

GENDER AMBIGUITY AND HUMAN DIGNITY IN ISLAM: A Hermeneutic Reassessment of Prophetic Traditions on *Mukhannats*

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Abstract: In contemporary Indonesia, *waria*-a culturally specific category of gender nonconformity-continue to experience religious marginalization, often justified through rigid readings of Prophetic traditions on cross-dressing (*takhannuts*). Beyond juridical debate, this exclusion raises fundamental questions of human dignity and religious belonging. This article re-examines canonical *hadîts* narrations on the mukhannath using Jorge J. E. Gracia's functional hermeneutics, drawing on reports in *Shahîh* al-Bukhârî and *Shahîh* alongside their classical commentaries. The study advances three arguments: first, gender ambiguity was recognized in early Islam as a lived social reality rather than a moral anomaly; second, the *hadîts* corpus distinguishes between innate disposition (*min ashl al-khilqah*) and deliberate imitation (*tasyabbuh*), directing censure toward intentional misconduct; and third, a functional hermeneutic reading reveals an ethical orientation toward mercy, proportionality, and the preservation of human dignity. These findings support a dignity-centered interpretive framework that affirms *waria* as legitimate worshippers (*mushallî*) and full moral subjects within the Muslim community.

Keywords: *mukhannats*, gender ambiguity in Islam, human dignity, *waria*.

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Introduction

In Indonesia, the term *waria* refers to individuals who are biologically assigned male at birth but express a feminine gender identity and presentation.¹ Some scholars understand this as a form of male femininity, rather than a separate “third gender” category,² but the dominant religious discourse in Muslim societies often frames cross-dressing as a moral transgression. The *hadits* stating that the Prophet cursed men who resemble women and women who resemble men³ is often used as a basis for normative legitimization, which in turn contributes to the social marginalization of transgender women and increases their vulnerability to poverty and stigma.⁴ Beyond legal debates, this condition raises ethical questions about human dignity and the position of Muslims with nonconforming gender expressions in the *ummah*. Its persistence in the contemporary Indonesian context—amidst strengthening public religiosity and the digital circulation of scriptural arguments—confirms that the interpretation of *hadits* is not merely a theological abstraction, but a social force that shapes exclusion and acceptance.

These tensions have gained renewed urgency amidst the rising tide of religious conservatism and *anti-LGBT* moral panic in contemporary Indonesia.⁵ Lived religious spaces, such as Pesantren Waria Al-Fatah in Yogyakarta, stand as precarious sanctuaries for *waria* to practice Islam amid rejection in mainstream mosques.⁶ The *pesantren* illustrates that exclusion from communal worship is not merely theological but social, shaped by shame, surveillance, and moral judgment. Public debates surrounding figures like Dorce Gamalama further show how questions of burial rites, legal identity, and recognition as legitimate worshippers become arenas where gender, piety, and authority intersect.⁷ A review of the theological basis for this exclusion is crucial, given that the rejection of *waria* is increasingly positioned not merely as a social norm, but as an indisputable religious mandate. Thus, this issue is no longer limited to a debate over the permissibility or prohibition of cross-dressing, but extends to how the Muslim community redefines the concepts of acceptance, socio-religious membership, and the ethics of compassion amid increasingly intense polarization.

Institutionally, religious responses in Indonesia tend to emphasize biological determination as the basis for normative classification. The 1997 MUI fatwa strictly categorizes *waria* based on sex at birth and judges cross-dressing as deviant,⁸ while large organizations such as Muhammadiyah and NU generally approach the issue of gender diversity through the *fiqh* category of *khuntsâ*.⁹ At the same time, social science and psychology literature uses terms such as transvestism, transgender, and transsexuality,¹⁰ each of which rests on different theoretical assumptions about sex, gender, and desire. In classical Islamic scholarship, the term *mukhannats* introduces conceptual complexity because it broadly refers to men who behave in a feminine manner, either due to innate disposition or deliberate imitation.¹¹ The overlap and differences among these categories often lead to conceptual ambiguity that obscures the ethical and theological dimensions of

their treatment. This conceptual instability is even more significant in the contemporary context, where contemporary gender categories are often retroactively projected onto classical texts without adequately considering their historical horizons.

A number of scholars have begun to address these questions. Ethnographic studies highlight how *waria* actively respond to social exclusion by enacting various strategies of belonging, whether through embodied practices in their daily lives¹² or through spiritual creativity that reimagines piety as a form of “sacred disobedience”.¹³ Comparative work, such as research on Iranian *Syīʿ* contexts, shows how different Islamic societies frame transgender identity through distinct legal and psychological paradigms.¹⁴ More broadly, recent international scholarship on Islam and gender diversity calls for historically grounded and ethically attentive readings of Islamic sources rather than rigid juridical binaries.¹⁵ However, despite this growing literature, Indonesian debates still tend to rely on isolated *hadīts* citations detached from their socio-historical context, resulting in normative conclusions that foreclose ethical complexity. Within Indonesian Islamic scholarship, several authors have explored *waria* from legal, philosophical, or humanist perspectives, and some have examined *hadīts* on *mukhannath* using modern hermeneutics.¹⁶ However, these studies often treat *hadīts* evidence selectively, focus on contemporary social categories without fully reconstructing the early Islamic context, or stop short of articulating a coherent framework grounded in human dignity. As a result, a gap persists between descriptive ethnography and normative Islamic theology particularly regarding how Prophetic practice itself might inform contemporary Muslim engagements with gender-nonconforming believers.

This article attempts to bridge this gap by presenting a contextual and hermeneutic analysis of the prophetic tradition regarding *mukhannats* through Gracia’s functional hermeneutics approach. Rather than merely questioning the validity of cross-dressing laws, this study explores how individuals with gender ambiguity were actually treated in the Prophet’s community, including accounts of social restrictions, moral concerns, and explicit protection of life.¹⁷ By placing these narratives in their historical, social, and ethical horizons, this study argues that gender ambiguity was a recognized reality in early Islam and that the prophetic response cannot be reduced to simple condemnation. The novelty of this study lies in its attempt to bridge *hadīts* studies and contemporary debates through a hermeneutic framework centered on human dignity, thereby repositioning prophetic ethics as a source of normative reflection for reordering the concept of Muslim membership in the contemporary context. This approach aims to restore a dignity-based ethical vision that affirms moral accountability while affirming their status as full members of the religious community.

Method

This study employs a qualitative approach grounded in a literature review rooted in contemporary *hadīts* studies and philosophical hermeneutics. The choice of this textual approach is based on the normative nature of the issue under study, namely that exclusion

of *waria* in Indonesia is generally constructed through direct reference to prophetic tradition, making the corpus of *hadîts* the main arena for contestation of meaning and authority. Therefore, the analysis focuses on the accounts of *mukhannats* in Sunni canonical books—especially *Shahîh al-Bukhârî* and *Shahîh Muslim*—along with various authoritative commentaries such as the works of al-Nawawî and Ibn Hajar al-‘Asqalânî, as these texts are most often referred to in popular legal and religious discourse. This framework is in line with recent studies that emphasize the importance of understanding the formation of the canon and the dynamics of authority in the transmission of *hadîts*,¹⁸ as well as analyses of continuity and change in Islamic legal tradition.¹⁹

Analytically, this article adopts Gracia’s functional hermeneutics as a mediating framework between historical reconstruction and contemporary ethical reflection. Gracia views interpretation as a structured relationship between the *interpretandum* (text), the interpreter, and the *interpretans* (contextual information added by the interpreter), thus enabling a reading that avoids both rigid textual literalism and uncontrolled subjectivism.²⁰ The three functions he offers—historical function, meaning development, and implicative function—provide a methodological basis for (1) reconstructing the socio-historical horizon of the Prophet’s interaction with *mukhannats* in a manner comparable to the *asbâb al-wurûd* approach; (2) maintaining conceptual accuracy by distinguishing the classical category of gender ambiguity from modern transgender identity; and (3) formulating normative implications based on the principles of human dignity and the meaningfulness of religious membership in the context of contemporary Indonesia. Thus, this method not only critically examines the text but also seeks to revive prophetic ethics as a source of civilized and humanizing reflection in responding to gender diversity in religious spaces.

Thematic Analysis of the Prophet’s Responses to Non-Binary Gender Identities

In the study of *hadîts*, cross-dressers are classified as *mukhannats* or effeminate men. Several *hadîts* indicate the presence of such individuals in Medinah, who were either tolerated or expelled by the Prophet. The Prophet’s rejection of effeminate men was manifested in their expulsion from the city, while his toleration of them was manifested in their right to meet their basic needs as well as the protection of the lives of those who seemed to be observant Muslims. A close reading of the relevant *hadîts* indicates that Prophetic responses to the *mukhannats* were structured within a layered ethical framework in which behavioral evaluation, the maintenance of communal order, and the protection of Muslim life functioned as interrelated principles. Regulation in these reports was directed toward concrete acts, such as the erotic description of a woman’s body, the crossing of private interactional boundaries, or forms of imitation deemed socially improper, rather than toward gender identity as an ontological category.

Hadîts on the Gender Status of a *Mukhannats*

وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ، أَخْبَرَنَا عَبْدُ الرَّزَّاقِ، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ، قَالَتْ: كَانَ يَدْخُلُ عَلَى أَزْوَاجِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مُخَنَّثٌ فَكَانُوا يَعْدُونَهُ مِنْ غَيْرِ أَوْلِي الْأَرْبَةِ، قَالَ فَدَخَلَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَوْمًا وَهُوَ عِنْدَ بَعْضِ نِسَائِهِ، وَهُوَ يَنْتَعُ امْرَأَةً، قَالَ: إِذَا أَقْبَلْتُ أَقْبَلْتُ بِأَرْبَعٍ، وَإِذَا أَدْبَرْتُ أَدْبَرْتُ بِثَمَانٍ، فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَلَا أَرَى هَذَا يَعْرِفُ مَا هَاهُنَا لَا يَدْخُلَنَّ عَلَيْكُنَّ» قَالَتْ: فَحَجَّبُوهُ²¹

‘Abd b. *Humayd* reported from ‘Abd al-Razzâq from Ma‘mar from al-Zuhrî from ‘Urwah that ‘Ā’ishah said: A mukhannats [effeminate man] entered the place of the Prophet’s wives. They [the people] considered him as someone who felt no physical desire for women [and, therefore, did not object to his presence among the women]. One day, the Prophet entered when the mukhannats was [sitting] among some of the Prophet’s wives, describing the physical features of a woman. He said: “When she approaches [you], four folds appear on her front side, and when she turns away [from you], eight folds appear on her backside.” The Prophet said, “Do I not see that he knows what here lies? Do not, therefore, allow him into your house.” Since then, they [the Prophet’s wives] began to observe the veil [in front of him].’ (*Hadîts narrated by Muslim*).

From the perspective of transmission, the *hadîts* about *mukhannats* narrated in *Shahîh Muslim* and *Sunan Abû Dâwûd*²² rests on a strong *isnâd* foundation. The narrators in this chain of transmission are considered *thiqah* in the literature of *jarh wa ta’dîl*, with no classification as weak narrators.²³ This level of credibility strengthens the legitimacy of the narration as an authoritative source for examining how early Muslim communities interacted with individuals who displayed ambiguous gender expressions. In terms of *matn*, the narration describes a *mukhannats* who was initially allowed to enter the private quarters of the Prophet’s wives because he was considered *ghair ulî al-irbah*, an individual who was assumed to have no sexual desire for women; in this context, the hijab requirement was not strictly enforced in his presence.²⁴ This shows that there was conditional social recognition, based not solely on gender expression, but on moral judgments regarding the perception of sexual desire control.

The Prophet’s attitude changed when the individual described a woman’s body in detail, indicating a nuanced awareness of sexual attraction. He was then forbidden from entering women’s private spaces, and the Prophet’s wives were ordered to wear the hijab in his presence.²⁵ Explanations in classical commentaries link this restriction to a violation of modesty norms as well as the emergence of sexual perceptions, so that he could no longer be categorized as “without desire”.²⁶ Thus, this *hadîts* does not deny the existence of *mukhannats*, but rather shows that social access is negotiated through observable parameters of ethics and sexual behavior, with restrictions set to maintain communal morality, not to erase the existence of gender ambiguity itself.

Analytically, this *hadîts* establishes a decisive distinction between effeminacy as a social appearance and erotic awareness as moral agency. The *mukhannats* was initially accommodated within domestic space because he was presumption collapsed. The normative boundary, therefore, was behavioral and situational, not ontological. This finding challenges readings that treat gender variance itself as the primary object of sanction.

Hadîts on the Prophet expelling a mukhannats from the city

حَدَّثَنَا مُحَمَّدُ بْنُ دَاوُدَ بْنِ سَفْيَانَ، حَدَّثَنَا عَبْدُ الرَّزَّاقِ، أَخْبَرَنَا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ بِمَعْنَاهُ. حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ، حَدَّثَنَا ابْنُ وَهْبٍ، أَخْبَرَنِي يُونُسُ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ بِهَذَا الْحَدِيثِ، زَادَ: وَأَخْرَجَهُ، فَكَانَ بِالْبَيْدَاءِ يَدْخُلُ كُلَّ جُمُعَةٍ يَسْتَطْعِمُ. حَدَّثَنَا مُحَمَّدُ بْنُ خَالِدٍ، حَدَّثَنَا عُمَرُ، عَنِ الْأَوْزَاعِيِّ، فِي هَذِهِ الْقِصَّةِ، فَقِيلَ: يَا رَسُولَ اللَّهِ، إِنَّهُ إِذْ نُبِّئْتُ مِنَ الْجُوعِ، فَأَذِنَ لَهُ أَنْ يَدْخُلَ فِي كُلِّ جُمُعَةٍ مَرَّتَيْنِ، فَيَسْأَلُ ثُمَّ يَرْجِعُ²⁷

Muhammad b. Dâwud b. Sufyân reported from ‘Abd al-Razzâq from Ma‘mar from al-Zuhrî from ‘Urwah that ‘Â‘isyah with its semantic equivalence that: Ahmad b. Shâlih reported from Ibn Wahb from Yûnus from Ibn Syihâb from ‘Urwah added [to hadîts index number 4107]: “The Prophet sent him [the mukhannats] out into the desert and allowed him to re-enter [the city] on every Friday to be given food.” Maḥmûd b. Khâlîd told us from ‘Umar from al-Awzâ‘î in this story: “O Messenger of Allah, [after you expelled him to the desert], what if he starves to death?” The Prophet then gave him permission to enter [the city] twice every Friday to ask for food and then leave (Hadîts narrated by Abû Dâwûd).

From the standpoint of transmission, the report in Sunan Abû Dâwûd concerning the exile of a *mukhannats*²⁸ is supported by an *isnâd* generally regarded as acceptable by *hadîts* scholars. Most of the transmitters are evaluated as *tsiqah*, while one narrator is classified as *maqbul*: taken together, the chain is considered reliable enough to be used in historical and ethical analysis.²⁹ This level of authenticity situates the narration within the broader cluster of reports describing the Prophet’s responses to gender-ambiguous individuals in Medina.

From the matn perspective, this story continues the previous story about a *mukhannats* who was deemed to have crossed ethical boundaries in his interactions with women. The Prophet then ordered that he be expelled from Medina. However, the exile was not absolute: he was still allowed to enter the city at certain times to ask for food so that he would not starve. Thus, this story shows that exile was understood as a form of social restriction for certain violations, not as a total rejection of his existence in the community.

Analytically, the Prophet’s actions reflect a balance between maintaining public moral boundaries and ensuring a person’s survival. The sanctions imposed did not take away his

basic right to life or dignity, but rather limited his space for social interaction in response to behavior that was considered problematic. In the context of the discussion of *mukhannats*, this *hadîts* is important because it emphasizes that correction is directed at observable actions, not at gender identity itself. Even in exile, the individual is still recognized as part of the Muslim community and remains entitled to material support to sustain their life.

This *hadîts* reveals that social discipline operated through spatial restriction rather than annihilation. Even after an ethical transgression, the *mukhannats* remained part of the moral community and retained the entitlement to sustenance. The measure reflects calibrated governance, moral boundaries were enforced, yet subsistence rights were preserved. The sanction thus functioned as a regulation, not an expulsion from communal belonging.

Hadîth about the Prohibition of killing a *mukhannath* who is an observant Muslim

حَدَّثَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ، وَمُحَمَّدُ بْنُ الْعَلَاءِ، أَنَّ أَبَا أُسَامَةَ، أَخْبَرَهُمْ عَنْ مُفَضَّلِ بْنِ يُونُسَ، عَنِ الْأَوْزَاعِيِّ، عَنْ أَبِي يَسَارِ الْقُرَشِيِّ، عَنْ أَبِي هَاشِمٍ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَتَى بِمُخْنَثٍ قَدْ خَضَّبَ يَدَيْهِ وَرِجْلَيْهِ بِالْحِنَّاءِ، فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَا بَالُ هَذَا؟» فَقِيلَ: يَا رَسُولَ اللَّهِ، يَشَبَّهُ بِالنِّسَاءِ، فَأَمَرَ بِهِ فُنْفِي إِلَى النَّبِيعِ، فَقَالُوا: يَا رَسُولَ اللَّهِ، أَلَا تَقْتُلُهُ؟ فَقَالَ: «إِنِّي نَهَيْتُ عَنْ قَتْلِ الْمُصَلِّينَ» قَالَ أَبُو أُسَامَةَ: «وَالنَّبِيعِ نَاحِيَةَ عَنِ الْمَدِينَةِ وَلَيْسَ بِالنَّبِيعِ»³⁰

Hârûn b. Abd Allâh and Muḥammad Ibn al-‘Alâ’ reported that Abâ Asâmah told them from Mufadhhal b. Yûnus from al-Awzâ‘î from Abî Yâsar al-Qurasyî from Abî Hâsyim from Abû Hurairah, who said, ‘A mukhannats who colored his fingernails and toenails with henna was once brought to the Prophet. So, the Prophet asked, “What’s wrong with this man?” The companions replied, “O Messenger of Allah, he wishes to resemble a woman.” He then ordered that the person be punished, so he was exiled to a place called Naqi’. The companions asked, “O Messenger of Allah, shall we not just kill him?” He replied, “I am prohibited from killing those performing their prayers.” Abû Usâmah said: Naqi’ is a place on the outskirts of Medinah, and not Baqi’ (Hadîts narrated by Abû Dâwûd).

From the standpoint of transmission, the report narrated by Abû Dâwûd concerning the prohibition against killing a Muslim *mukhannats*³¹ is generally classified as weak (*dha‘îf*) due to the presence of two narrators whose reliability is unknown (*majhûl*).³² As a result, the *isnâd* does not reach the level of the strongest canonical reports. Nevertheless, scholars have noted that its substantive meaning does not conflict with broader Islamic legal and ethical principles regarding the sanctity of Muslim life,³³ which lends the narration interpretive significance despite its technical weakness.

In terms of *matn*, the *hadîts* describes a *mukhannats* who adopted feminine forms of adornment, including the use of henna. The Prophet ordered that this individual be relocated to the outskirts of Medina, specifically to al-Naqî. When some Companions proposed that the person be executed, however, the Prophet refused this suggestion, stating, “I have been forbidden to kill those who perform prayer”.³⁴ The narration thus frames the issue not primarily in terms of gender expression, but in relation to the individual’s status as a practicing Muslim.

Analytically, the report establishes a clear ethical boundary: non-normative gender expression, even when viewed as blameworthy, does not nullify a Muslim’s rights to life. Religious identity—marked here by regular performance of prayer (*mushallîn*)—functions as a decisive criterion of legal and moral protection. For discussion of the *mukhannats*, this *hadîts* underscores that, within the Prophetic framework, individuals with gender-variant expression remain in the community so long as they fulfill core religious obligations. Their lives, therefore, were not to be violated, even when social restriction or disciplinary measures were deemed necessary.

Table 1: Thematic Summary of Three *Hadîts*

<u>Hadîts</u>	Situation of the Mukhannats	Prophetic Response	Main Finding	Conceptual Relevance
First <u>hadîts</u>	Regarded as lacking sexual desire	Initially allowed access, then prohibited after signs of desire appeared	Social status depended on perceived sexual self-control	Non-masculine gender was understood in moral-functional terms
Second <u>Hadîts</u>	Considered to have crossed interactional boundaries	Expelled, but still granted access to food	Social sanction did not nullify the right to live	Punishment took the form of social restriction, not total exclusion
Third <u>Hadîts</u>	Displayed feminine gender expression	Exiled, but explicitly forbidden to be killed	Muslim identity served as a protection of life	Faith took precedence over violations of gender expression

Taken together, the three *hadîts* summarized in this table illustrate that the Prophetic response to the *mukhannats* was neither uniform nor purely punitive, but structured through a layered ethical framework. Social access was granted or restricted based on perceived sexual propriety, communal order was maintained through measured forms of spatial limitation rather than absolute exclusion, and most decisively, religious identity functioned as an inviolable basis for the protection of life. In this way, gender nonconformity in the early Muslim community was negotiated through moral evaluation, social regulation, and theological belonging, revealing a model in which discipline operated alongside recognition rather than erasure.

Public debate in Indonesia over Muslim cross-dressing remains fluid deeply shaped by the religious authority of prominent clerics, particularly those active on social media. Some preachers adopt a strongly prohibitive position grounded in classical *hadīts* and legal precedent. Khalid Basalamah, for instance, frames cross-gender expression as a major sin, citing reports that condemn men who resemble women and vice versa.³⁵ He extends these stances to social relations, discouraging association with transgender individuals or those identified with *LGBT* categories. He links his argument to traditional interpretations of the story of Prophet Lot, including severe punishments reported in later legal traditions.³⁶ Similarly, Adi Hidayat maintains that acts of worship such as *'umrah* pilgrimage would be invalid if performed while embodying a transgender identity, arguing that imitation of the opposite sex falls under divine prohibition.³⁷

Other scholars, while still working within a framework that recognizes scriptural prohibitions, adopt a more differentiated and pastoral tone. Buya Yahya emphasizes that effeminate men should not be mocked or humiliated and discourages the use of derogatory labels. He distinguishes between deliberate cross-gender imitation for sexual purposes and individuals who experience their gender identity as an innate condition, drawing on classical discussion of *khuntsâ* (intersex person) to introduce nuance into the conversation.³⁸ This approach reflects an attempt to balance moral boundaries with ethical conduct toward vulnerable individuals. In contrast, Mustofa Bisri (Gus Mus) advances a markedly more inclusive interpretation. In his engagement with transgender students at the *Pesantren Al-Fatah* in Yogyakarta, he argues that Islamic legal thought can accommodate gender diversity beyond the male-female binary through the category of *khuntsâ*. He criticizes the assumption that God created only two strictly defined genders and aligns with other Indonesian religious figures who advocate social and religious recognition for transgender Muslims.³⁹ Together, these divergent views reveal that contemporary Indonesian Islamic discourse on gender variance is not monolithic but reflects an ongoing negotiation between textual traditions, legal interpretations, and lived social realities.

When read against the layered Prophetic framework reconstructed above, contemporary positions that frame gender variance as intrinsically criminal appear to compress the complexity of the *hadīts* corpus. The early reports differentiate between appearance, intention, and conduct, and they consistently preserve the sanctity of Muslim life. The contrast suggests that modern polemics may simplify what the textual tradition presents as ethically graduated and context-sensitive regulation. Read in light of all the foregoing analysis, Prophetic engagement with gender-ambiguous individuals appears to have unfolded through calibrated ethical reasoning rather than uniform condemnation. This pattern bears directly on contemporary Islamic debates in which *hadīts* is invoked to justify categorical exclusion, suggesting a model of disciplined recognition grounded in moral conduct and the preservation of life.

Jorge Gracia's Hermeneutics Application to the Hadîts

Gracia's functional hermeneutics theory emphasizes three main functions in the interpretation process: history, meaning development, and implication. The historical function aims to help contemporary audiences understand the text as the original author and audience understood it. In the context of hadîts study, this first stage of inquiry is known as *asbâb al-wurûd* (circumstances of the event). In the second stage, the meaning is developed, focusing on contextualizing the historical meaning into the framework of our contemporary understanding so that the original teaching can be applied according to the dynamics of the times. In the third stage, the implicative function focuses on the axiological dimension of the meaning of the text. This function relates to the contemporary audience's understanding of the various implications of the meaning of the text, both in terms of historical understanding as intended by the author and in terms of the implications developed by the interpreter in the current context.

Interpretative Function of the Hadîts

In the application of Jorge Gracia's functional theory to the established hadîts about cross-dressing, three hadîts texts were selected as the object of interpretation. The selection of the three texts was based on the status of the hadîts, the validity of the text, and the mention of cross-dressing. All three hadîts are included in the authoritative Sunni hadîts collections; one hadîts is narrated by Muslim, and two hadîts are narrated by Abû Dâwûd. The interpretation of the three hadîts can be summarized as follows.

In the first hadîts narrated by Muslim an effeminate man (*mukhannats*) who worked as a servant in the household of Umm Salamah. He was allowed to sit freely with the Prophet's wives because it was assumed that he had no sexual desire for women and thus posed no threat to their modesty. However, once it became clear that this was not the case and that he was unduly preoccupied with the features of women's bodies, the Prophet forbade him from entering the homes of his wives and ordered his wives to observe the veil, thus reinstating the normative gender boundaries.

In the second hadîts narrated by Abû Dâwûd, the Prophet exiled the same *mukhannats* from the city and ordered him to live in the desert. However, he was allowed to re-enter the city every Friday to ask for food, thus preventing him from starving to death. It follows that the Prophet did not wish this man to reside within the community and mingle with the other Muslims; however, he did not wish to condemn him to death.

In the third hadîts narrated by Abû Dâwûd, the Prophet Muhammad was confronted by an effeminate man who colored his hands and feet with henna. The Prophet exiled him to Naqî. When the Companions wanted to kill him for his sexual deviancy, the Prophet forbade it because he knew him to be an observant Muslim who performed his prayers regularly.

Historical Function in the Hadîts

In the hadîts narrated by Muslim, the *mukhannats* used to sit with the Prophet's wives who did not observe the hijâb with him, assuming that effeminate men did not feel sexual desire for women and were, therefore, harmless. However, the Prophet changed this rule once he realized that the individual in question exhibited too much detailed knowledge and interest in the women's bodies and divulged their secrets.

There is further evidence of the Prophet condemning Muslims from imitating the opposite sex, as in the following hadîts:

حَدَّثَنَا مُعَاذُ بْنُ فَضَالَةَ، حَدَّثَنَا هِشَامٌ، عَنْ يَحْيَى، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: لَعَنَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْمُخَنَّثِينَ مِنَ الرِّجَالِ، وَالْمُتَرَجِّلَاتِ مِنَ النِّسَاءِ، وَقَالَ: «أَخْرِجُوهُمْ مِنْ بُيُوتِكُمْ» قَالَ: فَأَخْرَجَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَالَانَا، وَأَخْرَجَ عُمرُ فَالَانَا⁴⁰

Mu'adz b. Fadhâlah reported from Hisyâm from Yahyâ from 'Ikrimah that Ibn 'Abbâs said: 'The Prophet cursed men who resemble women and women who resemble men, and he said: "Drive them out of your homes." Ibn 'Abbâs continued: "Then the Prophet expelled so-and-so, as did 'Umar.' (Hadîts narrated by Bukhâri).

The above hadîts strongly condemns imitating the opposite sex. Men who imitate women and women who imitate men were not to be accepted in the Muslim community and expelled. However, the hadîts narrated by Abû Dâwûd indicates that the Prophet did not wish them to die, as evident from his permission to enter the city on Fridays. Also, a *mukhannats* was not to be killed if he was known to be a practicing Muslim.

Meaning Development Function in Hadîts

Regarding the meaning of the phrase "not having sexual desires" (*ghair ulî al-irbah*), it is also mentioned in Sura al-Nûr (24): 31, which states that women should cover their *'awrah* except in front of their husbands, fathers, grandfathers, children, and those with no sexual desire, without specifying the reason for their lack thereof. However, when they did show a marked interest in women, as in the case of the first hadîts, they became circumspect and were prohibited from mingling with the women freely. In this regard, only the eunuchs were free from suspicion.

Effeminate men who deliberately imitate the behavior and dress like women's clothes in order to attract other men and rouse their homosexual desires are considered the most despicable group in Islam. On the other hand, effeminate men who feel they inhabit the wrong body are free from such intent and thus sin; they must not be condemned for their innate nature.⁴¹ This is obvious from the fact that the Prophet did not initially prevent the *mukhannats* from sitting with his wives, assuming that he was not sexually attracted to

women and did not pose a threat to their modesty. The *hadits*s suggest that effeminate men did not pose a moral challenge to society as long as they respected the boundaries and behaved decently.

Implicative Function

Considering the above *hadits*s, the expulsion of the *mukhannats* was linked to their improper behavior and their observance of the dress code. Effeminate men were tolerated as long as they were not suspected of taking undue advantage of their familiarity with the women and observed the limits of propriety. Even when they were expelled, the Prophet did not go as far as condemning them to starvation and death. When applying these teachings to the phenomenon of Muslim cross-dressers in today's society, it seems that they should be tolerated and their rights respected as fellow practicing Muslims, unless they transgress the limits of propriety. Therefore, the *waria* deserve to be given their own social space in which they can learn about their religion and practice it, without fear of being publicly shamed or threatened.

Similarly, the rights of Muslim cross-dressers should not be limited to matters of religious worship and extend to the social sphere. According to Nurcholish Madjid, every individual has the same basic right to participate in all decision-making processes affecting their community and their life through open discussion and deliberation. To achieve a peaceful and ordered community life, every group—whether as a majority or a minority—is entitled to be involved in the decision-making process. A survey on the quality of life experienced by Muslim cross-dressers in Indonesia shows that two out of three people have experienced at least one form of violence against them.⁴² This is certainly an issue that needs to be addressed by all parties involved, especially in the case of practicing Muslims.⁴³

Firman Afanda and Sakaria quoted the General Guidelines for *Waria* Services that discuss the external challenges faced by cross-dressers, such as family problems, community problems, inaccurate data, and public policies.⁴⁴ Neglect by the family, stigmatization by society, and suboptimal policies in providing social services are injustices against this group because everyone has the right to a decent livelihood, regardless of gender identity. Therefore, in this pluralistic social space it is necessary to introduce laws for the protection of minority groups like the *waria*. When Muslim cross-dressers demand their right to religious worship and inclusion, it is not the right of the religious leaders to deny them, as practiced by the Prophet himself.

Islamic Humanism and the Ethical Treatment of Cross-dressers

The issues of gender identity, cross-dressing and homosexuality often spark heated and emotionally charged debates, especially on the question of whether this sexual orientation is innate or acquired. Notwithstanding the prevalence of harshly negative

views on the issue of gender identity and cross-dressing, Islam can accommodate a more humane approach. According to Husein Muhammad, Siti Musdah Mulia, and Marzuki Wahid, sexual orientation is innate and thus created by God, whether heterosexual or homosexual.⁴⁵ On the other hand, sexual behavior is a social construct that can be learned and changed.⁴⁶ Islam condemns all sexual behavior that involves coercion, violence, and lack of morality, such as adultery, incest, and pedophilia. However, Islamic law is pragmatic; it punishes deviant sexual behavior but not deviant sexual orientation. Sexual behavior is a choice, and every individual has the ability to choose between what is morally right and what is morally wrong.⁴⁷

In terms of channeling sexual desire and preventing actual sexual intercourse between homosexual partners, Husein Muhammad mentions *mufâkhadzah* (thighing) for men and *sihâq* (tribadism) for women.⁴⁸ Undeniably, same-sex orientation has existed throughout human history, and homosexuality is well-documented in Arabic literature. For example, prominent historical figures such as the ninth Abbasid caliph al-Wâsiq Billâh Hârûn b. al-Mu'tashim (816-847) and the classical Arabic poet Abû Nawwâs (757-c. 814) were known for their homosexual tendencies.⁴⁹

In the context of modern Indonesia, the transgender issue was first highlighted publicly in the case of Vivian Rubiyanti (born as Iwan Rubianto Iskandar), who was the first man to undergo sex reassignment surgery at the *Kandang Kerbau* Maternity Hospital in Singapore on June 29 1973. In court, *Buya* Hamka gave testimony in support of changing Vivian's gender status from male to female, arguing that Islam teaches Muslims to use science for the good of humanity, including sex reassignment surgery to alleviate psychological suffering.⁵⁰

Further, the establishment of Islamic boarding schools for *waria* also shows the rising awareness and support in Muslim society. For example, *Kiai* Muadz Thohir, head of the Raudloh Al-thohiriyyah Islamic Boarding School in Kajen, Pati, Central Java, emphasized that the relationship between a *waria* and God is a personal matter and must not be judged by third parties.⁵¹ *Nyai* Masriyah Amva, head of the al-Islam Kebon Jambu Islamic Boarding School, added that only narrow-minded Muslims stigmatize the *waria* because they refuse to appreciate the diversity of God's creation.⁵² In addition, the *Bahtsul Masâ'il* XXIV decision made by al-Falah Ploso Islamic Boarding School supported the establishment of a foundation and Islamic boarding school exclusively for *waria*, with the explicit intention to nurture their good character and strengthen their Islamic faith so that their gender identity does not become an obstacle to their spiritual development.⁵³

In the formulation of cross-dressing *fiqh*, Maulidi al-Hasani, professor of *fiqh* and *ushûl al-fiqh* at An-Nur Institute of Qur'anic Sciences (Institut Ilmu al-Qur'an/IIQ) in Bantul, Yogyakarta, stated that the *waria* should have the right to choose whether to pray as a man or a woman.⁵⁴ As a teacher at Al-Fatah Waria Islamic Boarding School, he does

not expect his male students to become ‘real men’ because their sexual identity and orientation are not a lifestyle choice but their innate nature. Similarly, Maulidi al-Hasani understands their right to thrive in Muslim society as part of the freedom of the individual and part of the core objectives of Islamic law (*maqâshid al-syarî’ah*).⁵⁵ Zuly Qodir and Marzuki Wahid also support the formulation of a special *fiqh* for Muslim cross-dressers who identify with the opposite sex so that they are more confident in observing their religion and participating fully in the social life of their community.⁵⁶ With the right formulation of such specialized *fiqh*, it is hoped that the *waria* in Indonesia can worship safely and without any fear of discrimination.

Conclusion

Drawing on a hermeneutical analysis of Prophetic traditions concerning the *mukhannats*, this study advances three interrelated conclusions regarding the theological and social status of gender ambiguity in Islam. First, gender ambiguity is not a modern construct but a historically attested reality in seventh-century Arabia; the Prophet’s engagement with the *mukhannats* reflects a calibrated posture that simultaneously upheld communal norms and enabled social inclusion for individuals who did not violate ethical boundaries. Second, the *hadits* corpus necessitates a principled theological distinction between innate gender ambiguity (*min ashl al-khilqah*) and deliberate gender imitation; moral censure is directed toward intentional acts that disrupt social order, rather than toward dispositions rooted in one’s created nature. Third, when situated within contemporary Indonesia, these findings call for a normative reorientation from exclusionary practices toward a framework of religious accommodation, affirming the status of *waria* as full participants in worship (*mushallî*) and ensuring their access to secure educational and devotional spaces in which they may cultivate their faith with dignity, free from stigma and marginalization.

Based on a hermeneutic analysis of the prophetic tradition regarding *mukhannats*, this article does not stop at reaffirming the legal status of cross-dressing, but formulates three interrelated argumentative propositions about gender ambiguity and human dignity. *First*, at the ontological-historical level, the corpus of *hadits* shows that gender ambiguity is recognized as a human reality present in the social space of early Muslim communities, not positioned solely as an anomaly or deviation. The Prophet Muhammad’s relationship with *mukhannats* reveals a pattern of social regulation based on interactional ethics, in which recognition of their existence is not synonymous with the elimination of normative boundaries, nor does it lead to the negation of identity.

Second, departing from this historical recognition, Islamic theological constructs conceptually distinguish between innate gender dispositions (*min ashl al-khilqah*) and deliberate and manipulative acts of imitation. This distinction emphasizes that moral reprimands in the hadith are more appropriately understood as responses to violations

of social order and *hadits*, rather than as rejections of individual ontological conditions. *Third*, based on these ontological and theological foundations, contemporary religious discourse in Indonesia requires normative repositioning. A rigid textual reading that implies social exclusion is no longer adequate in responding to the complexity of today's social reality, and therefore needs to be replaced by a paradigm of religious accommodation centered on the principle of human dignity. The coherence of these three propositions leads to one normative conclusion: transgender people must be recognized as legitimate subjects of worship (*mushallî*), who are entitled to a safe, inclusive, and stigma-free social-religious space.

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