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Research Article

Transgender In Nigeria: Panacea In The Light Of Selected Ahādīth In Ṣaḥīḥu Muslim

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Abstract. In the last few decades, gender issues have taken hold of important discussion in the local and international organization despite the fact that Islam has a distinctive view on gender and sexuality compared to other religions and cultures. One of the gender issues with bone of contention is transgender through which masculinity is transferred to femininity and vice versa. This paper therefore attempts to examine this concept among other issues on gender and sexualities as it is becoming the order of the day among the youths in the contemporary Nigerian Society. This is done with a view to using the Hadith of the Prophet recorded in Sahihu 'l-Muslim to address the issue from a religious perspective. The paper employs historical and analytical methods of research. Historical method accounts for the biography of Imam Muslim and brief information of his sahih while analytical is used in analyzing the Hadith in Satitu l-Muslim in relation to transgender. The study reveals that transgender people are as a result of excessive freedom of man to do anything he wants. It also reveals that the act of effeminating and emasculating is strictly detested in Islam. It thus concludes by

proffering likely solutions to the issue of transgender in Nigeria in the light of the Prophet's tradition among which are banning of cross dressing, banishing the transgender person from the society and also constraining the influence of transgender in the society.

Keywords: Transgender, Sex-marriage, Khunsa (hermaphrodites) and Mukhannis (Effeminate)

INTRODUCTION

Sexuality and gender are parts of the natural identity of human beings that have been given ample attention within socio-cultural studies around the world. The change of gender and sexuality apparently affect the sexuality of both the male and the female to varying degrees, while socio-cultural factors influence sexual behaviour, as well as gender relation and the sense of responsibility in such relations. As a social phenomenon, social practice is often influenced by religion where the issues of transgenderism are concerned. While some traditional religions are more relaxed in adjusting to social changes or accepting transgender community, Islam has low tolerance towards transgender and out rightly prohibits it (Hujjatullah and Zabihollah, 2011).

It is undeniable that the current discussions on gender and sexuality are largely influenced by Western socio-cultural practices. Some current views and practices on gender and sexuality are not consistent with Islamic values. On the other hand, it is hard to ignore the influence of Western socio-cultural views and practices on various aspects of life and on the intellectual engagement with world cultures and religion (Hujjatullah and Zabihollah, 2011).

In Nigeria, there are various forms of open social transitions that are now gaining ground among the citizens, even though they conflict with the Islamic religious belief. One of them is the issue of transgender-individuals whose gender identity, gender expression, or behaviour differs from birth sex-. In this regard, in a bid to salvage the society and the entire Muslim world from this disheartening situation, several academic works have been dedicated to presenting the position and perspective of Islam on transgender.

However, providing solutions to this delicate issue in the light of the Prophetic *Ahadith* have not been utilized. The diligence displayed by the compilers of *Hadith* on the growth and development of the Islamic law has been well acknowledged as a parameter to be well informed on the Prophetic guidelines on certain socio-moral issues, especially those pertaining to women. In this regard studying some *Ahadith* of the Prophet on women related issues becomes imperative so as to dish out the solutions to the falling socio-moral standard of the people. It is against this backdrop that the study examines Transgender in Nigeria and profiling solutions to its prevalence in the light of selected *Ahādith* in *Sahih Muslim*.

Transgender: A Conceptual Analysis

The term transgender describes both women and men who feel that they are trapped in the wrong bodies and may decide to change their bodies through sex-reassignment surgeries. However, some gender experts, transgender activists and transgender people do not fully agree with this description. They tend to categorize

the group mentioned above as transsexual people. In this more recent perspective, the term transgender is defined as people whose gender identities do not correspond with the sex identified at birth. The term transgender is also defined as all individuals whose gender histories cannot be described as simply male or female, even if they now identify and express themselves as strictly female or male (Bucer, 2010).

Susan Stryker in an influential essay that marked the emergence of "transgender studies," also describes "transgender" as an umbrella term that refers to all identities or practices that cross over, cut across, move between, or otherwise queer socially constructed sex/gender boundaries. The term includes, but is not limited to, transsexuality, heterosexual, transvestism, gay and lesbianism etc. In his submission, Joanne Herman referred transgender individuals as individual with alternate identity and/or gender expression. While the American Psychological Association defines transgender individuals as people whose gender identity, gender expression, or behaviour differs from birth sex (Bockting, Robinson and Roser, 1998).

The term transgender was first introduced in print by Virginia Prince, an American transgender activist in the 1960s. However, the term has only been popularly used since the 1970s. It was used to describe people who live a cross-gender lifestyle without undergoing any sex change or sex reassignment surgery. In the 1980s, the meaning of the term expanded further and became popular as a term which carried the meaning of all those with a gender identity that did not match their assigned gender at birth. However, in the 1990s, the term took on a political dimension as an alliance covering all those who have at some point not conformed to the gender norms, and the term is used in a way as to question the validity of those norms and also to pursue equal rights and anti-discrimination legislation, which then further led to the widespread usage of this term in the media, academic world and law till date (Ekins and King, 2006).

Transgender has several categories. Yeni Sri Lestari explained that there are three categories of transgender, complete with their behaviors and characteristics; they are transgender, cross-dresser/ transvestite and transsexual. First, transgender refers to people who choose to dress up and look like men or women (his or her opposite sex). The characteristic of this category is that they felt that their gender identity is not compatible, but did not perform sex reassignment surgery. Second, cross-dressers or transvestites are people who are satisfied when they are dressed in the opposite sex, but they do this just as a form of their gender expression, not as a gender identity. Third, transsexuals are people who dress up and behave like their opposite sex, even to the point of sex reassignment surgery. The last category is considered as the most extreme measures in the transgender phenomenon (Ekins and King, 2006).

Thus, from the above definitions, it can be surmised that transgender more related to the gender identity problem that someone had. They are the people who identify their identity and gender differently from their sex biologically. In this case, people who are biologically born as a male identified themselves as a female and vice versa and their expression of dissatisfaction is expressed in their appearance, style, and conduct. Even the most extreme expression is doing the transsexual or sex reassignment surgery.

Transgender and Related Practices in Contemporary Nigerian Society

Homosexuality is relatively close to transgender and thus it makes it paved the way for transgenderism in Nigeria. According to a research conducted in 2007 by Pew Global Attitudes Project 97% of Nigerian residents believe that homosexuality is a way of life that society should not accept, which was the second-highest rate of non-acceptance in the countries surveyed. In 2015, another survey was carried out by an organization founded by a Nigerian homosexual activist based in London which claimed this percentage decreased to 94.9%. In this latest survey carried out by Bisi Alimi the percentage of Nigerians who agree that Lesbians, Gay, Bisexual and Transgender (LGBT) persons should receive education healthcare, and housing is 30% (Adebiyi, 2023).

Transgender persons in Nigeria face severe challenges not experienced by non-transgender residents, since homosexuality is illegal in Nigeria and punishable by up to 10 years of prison in the conventional court system. There is no legal protection for transgender rights in Nigeria, a largely conservative country of more than 225 million people. Split between mainly Muslim north and a largely Christian south. Very few transgender persons are open about their sexual orientation, as violence against them is frequent. Many transgender Nigerians are fleeing to countries with progressive law to seek protection (Ayomide, 2023).

It was reported that in the month of August 2007, eighteen men were arrested by Bauchi State Police and charged with sodomy for dressing as women, which is illegal under *Shari'ah* penal code. These charges were later dropped to vagrancy, and the men were held in jail for several years waiting for trial which eventually dissolved by the end of 2011. In the same vein on 12th of September 2008, four newspapers published the names and addresses of twelve members of the House of Rainbow Metropolitan Church, a transgender friend church in Lagos. Some of these members were threatened, beaten and stoned by members of the public. Following these incidents the church cancelled conferences for concerns about the safety of attendees (Sahara, 2023).

In 2006, the National Assembly awakened its intention to look into the problems of the transgender and homosexuality in the Nigerian society, and to curb and minimize their prevalence. Thus, on the 18th of January 2007, the Cabinet of the Nigeria approved the Same Sex Marriage (Prohibition) Act 2006 and sent it to the National Assembly for urgent action. The bill, however, did not pass completely. Thereafter, on the 29th of November 2011, the Senate of Nigeria passed the "Same Sex Marriage (Prohibition) Bill, 2011". The bill was passed on 30th of May 2013 by the House of Representatives of Nigeria and was later signed into law by the then President Goodluck Ebele Jonathan. The bill read thus;

- i. Make a marriage contract or civil union entered into between persons of the same sex "invalid and illegal and... not recognized as entitled to the benefits of a valid marriage"
- ii. Make void and unenforceable in Nigeria a marriage contract or civil union entered into between persons of the same sex by virtue of a certificate issued by a foreign country.

- iii. Prohibit the solemnization of any marriage or civil union entered into between persons of the same sex "in any place of worship either Church or Mosque or any other place or whatsoever called in Nigeria"
- iv. Prohibit the registration of "gay clubs, societies and organisations, their sustenance, processions and meetings"
- v. Prohibit the "public show of same sex amorous relationship directly or indirectly"
- vi. Make a person who enters into a same sex marriage contract or civil union liable for 14 years' imprisonment.
- vii. Make a person who "registers, operates or participates in gay clubs, societies and organizations, or directly or indirectly make public show of same sex amorous relationship in Nigeria liable for 10 years imprisonment.
- viii. Make a person or group of persons that "witness, abet and aids the solemnization of a same sex marriage or civil union, or supports the registration, operation and sustentatrice of gay clubs, societies, organisations, processions or meetings in Nigeria" liable for 10 years' imprisonment.
- ix. Define "civil union" for purposes of this law to mean any arrangement between persons of the same sex to live together as sex partners, and include such descriptions as adult independent relationships, caring partnerships, civil partnerships, civil solidarity pacts, domestic partnerships. reciprocal beneficiary relationships, registered partnerships, significant relationships, stable unions, etc (Kachi, 2023)

On 7th January 2014, the president of Nigeria, Goodluck Jonathan, signed into law the Same-Sex Marriage Prohibition Act, which parliament passed in May 2013. The law follows a similar one passed in Uganda in December 2013, which imposes life imprisonment for some types of homosexual acts. The Constitution of the Federal Republic of Nigeria does not specifically protect transgender persons rights, but it does contain various provisions guaranteeing all citizens equal rights (Section 17(2)(a)) as well as other rights, including adequate medical and health care (Section 17(3)(d)) and equal opportunity in the workplace (Section 17(3)(a)) (Kachi, 2023).

There is clearly the feeling that a man wearing women's clothes or vice-versa would somehow encourage people to have a same-sex relationship. So, the bill on cross dressing was as well read on the floor of the House on Tuesday, April 5, which seeks to amend the Same-Sex Marriage Prohibition Act (2013) and also outlaw cross-dressing in Nigeria was introduced for first reading at the House of Representatives. Referencing Section 4 of the same-sex Marriage Prohibition Act (2013) Honourable Muda Lawal Umar who sponsored the bill during plenary, proposed that cross-dressing whether done privately or publicly, should be prohibited. He also proposed 6 months imprisonment or a fine of N500,000 for anyone found guilty. "That Section 5 is amended by inserting, after the existing sub-clause (3), a new sub-clause (4): That a person engaged in cross-dressing is guilty of an offense and liable to imprisonment for 6 months or to a fine of N500,000. In addition, Hon. Umar seeks for Section 7 of the Principal Act to be amended by introducing the word "cross-dressing and defining it as the practice of wearing clothes usually worn by a person of the opposite sex (Channels, 2023).

This Bill seeking to prohibit cross-dressing in Nigeria also failed to pass second reading at the House of Representatives on Wednesday, April 5, 2022. The Deputy Speaker of the House, Ahmed Wase, who presided over that day's plenary, advised the sponsor, Muda Umar, to step it down as it does not capture the multi-cultural nature of the country. The legislation was titled, 'A Bill for an Act to Amend Same Sex Marriage (Prohibition) Act, 2013 to Prohibit Cross Dressing; and for Related Matters. Members of the House raised their voices as Umar led the debate at the second reading, making Wase to interject the sponsor, urging him to step down consideration of the bill for further consultation (Channels, 2023).

According to the above act, same sex sexual relationships are illegal in Nigeria. The maximum punishment in the 12 northern states that have adopted *Shari'ah* law is death by stoning. That law applies to all Muslims and to those who have voluntarily consented to application of the *Shari'ah* courts. In southern Nigeria and under the secular criminal laws of Northern Nigeria, the maximum punishment for same-sex sexual activity is 14 years' imprisonment. The Same-Sex Marriage Prohibition Act criminalizes all forms of same-sex unions and same-sex marriage throughout the country (Channels, 2023).

Transgender Persons in the Nigerian Society

The first ever had transgender woman in Nigeria is Miss Sahara, and this later triggered a lot of young men into becoming a woman despite being born a man. The following is a highlight of some transgender persons in Nigeria, most of them are men who got transformed to females, however, cases of women transforming to men are very few than the former (Abobi, 2023). The transgender persons in Nigeria are numerous but notable among them include the followings:

- i. Clifford Oche
- ii. Bobrisky
- iii. Stephanie Adaralegbe Rose
- iv. Candy La Mandy
- v. Rizzi Xavier
- vi. Noni Salma

Clifford Oche

Clifford Oche is a Benue State born man who decided to go under the knife to become a woman. Many Nigerians never thought one of their own could go that lane. But after being expelled from the Benue State University over his homosexual tendencies, Oche sneaked out of the country and for many years, nothing was heard of him till he surfaced, but this time as a woman called Miss Sahhara and since then, she has not looked back. She believes in what she is and has continued to tell her country people that she is a woman and wants to be seen as such. When she first made the pronouncement, she said: "I am a woman born differently due to natural defects. I was born male but my brain, gestures, features and carriage functioned as female (Abobi, 2023).

Miss Sakhara actually came out as transgender during one of the pageants. She became the second runner up in Miss International Queen beauty pageant in Pattaya in 2011. Miss Sakhara proudly announced that she was transgender, which made her the first Nigerian transgender woman to publicly come out as trans. Miss Sakhara has participated in a number of pageants in the UK and abroad, representing her birth country of Nigeria to draw attention to the plight of the African transgender and bisexual community. She is also the founder and executive producer of Transgender Advocacy Pageants Queen of Nations and as well Miss Trans Global (Abobi, 2023).

Bobrisky

Another transgender woman is Bobrisky, his birth name was Okuneye Idris Olanrewaju born in Lagos, Nigeria. Bobrisky is arguably Nigeria's most contentious person, a trans personality famed for her unconventional life. Her influential presence on social media and on Nigerian streets makes a strong case for the normalisation of queerness in Nigeria. Bobrisky's rise as a public figure is wrapped in layers of contradictions: a dark-skinned, assigned male at birth who thrived in the business of bleaching cream, to supposedly being homosexual, which she denies and condemns to evolving from cross-dressing to a trans-personality. Bobrisky's engagement with the political utility of hypocrisy and her crass transactions in the cultural currency of contradictions are intentionally or unintentionally used to disrupt Nigeria's interpretation of dress, gender and identity (Isaac, 2023).

Bobrisky is an online and offline warrior, fighting gender conformists, including homophobes, and always emerging victorious. One of such anti-queer persons is Olusegun Runsewe, a Director General for Nigeria's National Council of Arts and Culture. He calls Bobrisky disgusting, a disgrace and a nuisance to the values of African culture. On his reasons to have crashed Bobrisky's 28th birthday party to get her arrested, Unfortunately, Runsewe has not been able to arrest or harm Bobrisky as he threatens. Bobrisky is tirelessly documenting her trans life through the agency of social media. Between October and November 2016, she was the most searched Nigerian on the internet. Today, she has over 4.7 million followers on Instagram. Perhaps, she trends because she claims to have a mystery "bae", who she says is one of the richest men in Africa. Bobrisky uses social media to promote her business and queer brand. Social media has proven to be a potent tool for her. She has used it to penetrate the Nigerian institutions of politics and religion in her inadvertent attempt to make a convincing case against the oppression of queer people in the country (Isaac, 2023).

Bobrisky is now the most conspicuous and most confident of all the transgenders who make up this list. Although many have doubted the true state of his sexuality, Bobrisky insists she is a transgender who has everything a woman has. In December, 2020 the social media sensation informed her fans that she has finally undergone surgery to remove her manhood in place of a woman's version to complete her transition.

Stephanie Adaralegbe Rose

Another notable transgender is Stephanie Adaralegbe Rose, formerly Dapo Adaralegbe is the son of a Professor at Obafemi Awolowo University (OAU), Ile- Ife and former student of the same University. Many Nigerians would not have minded or cared about Stephanie Rose, another transgender until she took to social media to pour insults on almighty God, calling Him all sorts of derogatory names like foolish, wicked, maggot and idiot. Suddenly, Nigerians got to know the man-woman and a peep into her background revealed that he was a popular homosexual studying Law at the prestigious Obafemi Awolowo University, Ife (Isaac, 2023).

She is now a non-conformist God-Hater who does not look back in attacking the almighty at every opportunity. She has even written a book entitled: 'Nobody goes to heaven Because Nobody goes to Hell Fire'. Dapo reportedly dropped out from the Obafemi Awolowo University over mounting pressures from the school authorities over his conflicting sexual identity. After his surgery that transformed him to the female sex, he moved to Spain because of fear of rejection and thereafter living her dreams.

Candy la Mandy

Candy la Mandy is also a Nigerian born transgender person, though not much is known of Miss. Candy la Mandy, news and pictures of the man turned woman have been making the rounds on social media, with the notification that she is a popular Nigerian transgender based in Canada. She shares her pictures where she calls herself amazing. Apparently, it was Miss Sahhara's bravado to come out as a transgender inspired Candy la Mandy, shortly after Miss Sahhara made her debut, Miss Mandy La Candy also undertook the corrective surgery to become a woman after she was tired of living a fake life as a man. Though nothing has been heard of the Canada based Miss Mandy Candy in recent times, she makes this list for her boldness in coming out of the closet, like they always say. Knowing very well the volatility of the Nigerian environment, Mandy left for an unknown European country (Isaac, 2023).

Rizi Xavier Timane

Rizi Xavier Timane is another transgender man, who used to be a woman, and born in Lagos Nigeria, but now living in the US as a man. In an interview with Ebony, he reflects on his journey to living his truth, and the burden that comes with doing it in a country (US) that doesn't value 'Black men'. He submitted that:

..I was born in Lagos, Nigeria, and I was assigned the female gender at birth. Both of these facts amounted to one thing: I did not have no power, no respect, and no privilege, nor would I have much of any of these throughout my life. Add in that I came from a less than wealthy family and was, for all intents and purposes, a lesbian, and I became a truly invisible human being; when I wasn't being ridiculed or abused, I basically did not exist (Isaac, 2023).

Noni Salma

Noni Salma is also another Nigerian born transgender person, who was born and raised in Lagos. Noni attended the University of Lagos, where she received a

degree in Theatre Arts. After she was bullied a lot for being a transgender, she left Nigeria for the United States (Isaac, 2023).

Brief Information on Ṣaḥīḥ Al-Muslim

His full name was Abul-Husayn Muslim bn Al-Hajjaj Al-Qushairi An-Nisaburi. He belonged to the Qushair tribe of the Arab clan *Rabi'ah*, hereafter referred to as Imam Muslim. He was born in 202A.H/817CE in Nishaburi, Persian a town of Iran. Abu Al-Husayn was raised in a family of scholars and brought up in a pious environment. Because of this he spent all of his life as a pious and righteous person. A distinguishing attribute of his excellent character is that he never indulged in backbiting, which is a common human shortcoming; thus that alone is a good indicator of his high moral character (Manzur-Rahman, 2007).

His father regularly attended circles of scholars and upright people, and he also lived in a town where there was an abundance of Islamic knowledge. His parents taught him the Qur'an and the fundamentals of Islam at a tender age. In the words of Imam Adh- Dhahaby: "*The beginning of his Hadith studies occurred in 218 A.H under Yahya bin Yahya at-Tamimi*" He started his knowledge journey at a young age. It indicates that when he participated in the *Hadith* circles, he was at least 12 years old (Manzur-Rahman, 2007).

At a young age, Imam Muslim showed a natural aptitude for the pursuit of knowledge. Imam Muslim began his long scientific voyages by studying *Hadith* under the tutelage of the learned people in his hometown of Nishapur. Added As-Suyuti:

When he was 14 years old, Imam Muslim visited Basra. After that, he travelled to the Hijaz and studied *hadith* under the tutelage of the Imams of *Hadith* in Makkah and Madinah. After that, he visited Egypt, Iraq, and then Ar-Rayy before returning to Khurasan (Manzur-Rahman, 2007).

Throughout the course of nearly 15 years, he met numerous Shaykhs and benefited from the prominent *Hadith* scholars of that time by attending their lectures and classes. He made multiple trips there without growing weary or exhausted. He was adamant about learning on these visits, closely examining the *Hadith* narrators and reaping knowledge's benefits. Imam Muslim studied under several *Hadith* scholars and recounted *Hadiths* from countless sources. The following were a few of the well-known scholars from whom Imam Muslim obtained *Hadiths*, Abdullah ibn Maslamah Al-Qanaby, Yahya ibn Yahya An- Naysabury, Qutaybah ibn Said and Imam Ahmad ibn Hanbal, among others (Manzur-Rahman, 2007).

Afterwards he settled down at Nisaburi, where he came into contact with Imam Bukhari. He was so moved by his extensive knowledge of *Hadith* and his profound understanding of it that he remained close to him right up to the end of his life. He also attended the lectures of another scholar of *Hadith*, Muhammad bin Yahya AdhDhuhli, but when the difference of opinion arose between Imam Bukhari and Muhammad bin Yahya on the issue of the creation of the Glorious Qur'an, Imam Muslim favored Imam Bukhari and left the company of Muhammad bin Yahya. Thus, He was therefore an authentic follower of Imam Al-Bukhari (Manzur-Rahman, 2007).

Imam Muslim compiled many books and treatises on *Hadith*, the most important of his work is the compilation of the *Hadith* collection *Al-Jami As-Sahih*,

which is famous by the name of *Sahih Muslim*. Some scholars of *Hadith* opined that in some respects it is the best and most authentic collection of *Ahadith*. Imam Muslim laboriously collected 300,000 *Ahadith*, but after a critical study and evaluation, approximately 4,000 were extracted for inclusion into his collection based on stringent acceptance criteria. Each report in his collection was checked and the veracity of the chain of reporters was painstakingly established. *Sumi* Muslims consider it the second most authentic *Hadith* collection, after *Sahih Bukhari* (Manzur-Rahman, 2007).

Imam Muslim lived for 55 years in this world. He spent most of this short lifespan learning, compiling, teaching, and transmitting *Hadith*. He always remained absorbed in this single pursuit, and nothing could distract his attention from this pious task. He died in 261AH/875CE on Sunday night and was buried on Monday in Nasrabad, the suburb of Nisabur (Manzur-Rahman, 2007).

Islam and Transgenderism in the light of Selected *Ahadith* in *Sahih Muslim*

Islam admits equally of the sexes in spirit, intellect and religious duties; yet distinctions are made between the roles and responsibilities of each. These demarcations had been misconceived as a loophole; hence, it is widely contested. The fact remains that each gender is endowed with traits that are peculiar to the fulfillment of the obligations designed for it by the Divine will, without prejudice to one another, for the continuity of humanity. Consequently, the roles of the sexes are inevitably complementary to each other. By nature man is created strong and skillful while a woman has a soft heart, affectionate nature and delicate physical constitution (Arikewuyo, 2002). Hence, the former is naturally obliged to work hard to enable him to fend for his family while the latter is assigned the task of child bearing, nurturing, temper calming and home building.

Nevertheless, gender conflict is epitomized in the common saying: 'What a man can do, a woman can do it better' in defense of the western culture which favours equality of men and women. In contrast, Islam advocates the distribution of vocations and functions in harmony with the natural gender disposition (Arikewuyo, 2002). Islam also gives total and equal attention to gender issues with a special perspective on the rights of women. This is because it believes that a woman is important to life as a man and that the female gender is no way inferior to male gender. This is crystal stated in (Q49:13):

O mankind! We created you from a single (pair) of a male and a female, and made you into nations and Tribes, that ye may know Each other (Not that ye may despise (each other). Verily the Most honoured of you In the sight of Allah is (He who is) the Most righteous of you. and Allah has full knowledge and is well acquainted (with all things).

The above quoted verse serves as a proof of the fact that Islam adopts the perspective of gender but does not condone the idea of gender equivalency not transgender. Thus, there is no equivalency in the physical and psychological nature of both genders and no room for sex change in the religion. In recent decades, transgender people have become more visible as they openly struggle to achieve their

rights. They have begun to protest against the marginalization, violence, and discrimination entrenched in patriarchal culture.

According to Islamic jurisprudence, humans can be divided into four groups male, female, *Khunsa* (hermaphrodites), and *Mukhunnas* (males whose behaviour is closely aligned to women's behavior) or *Mukhunnas* (an effeminate male who does not want to change his sex), other divisions aside these does not have a place under *Shariah*, thus, transgender persons are not among these groups and have automatically violated the Islamic law. Though the Islamic ruling on transgender cannot be directly found in the Qur'an as a primary source in Islam. However, if this problem is sought in the *Hadith* there will find a more specific explanation on it. In this case, there are certain *Hadith* we can find in the book of *Hadith of Sahih Muslim* among which is the *Hadith* narrated by Abdullah ibn Abbas thus:

Narrated Ibn Abbas: Prophet Muhammad cursed effeminate men who assume the manners of women and those women when assume the manners of men (Khattab, 2007).

In another *Hadith* in his *Sahih*:

Narrated Abu Hurayrah: The Apostle of Allah cursed the man who dressed like a woman and the woman who dressed like a man (Khattab, 2007)

Muslim jurists believe that transgender Muslims must be identified as female or male based on their sex organs, and consequently have to perform the Islamic mandatory practices as a male or female based on their sex organs. The Islamic *Fiqh* Council of the Muslim World League in 1989 (session 11, resolution 6) stated, is that of 'wrongly interfering in God's creation'. Briefly explained, this means God has created everything as it is, including human beings, and God does not make mistakes. Therefore, what a person is, in fact, is her or his God-given nature. From this Islamic perspective, nobody can change their God-given gender, but they can find that their bodily structures are at best ambiguous (Akanle and Adejare, 2016).

Building on the notion that biology is destiny, a *khunsa* is permitted to change his or her gender via an operation and become either a man or a woman. However, as seen in the *Hadith*, cross-dressing violates the tenets of Islam. Thus, gender change is not permitted for *Mukhannas*, out of the belief that he was created by Allah, and the operation would modify Allah's work which was prohibited. Similarly, Islam does not allow using make up, dress as women nor expressing their chosen gender identity, since any act that makes the given sex of a person is seen as going against God's wishes. Therefore, Muslim who usually cross-dress are also said to have violated the Islamic law (Abdul-Wahid, 2023)

Aspects of such imitation include the manner of speaking, walking, dressing, moving and so on. The evil of such conduct, which affects both the life of the individual and of this natural order, there are men and there are women, and each of the two sexes has its own distinctive characteristics. However, if men become effeminate and women masculinized, this natural order will be reversed and will disintegrate. Islam denounces such excesses in beautifying oneself as requiring altering one's physical features as Allah created them. The Qur'an considers such alterations as inspired by Satan as stated in (Q4:119);

I will mislead them, and I will create in them false desires; I will order them to slit the ears of cattle, and to deface the (fair) nature created by Allah." Whoever, forsaking Allah, takes Satan for a friend, hath of a surety suffered a loss that is manifest.

Surgeries for beautification are in vogue today as a result of the materialistic outlook of Western civilisation, a civilisation stressing the body and its desires. Men and women spend hundreds and thousands of dollars to reshape their noses or breasts, or whatever they consider misshapen. This behaviour most certainly belongs to the category of excessive beautification, unnecessarily changing what Allah has created, and it deserves the curse of Allah and His Prophet. Likewise it involves torture, pain, and waste of money merely for the sake of one's appearance; it is, also an expression of an individual's preoccupation with form rather than substance, with body rather than the spirit (Abdul-Wahid, 2023).

These above two *ahadith* are proof of the prohibition of men resembling and imitating women and of women resembling and imitating men in the way they speak, dress, walk, behave and so on. The resemblance of the opposite sex is of three categories:

- i. Those things which are shared between the sexes from the types of cloth, clothing, speech and manners, etc so this is permissible for males and females because the origin of matters is permissibility, and these shared affairs do not fall under the prohibition stated in the above *Hadith*. For example, both sexes wear cotton socks, apply oil to hair and skin, drive cars, cook, wear watches, buy and sell goods, etc.
- ii. Those things which are specific to men and distinguish masculine behaviour are not permissible for women. So, women cannot wear garments made and fashioned for men, take on the hairstyles of men (or shave their head), walk like men, talk and behave in a masculine manner, pretend to be the same as men, seek leadership over the household, nation or tribe.
- iii. Those things which are specific to women and distinguish feminine behaviour are not permissible for men. For this reason, men are forbidden from wearing women's garments, applying make-up (lipstick, blusher, nail polish, etc), altering their walk to resemble a woman and making feminine gestures with one's hands, eyes or body, copying the hairstyles of women, singing, beating the duff, wearing jewelry, silk garments and gold, shaving the beard, etc. Also, parents should discourage boys from playing with girls' toys and dolls, and discourage girls from playing with toys traditionally associated with boys (Abdul-Wahid, 2023).

From the wisdom behind the prohibition of resembling the opposite sex is because Allah has given men a level of responsibility and authority over women as stated in (Q4:34);

Men are the protectors and maintainers of women, because Allah has given one more (strength) than the other, and because they support them from their means. Therefore the righteous women are devoutly obedient, and guard In (the husband's) absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill-conduct, admonish them (first), (Next), refuse to share their beds, (and last) beat them (lightly); but if They return to obedience, seek not against them means (of annoyance): for Allah is Most High, great (above you all).

In this regard, Allah distinguished between them in terms of physical and religious roles. So men have a distinction that is particular to them not shared by women and women have a distinction that is particular to them not shared by men and each sex is warned from pretending or seeking to behave like the other. The woman is a wife, a sister, she menstruates and bears children, she breastfeeds and nurtures them and so on. Which a man does not have these characteristics. Instead, the man is a father, a brother, a husband, a protector, a fighter, a leader, the head of the household, a provider who does not shrink from his manly and religious obligations (Sarchesmehpour, Abdullah and Alkali, 2018).

Thus, if a man chooses to be effeminate and relinquishes these manly and masculine qualities, he will fall and become lowly. Furthermore, if a man willingly gives up the duties that Allah has placed upon him, such as taking responsibility for his wife and children, then he has not fulfilled the command of Allah. So, he hands over this responsibility to his wife and puts her in charge of the affairs of his family. Through this the family is weakened and even ruined. Or the woman vies with the man and eventually dominates their relationship, leaving him chastened and emasculated. With this role reversal comes the disintegration of the family unit as can be seen clearly in the Western world (Sarchesmehpour, Abdullah and Alkali, 2018). For this reason, Allah's Messenger gave each person a responsibility, so that there is no confusion and no doubt:

All of you are shepherds and each of you is responsible for his flock. The ruler is a shepherd and will be held responsible. A man is a shepherd over his (entire) family, and he will be held responsible. A woman is a shepherd of the house of her husband and she will be held responsible. Each of you is a shepherd and each is responsible for his flock.

It is apposite to mention here that the Muslim (believing) women should beware of following Western liberal societies and customs that have ruined the natural order of relationships and the traditional family unit. These societies program their populations through education, social and news media. Most people are unaware, enslaved, and not truly free. They are taught that worshipping only One God and learning about the Prophet Muhammad is a waste of time. So, they busy the people with short-term worldly pleasures, the pursuit of wealth, and entertainment such as following the lives of film actors and singers, one-night stands, visiting bars and nightclubs, watching endless movies and sports events, gossip and frivolity-yet with all of this fun, the West has the highest rates of depression, drug abuse, self-harm and suicide in the world among young men and women. The West promotes radical feminism that encourages women from a young age to compete with men, to behave like them and to make success in the workplace their primary goal. They are taught to put their careers first and not worry about marriage, motherhood or building a family. All of this is taking place at the very same time as the sexual exploitation of women in the West continues to rise (Akande and Adejare, 2016).

Solution in The Light of *Hadith*

The probable solutions to the issue of transgender and related cases as can be derived from the *Hadith* above are highlighted below:

Legislating a law that Bans Cross Dressing

Allah and Prophet Muhammad cursed any man who acts effeminately and any woman who behaves manly. Thus, men are prohibited to dress and wear jewelry in the likeness of the opposite sex. The dressing of male and female may vary depending on the culture as there are some places where men and women dress in a similar fashion, the latter are obligated to cover their body in accordance with Islamic teachings. In other words in relating this to the transgender, the Federal Government should look into the law prohibiting cross dressing and not allow it at all except where necessary.

Constraining the influence of the Transgenders

The *Ahadith* of the Prophet in which effeminates are casted away from houses is very much related to the transgenders, let the transgenders not be given recognitions in Nigeria. The effeminate who came to the Prophet's house and talked about the physical features of Ghaylan's daughter. Prophet Muhammad being pious and polite, disapproved of the way in which the effeminate spoke of the physical traits of a woman to others (Skovgaard-Peterson, 1995). This *hadith* proves that some effeminates could be attracted to women, even though they act effeminate; the same rule should be applied to these transgenders male or female, for they will continue to promote nothing but homosexuality in the society.

Banishing the Transgender persons from the Society

The *hadith* related to an effeminate who spoke with male in Ummu Salamah's house is of great importance here. After Prophet Muhammad heard the conversation, he told Ummu Salamah to not let the effeminate come into her house again. The *hadith* is reported as follows:

Narrated Ibn 'Abbas the Prophet cursed effeminate men those men who are in the similitude (assume the manners) of women] and those women who assume the manners of men, and he said, " Turn them out of your houses." The Prophet turned out such and such man, and 'Umar turned out such and such woman (Muhammad, 1987)

The *hadith* reported that there was an effeminate that sat among the wives of Prophet Muhammad SAW. As in this *hadith*, Ummu Salamah narrated that the effeminate was talking about the physical characteristics of a woman in Ta'if to her brother Abd Allah ibn Abi Umayyah RA. The prophet heard what the effeminate said before telling Ummu Salamah to not let the effeminate enter the house anymore. Muslim also stated that from that particular time, the wives of Prophet Muhammad started to wear veils when talking to effeminates.

As regards the effeminate discussed in the *Hadith*, the Prophet banished the effeminates because he illustrated the physical traits of Ghaylan's daughter to a man, which is prohibited in Islam. This prohibition is also applied to women who disclose

their spouses' physical traits to other women and was also exposed to women's *awrah* whereby he could inform others about it. Just as Prophet Muhammad banished the effeminate to avoid negative effects on society, transgenders should not be given any breathing space in the country so as not to corrupt it and make immoral acts spread like wild fire.

CONCLUSION

So far, in this paper, the concept of the term transgender was discussed; different factors, terminologies and variations were analyzed. The term includes, but is not limited to, trans-sexuality, heterosexual, transvestism, gay and lesbianism when it was first introduced in print by Virginia Prince, an American transgender activist in the 1960s and later in 1980s when it carried the meaning of all those with a gender identity that did not match their assigned gender at birth. Then, in the 1990s, the term took on a political dimension which then further led to the widespread usage of this term in the media, academic world and law till date. The life and works of Imam Muslim were also discussed. It further discussed the transgender issues in the contemporary Nigeria society elucidating the roles played by the senate in enacting laws that prohibit cross dressing and as well the names of some notable Nigerian transgenders, such as; Miss Sahara, Ben Clifford Oche and Okuneye Idris.

The *Ahadith* related to transgender in *Sahih Muslim* were analyzed, bringing out the views of scholars and other related *Ahadith* to buttress them up. It finally came up with probable solutions to the transgender issues in the contemporary Nigerian Society. In a nutshell, the *Ahadith* on effeminates prove that transgender issue is not a new discovery in Islam and shows that Islam has provided a moderate solution being the religion that brings mercy to all the worlds. In the light of the above, this paper recommends that;

- i. Both males and female Muslims should be vigilant and careful of Western feminist indoctrination through the media and the education system that leads to the displeasure of Allah.
- ii. Enactment of law to prohibit conduct likely to lead to the promotion of offensive conduct or commission of an offence such as transgender in Nigeria.
- iii. Creation of awareness on not only the religious consequences of transgender but also socio-moral effects.
- iv. The Muslim scholars in Nigeria under the guidance of the Nigeria Supreme Council of Islamic Affairs should conduct decision-making processes on issues related to transgender people to salvage the future generations.
- v. Enactment of law that will make a transgender person to be persecuted.

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