traditional frameworks, creating both challenges and points of contention. The following section will explore how the global discourse on LGBT identities intersects with Islamic perspectives and examine the unique stance of Bangladesh, a Muslim-majority country grappling with these evolving global dynamics.

IV. Global LGBT Discourses

An ongoing topic that continues to get significant public attention in the mainstream media, whether in print or electronic form, is the discourse surrounding lesbian, gay, bisexual, and transgender (LGBT) communities.[57] In order to gain a comprehensive understanding of the LGBT notion, it is important to provide precise descriptions of the four concepts involved. The term "lesbian" was derived from the island of Lesbos, which was located in the middle of the Egis Ocean during the ancient Greek age. Two homosexual women, Princess Shappo and Athis, resided on the island. Consequentially, the women who were attracted to one another were referred to as lesbians or lesbos. They are women who have an impact on the sexual orientation of other women. Gay is a term that refers to the sexual orientation of men in comparison to other males. As lesbians and bisexuals, they are classified as homosexuals. Pansexuals, also referred to as

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[54] Ibn Mājah, *Sunnan Ibn Mājah*, 2:23; Muḥammad Shāfiʿī Miftāḥ, *Jirāḥāt Al-Dhukūra Wa-al-ʾUnūtha Fī Ḍawʾ al-Ṭibb Wa-al-Fiqh al-Islamī*, 480.

[55] *Ṣaḥīh Al-Bukhārī*, 936; al-Shanqīṭī, *Aḥkām Al-Jirāḥa al-Ṭbbiyya*, 136.

[56] al-Shanqīṭī, *Aḥkām Al-Jirāḥa al-Ṭbbiyya*, 136; Muḥammad Shāfiʿī Miftāḥ, *Jirāḥāt Al-Dhukūra Wa-al-ʾUnūtha Fī Ḍawʾ al-Ṭibb Wa-al-Fiqh al-Islamī*, 489–90; Fawāz Ṣāliḥ, "Jirāḥat Al-Khunūtha Wa Taghyīr al-Jins Fi al-Qānūn al-Sūrī" 19:2 (2003): 58; Haneef, "Sex Reassignment in Islamic Law: The Dilemma of Transsexuals," 102–3.

[57] Afif, "Islam and Transgender (A Study of Hadith about Transgender)," 185; To know more about the LGBT discourse, see Elizabeth Peel and Damien W. Riggs, "Lesbian, Gay, Bisexual, and Transgender Psychologies," in *The Wiley Blackwell Encyclopedia of Gender and Sexuality Studies* (John Wiley & Sons, Ltd, 2016), 1–6, https://doi.org/10.1002/9781118663219.wbegss137; B Moradi, "Lesbian, Gay, Bisexual, and Transgender Issues," in *Encyclopedia of Mental Health (Second Edition)*, ed. Howard S. Friedman (Oxford: Academic Press, 2016), 19–24, https://doi.org/10.1016/B978-0-12-397045-9.00242-1.

bisexuals, are individuals who encounter a sexually romantic attraction to both genders, irrespective of their gender identity. This third form of sexual orientation is classified as either heterosexual or homosexual. Transgender is distinct from the previous three classifications in that it is not determined by sexual orientation. However, the transgender community may identify as heterosexual, homosexual, heterosexual-homosexual, or even asexual. It primarily refers to an individual's experience of gender identity. These individuals have recognized their identity and gender in a way that differs from their biological sex. In this case, individuals assigned as male at birth have identified themselves as female. This result is due to their discontentment and a lack of balance between their physical and emotional selves.[58]

According to the previous understanding, *Scott Kugle* examines the intersection of homosexuality and Islam and offers a concise explanation:

> "Gay men whose identity is largely and indelibly shaped by their sexual attraction to other males, and Lesbian whose identity is similarly shaped by sexual attraction to females. Transgender people – those born as or perceived to be men but who identify as women (male-to-female transgender) and those born as or perceived to be women but who identify as men (female-to-male transgender)."[59]

In Islamic literature, the term commonly used to refer to those who identify as gay or part of the LGBT community is *liwāṭ*. The term "*liwāṭ*" is derived from the root word "*lūṭ*," which has an etymological meaning of love and attachment, explicitly referring to the love that is deeply ingrained in the heart (*al-ḥubb al-lāẓiq bi al-qalb*).[60] Simultaneously, the perpetrator is identified as *luṭyy*.[61] Based on the story of the people of *Lūt* in the *Qurʾān* (Q.7:84 and Q.11:77–82), experts in Islamic law, *Tafsīr* (the interpretation of the *Qurʾān*), *Ḥadīth* (prophetic narrations), and linguistics all agree on what the words "*liwāṭ*"

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[58] Afif, "Islam and Transgender (A Study of Hadith about Transgender)," 185–86; M Kholid Muslih et al., "Criticism of the Pro-LGBT's Misinterpretation of the Quranic Verses on the Illegality of LGBT," *Jurnal Ushuluddin* 30, no. 1 (2022): 22–23; To know details about the each concept according to the medical and health concern, see Sonja J. Ellis, Damien W. Riggs, and Elizabeth Peel, "Lesbian, Gay, Bisexual, Trans, Intersex, and Queer Psychology: An Introduction," Higher Education from Cambridge University Press (Cambridge University Press, September 12, 2019), https://doi.org/10.1017/9781108303750; Gwendolyn P. Quinn et al., "The Importance of Disclosure: Lesbian, Gay, Bisexual, Transgender/Transsexual, Queer/Questioning, and Intersex Individuals and the Cancer Continuum," *Cancer* 121, no. 8 (2015): 1160–63, https://doi.org/10.1002/cncr.29203.

[59] Kugle, *Homosexuality in Islam*, 9; For further insights into Kugle's perspective on Homosexuality, see Scott Alan Kugle, *Living Out Islam: Voices of Gay, Lesbian, and Transgender Muslims* (NYU Press, 2014); Alberto Ramos Vicario, "Two Extreme Positions – A Gender Studies Approach to Homosexuality in Islam," August 15, 2023, 26–31, https://gupea.ub.gu.se/handle/2077/78200.

[60] Muḥammad ibn Mukarram Ibn Manẓūr, *Lisān Al-ʿArab* (Cairo: Dār al- Maʿārif, n.d.), 4099.

[61] Majmaʿal-Lughah al-ʿArabiyyah, *Al-Muʿjam al-Wasṭ,* 2nd edition (Cairo: Dār al- Maʿārif, 1973), 846.

and "*luṭyy*" mean.[62] This concept pertains to sexual conduct and sexual preference, which psychologically encompasses emotions of affection and allure. Islamic literature also includes the phrase "*Siḥāq*,"[63] which refers to women's conduct towards other women, like their interactions with males. This is in addition to the word *liwāṭ*.[64]

However, a lengthy discussion has been surrounding the liwāt or LGBT in Islam, focusing on the varying interpretations of *Qurʾānic* verses like Q.49:13, 7:80–84, and 11:77–82. This issue has become heavily intertwined with theological discussions.[65] Advocates for the LGBT community passionately defend LGBT people's existence and actions. They seek these verses to validate and rationalize LGBT behavior, transforming it into a movement that warrants acknowledgment and acceptance of its existence. However, traditional Islamic teachings prohibit engaging in LGBT behavior in the *Qurʾān*, deeming it a violation of the *sharīʿa*. The story of the people of *Lūt* exemplifies actions that stray from the principles of Islam.[66]

While traditional Islamic perspectives largely frame LGBT behavior as a deviation from religious principles, the global discourses surrounding LGBT+ rights have gained

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[62] Bakr Ibn ʿAbdullāh ʾAbū Zayd, *Muʿjam Al-Manāhi al-Lafẓiyya Wa Fawāʾid Fi ʾAlfaẓ* (Riyadh: Dar al-ʿĀṣima, 1996), 477.

[63] Sayyid Sābiq, *Fiqh As-Sunna*, 4th ed. (Beirut, Lebanon: Dār al-Fikr, 1968), 51.

[64] Wijāra al-ʾAwqāf wa al-Shuʾūn al-Islāmiiyya, *Mawsuʿa Al-Fiqh-Islāmī*, 1st ed., vol. XXIV, (Egypt: Dār as-Ṣafwa, 1992), 251; Muslih et al., "Criticism of the Pro-LGBT's Misinterpretation of the Quranic Verses on the Illegality of LGBT," 23.

[65] To know details of this phenomena and debates, see Muslih et al., "Criticism of the Pro-LGBT's Misinterpretation of the Quranic Verses on the Illegality of LGBT," 21–33; Stefanie Lee Martin, "The Role of Homosexuality in Classical Islam," 1997; Kugle, *Homosexuality in Islam*; Scott Kugle and Stephen Hunt, "Masculinity, Homosexuality and the Defence of Islam: A Case Study of Yusuf al-Qaradawi's Media Fatwa," *Religion and Gender* 2, no. 2 (2012): 254–79; Junaid B Jahangir and Hussein Abdul-Latif, "Investigating the Islamic Perspective on Homosexuality," *Journal of Homosexuality* 63, no. 7 (2016): 925–54; R. Jaspal, "Islam and Homosexuality" (John Wiley and Sons, 2016), https://doi.org/10.1002/9781118663219.wbegss543; "Homosexualities, Muslim Cultures and Modernity | SpringerLink," accessed June 11, 2024, https://link.springer.com/book/10.1057/9781137002969; Javaid Rehman and Eleni Polymenopoulou, "Is Green a Part of the Rainbow: Sharia, Homosexuality, and LGBT Rights in the Muslim World," *Fordham International Law Journal* 37 (2014 2013): 1, https://heinonline.org/HOL/Page?handle=hein.journals/frdint37&id=15&div=&collection=; Ramos Vicario, "Two Extreme Positions – A Gender Studies Approach to Homosexuality in Islam," 15–39; "The Politics of LGBT Muslim Identities," accessed May 4, 2024, https://www.e-ir.info/2015/04/02/the-politics-of-lgbt-muslim-identities/; Shanon Shah, "Constructing an Alternative Pedagogy of Islam: The Experiences of Lesbian, Gay, Bisexual and Transgender Muslims," *Journal of Beliefs & Values* 37, no. 3 (2016): 308–19; Junaid Jahangir and Hussein Abdullatif, "Homosexuality: The Emerging New Battleground in Islam," 2018, https://hdl.handle.net/20.500.14078/3098; H Umar and USTS Jambi, "Islamic Law Perspective On Lgbt Behavior (Lesbian, Gay, Bisexual And Transgender)," *International Journal of Southeast Asia* 2, no. 2 (2021).

[66] To know details about the Sarīʿa's perspective on LGBT, see Umar and Jambi, "Islamic Law Perspective On Lgbt Behavior (Lesbian, Gay, Bisexual And Transgender)."

significant momentum, emphasizing inclusivity and legal recognition. This shift brings to light a nuanced and often challenging balance among cultural traditions, religious beliefs, and universal human rights, as reflected in various international initiatives to promote the rights and protections of LGBT+ individuals. Notably, in 2011, the United Nations achieved a significant milestone in acknowledging the rights of individuals who identify as LGBT+. This accomplishment was marked by the adoption of a resolution that not only recognized these rights but also published a comprehensive report outlining the various forms of violations experienced by LGBT+ individuals, such as hate crimes, the criminalization of homosexuality, and discriminatory practices.[67] Subsequently, September 26, 2014, saw the adoption of United Nations Resolution A/HRC/RES/27/32, titled *"Human rights, pertaining to sexual orientation and gender identity,"* marking additional advancements.[68]

The United Nations Human Rights Council (UNHRC) Report of June 1, 2015, titled *"UN Human Rights Council Report: Discrimination and Violence against Individuals Based on Their Sexual Orientation and Gender Identity,"* sheds light on this movement. This movement's primary mission was to enact adequate national laws recognizing and supporting LGBT+ individuals. This entails the elimination of legislation that hinders the acknowledgment of LGBT+ and intersex individuals, along with support for consensual same-sex relationships. The report further seeks to address the issue of hate crimes against LGBT+ and intersex individuals by proposing legislation that would limit forced medical treatment, safeguard their legal identity based on gender, and encourage national governments to consider and take into account the perspectives of civil society, LGBT+ people, and intersex people when formulating laws.[69]

Given its growing commitment to promoting the rights of the LGBT+ community, in June 2016, a further resolution was passed by UNHRC to safeguard individuals from violence and discrimination relating to their sexual orientation and gender identity. This resolution seeks to tackle the pressing issues of xenophobia,

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[67] "A/HRC/19/41: Discriminatory Laws and Practices and Acts of Violence against Individuals Based on Their Sexual Orientation and Gender Identity," OHCHR, accessed June 21, 2024, https://www.ohchr.org/en/documents/thematic-reports/ahrc1941-discriminatory-laws-and-practices-and-acts-violence-against.

[68] "RES/27/32 Human Rights, Sexual Orientation and Gender Identity / RightDocs - Where Human Rights Resolutions Count," accessed June 21, 2024, https://www.right-docs.org/doc/a-hrc-res-27-32/; See also "Civil Society Organisations and LGBT+ Rights in Bangladesh: A Critical Analysis - Paul Chaney, Seuty Sabur, Sarbeswar Sahoo, 2020," 9, accessed May 4, 2024, https://journals.sagepub.com/doi/abs/10.1177/0973174120950512.

[69] See for details "A/HRC/29/23: Discrimination and Violence against Individuals Based on Their Sexual Orientation and Gender Identity," OHCHR, accessed June 17, 2024, https://www.ohchr.org/en/documents/thematic-reports/ahrc2923-discrimination-and-violence-against-individuals-based-their; See also Khan, Noreen, and Badshah, "Concept of Transgender and Islamic Concept of Family," 37–38.

homophobia, and transphobia by fostering awareness and engaging a wide range of stakeholders, including academia, civil society organizations, and human rights organizations. In addition, the resolution suggested the selection of an impartial specialist to promote these objectives further.[70] Similarly, the Human Rights Council (HRC) passed a new resolution on July 12, 2019. It examined the Independent Expert's role in protecting against violence and discrimination based on sexual orientation and gender identity.[71] The United Nations Human Rights Office additionally introduced the "Free & Equal: United Nations for LGBT Equality" campaign, aiming to foster inclusivity and equality on a global scale.[72]

Despite global momentum for gender inclusivity, resistance endures in areas where social and cultural values conflict with international advocacy. For instance, back in 2013, the Bangladeshi government took a stance against the UN Population Fund's motion to advocate for LGBT+ rights during the Sixth Asian and Pacific Population Conference. AK Abdul Momen, Bangladesh's former representative to the UN, argued that implementing such measures would go against the country's prevailing societal norms.[73] This stance reflects the ongoing tension between global advocacy for gender inclusivity and the deeply embedded social, cultural, and religious values that shape society in Bangladesh.

V. Controversies and Debates Between *Hijra* (*Khunthā*) and Transgender Identities in Bangladesh

The Bangladesh government officially recognized the *hijra or* hermaphrodite *(khunthā)* community as a distinct third gender in November 2013, a recognition that has gained widespread acceptance within the nation. This acknowledgment was noteworthy for the non-governmental sector and the global community. In 2014, the Ministry of Social Welfare initiated an annual event called *"hijra pride,"* during which *hijra* collectives paraded around the city to honor and celebrate their unique identity.

However, the recognition of *hijras* as a distinct third gender has brought their cultural and social identity into the spotlight, igniting broader discussions about the overlap

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[70] "RES/32/2 Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity / RightDocs - Where Human Rights Resolutions Count," accessed June 17, 2024, https://www.right-docs.org/doc/a-hrc-res-32-2/.

[71] UN Human Rights Council (41st sess : 2019 : Geneva), "Mandate of the Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity :: Resolution /: Adopted by the Human Rights Council on 12 July 2019," July 19, 2019, https://digitallibrary.un.org/record/3832139.

[72] "UN Free & Equal | Transgender," accessed June 17, 2024, https://www.unfe.org/en/know-the-facts/challenges-solutions/transgender.

[73] "UNFPA for Gay Rights in Bangladesh," Dhaka Tribune, accessed June 21, 2024, https://www.dhakatribune.com/bangladesh/laws-rights/38481/unfpa-for-gay-rights-in-bangladesh.

between traditional *hijra* identities and evolving transgender narratives. These issues, deeply intertwined with the sociopolitical landscape of Bangladesh, have gained prominence through recent controversies over how gender inclusivity is represented in educational content and public discourse.

One such controversy arose from the action of a teacher at a private university, which ultimately led to his termination and ignited widespread debate. On January 19, 2024, Asif Mahtab, an adjunct lecturer in the philosophy department at BRAC University in Bangladesh, expressed concern about the indoctrination of children through the inclusion of transgender narratives in textbooks. He tore two pages from a recently published seventh-grade curriculum book and encouraged everyone present to do the same. These pages contain a chapter titled *"The Story of Sharīfa,"* intended to educate students about lives outside the typical male/female binary. However, confusion and controversies arose because the textbook uses the term *"hijra"* somewhat interchangeably with "transgender." The story depicts the experiences of a former student named Sharif (a boy's name) who returns to school now living as Sharīfa (a female's name).[74] At this point, one might question whether Sharif/Sharifa identifies as *Khunthā*/*hijra*, which is considered legally a third gender in Bangladesh, or transgender.

The answer is that Sharīf/Sharīfa is depicted as a transgender individual rather than an intersex person. In the story, Sharīfa narrates, "Everyone called me a boy in my childhood, but I eventually understood that even though my body was like that of a boy, I was a girl." She loved wearing girls' clothes and doing "household chores with [her] mother" rather than typical boy activities.[75] This clarifies that Sharīf was biologically male at birth but identified as female, matching the definition of a transgender woman. Indeed, in a dialogue from the textbook, a student asks how Sharīf "became a girl from a boy," to which Sharīfa replies, "I am still what I was… I only changed my name."[76] In other words, she always internally felt female—indicating a gender transition in identity, not a physical sex change at birth. Moreover, the story never mentions any biological abnormality; Sharīfa says, "My body… was like that of a boy," implying a typical male body.[77] Authoritative analyses confirm this: the textbook portrays Sharīfa as a transgender

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[74] "The Fight for 'The Story of Sharifa,'" The Daily Star, January 30, 2024, https://www.thedailystar.net/opinion/views/news/the-fight-the-story-sharifa-3531581.

[75] Colin Stewart, "Trans Youth's Story in Grade 7 Textbook Triggers Dispute in Bangladesh," May 20, 2024, https://76crimes.com/2024/05/20/trans-youths-story-in-grade-7-textbook-triggers-dispute-in-bangladesh/.

[76] "Pāṭhyaboi te Hijra: 'Sharif' theke 'Sharifa' howar golpe tulkālam [Hijra in textbooks: The story of becoming 'Sharif' from 'Sharif']," The Daily Campus, January 3, 2024.

[77] Stewart, "Trans Youth's Story in Grade 7 Textbook Triggers Dispute in Bangladesh."

woman who "looks like [a] boy, but in her mind she is a girl."[78] There is no hint that Sharīf/Sharīfa was a biological *khunthā* or *hijra*.

Consequently, following this event and ensuing controversy, on January 22, 2024, BRAC university administrators notified Asif Mahtab of their intention to terminate his contract renewal.[79] During an interview, Asif shared his concern that the inclusion of such narratives under the guise of *hijra* representation was an attempt to normalize transgenderism, which he argued amounted to "brainwashing" children by incorporating such narratives in educational materials.[80] During a public interview, Sharmin Sultana Kaniz, a doctor and parent, sharply criticized the inclusion of a textbook chapter addressing gender identity, particularly at the seventh-grade level. She remarked, "I cannot give my child such a wrong education through textbooks." Her concern centers on what she views as a premature and factually flawed introduction of complex gender concepts to young students. She further stated, "This is a very wrong move. None of us would have known if this teacher had not made such a statement. How can it say that a transgender person and a *hijra* person are the same thing?"[81] Her critique underscores the pedagogical risk of conflating distinct identities, which may lead to confusion rather than awareness among students.

While some parents acknowledged the importance of including such topics in education, they nonetheless expressed concerns regarding the accuracy and clarity of the material. Their critique was not about the presence of gender-diverse content but that "the information is neither clear nor correct." Transgender rights activists have echoed similar concerns. Joya Sikder, President of *Somporker Noya Setu* (SNS), an organization dedicated to promoting the rights of transgender people, pointed out a critical flaw in the chapter's terminology. She stated, "Transgender and *hijra* are not the same thing. When you think of the term *hijra,* you assume that this is a person who, because of their biology, is neither male nor female or both male and female. It is often assumed that they fall into the category of intersex people." Sikder emphasized that this conflation misrepresents both communities and perpetuates long-standing misconceptions, especially within the South Asian context, where *hijra* is historically tied to cultural and intersex identities. At the same time, transgender refers more broadly to gender identity that differs from one's

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[78] "Pāṭhyaboi te Hijra: 'Sharif' theke 'Sharifa' howar golpe tulkālam [Hijra in textbooks: The story of becoming 'Sharif' from 'Sharif']."

[79] "Statement on the Recent Incident," January 29, 2024, https://www.bracu.ac.bd/news/statement-recent-incident; "Sharifa's Story: BRAC University Clarifies Reason for Asif's Sacking," News Media, January 29, 2024, https://bdnews24.com/bangladesh/5662dssup9.

[80] "Inclusion of Transgender Rights Chapter in Bangladesh School Textbooks Sparks Debate"; "IAB Takes to Streets over Transgender Story in Textbook."

[81] "Sharifa's Story Controversy: Who's Right and Who's Wrong?," Dhaka Tribune, January 25, 2024, https://www.dhakatribune.com/bangladesh/337666/sharifa-s-story-controversy-who-s-right-and-who-s.

sex assigned at birth.[82] So, it appears the textbook's portrayal blurred the distinction between an intersex third-gender person and a transgender person.

On social media, some accused the textbook of teaching that "if someone looks like a boy but thinks he is a girl, then he is a girl," calling it a "brainwashing conspiracy" of "gender" ideology. Dr. Mahadi Hasan, A Dhaka University teacher, railed that the lesson was "proving Allah's creation wrong" and indoctrinating children with an anti-religious ideology that he claims will destroy human civilization. This explicitly religious objection frames Sharīfa's transition as an affront to divine order. Similarly, another critic, Dr. Mohammad Sarwar Hossain, who is a teacher at a private university, described the chapter as teaching a "gender distortion doctrine" and demanded the removal of "that perverse ideology" from textbooks. He asked, "What does the country hope to achieve by including the gender distortion doctrine in the seventh-grade textbook?"[83] These comments show that what offended them was the idea that a person can change or assert a gender different from their birth sex, which they see as morally wrong or "unnatural.

However, the societal rejection depicted in the story—and mirrored in real-life reactions—stems from Sharīfa being transgender (and thus defying traditional gender norms), not from being intersex. In the story, young Sharīf faced ostracism and bullying because of her feminine behavior: classmates, neighbors, and even family "laughed at [her] voice and behavior" and refused to include her, leaving her feeling isolated.[84] This reflects a social bias against a person who is perceived as a boy acting like a girl, i.e., gender nonconformity. Transgender individuals in South Asia commonly face such stigma. There is no indication that anyone rejected Sharif for ambiguous anatomy (which they did not have); instead, "everyone… ignored [her]" due to her feminine identity.[85]

To address this issue, Abul Momen, the textbook editor, explained that including this content encouraged greater acceptance and understanding of marginalized communities while addressing prejudice. Momen acknowledged the ongoing debate around concepts like transgender and *hijra* but emphasized that they thoughtfully crafted the content for children, with the primary goal of fostering empathy and respect for minorities, promoting inclusivity, and avoiding unnecessary controversy.[86] Md. Mashiuzzaman, a former member of the National Curriculum and Textbook Board, remarked that the book does not address the topic of transgenderism; however, it encompasses different

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[82] "Sharifa's Story Controversy."

[83] "Pāṭhyaboi te Hijra: 'Sharif' theke 'Sharifa' howar golpe tulkālam [Hijra in textbooks: The story of becoming 'Sharif' from 'Sharif']."

[84] Too read full story, see Stewart, "Trans Youth's Story in Grade 7 Textbook Triggers Dispute in Bangladesh"; "Pāṭhyaboi te Hijra: 'Sharif' theke 'Sharifa' howar golpe tulkālam [Hijra in textbooks: The story of becoming 'Sharif' from 'Sharif']."

[85] Stewart, "Trans Youth's Story in Grade 7 Textbook Triggers Dispute in Bangladesh."

[86] "Sharifa's Story: Debate Erupts in Bangladesh over Textbook Lesson on Third Gender People," News Media, January 24, 2024, https://bdnews24.com/society/rod076voig.

groups to provide students with an understanding of the parallels and disparities among individuals.[87]

Tarique Ahsan, a professor of Dhaka University's Institute of Education and Research, argues that "*The Story of Sharīfa*" in the textbook aims to foster positive thinking in society, particularly among those still influenced by negative thoughts. He believes that the legally recognized third gender, or *hijra*, has rights and is integral to a diversified human race; however, detrimental perceptions have led to their marginalization and deprivation of rights, urging future generations to eschew such behaviors.[88] The former Education Minister Mohibul Hassan Chowdhoury Nowfel addressed concerns raised by a group regarding the use of the term "transgender" in Sharīfa's story. He clarified that the term "transgender" was being conflated with "third gender," which refers explicitly to the *hijra* community, a legally recognized group that has the same rights as other citizens.[89]

Conversely, a group of conservative Islamic scholars (*ʿulamāʾ*) established the "National *Muftī* Board" under Al-Hayʾat al-ʿUlyā lil-Jāmiʿāt al-Qawmiyyah Bangladesh (Supreme Authority over *Qawmī madrasahs* (traditional Islamic institutions) of Bangladesh) to initiate a campaign and a collective *fatwā* against transgenderism and its narratives in educational content. A five-member committee of well-known Islamic legal scholars (*muftūn*),[90] chaired by Mawlānā Muḥammad ʿAbdul Mālik of Markaz al-Daʿwah al-Islāmiyyah, Dhaka, prepared the *fatwā*, which was unanimously issued by the board. The *fatwā* declares transgenderism fundamentally incompatible with Islamic teachings. The *fatwā* affirms that *Allāh* (God) has uniquely created individuals as male or female, each with unique roles and responsibilities, and views altering one's gender identity as a distortion of *Allāh*'s creation and a deviation from the established natural order in Islam. As a result, they consider transgenderism a manifestation of disbelief (*kufr*) and warn against embracing ideologies that conflict with the *Qurʾān* and *Sunnah*.[91]

A member of the "National *Muftī* Board" *Muftī* Mizān al-Raḥmān Saʿīd, expressed the notion in an interview that "altering one's identity through surgery is regarded as a form

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87 "Sharifa's Story: Debate Erupts in Bangladesh over Textbook Lesson on Third Gender People."

88 "Sharifa's Story: Debate Erupts in Bangladesh over Textbook Lesson on Third Gender People."

89 "Sharifa's Story: Debate Erupts in Bangladesh over Textbook Lesson on Third Gender People."

90 The other four members of the committee are: 1. Mawlānā Maḥfūẓ al-Ḥaqq, a member of Al-Hayʾat al-Ulyā lil-Jāmiʿāt al-Qawmiyyah Bangladesh. 2. Muftī Mizān al-Raḥmān Saʿīd, of Shaykh Zakariyyā Research Center, Kuril, Dhaka.3. Mawlānā Muftī ʿAbdus Salām, of Jāmiʿah ʿArabiyyah Imdād al-ʿUlūm, Faridabad. 4. Muftī Muḥammad Kifāyatullāh, of Al-Jāmiʿah al-Ahliyyah Dār al-ʿUlūm Muʾīn al-Islām, Hathazari.

91 "Transgender Akti Kufrī Matabad (Transgenderism: A Heretical Ideology)," Monthly al-Kawsar, June 2024, https://www.alkawsar.com/bn/article/3615/?; To see the full fatwā, go through this, https://www.alkawsar.com/bn/article/3633/?

of interference with God's (*Allāh*) creation."[92] In response to his notion, Tanisha Yeasmin Chaity, a transgender rights advocate, criticized it as inhumane, arguing that it unfairly stigmatized the transgender community as being anti-Islamic. She questioned the rationale behind such campaigns, asking, "If a person is born with a medical condition, does it not deserve treatment? Why, then, should addressing gender-related issues be considered an offense?"[93]

Later on, Mawlānā Saʿyīd al-Ḥaq criticizes the inclusion of transgender-related topics in Bangladesh's national curriculum, viewing it as an effort to normalize Western ideologies that contradict the country's religious and cultural values. He also argues that this approach fosters confusion and undermines traditional beliefs, framing it as part of a broader agenda to impose controversial ideologies under the pretext of inclusivity and human rights. He condemns transgenderism as "the root of all filth and obscenity," labeling it a grave form of *kufr* (disbelief) and a heinous crime in Islam, and he asserts that altering gender identity contrary to biological sex invites the curse of Allah and His Messenger upon those who engage in such practices.[94]

He further argues that the societal and legal recognition of transgender identities could lead to profound challenges in redefining gender and sexuality. As an example, he presents a hypothetical scenario involving a man named Sharīf Aḥmād, who identifies as a woman and changes his name to Sharīfa. Once accepted as a woman by law and society, questions arise about Sharīfa's choices in marriage or fulfilling sexual needs. If Sharīfa marries a man, it may be perceived as a same-sex marriage or a same-sex relationship, given Sharīfa's biological identity. Conversely, if Sharīfa chooses a woman as a partner, the relationship could be considered a form of homosexuality.[95]

It is worth mentioning that homosexuality is considered a grave offense, both within religious and societal norms in Bangladesh. It is a prosecutable violation, according to the national legislation. Section 377 of the Penal Code of Bangladesh (Act No. 45 of 1860) explicitly states:

> "377. Whoever voluntarily has carnal intercourse against the order of nature with any man, woman, or animal shall be punished with [imprisonment] for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."[96]

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[92] "Inclusion of Transgender Rights Chapter in Bangladesh School Textbooks Sparks Debate."

[93] "Inclusion of Transgender Rights Chapter in Bangladesh School Textbooks Sparks Debate."

[94] Saʿyīd al-Ḥaq, "Transgender Issue in National Curriculum What Happened to Sharifa's Story at the End," accessed July 5, 2024, https://www.alkawsar.com/bn/article/3602/ (Translated from Bengali).

[95] al-Ḥaq.

[96] "The Penal Code, 1860 | 377. Unnatural Offences," accessed July 5, 2024, http://bdlaws.minlaw.gov.bd/act-11/section-3233.html To know details, see http://bdcode.gov.bd/upload/bdcodeact/2019-07-21-10-23-27-18_Penal_code.pdf.

Consequently, in line with the aforementioned perspectives and the stipulations of national legislation, it can be said that Bangladeshi Islamic scholars recognize *hijras* as people who deserve compassion and can be assigned a gender based on predominant biology or later medical determination *(khunthā*). Such individuals are considered Allah's creation (*ʿasl al-khilqah*) with a congenital condition, not sinners. In contrast, a biologically male person choosing to live as a female (*mukhannath*) is widely viewed by conservative clerics as violating Islamic law and norms. This distinction is evident in the response to Sharīfa. So, the backlash against Sharifa's story was driven by her transgender identity and transition. Both in the story and society, the character faced prejudice for living as a woman despite being born male.

In support of the above-mentioned reasoning by Mawlānā Saʿyīd al-Ḥaq, the uncritical proliferation of transgenderism arguably and claiming *hijra* identity without proper assessment or verification may result in grave repercussions, especially involving cases of adultery, sexual abuse, and rape. Individuals who legally recognize and claim a different gender may gain unrestricted access to spaces traditionally reserved for the opposite sex. It raises concerns about the safety and privacy of women, as dishonest individuals may exploit this opportunity to misuse these provisions to perpetrate acts of violence or harassment. Furthermore, without a rigorous system to assess the genuineness of one's *hijra* identity—such as a proper medical or psychological evaluation—there remains the risk of individuals fraudulently pretending to be *hijra* and exploiting institutional leniency. In 2015, an incident occurred when the Ministry of Social Welfare employed fourteen *hijras* as entry-level administrative assistants or agents; however, a medical examination revealed that all the applicants were biologically male, except for one candidate who lacked male genitalia but was still genetically male. As a result, the authorities dismissed them from their positions, alleging that they were pretending to be *hijra*.[97] The incident revealed potential misuse when *hijra* identity is accepted without clear medical criteria.

Additionally, accommodating transgender individuals in various institutions—such as universities, colleges, schools, and prisons—has become a contentious issue worldwide with significant implications. A pertinent example is the case of Demi Minor, an inmate in the United States who was assigned male at birth but identified as female. In 2022, Minor was transferred to the Edna Mahan Correctional Facility for Women in New Jersey following transgender rights policies. While housed with female inmates, Minor engaged in consensual sexual relationships, leading to the pregnancies of two female inmates.

[97] See for details Hossain, "The Paradox of Recognition: Hijra, Third Gender and Sexual Rights in Bangladesh," 1418–19.

Following this incident, authorities transferred Minor back to a male correctional facility.[98]

A similar incident occurred at the Washington Corrections Center for Women, where an inmate named Bryan Kim, identifying as Amber FayeFox Kim, was discovered engaging in sexual activity with a female inmate. Kim, a transgender-identifying male, had been transferred to the women's facility under the state's gender-inclusion policy. The incident prompted a hearing, highlighting the complexities and challenges associated with housing transgender inmates in facilities aligned with their gender identity.[99] In Scotland, the case of Isla Bryson, a transgender woman convicted of raping two women prior to transitioning, generated widespread controversy. Bryson was initially placed in a female prison, prompting serious concerns about the safety and rights of female inmates. The decision faced intense public backlash, leading authorities to transfer Bryson to a male prison facility. This case highlights the ongoing and contentious debate surrounding the appropriate placement of transgender inmates, particularly those with histories of violence against women.[100]

Although these cases occurred in non-Muslim, Western contexts, they nonetheless raise significant concerns about the broader societal implications of transgender rights policies. Suppose such challenges arise in liberal societies with well-established legal frameworks for addressing gender inclusivity. In that case, the potential negative impacts in a Muslim-majority context like Bangladesh, where Islam is the state religion and conservative religious values play a central role in shaping societal norms, could have even greater repercussions.

However, in response to issues in Bangladesh, the newly formed interim government took notable steps in mid-September 2024 to address growing educational content concerns. Among these initiatives was forming a 10-member committee under the National Curriculum and Textbook Board (NCTB), tasked with reviewing and potentially amending school and college textbooks. The committee included figures such as Dr. Samina Luthfa, a sociology professor, and Dr. Kamrul Ḥasan Mamūn, a physics professor

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[98] Patrick Reilly, "Transgender Woman Demi Minor Impregnates Two Inmates at NJ Prison," July 17, 2022, https://nypost.com/2022/07/16/transgender-woman-demi-minor-impregnates-two-inmates-at-nj-prison/; David Millward, "Trans Inmate Impregnates Two Other Prisoners," *The Telegraph*, July 17, 2022, https://www.telegraph.co.uk/world-news/2022/07/17/trans-inmate-impregnates-two-prisoners/; "Trans Woman Now in Men's Prison After Impregnating 2 by Consensual Sex," accessed November 6, 2024, https://www.advocate.com/transgender/2022/7/20/trans-woman-now-mens-prison-after-impregnating-2-consensual-sex.

[99] "Trans-Identifying Male in Women's Prison Reportedly Discovered Having Sex with Female Inmate," accessed November 7, 2024, https://nypost.com/2024/03/23/us-news/trans-identifying-male-in-womens-prison-reportedly-discovered-having-sex-with-female-inmate/.

[100] Sian Bradley, "Isla Bryson: I've Been a Hate Crime Victim, Claims Transgender Rapist," April 21, 2024, https://www.thetimes.com/uk/scotland/article/transgender-rapist-isla-bryson-claims-victim-hate-crime-98m3z8x9r.

at the University of Dhaka known for their progressive stances on gender issues like LGBTQ+ rights. While the initiative aimed to mitigate controversies, it quickly faced criticism from religious groups, which viewed the reforms as secularist and contradictory to Islamic values. Ultimately, under mounting religious pressure, the government disbanded the committee on September 28, 2024, [101] reflecting the broader difficulty of introducing reforms related to gender inclusivity in a context where religion significantly influences societal norms. This incident further highlights the persistent tension between progressive reforms and deeply rooted religious and cultural values in Bangladesh, underscoring policymakers' challenges in navigating these debates.

VI. Conclusion

This paper has explored the intricate intersections of Islamic jurisprudence, gender identity, and sociopolitical dynamics in Bangladesh by examining the distinct treatment of *khunthā* (*hijra*) and transgender individuals. Drawing from classical Islamic legal thought, contemporary *fatwās*, case studies, and real-life incidents—such as the controversy surrounding "Sharifa's Story"—the study finds that the conflation of *khunthā* or *hijra* with transgender identity in public discourse and educational content generates widespread confusion, societal backlash, and policy resistance.

While Islamic tradition generally acknowledges *khunthā*/*hijra* as part of divine creation (*aṣl al-khilqah*), transgender identity is often interpreted as an alteration of divine will (*taghyīr al-khilqah*), leading to greater theological and social rejection. The paper also highlights how public controversies, such as the textbook protest in 2024 and the 2015 *hijra* job verification scandal, reflect more profound anxieties about unregulated gender identity claims and their implications for religious values and social safety. Critics argue that the uncritical legal recognition of transgender identities—without rigorous assessment—could lead to ethical and safety challenges, including potential misuse of gendered spaces such as prisons, schools, and universities. This concern is echoed by conservative Islamic scholars who warn against the normalization of what they perceive as Western-derived ideologies that contradict Islamic norms.

Based on these findings, the paper suggests that gender-inclusive policies in Muslim-majority societies like Bangladesh should be context-sensitive. Rather than importing foreign frameworks wholesale, policymakers should develop clear, faith-consistent guidelines that differentiate between traditional legitimate gender and socially constructed gender identities, uphold privacy and safety, and ensure protections are not exploited.

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[101] "Textbook Curriculum Changes in Bangladesh | Govt Dissolves Committee Formed over Textbook Revision"; "Govt Dissolves Textbook Revision Committee | The Business Standard"; "Textbook Review and Revision Committee Dissolved"; "The Education Ministry Dissolved the Committee on Saturday. Prior to This, Leaders of Several Religion-Based Organisations Raised Objections over Two Members of the Committees. | Prothom Alo."

Measures might include establishing authorized medical boards for gender verification, separate housing arrangements in sensitive institutions, and removing conceptual ambiguities under the guise of gender inclusivity in educational curricula.

This study underscores that sustainable gender-inclusive initiatives in Muslim-majority contexts should emerge with respect to Islamic legal, ethical, and cultural frameworks. Only by reconciling rights-based approaches with religious legitimacy can such societies address gender diversity without provoking further division. Future research might extend this analysis comparatively to other Muslim-majority nations, deepening understanding of how Islamic legal reasoning can guide equitable, culturally resonant gender policies.

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