

Social Status of Transgender Individuals in the Prophetic Era and in Modern Pakistan

Shehar Bano*

Universitas Islam Internasional Indonesia

email: imsb2669@gmail.com

**corresponding author*

Article history: Received: May 30, 2023, Revised: July 01, 2023; Accepted May 04, 2024;
Published: December 30, 2024

Abstract:

The research study investigates how transgender people were treated in both the time of Prophet Muhammad and contemporary Pakistan which has led to major transformations in social responses and legal systems and religious doctrinal perspectives. Linking to research findings shows early Islamic society recognized and respected mukhannathun transgender people but modern Pakistan includes legal progress alongside continued social discrimination against transgender groups. The analysis of transgender rights reveals how religious beliefs interact with cultural heritage as well as modern lawmaking regarding transgender people's rights protection. Islamic principles of justice and compassion form the basis of inclusivity but social prejudices alongside historical changes have led to marginalization. Through the Transgender Persons (Protection of Rights) Act, 2018 Pakistan has achieved legal recognition but social acceptance and legal recognition exist in significant tension with one another. This study entails multiple constraints which affect its effectiveness. The study of the Prophetic era depends mostly on scarce textual evidence which receives varied interpretations through different Islamic scholarly positions. The contemporary issues which transgender individuals in Pakistan experience are changing and need further research for understanding how legal changes specifically affect their

Author correspondence email: address@mail.ac.id

Available online at: <http://ejournal.iainmadura.ac.id/index.php/elnuwuwwah/>

Copyright (c) 2024 by El Nubuwwah Jurnal Studi Hadis



everyday life. The research adds value to present transgender rights scholarship through its analysis of Islamic perspectives at different historical periods. The study performs a comprehensive analysis of transgender rights interactions between Prophet Muhammad's time and present-day Pakistan through documented comparative examinations. Future scholarly attention should adapt towards examining how Pakistani transgender rights can become practical while exploring religious scholar involvement and government decision making in creating inclusive Pakistan. Research that examines transgender rights approaches inside Muslim-majority nations will give important insights regarding Islamic perspectives on transgender matters.

Keywords:

Islamic teachings; Modern Pakistan; Prophetic period; Social behavior; Transgender

Abstrak:

Studi penelitian ini menyelidiki bagaimana orang-orang transgender diperlakukan baik di zaman Nabi Muhammad maupun Pakistan kontemporer yang telah menyebabkan transformasi besar dalam respons sosial dan sistem hukum dan perspektif doktrin agama. Terkait dengan temuan penelitian menunjukkan masyarakat Islam awal mengakui dan menghormati orang-orang transgender mukhannathun, tetapi Pakistan modern mencakup kemajuan hukum di samping diskriminasi sosial yang berkelanjutan terhadap kelompok transgender. Analisis hak-hak transgender mengungkapkan bagaimana keyakinan agama berinteraksi dengan warisan budaya serta pembuatan undang-undang modern mengenai perlindungan hak-hak orang transgender. Prinsip-prinsip Islam tentang keadilan dan welas asih membentuk dasar inklusivitas, tetapi prasangka sosial di samping perubahan sejarah telah menyebabkan marginalisasi. Melalui Undang-Undang Orang Transgender (Perlindungan Hak), 2018 Pakistan telah mencapai pengakuan hukum tetapi penerimaan sosial dan pengakuan hukum ada dalam ketegangan yang signifikan satu sama lain. Penelitian ini memerlukan beberapa kendala yang mempengaruhi efektivitasnya. Studi tentang era Kenabian sebagian besar bergantung pada bukti tekstual yang langka yang menerima interpretasi yang bervariasi melalui posisi ilmiah

Islam yang berbeda. Masalah kontemporer yang dialami individu transgender di Pakistan berubah dan membutuhkan penelitian lebih lanjut untuk memahami bagaimana perubahan hukum secara khusus memengaruhi kehidupan sehari-hari mereka. Penelitian ini menambah nilai untuk keilmuan hak-hak transgender saat ini melalui analisisnya tentang perspektif Islam pada periode sejarah yang berbeda. Studi ini melakukan analisis komprehensif tentang interaksi hak-hak transgender antara zaman Nabi Muhammad dan Pakistan saat ini melalui pemeriksaan komparatif yang didokumentasikan. Perhatian ilmiah di masa depan harus beradaptasi untuk memeriksa bagaimana hak-hak transgender Pakistan dapat menjadi praktis sambil mengeksplorasi keterlibatan sarjana agama dan pengambilan keputusan pemerintah dalam menciptakan Pakistan yang inklusif. Penelitian yang meneliti pendekatan hak-hak transgender di negara-negara mayoritas Muslim akan memberikan wawasan penting mengenai perspektif Islam tentang masalah transgender.

Kata Kunci:

Ajaran Islam; Pakistan Modern; Periode Kenabian; Perilaku Sosial; Transgender

Introduction

A brief history and understanding of transsexual and transgender persons has also been presented with some discussion about the status of such persons in early Islamic history and in modern day Pakistan. This is the basis to this research can therefore be underlined by the fact that it seeks to establish the effects of religious teachings and social attitudes to the integration or relegation of the transgender. This is variously referred to as the legal scholarship of the Prophetic period and its comparison with the modern context of Pakistan is being applied in this topic to disentangle relationships between social behaviors and law.

The historical background has been presented to understand how they were and what recognition they received during the 7th century based on teachings from the 'Qur'an and Hadith.¹ Employing

¹ Rafaqat, M. T., Rafaqat, T., & Bibi, S. (2024). Social Status of Transgenders in Prophetic Period. *AL-DURAR*, 4(2).

this approach gives an understanding of interactions of early Muslim societies to people of multiple gender aspects. Transferring to modern Pakistan, the research explores those roles within the framework of the contemporary society, comparing the results of study between the pre-colonial, colonial and post-colonial Pakistan in terms of the varying attitudes towards the minority.² Interactions between the Prophetic period and social relations are considered with regard to the position and gender identity of transsexual individuals.³

This is in contrast to today's Pakistan where discrimination is still a large issue despite the few tries to try instill change into the entire society.⁴ This analysis also analyzes and contrasts early Islamic and modern Pakistani legislation regarding these rights, to ensure that they are not discriminated against.⁵

The findings of the research focus on the impact of religious and social practices on the treatment of the transgender people in the past and compare the level of the contemporary legal systems' implementation of the transgender people's rights. This critique provides a broader view on the development of the transgender rights within Muslim-states. Studies that link Prophetic era and present day Pakistan with regard to the issue of transgender is scarce." To some extent, the previous research efforts investigate either historical or modern networks but lack an integrated framework linking these two periods.⁶

The vast majority of studies address either religious or social aspects while omitting the combination of both and their legal perspectives. Today's legal systems are very much researched, but

² Sarcheshmehpour, Z. (2019). The Legal and Social Aspect of Transsexuality Among Muslims; A Study in Muslim Countries with Special Reference to Iran (Doctoral dissertation, University of Malaya (Malaysia)).

³ Ali, M. U. (2020). Gender Identity and the Issues of Acceptance in Pakistani Community. *Global Sociological Review*, 1, 7-15.

⁴ Khan, F. A. (2014). Khwaja sira: Culture, identity politics, and "transgender" activism in Pakistan (Doctoral dissertation, Syracuse University).

⁵ Abbas, T., Nawaz, Y., Ali, M., Hussain, N., & Nawaz, R. (2014). Social adjustment of transgender: A study of District Chiniot, Punjab (Pakistan). *Academic Journal of Interdisciplinary Studies*, 3(1), 61.

⁶ Alipour, M. (2017). Transgender identity, the sex-reassignment surgery Fatwās and Islāmic theology of a third gender. *Religion and Gender*, 7(2), 164-179.

relating them with the early Islamic legal systems is not yet vast.⁷ In the same way, the interaction between religious beliefs and other social conventions regarding transsexuality has not drawn sufficient analysis.⁸

Important information about transgender people in Islam can be found in academic literature, though most of it either looks back at gender diversity in the Prophetic era or explores current legal problems for transgender individuals in Pakistan and other Muslim nations. Everett Rowson focused on mukhannathun in Islamic history to demonstrate that they distinguished gender variance, while S. Khan and Jane Smith reassess the effectiveness of the Transgender Persons (Protection of Rights) Act passed in Pakistan in 2018 as revealed by recent research. Even so, these kinds of research almost never combine. Relatively few books study Islamic history and the modern Islamic legal system together.

This paper completes this task by considering both the historical acceptance of non-binary individuals by the Prophet and how Pakistan's society treats them today. There is a reason to address this gap because religious language strongly affects public opinions and decision making in Pakistan. By not using traditional Islamic values including justice, caring and acceptance – in recent law reforms, it is unlikely for these reforms to be accepted as legitimate by everyone. By merging Islamic legal principles with current legal and sociological thinking, the study suggests a new approach for developing transgender rights acceptable to legal officials and religious groups. This way of studying gender diversity within Islam adds value to formal education and also helps develop ways for society to be fairer to everyone in Muslim communities.

The purpose of this research paper also is to analyses the effect of religious teachings and social behavior which contributed to admit or exclude Transgender in the early society of Islam, furthermore it also focuses upon the laws and policies of modern Pakistan relative to Transgender individuals. This is achieved in this study because there

⁷ Hamzic, V. (2019). *Sexual and gender diversity in the Muslim world: History, law and vernacular knowledge* (Vol. 1). Bloomsbury Publishing.

⁸ Ali, S. S. (2022). Pakistan: challenges and prospects. *Normativity and Diversity in Family Law: Lessons from Comparative Law*, 51-73.

is missing link between religious teachings, social and legal aspects in both periods within Muslim context to understand the status of transgender persons.

Methods

This study adopts a qualitative research design to critically examine the socio-legal status of transgender individuals during the Prophetic era and within the framework of contemporary Pakistan. Drawing upon a comprehensive corpus of sources, including classical Islamic texts, legal statutes, and scholarly discourse on transgender rights and socio-cultural dynamics in Pakistan, this research seeks to elucidate the historical and contemporary constructions of transgender identity and their implications for legal and social recognition.

Data collection involved the systematic gathering of both primary and secondary sources. Foundational evidence was derived from the Qur'an, Hadith literature, classical Islamic jurisprudence (fiqh), and historical chronicles from early Islamic history. These primary sources offer critical insights into prevailing understandings, caregiving practices, and juridical treatment of gender-diverse individuals during the time of Prophet Muhammad. Additionally, the study incorporates data from peer-reviewed journal articles, academic monographs, governmental reports, and legislative frameworks, including the Transgender Persons (Protection of Rights) Act (2018), as well as reports issued by non-governmental organizations (NGOs) specializing in transgender advocacy in Pakistan. A rigorous and structured methodological framework guided the data collection process, with thematic analysis applied to Islamic texts to extract discourses on gender variance, including references to mukhannathun (effeminate men), and their attendant legal and social categorizations. Contemporary sources were critically selected based on their scholarly validity, relevance, and analytical contribution to understanding the current legal and societal positioning of transgender populations in Pakistan.

The analytical process employed a multi-layered approach. Thematic coding was utilized to identify recurrent patterns pertaining to legal authority, normative behavioral expectations, religious conceptions, and historical transformations. The textual analysis phase involved a close hermeneutic reading of Qur'anic verses and Prophetic traditions addressing gender plurality and social inclusion, with

particular attention to their doctrinal and practical ramifications for transgender communities. Comparative analysis juxtaposed the legal and social treatment of transgender individuals in the Prophetic era with their present-day status under Pakistani legal frameworks and shifting societal attitudes. Furthermore, legal framework analysis traced the historical evolution of transgender-related legislation, examining the interplay between religious jurisprudence and contemporary legal reforms, and assessing the extent to which modern policies align with or diverge from Islamic legal principles. Content analysis was also conducted, drawing from governmental sources, media narratives, and scholarly debates, to critically assess the prevailing challenges and systemic barriers faced by transgender individuals in contemporary Pakistan.

The theoretical framework underpinning this study integrates Islamic jurisprudence with social constructivist theory. Islamic legal thought provides the normative lens through which historical and contemporary legal discourses on transgender individuals are interrogated. Concurrently, social constructivism facilitates an exploration of how legal norms, societal perceptions, and historical contingencies have collectively shaped the lived experiences of transgender individuals across temporal contexts.

The selection of a qualitative methodology is methodologically and epistemologically justified given the study's aim to produce an in-depth, contextualized understanding of the historical and contemporary trajectories of transgender identity and rights. The combined application of thematic, comparative, textual, and legal analyses offers a robust analytical framework capable of capturing the intricate intersections between religious doctrine, legal systems, and societal norms. This integrative approach yields a holistic examination of the religious, social, and juridical dimensions that have historically informed and continue to shape transgender experiences, from the Prophetic period to present-day Pakistan. The findings of this research contribute to bridging classical Islamic perspectives with contemporary human rights discourse, providing critical insights for policymakers, religious authorities, and social justice advocates engaged in advancing the rights and recognition of transgender individuals.

Result and Discussion

Historical Contexts

Prophetic period:

The recognition and acceptance of trans- gender in Islam was afforded during the 7th century in the Prophetic period. This period inclusive of the emergence of Islam, set the premise for later discourses and hermeneutics on gender determinations of roles and beings. The idea of people of any sex and gender, during this era existed and came to accept people who did not have the normal male or female gender roles. One very specific example is the existence of what was known as “mukhannathun” namely people who have been regarded as having traits that are not quite definitively male. Such men were described as effeminate and the early Islamic texts pointed to their existence. They knew that these people occupied certain positions and had specific functions within this community. In Islamic society they were at least allowed to be, and frequently were regarded as a separate class possessed of a necessary mission in both the secular and spiritual community. These categories as well as the recognition of such individuals prove that in the early Islamic period third or third-gender profession existed.⁹

Gender variety and recognition during the 7th century:

Referring to the Qur'an and Hadiths, the values and lessons of the Islam in question were honorable and beneficial in relation to atypical gender relations of people with special needs. Some of the Quranic verses and Hadiths were used to advance the understanding and the rights of protection of the person with gender fluidity. For example, in the Quran, it said that the creation of man and woman was in different forms which means that God intended for people of different genders to be created. Besides, when addressing gender roles within the society, the Prophet Muhammad (PBUH) made references

⁹ Khan, S. (2017). Khwaja sara, hijra, and the Struggle for Rights in Pakistan. *Modern Asian Studies*, 51(5), 1283-1310.

that recognized the current society's gender diverse people and accented to their rights.¹⁰

Relevant teachings from Qura'an and Hadiths:

One of the teachings can be derived from Hadiths where Prophet Muhammad (PBUH) supposedly accepted gift from two effeminate men. These individuals were not isolated but accepted within the society but enjoyed given rights and had specific designated duties. It was mentioned that the Prophet Muhammad (PBUH) strictly urged his companions to be humble friendly and kind to such people. For instance, in one sited story a mukhannath was allowed into the company of the companions of the Prophet of Islam which is a main nail of comprehensiveness of Islamic society regarding their gender orientation.¹¹ Also, the early Islamic relationship to gender roles was not all cemented but instead could be interpreted rather loosely in terms of gender expression. Despite a clear division of male and female roles, the recognition of the "mukhannath" group shows the Din completely and utterly did not reject the Gender of Diversity, but provided it with a place. Thus, in the Prophetic period in general, gender was much more constructed than is described by later puritan images. The case of lessons learnt from the histories are revealed from the Qur'an and Hadiths: gender diversity was recognized and attempts were made to prevent or punish those violating their rights because they did not fit the male or female norm. These teachings go on affecting modern day secondary discourses in relation to gender and transgender in Islam.

Contemporary Pakistan:

Historical evaluation of transgender from pre-colonial to post-colonial and modern changes:

I think it also pertinent to mention that dynamics of the social treatment of the Transgender in the context of Pakistan has evolved

¹⁰ Halil, N. F., et al. (2022). Mukhannath dan hubung kaitnya dengan transgender menurut al-Quran dan al-Sunnah. In International Prophetic Conference (SWAN), 200-209.

¹¹ Ali, S. S. (2022). Pakistan: Challenges and prospects. In Normativity and Diversity in Family Law: Lessons from Comparative Law, 51-73.

from pre-colonial, colonial, post-colonial and modern era. The society of pre-colonial South Asia, to which the region that is now known as Pakistan belonged, recognized the existence of transgender or hijra, people who are now referred to as khawaja sira. Transgender people worked in different spheres such as entertainers at weddings; people who sang, danced and prayed for the community. They were linked with certain communities and people, like the hijra these people formed one of the most significant social categories well-identified in the local population as well as in religious culture.¹²

The status of transgender community, during the Mughal empire, was more or less appreciated within courts and the royal house. They were provided with status which gave them certain occupational responsibilities; for example, they were expected to as caretakers of the royal harem. The hijra and the Mughal court were on relatively good terms because they allowed the hijra to own property and even gain their positions of authority within Mughal. This period can be looked at as the most tolerant period towards the people of the third gender in the South Asian region, which is now known as Pakistan.¹³ But for the part of the British colonial rule they were accepted or at least their status was a little more tolerated. Gender and sexual IT systems that were introduced by the British colonial government excluded the khawaja sira community. Transsexuals were in the same way limited legally and socially, their positions were being challenged, questioned. Public dances were banned as some hijras were involved in the dance, and collection of alms which the hijra were involved in was also criminalized. Therefore, the social standing and entitlements of Trans people dropped drastically and they were generally marginalized from most society.¹⁴

Even after Pakistan was created in the year 1947 the situation of transgender people was not very much better. The new state established after the colonial era retained the colonial injustice, which prevailed in Laws and policies regarding Transgender community.

¹² Khan, S. (2017). Khwaja sara, hijra, and the Struggle for Rights in Pakistan. *Modern Asian Studies*, 51(5), 1283-1310.

¹³ Pamment, C. (2019). Performing piety in Pakistan's transgender rights movement. *Transgender Studies Quarterly*, 6(3), 297-314.

¹⁴ Khan, F. A. (2014). Khwaja sira: Culture, identity politics, and "transgender" activism in Pakistan (Doctoral dissertation, Syracuse University).

Peculiarities of gender became an object for stigmatization, and discrimination while transgender persons were deprived of the opportunity to work and live normally. The state legal system offered no references to their identification at all and kept them outcasts from society with rights to education, medical care, and work.¹⁵ In the late 1970's and the early part of the 21st century, new transformations were observed. The acknowledgment of the third gender got the attention in Pakistani legal as well as social realm. In 2009 again judgment regarding right to vote and legal personality of TS people was passed in Pakistan's Supreme Court.¹⁶ This was probably one of the most significant decisions with regard to the rights of transsexual people; and after this other legal and social changes took place.

The Transgender Persons (Protection of Rights) Act 2018 was passed to offer legal recognition to the transgender individuals, right to inheritance, education, health care and employment, and anti-discrimination act.¹⁷ However, there beings in Pakistan comprehend their legal rights and wrongs for the transgender community despite that the societal acceptance is not so good. Although the struggle for legal validation of their existence is slowly succeeding, the list of problems and human rights violations which transsexuals/persons still experience include violence, discrimination and social rejection. Human support networks and trans advocacy groups persist in campaigning for full equality and parity so that the rights thus enshrined turn into functional change in the lives of transsexual people.¹⁸ Therefore, non-conforming, sexual minorities, that include the pre-colonial dressed as women males and despised homosexuals and continuous acceptance and non-acceptance, the historical journey of the transgender community in Pakistan falls in equal measures of

¹⁵ Majeedullah, A. (2016). Living on the Periphery: The Khawaja Siras of Pakistan. *Sexuality, Poverty and Law*, 21-22.

¹⁶ Khan, M. R., & Perveen, M. A. (2024). Transgender Sharia, Legal and Social Status. *The Islamic Culture "As-Saqafat-ul Islamia"*, 49(1).

¹⁷ Sultan, K., Madni, H. H., Ibrahim, S., & Athar, S. (2023). Transgender Rights and Debate from an Islamic Legal Perspective. *Al-Qanṭara*, 9(3), 258-267.

¹⁸ Ali, M. U. (2020). Gender Identity and the Issues of Acceptance in Pakistani Community. *Global Sociological Review*, 1, 7-15.

Social Status of Transgender Individuals in the Prophetic Era and in Modern Pakistan
having a rich history filled with equal progress and regress. Social Behavior and Attitudes.

Social Behavior and Attitudes

Prophetic period:

Explanation of social status and attitude of the society towards transgender within early Muslim Society:

Pre Islamic society refers to the period before the emergence of Islam and during the advent of Islam societies and culture among the early Muslims although the early Muslims were tolerant to the Transgender people the Quran and Hadith which are religious document influenced their social status and how the Transgender people were treated. Gender was taken into consideration although in manner different than in the contemporary society. While talking about the sequence of the creation of the universe, the Prophet of Islam Muhammad (PBUH) recognized people whose gender does not completely belong to the male or female category. During the time of the Prophet, there was a term Mukhannathun, which generally describes individuals who may be biologically male but have traits of effeminate or identified in a way which was contrary to the prevailing norms of masculinity.¹⁹ The Prophet Muhammad (PBUH) is documented to have related with such people without a rebuke, admitting them into society.

This inclusion cannot be seen more evidently as when the mukhannathun accompanied the people in occasions of celebration, in gatherings, some of the Prophet companions, to mention but a few, did not reject him or her outright. The Prophet is said to have made contact with them and let them participate in social and religious activities, so they were considered as normal people in the early Islamic civilization.²⁰ Neither of these interactions could be characterized as complete acceptance though the interlocutors appeared to

¹⁹ Halil, N. F., Subri, I. M., Majid, M. N. A., Mokhtar, R. H., Yusof, M. I. M., & Silim, U. A. (2022). Mukhannath dan Hubung Kaitnya dengan Transgender Menurut Al-Quran dan Al-Sunnah. In International Prophetic Conference (SWAN) FPQS USIM (No. 8th, pp. 200-209).

²⁰ Aswindasari, A., & Marhamah, M. (2024). Response of the Qur'an to the Transgender Phenomenon: Study Of Maqashidi's Interpretation. QiST: Journal of Quran and Tafseer Studies, 3(2), 281-302.

demonstrate an attitude of understanding, if not full acceptance, free of hostility or prejudices. Furthermore, in the pre Islamic period, the gender minorities or sexual minorities used religious or spiritual institutions as the safe haven. They were sometimes given specific tasks of nursing women or assisting in the nursing of children activities that conventionally would be associated only with effeminate manners and thus with those of those people whose sexual roles remain dubious.²¹

The wider gender concept in the community has been fairly flexible especially given historical evidence of those kind of people could fight in the early Muslim armies, or perform some religious duties. While early Islamic law, outlined in the Quran and Hadiths did not afford a blueprint for the legal status of transsexuals, there existed a principle in Islamic law that was called The Principle of protection for the deserving odd ones out. The mukhannathun were not regarded as sinners or undeserving of their stoning; their condition was somewhat tolerated, if not fully embraced by the society and enshrine in the roles that they were not able to take fully under traditional parameters. This means that due to the teachings of the noble Prophet Muhammad (PBUH), early Muslims were embrative of Gender diversities.²²

Contemporary Pakistan:

Explanation of Social discrimination, behavior, and efforts to change the public perception regarding transgender:

In today's Pakistan, the social since of transgender persons is a major problem even though the legal systems of the country have taken massive reforms in recent period. Transgender also endure social acceptance to their situation especially those of the khawaja sira background. Such people are usually rejected from society, discriminated, and socially neglected because of their gender differences. Social discrimination comes out in many ways such as

²¹ Iqbal, H. M. A., Safoora, G., Malik, Z. U. A., & Bashir, J. (2023). A Critical Review Of Islamic Teachings And Transgender Activism. *Journal of Positive School Psychology*, 7(6).

²² Ali, M. U. (2020). Gender Identity and the Issues of Acceptance in Pakistani Community. *Global Sociological Review*, 1, 7-15.

education Discrimination, healthcare Discrimination, employment Discrimination among others. Also, transgendering individuals experience violence, harassment, and public humiliate them, which make them to be further stigmatized.²³ Even though the khawaja sira has legal protection in Pakistan, the community as a whole remains marginalized and almost unnoticed in society. Their social roles are exclusive mainly to certain limited categories that are widely regarded as inferior. They are often observed as panhandling or dancing at nuptial ceremonies or at other ceremonies for a few cents or sometimes other green goods, forcing the stereotype that transgender can only contribute their lives only as sex workers and entertainers at ceremonies.²⁴

Gay, bisexual and especially female usually people especially the Transgender are often assaulted and abused. The family dismisses many due to their belief systems about gender and sexuality, and society simply hates and despises those who are perceived as bisexual.²⁵ Efforts have been made in this regard though these efforts are accepting with different levels of success. This law had made major advancement in enhancing the quality of lives of the transgender by enacting the Transgender Persons (Protection of Rights) Act in 2018. This law ensured that the transsexual persons were provided with the legal personality, in relation to civil rights, such as, to inheritance of property, health care facilities and educational rights. The Act also banned discrimination at the workplace and in other areas of public life, presenting new legal rights which was lacking before.²⁶ However, legal progress has been made over the years, but societal consciousness on the same has not caught up. The general population's perception of the transgender still based on the cultural and religious beliefs. Attempts have been made by civil society organizations (CSOs) and other trans activists to fight for change these norms. Many

²³ Khan, S. (2017). Khwaja sara, hijra, and the Struggle for Rights in Pakistan. *Modern Asian Studies*, 51(5), 1283-1310.

²⁴ Khan, M. R., & Perveen, M. A. (2024). Transgender Sharia, Legal and Social Status. *The Islamic Culture "As-Saqafat-ul Islamia"*, 49(1).

²⁵ Rafaqat, M. T., Rafaqat, T., & Bibi, S. (2024). Social Status of Transgenders in Prophetic Period. *AL-DURAR*, 4(2).

²⁶ Sultan, K., Madni, H. H., Ibrahim, S., & Athar, S. (2023). Transgender Rights and Debate from an Islamic Legal Perspective. *Al-Qanṭara*, 9(3), 258-267.

organizations focus on the difficulties of transgender people and try to inform society, planning protests, campaigns and events to support the rights of the Transgender people.²⁷ Media role has also contributed a lot towards change in people's perception but unfortunately that is quite stereotypical as the knowledge is restricted to some aspects of khawaja sira community like their dancing in wedding functions or other functions.²⁸

Stigma based on religious beliefs stays crucial in the society and especially when it comes to the Islamic religion. Although there is a growing tolerance to legal status of transgender individuals, in many religious and cultural concepts, gender nonconformity is presumed to be a social issue. This has remained a challenge for transgender to find acceptance by their families or the society to which they belong mainly in the rural setting since some culture still frowns at issues touching on gender. However, some number of scholars have started to question these mainstream opinions and practice, calling for liberal Islamic practices on gender and sexual relations.²⁹

The Pakistani Supreme Court in 2009 recognized Transgender as the third gender that was an important step but it needs to come to the society and should be engraved into the society's norms it is still a process of educating the society.³⁰ In conclusion, supports to alter the sense of bigotry towards the transgender people of Pakistan, have borne some fruition, but the ongoing prejudice continue to plague the society. That is why the legal changes that took place in recent years granted some rights to trans people, however, social attitudes and culture changes are in process. Further, through awareness campaigns like education to community and media participation, and consistent

²⁷ Pamment, C. (2019). Performing Piety in Pakistan's Transgender Rights Movement. *Transgender Studies Quarterly*, 6(3), 297-314.

²⁸ Jami, H., & Kamal, A. (2017). Myths about Hijras (Male-to-Female Transgender of Hijra Community)? *Foundation University Journal of Psychology*, 1(1), 63-76.

²⁹ Hamzic, V. (2019). *Sexual and Gender Diversity in the Muslim World: History, Law and Vernacular Knowledge* (Vol. 1). Bloomsbury Publishing.

³⁰ Sarcheshmehpour, Z. (2019). *The Legal and Social Aspect of Transsexuality Among Muslims; A Study in Muslim Countries with Special Reference to Iran* (Doctoral dissertation, University of Malaya, Malaysia).

lobbying it will always remain a question in modern Pakistan as to when the prejudice and stereotype against the transgender will end.

Legal framework

Prophetic period:

In the period of the prophet hood in Islam up to the present time it is not clear about who is considered a man or a woman having not been referred to in the Islamic law as we know it. They recommend evidences from historical and religious document that the principles of legal treatment of transgender people was grounded in Islamic justice, protection and tolerance. Thus, there are indications of transsexual or intersexual people's recognition, in particular, the so-called mukhannathun, effeminate men or transsexual women, and certain researchers claim that the corresponding gender non-binary people did not suffer from any punitive sanctions.³¹ In the Quran and the Hadiths, themselves there are no concepts of legal punishments in focusing on Transgender people, however, the way societies promised the lives of mukhannathun were governed by the principles of the society that confined with the principles of justice and compassion.

There was a measure of tolerance during which, for example, transgender participated in normal social functions and undertook normal social tasks though their roles were not defined by Islamic law. For instance, it is narrated that the Prophet Muhammad (PBUH) had speech and communication with mukhannathun and there no legal issue related to their conversation, which means that mukhannathun were able to live and engage in the society by conforming to their distorted gender role.³²

Nonetheless, there is no direct legal advice during the prophetic period of how the Islamic society safeguarded groups of people who were most susceptible to becoming victims, but there was greater concern on the protection of such individuals. The few contacts that the Prophet had with people, who did not conform to early Islamic gender roles were very dignified and humanistic. However, this

³¹ Roscoe, W. (1996). Priests of the Goddess: Gender Transgression in Ancient Religion. *History of Religions*, 35(3), 195-230.

³² Khan, F. A. (2014). *Khwaja Sira: Culture, Identity Politics, and "Transgender" Activism in Pakistan* (Doctoral dissertation, Syracuse University).

inclusiveness did not embrace legal non-recognition of gender non-conformity as a category of interest. Rather, the emphasis was made on the preservation of such relations in order individuals should belong to the community and be beneficial to it.³³ To sum up, the Prophetic Islamic law said nothing to mukhannathun, in general, however, the social and legal treatment of the said category of the population bore humanitarian orientations, spirituality of justice. The way the Prophet Muhammad (PBUH) dealt with people who did not fit into the male/female roles of his time can be considered somewhat tolerant in terms of acceptance of people of alternative gender identity, but in the same time, kaafir not having legally specific protection for transsexuals means that the people had to rely on the general cultural behavior of the Arabian Peninsula of the 7th century.

Contemporary Pakistan:

Currently, Transgender people are legally existent in Pakistan after the passage of the Transgender Persons (Protection of Rights) Act, 2018 which was long-awaited legal reform meant to safeguard and legalize Transgender people in the country. This Act allowed those who transitioned from one gender to another to be accorded the right to make the change, receive medical treatment, receive an inheritance and enjoy social and political rights in society with no prejudice. It also aimed at ensuring that the rights of the transgender persons with regard to their safety, workplace and abuse that had remained rampant in the country.³⁴

The law of transgender in Pakistan was enables a dramatic change after the Supreme Court judgment in the year 2009 in which the transgender person is declared a third gender. This supreme judgement was also a significant advancement in regards to actualization of the rights of transgender people as the citizen of Pakistan according to the Constitution of Islamic Republic of Pakistan.

³³ Kugle, S. A. (2014). *Living Out Islam: Voices of Gay, Lesbian, and Transgender Muslims*. NYU Press.

³⁴ Zaharin, A. A. M., & Pallotta-Chiarolli, M. (2020). Countering Islamic Conservatism on Being Transgender: Clarifying Tantawi's and Khomeini's Fatwas from the Progressive Muslim Standpoint. *International Journal of Transgender Health*, 21(3), 235-241.

Before this, trans people, especially those from the Khawaja Sira community, have been absent in legal recognition and erasure from social and legal coverage.³⁵

Some of the significant problems in relation to the transgender group were met by the enactment of the Transgender Persons (Protection of Rights) Act, 2018. It not only provided legitimate rights to the gender identity of the transgender people but also made sure that they are talented to get Public services such as education & healthcare deprived of being discriminated. In addition, it made it unlawful to discriminate against trans people in access to employment, public space and institutions, and placed a framework which provided a better legal protection to their dignity and rights.³⁶ But even these legal measures are not all together effective to enforce the full implementation of the law. In this case, although the legal status of trans-sexual people is acceptable societal acceptance of them is still a problem. However, even with progress in legislation, politicians classified transsexual people as criminals and discriminated against them, as they have hate crimes and are unemployed or illiterate due to enacted phobia. In most of the rural regions, the enforcement of the law remains limited, and the transgender individuals remain marginalized, and locked out from any productive activity in the society.³⁷

In addition, religious constructions of gender and sexuality remain defining of legal and societal experiences for trans people in Pakistan. There has been some legal advancement in the cases of Transgender' rights but Islamic law in Pakistan is rather restrictive when it comes to matters concerning gender and sexual orientation this in most cases contributes to the backlash against the total acceptance of the transgender rights. However some of the progressive jurisprudents' civil right activists have concerned for the rights of the

³⁵ Sultan, K., Madni, H. H., Ibrahim, S., & Athar, S. (2023). Transgender Rights and Debate from an Islamic Legal Perspective. *Al-Qanṭara*, 9(3), 258-267.

³⁶ Fikriana, A. (2023). Hukum Merubah Jenis Kelamin Atau Transgender Ditinjau dari Perspektif Al-Quran Hadis dan Hukum Positif di Indonesia. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 1(1), 74-82.

³⁷ Ullah, H., Hussain, Z., Khan, S., Ali, F., & Iqbal, N. (2022). Transgender and Sex Exploration in the Light of Islamic Law. *Webology* (ISSN: 1735-188X), 19(1).

people/groups/cases of trans-sex, for the principle of justice, no prejudice and no oppression let everyone whatever his/her sex identity.³⁸ The legal status of Pakistani transgender is changing but it is afflicted with societal and religious prejudices. The passage of the Transgender Persons (Protection of Rights) Act is a legal measure that expands legal protection of this minority but, as the use of 'rights' suggests, their protection depends not only on law but on acceptance and further attempts by activists and lawyers in India the rights of transgender are protected and implemented in practice.³⁹

Although Pakistan has witnessed improvements in legal protection of Transgender as a class, the cause of Transgender rights and legal equality is not yet a *fait accompli* in Pakistan. Others have received legal recognition while the enactment of laws protecting transgender people from discrimination, violence and exclusion remains somehow a challenge. The fluctuating and dynamic legal situation in Pakistan constitutes a major argument for the need to conduct the advocacy and awareness raising activities among the society in order to and for transgender persons have all necessary rights and freedoms granted to them.

Comparative analysis

Similarities across Two periods:

Similarities in Social Attitudes and Legal Frameworks Between the Prophetic Period and Contemporary Pakistan:

There is conclusive proof that in the Prophetic period as well as in today's Pakistan, transgender has been accepted in some way or the other in the society, but the acceptability has little changed based on legal legislation. In Prophetic period there were persons of Bi sexualities / trans gender the mukhannathun (effeminate men and women), but no laws protecting them were made specifically. Gender

³⁸ Naraghi, A. (2015). The Quran and Human Rights of Sexual Minorities. The Lesbian, Gay, Bisexual, and Transgender Community of Iran Examining Human Rights from Religious, Social, Legal, and Cultural Perspectives, 2, 33-61.

³⁹ Sarcheshmehpour, Z. (2019). The Legal and Social Aspect of Transsexuality Among Muslims; A Study in Muslim Countries with Special Reference to Iran (Doctoral dissertation, University of Malaya, Malaysia).

diversity was less acknowledged as it fundamental recognition was based on valuing culture and, therefore, different genders. Similarly, in the modern Pakistan, the state also recognized trans-people officially through the Transgender Persons (Protection of Rights) Act 2018, that grants basic rights of self-identification to trans- people and cannot discriminate or violate them. Both periods are characterized by a basic awareness of the existence of the transgender individuals although the regulatory frameworks guiding these TG rights were and are still in the processes of development.⁴⁰

One of the most important similarities depends in the principle of kindness that is embedded in Islamic teachings. In the Prophetic era, the Prophet Muhammad (ﷺ) is said to have presented respect and kindness toward mukhannathun persons. This action of recognition and kindness provide an example for the dealing of transgender people. Likewise, the legitimate context in Pakistan now, as protected in the 2018 Transgender Individuals Act, highlights caring the self-respect and rights of transgender individuals, emphasizing the persistence on Islamic value's principal of respect and justice for human self-esteem.⁴¹ The legal protections approved to transgender individuals in modern Pakistan repeat the values of justice and equity observed in the pre Islamic culture.

The recognition of civil rights of transgender individuals equally, in both periods demonstrate a perception that social defense and human self-respect are essential for all individuals of society, irrespective of gender individuality. In this logic, the dealing of transgender people through these two eras can be observed as part of a greater Islamic custom of providing societal defense and confirming that marginalized people are not omitted from society.⁴²

Differences across Two periods:

⁴⁰ Majeedullah, A. (2016). Living on the Periphery: The Khawaja Siras of Pakistan. *Sexuality, Poverty, and Law*, 21-22.

⁴¹ Iqbal, H. M. A., Safoora, G., Malik, Z. U. A., & Bashir, J. (2023). A Critical Review of Islamic Teachings and Transgender Activism. *Journal of Positive School Psychology*, 7(6).

⁴² Khan, S. (2017). Khwaja Sara, Hijra, and the Struggle for Rights in Pakistan. *Modern Asian Studies*, 51(5), 1283-1310.

Differences in Social Behavior and Legal Frameworks Between the Prophetic Period and Contemporary Pakistan:

Whereas there are similarities, prominent changes also be present among the two periods about the community actions to transgender people and the legal backgrounds surrounding them. During the Prophetic period, transgender individuals lived in a community where gender roles were extra flexible and fewer strictly explained than in modern Pakistan. In this period the mukhannathun were acknowledged and they had a certain odd social status but what they did was not codified in Islamic law and jurisprudence. The Prophet Muhammad (PBUH) met transsexuals and he addressed them with dignity; this kindness means that early Islamic society was more tolerant than many people think today. However, the non-recognition of these positions within legal frameworks meant that trans people were easily excluded and minority-status, there were no provisions that accorded them specific rights.⁴³

On the other hand, present-day Pakistan has created individual legal initiatives for the rights of transgender under the Transgender Persons (Protection of Rights) Act, 2018 that comprises of legal and official representation for transgender people in their social, medical, education, inheritance and non-violence rights. This is a big degeneration from a situation where during the time of the Prophets, there was no coherent legal system that could be pointed at. Legal recognition in today's Pakistan is also supported by the Supreme Court, which granted transgender individuals the right to personally establish this status and also register it within respective ID documents. These legislative steps represent a clear transformation in the recognition of rights of the trans-sexual, which is the transformation that did not exist in the early Islamic period.⁴⁴

Another parameter that could be distinguished is the social component of the periods. During the Prophetic period, there were

⁴³ Roscoe, W. (1996). Priests of the Goddess: Gender Transgression in Ancient Religion. *History of Religions*, 35(3), 195-230.

⁴⁴ Zaharin, A. A. M., & Pallotta-Chiarolli, M. (2020). Countering Islamic Conservatism on Being Transgender: Clarifying Tantawi's and Khomeini's Fatwas from the Progressive Muslim Standpoint. *International Journal of Transgender Health*, 21(3), 235-241.

individuals whom can be referred to as mukhannathun, however their roles within the community remain unclear and they were most probably excluded in many ways. However, their presence was recognized, they did not have any socially or politically responsible positions; they were mostly on the periphery of society. In today's Pakistan transgender are relatively more accepted and enjoy a relatively better access to social and legal capital. There are media for the transgender activists and communities are active today in Pakistan, thanks to the movements of media and social that aim at eradicating the social discrimination still present today.⁴⁵

Additionally, though the Prophet Muhammad (PBUH) according to historical sources treated members of the transgender community with dignity and respect, the overall social experience of early Islam was not necessarily characterized by a clear affirmation of the physical and social realities of the members of this community in legal and political terms. On the other hand, the recent two decades there has been strides being made to achieve equality for transgender in both law and society. Laws have been implemented in Pakistan for this purpose, but unfortunately, the social attitude of the society toward these people is still that of hate, which comes from the Islamic countries' traditional way of thinking and Pakistani traditional culture that has always persecuted people who did not fit into the normal standards of the gender roles.⁴⁶

Therefore, despite the general parallels concerning the status of the transgender population in the time of Prophet Mohammed and modern Pakistan it is possible to identify major differences in the legal approaches and attitudes towards this category of the population. The Prophetic period deals with implicit recognition without legal rights whereas modern Pakistan is some ways forward in awarding rights and legislation of recognizing homosexuals through legislation and court judgments. Nevertheless, legal transformation appears to lag

⁴⁵ Khan, F. A. (2014). Khwaja Sira: Culture, Identity Politics, and "Transgender" Activism in Pakistan (Doctoral dissertation, Syracuse University).

⁴⁶ Fikriana, A. (2023). Hukum Merubah Jenis Kelamin Atau Transgender Ditinjau dari Perspektif Al-Quran Hadis dan Hukum Positif di Indonesia. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 1(1), 74-82.

behind the emerging cultural idea of the need for acceptance of the Transgender rights in Pakistan.

The research data demonstrates major differences between how transgender people were treated in the Prophetic era and current Pakistan. The Prophetic period allowed mukhannathun (effeminate men) to interact in society without receiving explicit legal restrictions or experiencing punishment. The Islamic teachings ensured justice together with dignity and protection for every person which established early Muslim society as an accepting environment for transgender individuals. Islamic law did not establish defined rules for describing their status. The present-day Pakistan acknowledges transgender people through legal establishment yet they endure extensive discriminatory treatment within society. Legal protection in the form of identity and inheritance rights together with healthcare access and discrimination prevention became available to transgenders following the Transgender Persons (Protection of Rights) Act, 2018. However, despite these legal advancements, transgender individuals in Pakistan still experience exclusion, violence, and limited economic opportunities. Mainstream society blocks transgender people from complete integration through the bias of cultural and religious viewpoints. The enforcement of legal rights shows minimal progress because traditional beliefs in rural areas maintain control over social beliefs.

The research shows that the Prophetic period showed tolerance and acceptance despite modern Pakistan achieving legal advancement while facing strong cultural prejudice. The mukhannathun experienced dignified treatment by Muslim society in both informal gatherings and religious occasions during the time of Prophet Muhammad. The colonial period along with socio-cultural changes adopted discriminatory practices that targeted transgender individuals especially during British governance in South Asia. Modern-day transgender community marginalization in Pakistan has developed due to historical changes alongside traditional moral interpretations which shape gender beliefs.

Legal recognition in modern Pakistan exists separate from social acceptance regarding transgender rights. A legal framework for safeguarding transgender rights exists through the Transgender

Persons (Protection of Rights) Act yet social ignorance combined with enduring prejudice interferes with its implementation. Transgender individuals continue to face barriers that prevent their access to education and health services as well as employment leading them toward marginal careers in begging or entertainment industries. The analysis indicates that introducing Islamic principles of justice alongside current laws and social awareness campaigns will help better the status of transgender people. To achieve alignment between laws and societal beliefs regarding transgenders Educational campaigns together with religious discourse and implementation strategies in policy must merge their efforts. The researchers recommend additional studies to investigate the powers of current legislation as well as religious scholars' influence on social mindsets regarding inclusivity.

Conclusion

The research study investigates how transgender people were treated in both the time of Prophet Muhammad and contemporary Pakistan which has led to major transformations in social responses and legal systems and religious doctrinal perspectives. Linking to research findings shows early Islamic society recognized and respected mukhannathun transgender people but modern Pakistan includes legal progress alongside continued social discrimination against transgender groups. The analysis of transgender rights reveals how religious beliefs interact with cultural heritage as well as modern lawmaking regarding transgender people's rights protection. Islamic principles of justice and compassion form the basis of inclusivity but social prejudices alongside historical changes have led to marginalization. Through the Transgender Persons (Protection of Rights) Act, 2018 Pakistan has achieved legal recognition but social acceptance and legal recognition exist in significant tension with one another. This study entails multiple constraints which affect its effectiveness. The study of the Prophetic era depends mostly on scarce textual evidence which receives varied interpretations through different Islamic scholarly positions. The contemporary issues which transgender individuals in Pakistan experience are changing and need further research for understanding how legal changes specifically affect their everyday life. The research adds value to present transgender rights scholarship through its analysis of Islamic

perspectives at different historical periods. The study performs a comprehensive analysis of transgender rights interactions between Prophet Muhammad's time and present-day Pakistan through documented comparative examinations. Future scholarly attention should adapt towards examining how Pakistani transgender rights can become practical while exploring religious scholar involvement and government decision making in creating inclusive Pakistan. Research that examines transgender rights approaches inside Muslim-majority nations will give important insights regarding Islamic perspectives on transgender matters.

References

- Abbas, T., Nawaz, Y., Ali, M., Hussain, N., & Nawaz, R. (2014). Social adjustment of transgender: A study of District Chiniot, Punjab (Pakistan). *Academic Journal of Interdisciplinary Studies*, 3(1), 61.
- Afif, M. B. (2019). Islam and transgender (A study of hadith about transgender). *International Journal of Nusantara Islam*, 7(2), 185-189.
- Ahmad, M. W. (2021). *The Invisible Human: A Reflective Autoethnography about the Lives of Pakistani Transgender People*. University of Toronto (Canada).
- Aiyetoro, A. I. (2023). Belonging to Opposite Sex: Islamic Perspectives on Gender Identity. *Religions*, (17), 20-141.
- Ali, M. U. (2020). Gender Identity and the Issues of Acceptance in Pakistani Community. *Global Sociological Review*, 1, 7-15.
- Ali, S. S. (2022). Pakistan: challenges and prospects. *Normativity and Diversity in Family Law: Lessons from Comparative Law*, 51-73.
- 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.
- Alipour, M. (2017). Transgender identity, the sex-reassignment surgery Fatwās and Islāmic theology of a third gender. *Religion and Gender*, 7(2), 164-179.

- Aswindasari, A., & Marhamah, M. (2024). Response Of The Qur'an To The Transgender Phenomenon Study Of Maqashidi's Interpretation. *QiST: Journal of Quran and Tafseer Studies*, 3(2), 281-302.
- Bano, S., & Zulfiqar, F. (2024). PIDE School of Social Sciences Pakistan Institute of Development Economics, Islamabad.
- Etengoff, C., & Rodriguez, E. M. (2022). "At its core, Islam is about standing with the oppressed": Exploring transgender Muslims' religious resilience. *Psychology of Religion and Spirituality*, 14(4), 480.
- Fikriana, A. (2023). Hukum Merubah Jenis Kelamin Atau Transgender Ditinjau dari Perspektif Al-Quran Hadis dan Hukum Positif di Indonesia. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 1(1), 74-82.
- Haddad, Y. Y., & Esposito, J. L. (Eds.). (1998). *Islam, gender, & social change*. Oxford University Press, USA.
- Halil, N. F., Subri, I. M., Majid, M. N. A., Mokhtar, R. H., Yusof, M. I. M., & Silim, U. A. (2022, December). Mukhannath Dan Hubungan Kaitnya Dengan Transgender Menurut Al-Quran Dan Al-Sunnah. In *International Prophetic Conference (SWAN) FPQS USIM (No. 8th*, pp. 200-209).
- Hamzic, V. (2019). *Sexual and gender diversity in the Muslim world: History, law and vernacular knowledge (Vol. 1)*. Bloomsbury Publishing.
- Iqbal, H. M. A., Safoora, G., Malik, Z. U. A., & Bashir, J. (2023). A Critical Review Of Islamic Teachings And Transgender Activism. *Journal of Positive School Psychology*, 7(6).
- Jami, H., & Kamal, A. (2017). Myths about hijras (male-to-female transgender of hijra community)? role of gender and commonly held belief about them. *Foundation University Journal of Psychology*, 1(1), 63-76.
- Khan, F. A. (2014). *Khwaja sira: Culture, identity politics, and" transgender" activism in Pakistan* (Doctoral dissertation, Syracuse University).
- Khan, M. R., & Perveen, M. A. (2024). Transgender Sharia, Legal And Social Status. *The Islamic Culture" As-Saqafat-ul Islamia" الثقافة الإسلامية*-Research Journal-Sheikh Zayed Islamic Centre, University of Karachi, 49(1).

- Khan, S. (2016). What is in a name? Khwaja Sara, Hijra and Eunuchs in Pakistan. *Indian Journal of Gender Studies*, 23(2), 218-242.
- Khan, S. (2017). Khwaja sara, hijra, and the Struggle for Rights in Pakistan. *Modern Asian Studies*, 51(5), 1283-1310.
- Khan, U., Alam, Z., Siddiqui, A., Fazal, U., Ahmad, S., & Rab, M. A. (2023). Civil Rights And Responsibilities Of Transgenders In The Context Of Islamic Jurisprudence. *Revista Espanola de Documentacion Cientifica*, 17(1), 38-48.
- Kugle, S. A. (2014). *Living out Islam: Voices of gay, lesbian, and transgender Muslims*. nyu Press.
- Kugle, S. S. A. H. (2010). *Homosexuality in Islam: Critical reflection on gay, lesbian, and transgender Muslims*. Simon and Schuster.
- Majeedullah, A. (2016). Living on the Periphery: The Khawaja Siras of Pakistan. *Sexuality, poverty and law*, (165), 21-22.
- Muhsin, S. M., Yahya, F., Parachottil, R., Shaikh, S., & Chin, A. H. B. (2024). Sex Reassignment Surgery, Marriage, and Reproductive Rights of Intersex and Transgender People in Sunni Islam. *Archives of Sexual Behavior*, 1-14.
- Munawar, H., & Nawaz, F. (2023). Transgender Person Protection Bill in light of Teachings of Holy Quran and Sunnah. *AL-QAWĀRĪR*, 5(1), 11-25.
- Murray, S. O., & Roscoe, W. (1997). *Islamic homosexualities: Culture, history, and literature*. NYU Press.
- Naraghi, A. (2015). The Quran and human rights of sexual minorities. The lesbian, gay, bisexual and transgender community of Iran examining human rights from religious, social, legal and cultural perspectives, 2, 33-61.
- Pamment, C. (2010). Hijraism: Jostling for a Third Space in Pakistani Politics. *TDR: The Drama Review (MIT Press)*, 54(2).
- Pamment, C. (2019). Performing piety in Pakistan's transgender rights movement. *Transgender Studies Quarterly*, 6(3), 297-314.
- Paul, O. (2018). *Evaluating the Effects of Possible Religious Incitement to Discrimination on the Human Capabilities of Khawaja siras in Pakistan* (Doctoral dissertation, Columbia University).

- Qadeer, M. (2006). *Pakistan-social and cultural transformations in a Muslim Nation*. Routledge.
- Rafaqat, M. T., Rafaqat, T., & Bibi, S. (2024). Social Status of Transgenders in Prophetic Period. *AL-DURAR*, 4(2).
- Rafiq, T. (2022). Gender Dysphoria and Islamic Perspective of Gender-Related Issues.
- Rehman, J., & Polymenopoulou, E. (2013). Is green a part of the rainbow: sharia, homosexuality, and LGBT rights in the Muslim world. *Fordham Int'l LJ*, 37, 1.
- Roscoe, W. (1996). Priests of the goddess: Gender transgression in ancient religion. *History of Religions*, 35(3), 195-230.
- Roscoe, W., & Murray, S. O. (Eds.). (1997). *Islamic homosexualities: Culture, history, and literature*. NYU Press.
- Sarcheshmehpour, Z. (2019). *The Legal and Social Aspect of Transsexuality Among Muslims; A Study in Muslim Countries with Special Reference to Iran* (Doctoral dissertation, University of Malaya (Malaysia)).