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# **GHUSL FOR A TRANSGENDER? WHO SHOULD GIVE THE GHUSL?**

## ***Question***

*Who should give ghusl to a transgender Muslim? The MJC mufti said that the body of a transgender should be washed by a mahram of the deceased transgender. He also said that scholars did not mention transgender individual 'as this was a relatively new concept'. What is the ruling of the Shariah?*

## **ANSWER**

Today fornication is a new concept. Immorality is a new concept. While issues are 'new concepts' fabricated by the kuffaar, Islam has answers and solutions for all concepts, old or new.

Whatever the 'new concept' pertaining to transgenders may be, this class of people had existed since time immemorial. According to Islam, a person is either a male or a female. If the sex is indeterminate, such a person is called *khuntha mushkil*. We can call such a transgender person *hermaphrodite*. However, as long as the sex can be determined, the person will not be regarded to be the opposite sex regardless of the display of the features of that opposite sex.

The body of a ‘transgender’ (*khuntha mushkil*) regardless of the ‘new concept’, will be given Tayammum according to the Hanafi Math-hab. Ghusl is not permissible for a *khuntha mushkil*. Neither a male nor a female may give ghusl.

According to the Shaafi’ Math-hab, if the *khuntha* is an adult, there are two views:

- (1) Only Tayammum will be effected, not ghusl
- (2) Ghusl will be effected. One view is that either males or females may give the ghusl.

According to the Hambali Math-hab, Tayammum shall be given to the *khuntha* preferably by a male. A female may also give the ghusl.

According to the Maaliki Math-hab, the ghusl shall be given by a female who is a *mahram* (close relative with whom marriage is not permissible). This is the Maaliki option in our current era. The first option which was possible in earlier times was to purchase a slave woman to give the ghusl.