

Social Status of Hijrras (Mukhannath) in Prophetic Period, Inheritance of Mukhannath in Islam & Present Era

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ABSTRACT

This paper presents a brief discussion about the social status of Hijra (Mukhannath) in the prophetic period and the inheritance of Mukhannath in Islam. The purpose of this paper is to elaborate on the rare information of the basic sources of Islam regarding effeminates (Mukhannath) and to know the societal behavior about the effeminates, typology effeminates & about the inheritance of effeminates (Mukhannath) in Islam. Furthermore, this paper describes in brief manner about the terminology transgender, homosexuality while the societal position of effeminates (mukhannath) in descriptive manner. This paper presents us guideline of Islamic teachings that according to gender and status of Hijrras (mukhannath), they must be treated regarding their access & in inheritance also, as hadith narrations guides us that in situation of fear of attraction for women, their access were banned. In short, it may be stated that social status of real hijrras (mukhannath/effeminate) was declined from the past time and it became more suspicious because of transgender movements.

KEYWORDS: Effeminates (Mukhannath); Prophet Era; Islam; Inheritance; Jurist; Transgender, Social Status.

ARTICLE DETAILS

Published On:
29 January 2026

Available on:
<https://ijiissh.com/>

INTRODUCTION

It is historical fact that for the gender which has doubling attributes of males & females called by different names & different terminologies in different societies of different countries. Anyhow, in mostly Muslim countries, it is called as Hijra or Khusra (Male Effeminate), Hijri or Khusri (Female Effeminate), Mukhannath, Hermaphrodite, Indeterminate Hermaphrodite, Third gender, Doubled gender, Transgender, Mukhannath Khalqi, Mukhannath Tekkullufi, Mukhannath Badehee & Mukhannath Ghair Badehee.

The word 'Hijra', actually denotes male person who has feminine appearance, or soft voice or wears female clothes. According to online dictionary, Hijra is a person whose gender identity is neither male nor female, typically a person who is assigned male at birth but whose gender expression is female. (editor, 2024) While in Lisan al- Arabi famous Arabic dictionary, the word Mukhannath is defined as man whose voice tone seems to voice of female. (Ibn Manzoor, N/D)

The Oxford dictionary describes Mukhannath as in the following lines: "Mukhannath, Effeminate, a term applied to a wide variety of entertainers in the medieval Islamic world. According to S. Moreh, effeminates at the time of Prophet Muhammad spoke in a soft voice, dyed their hands & feet and toyed or danced like women. (Oxford dictionary, 2018)

In the societies, there is also a confusion about effeminates, some think them same gender and same ruling of religion and of the society. Some think them as medical problem in the birth, due to which they became hermaphrodite. Therefore, about their treatment many views can be seen as some of them think that their treatment must be done so that they could survive a practical life as a complete gender of its own identity. Actually, the view point of treatment is stated who are considered as modernists or have modern education. Besides this, some people think that the treatment of hermaphrodite must not be done as it is interference in Allah's creation, this point of view of, is of the people who are considered rigid or traditionalists. Some people think that effeminates and transgender are same, and they did not differentiate effeminate masculine, effeminate feminine, indeterminate effeminate and the transgender. Anyhow, it may be considered also true if it is declared that the Islamic two basic sources have rare commandments mentioning the word 'Mukhannath'. In the following verse, the word mukhannath is not used but such word has been used which presents the meaning of mukhannath.

As in the Holy Quran it is stated about Mukhannathun, the verse states that they can see the aura of a woman if they have attraction to the women. It has been commanded in these Arabic words: "Ghair ulil- irbat min al-rijal" translation is 'such men with no desire

towards women'. (Al-Quran, Al-Noor: 31) In another verse of Holy Quran, no obvious word mukhannath is used anyhow the Arabic word "Aqeen" is used which has the meaning that there are some people who are non-procreative. Therefore, it may be stated that those are in between male and female. (Al-Quran, Ash-Shuraa:50)

In another verse of chapter Al-Noor, Holy Quran stated in these Arabic words: "Yakhluquallahoo Maa yashao", meaning: "Allah Almighty creates what he wants". (Al-Quran, Al-Noor: 45) In this verse of Holy Quran commanded without mentioning the male or female or Mukhannath, this means all creations are with his willing and with his desire. Just like verse 45 of chapter Al-Noor, in the Holy Quran, another verse of chapter Al-Rome, it is commanded in these Arabic words: "Yakhluqoo maa yashao", means: 'He creates whatever he wants'. (Al-Quran, Al-Rome: 54)

TPOLOGY & IDENTIFICATION OF MUKHANNATH

As far as its types are concerned, there are two types in general, just like male and female to some extent. As such mukhannath in which male traits are dominated these are considered as male Hejra or 'Khusra in Punjabi language while in which female traits dominated, these are considered as Hijri or 'Khusri', in Punjabi and Pakistani native language of Punjab province.

Anyhow, as concerned the Islamic scholars and historians they differentiated as khalqi and takallufi between mukhannathun, khalqi are those which behaves because of inherent disposition while later is that which has adopted self-driven because of personal attitude and interest. Therefore, khalqi are in nature while later are by personal habit or personal will. Anyhow, besides this sometimes cases may be difficult to handle in general and too decided or differentiate between them.

Al-Nawawi said, according to scholars' point of view, there are two types of effeminates, first types that are created just like to this gender. These are not responsible for this as their disposition, habit all are just like those as resembling naturally. Therefore these are not blamed and not a sin and are cursed or punished. But actually, those are not born just like their habits or dress or they willingly adopt just like women's disposition, appearance and speech. This type of men is blameworthy, condemned and cursed in hadith who adopt against Allah's creation. (Al-Nawawi, N/M)

In complex intersex cases, a new born could have both male and female genitalia. Muslim physicians and fuqaha would categorize such intersex new born as 'khuntha wadidh', translated in modern terminology as clearly intersex. An inheritance case of such intersex mawlood was presented to Hazrat Ali (R.A.) fourth caliph for acting to resolve the matter. (Al-Sakhawi, 1985) Then Hazrat Ali (R.A.) advised that if the baby's urethra is located in the penis then the child is to be considered male if in the Vulva then female. (Bayhaqi, 2003)

In jurisprudence, it is stated that the final decision about gender recognition will be considered by the intersex person by self-recognition or claim. As Muhammad al-Shaybani (d. 805) argued in his work Al-Asal, aqarra annahu Rajul and aqarra Annahu mar'a, meaning one identifies as male or female respectively. (al-Shaybani, 2012) Furthermore, Al-Sarakhsi, (d.1090) also supported the al-Shaybani's point that in personal and biological matters, the word of the person to whom the matter applies is 'Shar'an Maqbool' meaning will be considered as authentic. (al-Sarakhsi, 1997)

Al-Zarkashi (d.1392) argued that intersex person is the only person who can reveal their gender and gender identity must be respected and accepted just as when a female states that she is menstruating. (al-Zarkashi, N/M) While the Isnawi's (d.1370) point of view is different from the above jurists as he argued that gender may be revealed through interaction and demonstrating attributes typically of masculine and feminine.

As Everett k. Rowson argued that in literature, some scholars of 13th & 14 centuries like Al-Nawawi & Al-Kirmain classified mukhannathun into two categories as feminine traits seem unchangeable and masculine whose traits are changeable. (Everett k. Rowson, 1991)

SOCIAL STATUS OF 'HIJRA' (MUKHANNATH) IN PROPHETIC PERIOD

It is a fact that like other creations of Allah almighty, Mukhannath is also such type of human being which is not found common in the society just like the males and females.

It is true that in the Prophetic period, we have very few traditions about the word Mukhannath. It does not mean that they were ignored. Generally basic information is considered what we get from the near ones. Similarly, life experiences and incidents of the prophetic period are preserved by Holy Prophet Muhammad's wives and his rightly guided companions.

In the second authentic source (Hadith) of Islamic teachings, there are total sixteen hadiths are narrated from which in six hadiths cursed towards effeminates and eight hadiths guide us to cast away from homes. While one hadith informed us to do punishing such person, calls any Muslim as effeminate or homosexual. Lastly narrated hadith is also to do punishing who calls any Muslim as Jew or an effeminate. Status of hadith related to effeminates. As concerned the status of these sixteen hadiths, according to hadith scholars, from these sixteen hadiths fourteen are considered as correct while two hadiths are considered as 'zaeef' (weak). Percentage may be found as rejected hadith 2/16 equal to 13 percent and acceptable hadiths are 14/16, that is equal to 87 percent.

Ibne Qudama stated that mukhannathun were known to be promiscuous and resembled women in "softness, speech,... & appearance". These Mukhannathun were the ones initially allowed to be the servants of women as they did not demonstrate any physical attraction to the female body. (Ibne Qudama, 1997)

As the social status of Mukhannathun is concerned in the Prophet (Peace Be upon Him) era, they were given a very noble and honorable status of guardian of sacred places. They were privileged as guardians of 'Harem' of Makkah & Medina. And they were allowed to go even the quarters of wives of the Holy Prophet (Peace be upon Him) where other famous companions had no access even to talk loudly. From the 12th century on it is reported that they were the dignified guardians of the grave of the noble prophet Muhammad (Peace Be upon Him), 'a custom that held on until the end of the Ottoman rule, over the two sacred cities Makkah & Medina. (Marmoon, 1995)

The prophet kept Mukhannath named 'Marya' in one of the quarters of the household where His wives used to live. She was allowed to be attended by her eunuch. Once sold to a Muslim household, eunuchs were assumed to follow Muslim religion. In some of the references, they were expected to stand in a row behind men and before women during prayers, to act as a veil between two genders in the mosque. (F.Zulfiqar, 2015) Besides the Mukhannath 'Marya,' another effeminate (mukhannath) named 'Hit' was also famous who is mentioned in narrations of hadith

Ibne Abbas (R.A.) narrated that Holy Prophet (P.B.U.H.) told that Allah subhanahu wa ta'ala cursed those men and women who resembled the opposite gender. (Mishkat-ul-Masabeeh, Hadith #4429) Actually this is not about all Mukhannathun or Khalqi Mukhannath. This is about those who are not Mukhannath by birth but they adopt such getup just like women to deceive the other person or other gender.

In reality the prophet did not punish Mukhannath unless they carried out immoral acts, nor did he try to care for them. In one Hadith, the prophet was recorded to have saved the life of a Mukhannath when others wanted to kill him. (Sunan Abu Dawood, Hadith# 4910)

As Ludovic- M. Zahid (2020), argued that those described in Arabic as Mukhannathun are often associated with homosexuality, although it would be more appropriate to consider them within the Islamic tradition as a whole as transgender. Al-Bukhari places hadiths, a concerning Mukhannathun about adultery and fornication and reason of quoting Mukhannathun may be found by different matan or versions. As, on the eve of a crucial military campaign, an effeminate named Hit who served Umm Salam, one of the Prophet's wives, told Abdullah umm Salama's brother:

O Abdullah; if God grants you victory in Taif, seek the favors of the daughter of Ghaylan, as she comes forward with four (rolls of fat) and turns around with eight. Hearing this, the Prophet said: "Don't these come into your homes. (Sahih Al- Bukhari # 4324)

Nevertheless other narrators added more about effeminates in strict words, for example: The prophet cursed the effeminate men and masculine women and said: Chase them out of your homes. (Sahih Al- Bukhari# 5886) Such narrators tend to omit the context which is essential to understand this particular case of Islamic sexual ethics.

According to another narration of same event, after this 'Hit' named effeminate was expelled from Medina and he was given permission to come two days in every week for food begging.

Other Hadith also mention the punishment of banishment, both in connection. With Umm Salama's servant & a man who worked as a musician. Another Hadith stated that Muhammad cursed the mukhannathun and their female equivalents, and ordered to remove them from their homes.

One such incident in the Hadith was prompted by a Mukhannath servant of Muhammad's wife Umme Salama commenting upon the body of a woman which may have convinced Muhammad that the Mukhannath were only pretending to have no interest in women..... (Sahih Muslim, Hadith # 2180)

According to Islamic history, the effeminates were strongly associated with music & entertainment during the khalifa Rashidun era and first fifty years of Umayyad era. While in later half period of Umayyad & during the Abbasid Caliphate, the word itself was used as a descriptor for men employed as dancers, musicians and comedians.

In Middle Eastern and Mediterranean Islamic societies, eunuchs used to serve their owners in dressing, bathing, grooming and cutting hair and nails. Among Persian Roman and Byzantine owners/ rulers, they were ordered to function as household slaves. (F.Zulfiqar, 2015)

Historians point out that in the history of sub-continent Khawja Sera (Eunuchs) were found as secret force of Mughal Emperors and care takers of the wives of rulers & their palaces. Besides this, they play crucial role in their courts while doing decisions. They were also considered as the confidential force of the rulers and their wealthy masters. The point to note is that they were free from earning for livelihood in those days but with the passage of time and with the decline of Mughal emperors, their status was also declined and they had to beg for survival of their lives. As Wright argued that these Mukhannathun represent "an intermediate, transitional, stage in the transfer from female dominated to male dominated profession and he has further speculated that their presumably dubious social status..... Which they associated with wine, sexual linkages etc. (Owen Wright, 1983)

INHERITANCE OF MUKHANNATH IN ISLAM

In the perspective of society and religion Islam, there are two genders masculine and feminine as the teachings of Holy Quran states clearly that Allah has created the male and female of every gender. And masculine are considered as its own identity because of rationality, mightiness and valor while feminine are considered as its identity because of emotionality, beauty and softness. With

the role of both genders/partners & the necessities of life and the generation meets its ends. This is why, in Quran commands us with guidelines of inheritance of males and females according to their attributes and roles.

As inheritance is concerned, it is defined as 'transferring of articles and assets of one person to another is called inheritance'. In Islamic law, inheritance means the transfer of belongings of the deceased to his living legal heirs.

Generally there are three main important components of inheritance, these are as under:

- i- Deceased Person: that is a person who has died and left property of assets for heirs.
- ii- Heirs: The property of the deceased person is allotted to those individuals, these are heirs.
- iii- Property or Assets: All the moveable or unmovable things of deceased will be divided to their heirs. (Mishri Alghamdi, N/D)

As concerned with the matter of inheritance, the Holy Quran does not command in clear words about the inheritance of Hijra (Mukhannath). Anyhow, jurists derive some rules with the help of Hadith and Qiyas about their rights of inheritance. As Usman Maravia (2022) argued that Islamic Sharia law has acknowledged the intersex persons as a gender. This acknowledgement includes mention of intersex persons in the books of tafsir, Hadith and fiqh.

For inheritance purposes, a person who gives birth is given the status of 'mother'. The reason is that the Holy Quran associates pregnancy and delivery with motherhood. (Al-Quran, Al-Ra'ad: 8) In the Holy Quran, verses of chapter Al-Nisa, # 11, 12, & 176, have guidelines about the inheritance.

As concerned the opinion of jurist about the Abu Yousuf & Jurist Al-Sha'bi, indeterminate effeminates will receive the half right of son and half right of girl because of not determining the sex of gender. This means that indeterminate will get $\frac{1}{2}$ full right of masculine gender will be equal to $\frac{1}{2}$ and half of feminine gender will be $\frac{1}{4}$, and total will be $\frac{3}{4}$. As concerned the jurist imam Malik's opinion he also argued that indeterminate effeminates must receive the half of both genders because indetermination of their sex gender, if the sex is determined then the right will be according to their gender what is determined. As concerned the opinion of jurist imam Abu Hanifa, he also argued that in case indetermination or khuntha mushkal, the portion of right will be given of both genders but if sex is determined then will receive according to their gender. (Keerthana, 2021)

Practically, most of us do not follow the Islamic guidelines regarding the khunnatha/effeminates. And mostly people think that khunnatha should live their community rather than to live their families because feeling shame in considering effeminates as brother or sister. In this way, by sending them to effeminate community to live with them, the biggest advantage for remaining family members what get is that they divide the share of effeminate brother/ sister/ or indeterminate among them by depriving from the due share of effeminate family member from the due share what law of the country and the Islamic law of inheritance has given them. Islamic jurists' opine to give the effeminates two shares, one half of male gender and other half of female gender so that they could lead their life and survive their life in an easy way.

EFFEMINATES & TRANSGENDER IN PRESENT ERA

In present era, besides the effeminates (Hijra/Mukhannath), homosexuality (love with same gender) and transgender (want to live as opposite gender of born sex) are spreading as movements in different countries of the modern world.

The fact about effeminates/ Mukhannathun is that it is found in different societies also whether these societies are Muslim or non-Muslim. Some are born as effeminates but mostly are those who adopt the ways of effeminates willingly or by adopting the profession of singers or dancers, they have to adopt dressing and traits of opposite gender to attract the opposite gender.

As 'Alif' argued that in the Mexico, there is culture of 'Muxe,' these are such men who wear dress like the women. They consider themselves as special gender and even their forefather also consider these persons these persons are born men but they want to live as women. In society and in public, Kathoey are accepted their attitude but in government level, their gender is considered as what at the time of born. Besides this, there are evidences and examples of sex assignment surgery and plastic surgery. (Bahrul Alif, 2019.)

In the present era, it is a strange situation even in Muslim societies when some men wear clothes just like the women's clothes and they have long hair just like women's hair style. Similarly, some women wear just like the men's clothes and they have hair's style just like the men. This thing is quite anti-Islamic as in Hadith Sciences; Holy Prophet (P.B.U.H.) has disliked this type of attitudes and appearances.

As it is narrated from Abbas (R.A.) that the Holy Prophet cursed such men who adopt women's dress or appearance and also cursed those women who adopt just like men's dress or appearance. (al-Bukhari, Hadith#5885)

The truth is that all indeterminate Hermaphrodite community suffers various disadvantages as in case of death of hermaphrodite; it becomes problem that which gender should do the 'Ghusl' (bathing) ceremony performed for the dead body. They are ignored about their rights of inheritance and even the society to live in as respectable status. Besides this, the old and the elder one, all jeer on it after seeing them. (Keerthana R., 2021) Holy Quran ordains us not to joke any other person as in Holy Quran, it is ordered as: "(Meaning), O believers, no one group of men should jeer at another who may after all be better than them; no one group of women

should jeer at another who may after be better them; do not speak ill of one another, do not use offensive nicknames for one another. (Al-Quran, al-Hujuraat: 11)

In the society, there is a confusion is found that they consider that all homosexual and effeminates are considered as to avoid from them. In the society, low numbers of people accept them and give them their due rights in the society. Laws about their inheritance stipulate that they legally heirs of deceased but practically situation is quite different in the societies as even the brothers and sisters of hermaphrodite did not consider openly in the societal places regarding their kinship because they feel shyness and shame in considering them brother or sister. It is necessary that their inheritance laws must be followed at superiority basis and societal joke regarding them must be considered as societal crime and it must be banned rather than doing these types of joke actions. Their right to live with dignity must be legally elaborated and corrected by removing the bias and suspicious attitude towards this type of gender as they are also the creature and human being also. As it is a big injustice with effeminates to deprive from the rights what law and Islamic Sharia has given them. (Keerthana R., 2021)

As concerned the matter of homosexuality, according to the teachings of Holy Quran, it was existed in the nation of Prophet Lut (A.S.). And books of Quranic commentaries, hadiths books and books of jurisprudence state that the effeminates live with Prophet's society in the Prophet's time. Anyhow acts of transvestitism are forbidden in Islam. The existence of effeminates or transvestites is one of the alarming Islamic issues in present era. And it has been proven that they were existed in the time of Prophet Lut (A.S.). (Rasydam & Azmi 2021) & (Syed Azharul Assiq, 2017). As concerned the transgender, in the present era, in different countries, transgender term is being used for those want to adopt willingly the opposite sex than the born. Some are doing hormone medicines to arouse the particular gender attributes or some are depending on medial organ surgery for this. This is considered by many people, knew thing or because of modern innovations in the science but Holy Quran has informed us about the actions of Satan before fourteen hundred years ago.

Holy Quran has used the word 'Aqem' rather than effeminates for the de-creative but about 'transgender' or changing the Allah's creation will be considered as adopting the way of Satan about which it has been informed that Satan will try to change Allah's creation. As it is commandment of God: (Meaning), "And I will mislead them and I will arouse them sinful desires.....and I will command so that they will change the creation of Allah. And whoever takes Satan as an ally instead of Allah, has certainly sustained a clear loss". (al-Quran, Al-Nisa:119) One hadith narrated from Abdullah ibne Abbas, states that Holy Prophet has cursed those masculine and feminine who imitate the opposite gender. (Al-Bukhari # 5885)

In the modern era, the term transgender is used in many countries of the world and is being applied in their rights also. In actual, transgender is considered to those persons who have sense of identity opposite to birth sex. In Pakistan, to support, transgender, education institutions for separate transgender classes at divisional level have been set up but now after the establishment of new government in 2024, it is tried to set up new institutions of transgender at district level without considering requirement.

CONCLUDING REMARKS

In the nutshell, it may be stated that Hijrra (Mukhannath) is also a human being and a creature of almighty Allah like other creations. Furthermore, some modern scholars think it as incorrect gender but Holy Quran mentions in chapter Al- Noor, verse 45 & chapter Al- Rome, verse 54, 'He creates what he wants', so it may be stated that this gender also has been created with Allah's will and want. And as concerned the status of Hijrra (effeminate/Mukhannath) in the Prophet era, they had noble status and access to noble places of Muslims and even the quarters of ummahatul mo'mineen (wives of Holy Prophet). And they had worked as servants of Holy Prophets wives & even they had become the veil in mosques when two genders were offering prayers. Anyhow, the traditions point out about cursed and banned were actually due to fear of sex desires for women, fear of working as mediators and feeling of sexual desires from conversation, so banned such types who can become danger. Moreover, words of another hadith tradition describes that when people want to kill effeminate, he was expelled from city to eschew from the people. Besides this, when it becomes difficult to differentiate between effeminate khilqi (by born) and effeminate takullufi (effeminate by personal will/ not by born effeminate), in such case, it will better to keep them away from homes as one tradition also guides us. Therefore, it may be stated that Islamic teachings does not consider and curse or banish all the effeminates in same manner. As the case of inheritance, just like rights of males & females, effeminates have also the same rights except in case of indeterminate effeminate which will attain the half of both sexes (Male & Female) by mostly jurists.

In short, it may be stated that the gap may be found between religion and society about the status of Hijrra (effeminates). Mostly, members of society do not protect and give them their rights. Therefore it is needed to make them honorable and independent in the society, they should give them their due rights in the inheritance or help them to make them financially strong so that they could live engaged in business or any other professions just like the other male or female gender in society.

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