

Transgender and Islam: Contestation among the Mappila Muslim Religious Groups in Malabar, Kerala

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Abstract

The Supreme Court verdict on ‘third gender’ status for the transgender in India created much controversy over their role and status in society. In India the receptive folk welcomed the judicial verdict claiming that it would be an initiative to lessen the social stigma experienced by the transgender community in everyday life. What I intend to examine in this paper is to find out the Muslim religious groups’ reflections on the transgender identity in India. The multiple interpretations of the holy book do not support the third gender in Islam, where the Quran says that “And made of him two mates, the male and the female (75:93)”, a tendency to dump these ‘ambiguous’ gendered people either into the male or female category is explicit. Recently, a religious group has made comments of support and acceptance to the transgender community among the Muslims, advocated for their upliftment. Subsequently, a series of contestations took place among the Mappila Muslim religious groups in Malabar, that, whether the transgender identity is acceptable in Islam or not. This paper seeks to map the contemporary debate among the Muslim religious groups and attempts to gather differing viewpoints. Following from this, I argue that we need to move beyond an understanding that portrays religious authority as singular, unitary, and one-dimensional. Finally, to explore what is happening to those transgendered community members who are oppressed by the religious community, and question if freedom has to be always sought outside the community?

Key Words: Transgender, Islam, Sexual reassignment Religious authority.

Introduction

The recent Supreme Court verdict on ‘third gender’ status for the transgender in India created many controversial discussions over their role and status in the society. The respective folk welcomed judicial verdict claiming that, it would be an initiate to lessen the social stigma experienced by transgender community in everyday life. Following the verdict of the supreme court hereafter, the third gender community will be considered as another backward class and the Judgment has also directed the central

and state governments to grant legal recognition of their gender identity, to treat them as socially and economically backward classes and to extend all kinds of reservation in cases of admission in the educational institutions and for public appointments. On the basis of Supreme Court Judgment, it is necessary for the state and central government to study the status of transgender, the problems being faced by them and frame a policy for the transgender covering the areas of health, education, employment, housing, protection from harassment and abuse.

Transgender

Transgender is an adjective, refers to people who do not identify with their biological sex at birth or the gender they were assigned. In other words, they are not the gender everyone assumed they were when they were born. The word transgender is often used as an ‘umbrella’ term to include people who identify with the opposite gender as well as people who feel that neither ‘girl/woman’, nor ‘boy/man’ is the right label for them. Transgender people usually dress, act and prefer to be called by the gender with which they identify. Transgender people may be straight, bisexual, gay or lesbian.ⁱ

Mappila

The Mappila as a Muslim community originated after few centuries of the beginning of Islam in Arabia. And they were the first Muslims of India. The Mappila Muslims belong to the Shafi School of the Sunni sect. When compared with other Muslims in Kerala, it is observed that Mappila Muslims are more religious and ritualistic. Most of the Muslim organizations are very much active in Malabar. Mappila Muslims are more involved in Muslim organizational activities than Muslims of South Kerala. The Mappila Muslims mainly belong to Sunni and Mujahid groups. Two Sunni organizations (commonly called E.K Sunnis and A.P Sunnis), two Mujahid organizations and Jama-at –Islami. Sunni groups come under the orthodox sects who are observing the traditional customs, rituals, and practices.ⁱⁱ

Transgender occurs in almost all known cultures and traditions, including the Muslim tradition. There has been little scholarly

work done in this area that is accessible. Some Muslim scholars have written about the four divisions of gender in Islamⁱⁱⁱ: male, female, hermaphrodites (Khunsa) and Mukannis or Mukhannas. Mukhannis are biological males who identify as female and want a change of their biological sex. Mukhannas are biological males who (would like to) assume a female gender role but do not want a change of their biological sex. And some classified Mukhannathun as a subdivision of Khunsa. There are two types of Khunsa^{iv}, which are,

- Khunsakhairumushkil^v
- Khunsamushkil^{vi}

In Quran, the terms Mukhannas, Mukhannis, and Khunsa are not mentioned. The multiple interpretations of the holy book do not support the third gender in Islam, where the Quran says that “*And made of him two mates, the male and the female (75:93)*”.

“Was he (man) a drop of sperm emitted (in lowly form)? Then the sperm into a clot, then He created, and the proportion (as humans)? Then God made two sexes, male and female.” [Al-Qiyamah 75: 37-39]

Islamic Perspectives on Mukhunnath: A Shift

Mukhannathun is the classical Arab for what would be known as transgender women. It generally means “effeminate one” or “men who resemble women”. The singular term for this word would be Mukhannath. The traditional readings of the Quran and Hadith do not support Mukhunnath as a separate or third category. But, now there are multiple interpretations about the perspectives of Islam on Mukunnath. One modern interpretation says that the word Mukunnath was used during the Prophet Mohammed’s

lifetime for males who were seen as ‘acting like a woman’. They may have been males who did not see themselves as men, in which case they would be considered transgender today. It is problematic to try to apply today’s labels to people from a different time. A Mukhannath’s understanding of his sexuality or gender may have been different from how people understand those things today.^{vii}

Mukhannas and Mukhannis are mentioned in several Hadiths. According to authoritative Sunni scholar and Hadith collector Imam Nawawi, “a Mukhannath is the one (“male”) who carries in his movements, in his appearance, and in his language the characteristics of a woman. There are two types; the first is the ‘*Mukhannath min kalqin*’, one in whom these characteristics are innate, he did not put them on by himself, and there is no guilt, no blame, and no shame, as long as he does not perform any (illicit) act or exploit it for money (prostitution etc.). The second type is ‘*Mukhannath bi al-takalluf*’, who acts like a woman out of immoral purposes and he is the sinner and blameworthy”.

Another famous 11th century Sunni Islamic scholar Ibn Abd Al-Barr wrote “the Mukhannath is (also) the one who looks so much like a woman physically that he resembles women in his softness, speech, appearance, accent, and thinking. If he is like this, he would have no desire for women and he would not notice anything about them. This is one of those who have no interest in women who were permitted to enter upon women”.

Views on Sexual Reassignment Surgery

Most transsexual men and women suffer from great psychological and emotional pain

due to the conflict between their gender identity and their original gender role and anatomy. Some of them will choose to undergo sexual reassignment surgery to change their gender role.

There are different viewpoints about the sexual reassignment surgery of transgender people among Muslim scholars. Some of them are saying that it is allowed by Sharia law according to Quran and Hadith. Whereas some strongly opposing this view. Mappila Muslims of the Malabar region consist of these different viewpoints, and the multiple interpretations of the Quran and Hadith are the reason for the contestation.

In most Muslim laws and societies, transgender people whose bodies have both male and female characteristics are allowed, or even encouraged, to undergo surgery to make their bodies in line with the sex and gender division into male or female. The interpretations of the holy book do not support a third gender in Islam, where the Quran says that “*And made of him two mates, the male and the female (75:93)*”, a tendency to dump these unambiguous gendered people either into a male or female category is explicit.

In Islam, scholarly analyses of the Quran and Hadith resulted in fatwa allowing sex-change surgery for transgendered persons. In 1988 Al Azhar, the highest Sunni Islamic authority in Egypt, gave a fatwa (religious legal decision) regarding surgical treatment of intersexual stating that ‘it is permissible to perform the operation in order to reveal what was hidden of male or female organs. Indeed, it is obligatory to do so with the reason that it must be considered a treatment. It was triggered by the case of a transgender student of the university who

was allowed to have sexual reassignment surgery.

In 1983, there is a fatwa that has been issued that prohibits sex-change operations and should be imposed on all Muslims. However, for the Khunsa cases, such surgery is permitted. Cross-dressing is also permitted.

Recent Contestation

Most recently Kerala government announced, "State Policy for Transgender in Kerala 2015" to end the societal stigma towards the sexual minority group and ensure them non-discriminatory treatment. The policy covers all the categories of Transgender, including male to female transgender and intersex people. It also emphasizes the rights of the minority group to self-identify themselves as man, woman, or transgender as stated in the Supreme Court judgment. The policy announced by the Minister of social justice M.K Muneer, who is a representative of the Indian Union Muslim League. E.K Sunnis are among the advocates of the Indian Union Muslim League.

The interpretations assigned by Mappila Muslim groups believe that transgender is acknowledged in the Islam religion. They are not regarded just as males who prefer cross-dressing (for fun or to deceive), but with an inherent urge to be so. If it is not inborn, that means they are created this way. They were permitted in the proximity of women folk during the Prophet's time.

Recently, a religious group (E.K Sunni Muslims (named after Shamsul Ulama E.K Aboobacker Musliar, former leader of Samastha Kerala Jamiyyathul Ulama)) has made comments of support and acceptance

to the transgender community among the Muslims, advocated for their upliftment. While the LGBT movement gaining mass attention unlike before after the recent legalizations (Ireland, America), a magazine brought out by students of the Darul Huda Islamic University, Malappuram, composed an edition on 'other sexuality'. 'Thelicham' the magazine known widely as an academic piece of literature from the E.K Sunni faction has a wide reach across the state. The recent edition of the 'Thelicham', which has raised a debate in the Muslim community, has articles on the plight of transgendered people, covering 'Hijaron Ki Khanga' or the Sufi retreat of transgenders in New Delhi. The respective articles open the possibilities of 'counter readings on the third gender and the Arab dynasty.

But the debate is centered on a third category generation within the two gender norm. The traditional reading of the Quran and Hadith polarize these unambiguous people either into a male or female category. All Islamic laws and rules underlie this distinction between males and females excluding the TG community members. According to Islamic law, this polarization would avoid socio-psycho problems faced by them with the adopted physical appearance.

Even though the terms Mukhannas, Mukhannis, and Khunsa are not mentioned in the Holy Quran, according to some scholars the Quran clearly recognizes that there are some people who are neither male nor female. They interpreted the translation of Verse 42:49-50 goes as follows:

"To God belongs the dominion over the heavens and the earth. He creates what He wills. He prepares for whom He wills

females, and He prepares for whom He wills males. Or He marries together the males and the females, and He makes those whom He wills to be ineffectual (barren). Indeed He is the Knowing, the Powerful.”

The approval of Sharia in sexual reassignment is still debatable as the discussions are on. In most Muslim laws and societies, transgender people whose express both male and female characteristics are allowed, or even encouraged, to undergo surgery to make their bodies in line with the sex and gender division into male or female.

Quran Sunnah Society, another organization among the Mappila Muslims of Malabar, Kerala was launched by Abul Hasan Moulavi in the second half of the 1960s. The Quran Sunnah Society group is famous for its demand to open up the right to *ijtihad* in the Muslim community. The group believes that *Ijtihad* (independent reasoning) plays a crucial role in Islamic jurisprudence. Quran Sunnah Society argues that *Ijtihad* is possible in Islam rather than adhering to the past or to the tradition. The discussion below will give us the idea that Quran Sunnah Society uses the idea of *Ijtihad* over the issue of contestation on the question of whether the status of Transgender is part of Islam or not. They even reject all the hadiths as manmade and they follow only the Quran. In all other matters, they would be ready for *ijtihad*. Regarding the sexual reassignment surgery, “it is not possible for anyone, no matter who he/she is, to change the creation of God, has created as a male can never become a female who menstruates and gives birth. The doctors may tamper with him to satisfy his perversion so that he will think that he has become a woman, but he will never be truly female and will live in a state

of anxiety and worry, which may make him to commit suicide”. According to this group of people “the surgery that is permissible in such cases is if a person was originally created male or female, but his genital organs are hidden. In that case, it is permissible to do surgery in order to make those organs appear. But in the case of one who was created with both female and male genitalia- this is what is called as ambiguous intersex- it is not permissible to be hasty in removing one and making the other more apparent. Rather they should wait until it is known what God will decree for this individual, which may become apparent after some time has passed. So the Muslim must accept and be content with whatever God creates and decrees”.

Conclusion

The transgender community has been excluded from participating in social and cultural life, economy, and political decision-making processes. The primary reason for the exclusion is perceived to be ambiguity in recognition of the gender status of transgenders. It’s a key barrier that often prevents them from exercising their civil rights in their desired gender. If society accepts one’s behavior, one can adjust to society. If it is not accepted one cannot find a balance between one’s needs and society’s expectations.

Through the various interpretations of the Quran and Hadith, we can understand there is a need to move beyond that portrayal of religious authority is singular, unitary, and one-dimensional. Within the one community itself, we can trace multiple interpretations of the Quran and Hadith. Quran Sunnah Society has gone to an extent saying that all Hadiths are manmade and are need not be

followed. In this context, they have argued that Quran doesn't say anything against the transgender category. As long as Quran has not discussed anything, need not convert them or put them either as male or female.

ⁱDr. Scott Siraj al-Haqq Kugle, Sexual diversity in Islam.

ⁱⁱHafiz Mohammed, socioeconomic determinants of the continuity of matrilineal family system among Mappila Muslims of Malabar.

ⁱⁱⁱUataz Maulana Akbarshah, Lecturer for the Department of Islamic Revealed Knowledge, Human Sciences, International Islamic University Malaysia.

^{iv}Al Mukhni, Ibn Khudama 7/15

^vWhose bodies have both male and female characteristics and have more resemblance towards one sex (male or female).

^{vi}Whose bodies have both male and female characteristics and with unidentified sexual characteristics

^{vii}Dr. Scott Siraj al-Haqq Kugle, Sexual diversity in Islam.