

Introduction

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Every year, a significant number of infants are born with physical characteristics that do not fit within the typical binary of male and female. Estimates of the proportion of intersex people in the population range from 0.018% to 1.7%.¹ As historical documents demonstrate, such individuals have existed throughout history.² At present, these individuals are often described as *intersex*³ or people with *variations of sex characteristics* (VSC).⁴

In a broad sense, the term intersex refers to variations in congenital sexual anatomy that are considered atypical for males or females. The UN Office for the Commissioner of Human Rights defines intersex as “an umbrella term used to describe a wide range of innate bodily variations in sex characteristics. ‘Intersex’ people are born with sex characteristics that do not fit typical definitions for male or female bodies, including sexual anatomy, reproductive organs, hormonal patterns, and/or chromosome patterns.”⁵

One may be chromosomally intersex, with variations in genetic karyotype. Someone with 45X or 45XO (Turner) karyotype is usually assigned female at birth but has typically undeveloped or missing ovaries, and may not go through puberty. Someone with 47XXY (Klinefelter) karyotype is usually assigned male but may have sparse body hair and smaller genitalia, with feminization at puberty due to low testosterone. Someone could also be born with 45X/46XY or 45X/47XXY (mosaic) karyotype and have different cells of different karyotypes in different parts of the body.⁶

Intersex can also mean variations in gonadal sex. A fetus first develops internal structures that are potentially either male or female, which develop differently in most XY and XX individuals. Testes develop in the fetus at about eight or nine weeks, and ovaries by twelve weeks. A gene on the Y chromosome, SRY, activates another gene, SOX9, on an autosomal chromosome, which instigates development of testes development and other parts of the male reproductive tract. Genes on other chromosomes, FOXL2, RSPO1, and WNT4, are responsible for instigating development of ovaries. Testes and ovaries both produce estrogen and androgens (such as fetal testosterone), although in different quantities. The adrenal gland also produces estrogens and androgens, and the placenta and adipose tissue produce estrogens. Males need estrogens to produce sperm and for erectile function. Females need androgens for their ovaries and follicles to function. The testes also produce anti-Müllerian hormone, which causes the degeneration of female

reproductive structures, while the testosterone spurs the development of male internal reproductive features. Variations in genes can cause a fetus to develop both an ovary and a testis, or an ovotestis, or partially developed gonads, or the retention of Müllerian structures in a fetus that is otherwise male.⁷

Variations in genes can also affect genital development. For example, mutations on the NR5A1 gene may cause hypospadias, in which the urinary meatus does not open at the tip of the penis but on the shaft or in the perineum, which could, according to classical Muslim jurists, result in someone being legally designated female or intersex.⁸

Hormones also influence development of external genitalia. Predominance of androgens (testosterone and dihydrotestosterone) produces male-appearing genitalia. Predominance of estrogens produces female-appearing genitalia. Some people with XY chromosomes are insensitive to androgens, so their bodies may have male gonads internally but female-appearing external genitalia (CAIS or PAIS). Some people with XY chromosomes produce less dihydrotestosterone (5 α reductase deficiency), so they may be born with female-appearing external genitalia that cause them to be assigned female at birth. Some have hypospadias. However, they have testes that start producing more testosterone at puberty, so they may develop beards and experience phallus growth, vocal changes, and ejaculation.⁹ A range of 56–63% of those with 5-ARD develop male gender identities.¹⁰

Genetic differences can alter hormones that affect sexual development. Mutations in the CYP21A2 gene affect the body's production of an enzyme that itself affects the body's levels of 21-hydroxylase, which is involved in the adrenal cortex's ability to produce androgens and cortisol (a hormone that affects the body's ability to maintain salt levels).¹¹ Mutations in the CYP17A1 gene change the body's ability to perform a sequence of steroid syntheses that produces dehydroepiandrosterone (DHEA), a precursor to steroid sex hormones.¹² Mutations in the CYP11B1 gene change the production of an enzyme, 11 β -hydroxylase, that also affects steroid production.¹³ All these genetic differences cause congenital adrenal hyperplasia (CAH), which can manifest differently in different individuals, but generally in people with XX chromosomes it instigates virilization of genitals, facial and body hair growth, and delayed or absent menstruation. CAH is also associated with development of male gender identity in people with XX chromosomes.¹⁴ Rare CAH varieties are more prevalent in Middle Eastern and North African populations than in the global population,¹⁵ and many studies suggest that the practice of consanguineous marriage in Middle Eastern and North African populations has concentrated specific genetic intersex variations in small geographical locales.¹⁶

In other words, there are a large variety of ways that a person can become intersex, and this variety helps to explain why researchers come up with such a wide range of figures for estimating the prevalence of intersex in the general

population—the range depends on what variations one counts as intersex and where the sample is collected.

In classical Muslim discourse, individuals whose physical characteristics—particularly their sexual anatomy—did not conform to established definitions of male or female bodies were commonly referred to as *khunthā*.¹⁷ This term, often invoked in legal, medical, and literary texts, was used to describe those whom we might today classify under the umbrella of intersex, particularly those with VSCs described above that result in ambiguous genitalia or apparent change of sex at puberty. Lexicographical sources reflect significant variation in how *khunthā* was understood. Al-Khalil b. Aḥmad al-Farāhīdī (d. between 160/777–8 and 175/790–1), for instance, defined *khunthā* as an individual who is neither male nor female—suggesting the possibility of a third or indeterminate category, or perhaps a liminal state that resisted binary classification. In contrast, al-Jawharī (d. 393/1003) characterized the *khunthā* as someone who possesses both male and female genitalia, thus presenting *khunthā* as a composite of both sexes rather than as a distinct or ambiguous category.¹⁸ Literary figures such as Muḥammad al-Muḥibbī (d. 1111/1699) and jurists such as al-Sarakhsī (d. 483/1090) also used the term to describe people who appeared to develop or change sex at puberty.¹⁹

These diverging definitions point to broader debates surrounding the conceptualization of *khunthā* in Arabic thought: Is the *khunthā* a male, a female, both, or neither? To what extent did lexicographers align with or challenge binary gender norms? How were such definitions negotiated, reinterpreted, or contested in medical, legal, and theological contexts? The contributors to this volume engage with such questions, tracing how classical definitions of *khunthā* informed and were shaped by wider discursive traditions. In doing so, they explore the intricate ways in which Muslim scholars and communities understood and responded to the presence of bodies that complicated dominant gender and sexual categories.

Despite growing visibility, intersex people continue to be overlooked—both by the broader society and, regrettably, even within some LGBTQ+ circles. As a marginalized group, intersex individuals share certain structural challenges with other LGBTQ+ communities yet also face specific forms of erasure and neglect. That said, scholarly attention to intersex topics has gradually emerged in the last few decades of the twentieth century. What was once confined largely to the medical domain—often marked by secrecy and pathologization—has now become the subject of broader academic inquiry. Researchers in sociology, gender studies, literature, religious studies, and other disciplines are now contributing to an expanding and interdisciplinary field of intersex studies.²⁰

Furthermore, studies of animal biology have clarified that the world does not consist, as the ancient Greeks believed, of only male and female animals. Many species have multiple rather than binary chromosomal configurations that enable

reproductive flexibility; some are hermaphroditic; some change sex within the course of their lifetimes and some several times a day.²¹ This sexual variety is a biological fact, not a myth generated by “sex-change industry” or gender theorists.²² This suggests that intersex should not be viewed as a “disorder” in which something has “gone wrong” in the course of fetal development. Rather, we should view it as one of the mechanisms by which species adapt and survive. Japanese spiny rats, for example, survive despite the complete disappearance of the Y chromosome in several species, because of the species’ intersex adaptations. We don’t know what function human intersex might serve in our species’ evolutionary future, but the evolutionary history of other species suggests there may be one.

Within the field of Islamic studies, broadly defined, there has been little attention to changing attitudes in other fields like biology. With few exceptions,²³ scholars whose work focuses on Islam—particularly in relation to gender and sexuality—have largely overlooked intersex. Nevertheless, there are some scholarly engagements with classical Muslim legal traditions on intersex issues, alongside a smaller number of studies exploring Muslim medical discourses.²⁴

A snapshot of the state of the field

Traditional Muslim scholars frequently portray Islam as intolerant of non-binary sex and gender categories.²⁵ This portrayal has reinforced orientalist narratives, suggesting that Islamic teachings on the male-female binary constitute a monolithic, inflexible code in which there is no space for dialogue and reinterpretation.²⁶ For example, Paula Sanders, in her well-recognized work, contends that classical Islamic legal texts enforce sex and gender dimorphism by defining males and females as true opposites; because classical Muslim jurists could not tolerate intersex ambiguity, they imposed a gender on ungendered bodies to protect against social disorder and preserve the male-dominated sexual hierarchy. Sanders based her conclusions on an examination of only four classical legal manuals, with special attention to *Kitāb al-mabsūṭ* by the Ḥanafī jurist Muḥammad b. Aḥmad al-Sarakhsī (d. 483/1090).²⁷

Although Sanders’s conclusions have been widely accepted by scholars in Islamic, Middle Eastern, and gender studies over the past three decades,²⁸ as she relates in Chapter One of this volume, she subsequently modified her earlier claims. Addressing Everett Rowson’s thesis concerning the “penetrator” versus “penetrated” dichotomy in Arabic literary texts,²⁹ she wrote, “One of the most important conclusions resulting from this body of work is that male/female was not the only gender dichotomy in medieval Islamic societies; there was also male/not

male.”³⁰ Sanders recognized that Rowson’s argument demanded a reassessment of Islamic legal texts on intersex people.³¹

Like Sanders’s later view, Geissinger argued for the existence of a male/not-male binary in Muslim culture, asserting that the modern concepts of male and female as binary opposites are at odds with the classical Greek and medieval Christian ideas. Among the Greeks and medieval Christians, humans were not categorized in binary fashion but as a spectrum in which some were better or more complete humans than others. In this continuum, free males were regarded as the complete expression of humanness, physically, intellectually, and spiritually, followed by other types of people, including females, who represented lesser, imperfect degrees of humanity. According to this view, the bodies of females and males are different in degree but not in kind.³²

Classical Muslim jurists, as noted by Geissinger, had a similar hierarchical understanding of gender, which determined a person’s status in society. For this reason, individuals with ambiguous genitalia had to be categorized as either female or male, if possible. However, these jurists recognized other gender categories, such as effeminates (*mukhannathūn*), i.e., people who were not completely male and therefore imperfect. This classification was possible because classical jurists viewed gender on a spectrum that extended from being male to various degrees of not being male.³³

Gesink argued that classical Muslim jurists viewed legal sex on a spectrum from all-male/protectors to all-not-male/protected. According to this view, intersex people occupy a “medial” category.³⁴ Based on her examination of several classical juristic texts, she challenged Sanders’s argument on binary categories and argued that there are two strands of juristic thought on *intersex*, one that depicts sex as malleable until puberty and one that depicts sex as indefinitely malleable. According to her, “Intersex persons could be assigned or could adopt a legal sex of male, female or neither. Rather than ‘protecting’ male privilege, the authors of these texts largely served an individual’s health and religious needs.”³⁵

Gesink adds that Sanders’s earlier claim that Islamic legal discourse classifies intersex individuals exclusively within binary sex categories of male and female is based primarily on al-Sarakhsī.³⁶ Yet, other Muslim jurists recognized at least three legal sexes: male, female, and a “medial sex” comprising intersex people.³⁷ In the current volume, she expands this initial argument to account for jurists’ needs to both accommodate non-binary bodies and remain faithful to scriptural texts that described human creation as male and female. Thus, while Sunni jurists did recognize three legal sex categories for the purposes of social accommodation, most still acknowledged only two ontological sex categories: male and female.

Current scholarship suggests that Muslim legal scholars in certain legal traditions were able to move beyond the rigid ontological binary of male and female. In

a recent publication, Alipour offers what appears to be the first sustained argument that intersex individuals constitute a distinct ontological category of human beings in Shi'i legal discourse—rather than merely forming a third legal or social category. He contends that Shi'i jurists' primary concern was not always to assign a legal sex to intersex individuals, but rather to uncover their actual nature or sex. According to Alipour, their inquiries revolved around an ontological question: Are intersex individuals male, female, or do they constitute a distinct third human category? Through his analysis, Alipour demonstrates that from the fourteenth century onward, a notable group of jurists sought to establish intersex individuals as an ontological category beyond the binary of male and female.³⁸

Yet other scholars have contributed to the discussion of intersex in Islamic contexts outside the discussion of binary or non-binary frameworks. Among these, Sara Scalenghe and Vardit Rispler-Chaim address the intersection of disability and intersex conditions. Scalenghe observes that, while Muslim medical, legal, and literary traditions often framed intersex individuals in narratives of marvel or wonder, such portrayals were generally not expressed with contempt or moral judgement. Scalenghe focuses primarily on the Andalusian medical authority Khalaf b. 'Abbās al-Zahrāwī—also known as Abū l-Qāsim or Albucasis (d. 403–4/1013)—author of the thirty-volume medical encyclopedia *Kitāb al-Taṣrīf li-man 'ajaza 'an al-ta'līf* (*The Arrangement of Medical Knowledge for One Who is Not Able to Compile a Book for Himself*), commonly known as *The Method of Medicine*. She elaborates on how, in cases of anatomical ambiguity, Muslim physicians, particularly Albucasis, would sometimes intervene to surgically confirm a person's 'true nature' (sex or gender).³⁹

On the other hand, Almarri explores the minority Isma'ili Shi'i perspective by focusing on al-Qāḍī al-Nu'mān's *Da'ā'im al-islām*. While adopting a binary approach aligned with early views expressed by Sanders, he provides a detailed analysis of the legal body and rights of intersex individuals in this tradition. He places special emphasis on an unusual narrative involving an intersex individual who submitted a petition to Shurayḥ (the well-known judge appointed in Kūfa by Imām 'Alī) and to Imām 'Alī himself. Almarri further develops this discussion in one of his contributions to this volume, arguing that the increased availability of online searchable libraries has made it possible for scholars to easily compare variant narratives, and suggesting a novel application of Russian literary analysis to narratives such as the aforementioned *khunthā* case that appear in a wide selection of texts.⁴⁰

Sex and gender discourse

Before proceeding, it is important to make a point about the anachronistic application of modern "sex" and "gender" concepts to early Islamic documents. In other

words, we need to establish whether the debates on binary/non-binary intersex in Islamic or Muslim cultures address sex or gender or both or neither. Currently, many studies of classical Islamic literature use these terms without defining them.⁴¹

Contemporary cultural and scientific discourses often characterize sex and gender as dichotomous. Most feminists and scholars of gender studies regard gender as a socially constructed phenomenon grounded in a “socialization approach,” “masculine and feminine personality,” or “feminine and masculine sexuality”: Gender embodies the societal appreciation of what represents maleness and femaleness and the associated social or cultural implications and repercussions. By contrast, most of these modern scholars regard sex as a biological, genetic, and chromosomal trait.⁴² Of course, not all feminists and scholars of gender studies agree with this distinction between gender and sex.⁴³ Yet, all such arguments and counter-arguments are part of the same modern discourses on sex and gender, one for which there was no equivalent in ancient Greek, Persian, or Mediterranean cultures; in medieval Christian Europe; or in classical Muslim Arab, Persian, or Ottoman societies. This distinction between gender and sex, as Judith Butler notes, challenges the presumption that such categories exist outside specific historical circumstances, cultural contexts, and power relations.⁴⁴

Although there was no term in classical Arabic or Persian for either “sex” or “gender,” Arabic and Persian do have binary concepts such as *mar’/mar’a*, *dhakar/unthā*, *raḡul/nisā’* in Arabic, and *mard/zan* in Persian, roughly man/woman or male/female. Most likely, these paired concepts refer to both the biological conditions and behavioral characteristics of the two groups. However, since classical Arab and Persian vernacular and scientific culture had no knowledge of the current discourse on sex and gender divisions, it is difficult to imagine that these terms signified either sex, gender, or both in any way aligned to our modern understanding.

Nevertheless, these classical cultures arguably were well acquainted with the differences between male and female biological features and behavioral characteristics. More accurately, they believed that there were women and there were men and there were others who were not quite men or women, but there was no word for that difference as such. For example, both Arabic and Persian literature often described certain individuals as effeminate men (*mukhannathūn*) and mannish women (*mutarajjilāt*) based on their behavior.⁴⁵ However, some authors perceived effeminate or mannish behavior as being shaped by biological variations and environment.⁴⁶

Although there were no terms for “sex” and “gender,” classical Muslim scholars did classify human beings in several ways. Muslim logicians, purportedly influenced by Aristotelian thought,⁴⁷ often assert that humans are a ‘type’ (*naw*) of animal distinguished from other beasts by an ‘essential’ (*dhātī*) element known as ‘differentia’ (*faṣl*): being rational.⁴⁸ Thus, in their view, humans are rational

animals. Building upon the ‘accidental characteristics or attributes’ (*‘araḍiyyāt*) of humans, these logicians suggest a sub-taxonomy of humankind in which humans are divided into ‘two groups’ (*ṣinfayn*): male/man and female/woman.⁴⁹ In classical Qur’ānic exegesis (*‘ilm al-tafsīr*), the term ‘type’ (*naw*) is occasionally used.⁵⁰ In the Islamic legal tradition, jurists also used the following terms: ‘nature’ (*ṭabī‘a*), ‘category/division’ (*qism*), ‘genus’ (*jins*), and ‘creation/creature’ (*khalq*).⁵¹ In classical Islamic discourse, these concepts often encompassed not only biological conditions but also behavioral characteristics and variations in legal status.⁵²

Islamic legal thought is especially sensitive to the sexed body and physiological differences of humans. On the one hand, in certain domains—such as ritual purification, prayer, fasting, pilgrimage, clothing, inheritance, criminal law, and people’s roles in the public sphere—both Sunni and Shi’i law often depend on whether the legally responsible individual (*mukallaḥ*) is male or female, although there are several sub-categories of males and females whose status is refracted by intersectional categories such as free/slave.⁵³ On the other hand, these jurists, as will be noted later, primarily employ biological markers to assess individuals as male, female, or intersex. For this reason, they frequently base legal rulings on the physical sexual features of individuals, in preference to their behavioral characteristics. Indeed, jurists even recognize *mukhannathūn* (effeminate males) and *mutarrajjilāt* (mannish females) as males and females, respectively, because the *mukhannathūn* nor the *mutarrajjilāt* consider themselves to be men, do not consider themselves to be women, nor do Muslim society view them as anything other than male and female.⁵⁴ This is why both Shi’i and Sunni jurists often view *mukhannathūn* as males and *mutarrajjilāt* as females, based on their biological sex.⁵⁵ It makes sense that, for example, *mukhannathūn*, as the *ḥadīths* suggest, are not allowed to enter the female quarter of a mosque for congregational prayers, and that *mutarrajjilāt* are not allowed to pray in the men’s section of a mosque;⁵⁶ or that *mukhannathūn* and *mutarrajjilāt* are forbidden, respectively, to pursue female and male beautifications intended to resemble the opposite sex.⁵⁷ Moreover, in juristic contexts, these two groups are hardly ever treated as distinct categories with legal rights and responsibilities separate from those of men and women. When jurists or *ḥadīth* specialists do address them, it is to ensure that they are categorized as males or females. For example, jurists outline Islamic law regarding inheritance shares for various categories of people: while, as will be explored, they carefully delineate the inheritance rights of men, women, and intersex individuals (*khunthās*), there is no mention of the specific inheritance shares of *mukhannathūn* and *mutarrajjilāt*. Similarly, in discussions about where individuals should stand in a mosque based on their nature/sex, jurists engage in detailed debates, typically asserting that men should stand at the front, women at the back, and intersex individuals in the middle.⁵⁸ However, there is hardly any discussion on the placement of *mukhannathūn*

and *mutarrajilāt* in congregational prayers. These examples suggest that, according to Muslim jurists, *mukhannathūn* and *mutarrajilāt* were not perceived as distinct categories, but rather as part of the male and female categories, respectively.

Literary authors, however, often referred to *mukhannathūn* as a distinct social category. This may tempt us to employ the term “gender” to grapple conceptually with how *mukhannathūn* and *mutarrajilāt* functioned in classical Islamic societies. Indeed, these were categories that were defined performatively: by behavior, dress, or even choice of musical instruments. This would nevertheless be an anachronistic application of that terminology, as the people of that time did not themselves recognize a distinction between categories that were defined by biology and categories that were defined by social performance or identity. As we have already said, there were men, there were women, there were *khunthās*, and there were sub-categories of each of these. Some of those sub-categories had legal implications (such as “slave woman” or “virgin”) and some did not (such as “*mutarajil*” and “*mukhannath*”).

With this in mind, the contributors to this volume occasionally use the term *sex* and *gender* to refer to the biological sex characteristics of intersex individuals and *gender* to address the social status or recognition of such individuals, aiming to make the discussion accessible to a contemporary readership. However, they often rely on more naturalized and historically grounded terms found in classical Arabic and Persian discourses, as discussed above. The use of *sex* and *gender*, therefore, is always undertaken with critical awareness of its semantic and epistemological implications.

The making of this volume

This volume has its origins in the international conference *Beyond Binaries: Intersex Body Politics in Premodern Islamic Legal, Medical, and Literary Discourses*, which Mehrdad Alipour convened at Utrecht University in June 2024, as part of his NWO Veni Talent project entitled “Beyond Binaries: intersex in Islamic legal tradition.” The event brought together scholars from a range of institutions and disciplinary backgrounds to engage with emerging questions concerning the position of intersex individuals and identities in classical Muslim thought, particularly within legal, medical, and literary frameworks.

While several contributions to this volume originated as presentations at the conference, this is not a conventional proceedings collection. A number of chapters have been authored by scholars who did not participate in the event; their engagement with the project developed at a later stage. The selection of contributions has been guided not by participation alone, but by the intellectual coherence and scholarly significance of each piece in relation to the volume’s overarching themes.

All chapters—whether first presented at the conference or subsequently commissioned—have undergone significant revision and anonymous peer review. The volume as a whole has been shaped by a sustained process of conceptual curation, editorial dialogue, and scholarly exchange, aimed at offering a coherent and original contribution to the study of intersex body politics in classical Islam.

To date, and to the best of our knowledge, no monograph or edited volume has addressed the subject of intersex individuals in Islam at book length. This volume thus represents the first sustained scholarly attempt to explore this topic in depth. We hope that it meets the expectations of both specialists and general readers interested in intersex studies, gender studies, religious and Islamic studies, as well as broader inquiries into the body, law, and culture. By bringing together a range of disciplinary perspectives and historical sources, the volume aims to open new avenues for scholarly reflection and foster a more nuanced understanding of how intersex lives and bodies have been conceptualized, regulated, and narrated within Islamic traditions.

Book chapters

In Chapter One, Paula Sanders reflects on the intellectual and disciplinary contexts that shaped her 1991 article on intersex individuals—then referred to as “hermaphrodites”—in medieval Islamic law. This retrospective piece traces the evolution of her scholarly engagement with gender, beginning with an early emphasis on sexual hierarchy within a women’s studies framework and gradually shifting towards approaches informed by gender studies, queer theory, and biological understandings of sex. The central argument of her original essay—those Islamic legal texts sought to preserve a binary male-female framework marked by male dominance, thereby reinforcing a rigid sexual hierarchy through their treatment of hermaphrodites—is revisited in light of more recent scholarship. Sanders now argues that such interpretations were shaped by the academic paradigms of the time and did not fully account for the complexity or mutability of sex and gender in premodern Islamic legal and literary sources. By situating her earlier work within broader developments in gender theory and the historical study of Islam, Sanders both critiques and extends her previous scholarship, ultimately advocating for historically grounded research attuned to contemporary concerns around sex, gender, and embodiment.

Chapter Two, by Indira Gesink and Mehrdad Alipour, examines the conceptualization of intersex in Arabic lexicographical traditions and explores the representation of intersex individuals in Arabic literary sources. The chapter begins with a detailed analysis of how various Arabic dictionaries define and

contextualize the term *khunthā*, exploring its linguistic roots and semantic range. Gesink and Alipour then turn to the presence of *khunthā* figures in Arabic prose and poetry. As scholars of Arabic literature have observed, intersex individuals appear far less frequently in literary texts than effeminate men (*mukhannaths*). Nonetheless, occasional references in literary and travel narratives provide important insights into how such bodies were perceived—often shaped by a blend of cultural interpretation, imaginative elaboration, and, at times, elements of fantasy. While these depictions often position intersex individuals within the traditions of *‘ajā’ib* (marvels) and *gharā’ib* (wonders), they are not necessarily characterized by contempt or negative moral judgement.

Chapter Three, by Ali-Asghar Seyed-Gohrab, expands the literary exploration of *khunthā* by examining representations of intersex figures in classical Persian poetry and prose. Seyed-Gohrab investigates how *khunthā* (intersex) and *mukhannath* (effeminate) figures are identified in classical Persian literature, beginning with the question of whether these two stock characters—often conflated in vernacular culture and popular readings as a single category—are in fact distinct categorical identities. Persian poets, the chapter argues, clearly differentiate between them: while *mukhannathūn* are sometimes linked to brothels and depicted pejoratively, they also function as moral counterpoints that convey ethical lessons, as seen in ‘Aṭṭār’s tale of Shiblī, where gender transgression becomes a path to spiritual refinement. Homoerotic desire in Persian court poetry, meanwhile, tends to favor masculine figures, and men exhibiting femininity are often stigmatized as *mukhannath*. In contrast, the *khunthā* appears metaphorically in Rūmī’s *Masnavī* to critique worldly dualities, though his symbolic use of gendered metaphors—such as equating the mother with the base self—reflecting deeply ingrained cosmological hierarchies and a worldview far removed from contemporary sensibilities.

Saqer Almarri, in Chapter Four, investigates how classical Qur’ānic commentaries interpreted sexual difference and the category of the *khunthā* in relation to Qur’ān 4:1 and 92:3. It asks how these commentators reconciled the social reality of the *khunthā* with the Qur’ān’s silence on it, focusing on their hermeneutic strategy which framed the *khunthā* as an ambiguity of human perception rather than an ontological reality. While this approach sought to restore a binary gender system based on the creation narrative of Adam and his mate, it paradoxically institutionalized the *khunthā* as a liminal, exceptional subject positioned between masculinity and femininity, requiring specialist legal interpretation. The chapter highlights the continuity of this exegetical hermeneutic over time and raises questions about its possible extension into modern and contemporary Qur’ānic commentaries, particularly regarding nonbinary, trans, and intersex subjects.

Chapter Five, by Ash Geissinger, examines how gender categories are constructed and contested within the Sunni *ḥadīth* corpus and its commentaries.

Focusing on *mukhannath* rather than *khunthā*—the central theme of this book—the author highlights that the *ḥadīth* corpus contains more narrative material and interpretive engagement concerning *mukhannaths*, making them a more productive subject for analyzing how classical *ḥadīth* scholars negotiated gender ambiguity. Nonetheless, the author links the two categories, noting that despite their differences, both *khunthās* and *mukhannaths* occupied marginal and ambiguous positions within gendered frameworks, as some earlier studies have observed. While both categories reflect gender and sexual in-betweenness, *ḥadīth* literature treats them unequally, offering fewer and less detailed references to *khunthā*. The author explores how textual variants surrounding the *mukhannath* figure Anjasha reveal shifting gender classifications and broader concerns with preserving hierarchical structures of gender and authority. The study thus argues that *ḥadīth* traditions serve as dynamic sites for negotiating gender instability, with *mukhannath* offering a more nuanced lens than *khunthā* for understanding these interpretive processes.

In Chapter Six, Saqer Almarri engages with debates surrounding *khunthā* within Ismāʿīlī Shīʿi legal and *ḥadīth* discourse. Almarri revisits the question of a Fatimid legal code by examining a striking case in which a *khunthā* appears in court claiming to have fathered a child. While his earlier work suggested the uniqueness of this narrative, he has since identified additional material recounting a parallel case involving Shurayḥ, ʿAlī, and a *khunthā*. Although the sources remain limited and fragmented, Almarri demonstrates how digital humanities methods can be employed to trace and reconstruct these dispersed references across digital corpora. In doing so, he sheds light on a case where Shurayḥ is confounded by a *khunthā* who has fathered a child, and ʿAlī responds by annulling the *khunthā*'s marriage and declaring them a man. Drawing on digital philology, Almarri explores how this instance of early Islamic gender testing has been represented by different authors, each framing the episode according to particular legal or interpretive concerns. His synoptic reading brings these fragments together to reveal the varied emphases and functions of the narrative across different contexts.

Chapter Seven, by Mehrdad Alipour, investigates the discourse surrounding intersex individuals in early Shīʿi scriptural texts and the classical Twelver legal tradition, employing digital humanities methods to locate and examine early Shīʿi *ḥadīth* collections and how their compilers conceptualized the intersex body and its legal and social roles. The chapter traces the evolution from *ḥadīth* discourse to the juristic writings of scholars shaped by these narrations, highlighting that while intersex individuals appear across various domains of Islamic law, the most sustained legal engagement has centered on inheritance, owing to the predominance of inheritance-related *ḥadīths*. However, Alipour also demonstrates that classical jurists addressed intersex-related matters in other legal areas, including marriage,

(un)intentional homicide, congregational prayer, and funerary rites. Through a close reading of legal sources, the chapter explores constructions of intersex identity both in terms of anatomical signs or markers and, in certain contexts, through self-identification—although such forms of agency were limited and only occasionally acknowledged within juristic reasoning. Alipour further analyzes a range of legal cases to illuminate how jurists understood the legal personhood of intersex individuals, particularly in relation to their rights and responsibilities. The chapter culminates in a discussion of the binary–non-binary framework introduced by the jurist Ibn Idrīs al-Ḥillī (d. 1202 CE), a conceptual shift that sparked considerable debate among Shiʿi jurists from the fourteenth to the early twentieth century—a debate the author has explored in detail elsewhere.⁵⁹

In Chapter Eight, Indira Gesink considers the historical evolution of Sunni legal discourse on intersex. She argues that the term “*khunthā*” was not present in the earliest juristic discussions but by the 1000s had become a fixed feature of Sunni legal manuals. Based on a selective survey of Shāfiʿī, Ḥanafī, and Ḥanbalī legal manuals, she outlines the different areas of concern as they developed over time among authors of different legal schools. As Shiʿi authors did, Sunni authors elaborated rules to accommodate non-binary people in circumcision, congregational prayer, inheritance, manumission, compensation for injury and death, marriage, and funerary rites. Unlike Shiʿi authors, Sunni jurists were ultimately unable to reconcile the binary framework of the Qurʾān with the social reality in which non-binary people lived, which forced many to insist that the epistemological category of *khunthā* was not also an ontological category, and that in fact a *khunthā*’s essential nature was either male or female. At the same time, they constructed a legal framework in which a *khunthā* was a medial being in between male and female.

In Chapter Nine, Mehrdad Alipour examines al-Rāzī’s medical writings to explore how classical Persian medical discourse conceptualized sex and gender diversity. Focusing on categories such as *khunthā* (intersex person), *mukhannath* (effeminate), and *mutarajjil* (mannish), the study argues that al-Rāzī diverged significantly from the prevailing norms of his time—including those later upheld by physicians such as al-Zahrāwī and Ibn Sīnā—by neither pathologizing intersex individuals nor attaching moral judgement to gender non-conforming bodies. Instead, al-Rāzī offers a non-hierarchical and biologically grounded model of human variation, in which sex or biological characteristics and behavioral traits are seen as naturally determined and shaped by biology and environmental factors, rather than culturally constructed. He identifies five sex categories, including intersex, and approaches these classifications without recourse to a male-female binary or a spectrum that privileges masculinity. While al-Rāzī does medicalize certain behaviors, such as the receptive desire of some *mukhannaths*, his approach avoids surgical intervention and sensationalism. The chapter further demonstrates

that, despite the prevalence of gendered norms in both medical and legal Islamic discourses, al-Rāzī's model stands apart in its refusal to enforce binary classification or attach legal hierarchy to sexed bodies. Ultimately, the study highlights al-Rāzī's distinctive contribution to Islamic and Persian medical thought and its implications for understanding the diversity of sex and gender in the premodern Islamic world.

Faith and intersex advocacy

This book belongs to the field of religious studies, particularly at its intersection with the study of sex and gender. This discipline offers a critical lens through which to interrogate how religious traditions—and in the case of this work, Islam—have historically shaped, regulated, or contested bodily categories and identities, including those that do not conform to prevailing binaries.⁶⁰ Given that religious studies is concerned not only with texts and doctrines but also with lived and cultural belief, ritual, and authority, it is particularly well positioned to analyze how intersex individuals and their families navigate religious teachings and institutions.

While legal, medical, and sociological frameworks have played a vital role in the advancement of intersex rights, the religious dimension remains significantly underexplored. Yet, across both the Global South and Global North, large segments of society continue to draw on religious traditions to make sense of sex, gender, and embodiment. The authority of religious discourse—whether in the form of official doctrines or the moral teachings of traditional scholars and preachers—can shape not only public opinion but also private decisions within families. In such contexts, intersex individuals and their parents may find themselves caught between securing rights and preserving religious commitments.

The problem, however, is not religion *per se*, but the limited range of interpretations that are made available. In the absence of visible, affirming theological alternatives, it is often the most conservative and pathologizing voices that come to define “the religious view.” This restricts the imaginative and practical options available to religiously committed families and may even drive them to seek surgical intervention or to conceal the situation altogether, fearing stigma.

Religious studies, then, should not be marginal to intersex advocacy but understood as an integral and necessary part of it. Religious traditions are not fixed; they are contested, interpreted, and reimaged in different times and places. Without engaging these traditions critically and constructively, advocacy risks alienating precisely those communities where the stakes are highest. It also misses the opportunity to demonstrate that affirming intersex lives is not necessarily at odds with religious commitments.

To our understanding, intersex activists and scholars would benefit from recognizing the constructive potential of religious discourse to enhance and accelerate the negotiation for intersex rights. Finding allies from within religious institutions—churches, mosques, synagogues, temples, and others—would not only deepen the reach of advocacy efforts but could also help to challenge harmful interpretations from within. Building such alliances is not a detour from the struggle for justice; it is a necessary path towards making that justice more widely accessible and enduring.

Notes

- ¹ Anne Fausto-Sterling suggests the higher number, counting as intersex “all live births that do not conform to a Platonic ideal of absolute sex chromosome, gonadal, genital, and hormonal dimorphism” (Anne Fausto-Sterling, *Sexing the Body: Gender Politics and the Construction of Sexuality* [New York City: Basic Books, 2000], 53). According to the Intersex Society of North America (currently inactive), “If you ask experts at medical centers how often a child is born so noticeably atypical in terms of genitalia that a specialist in sex differentiation is called in, the number comes out to about 1 in 1500 to 1 in 2,000 births (0.07–0.05%). But a lot more people than that are born with subtler forms of sex anatomy variations, some of which won’t show up until later in life” (Intersex Society of North America, “How common is intersex?”, Accessed March 2024: <https://isna.org/faq/frequency/#>). Other studies estimate the percentage of intersex not higher than 0.018%, arguing that chromosomal variants of 47,XYY and 47,XXX, vaginal agenesis, Turner syndrome (45,X), Klinefelter syndrome (47,XXY), and late-onset congenital adrenal hyperplasia (LOCAH), should not be counted as intersex conditions. This is because, in these cases, the chromosomal sex is consistent with the phenotypic sex, and the biological sex characteristics are observable and can be classified as either female or male (Leonard Sax, “How Common Is Intersex? A Response to Anne Fausto-Sterling,” *Journal of Sex Research* 39, no. 3 (2002): 174–8). Others suggest that 0.37% is the accurate percentage of intersex people (Carrie L. Hull and Anne Fausto-Sterling, “Letter to the Editor,” *American Journal of Human Biology* 15, no. 1 (2003): 112–6). Some intersex organisations agree with the higher estimate of 1.7% “in the absence of better internationally accepted data” to protect the whole population of individuals “who are stigmatized—or risk stigmatization—due to innate sex characteristics” (Intersex Human Rights Australia, “Intersex population figures”, Accessed March 2024: <https://ihra.org.au/16601/intersex-numbers/>). Also see Alice Domurat Dreger, *Hermaphrodites and the Medical Invention of Sex* (Cambridge: Harvard University Press, 2000); Melanie Blackless, et al., “How Sexually Dimorphic Are We? Review and Synthesis,” *American Journal of Human Biology* 12, no. 2 (2000): 151–66.
- ² See Michelle M. Sauer, *Gender in Medieval Culture* (London: Bloomsbury Academic, 2015); Fausto-Sterling, *Sexing the Body*; Joan Cadden, *Meanings of Sex Difference in the Middle Ages Medicine, Science, and Culture* (Cambridge: Cambridge University Press, 1995); Ruth Mazo Karras, *Sexuality in Medieval Europe: Doing unto Others* (London: Routledge, 2012); Thomas Laqueur, *Making Sex: Body and Gender from the Greeks to Freud* (Cambridge, MA: Harvard University Press, 1992); Cary J. Nederman and Jacqui True, “The Third Sex: The Idea of the Hermaphrodite in Twelfth-Century Europe,” *Journal of the History of Sexuality* 6, no. 4 (1996): 497–517; Miri Rubin, “The Person in the Form: Medieval Challenges to Bodily Order,” in *Framing Medieval Bodies*, eds. Sarah Kay and Miri Rubin (Manchester: Manchester University Press, 1996): 100–22.

- ³ In the nineteenth and early twentieth centuries, it was common for English-speakers to refer to these people as “hermaphrodites,” referring to the myth. However, medical specialists and activists almost unanimously avoid using the term “hermaphrodite,” as it tends to stigmatise intersex people and confuse non-professionals, including those with intersex conditions and their families (see Charles Armstrong, “Intersexuality in Man,” in *Intersexuality in Vertebrates including Man*, eds. Charles N. Armstrong and Alan J. Marshall [1964]: 349–93; John Dewhurst and Ronald R. Gordon, *The Intersexual Disorders* [London: Tindall and Cassell, 1969], 1–5; Alice D. Dreger, Cheryl Chase, Aron Sousa, Philip A. Gruppuso, and Joel Frader et al., “Changing the Nomenclature/Taxonomy for Intersex: A Scientific and Clinical Rationale,” *Journal of Pediatric Endocrinology and Metabolism* 18, no. 8 [2005]: 729–33, at 732).
- ⁴ See Diamond and Beh, “Variations of Sex Development”; Elizabeth Reis, “Divergence or Disorder?: The Politics of Naming Intersex,” *Perspectives in Biology and Medicine* 50, no. 4 (2007): 535–43; Stephanie A. Budwey, *Religion and Intersex: Perspectives from Science, Law, Culture, and Theology* (London: Routledge, 2023), 4.
- ⁵ OHCHR, *Background Note on Human Rights* (United Nations: Human Rights Office of the High Commissioner, 2019), 2, Accessed March 2024: <https://www.ohchr.org/en/documents/tools-and-resources/background-note-human-rights-violations-against-intersex-people>; Monro and colleagues briefly address the UN Office for the Commissioner of Human Rights’ definition of intersex (Surya Monro et al., “Intersex: Cultural and Social Perspectives,” *Culture, Health and Sexuality* 23, no. 4 [2021]: 431–40, at 433). Also see Dan Christian Ghattas, “Protecting Intersex People in Europe: A Toolkit for Law and Policy Makers,” *OII Europe*, (2023[2019]), 9, Accessed March 2024: https://www.oiiurope.org/wp-content/uploads/2019/05/Protecting_intersex_in_Europe_toolkit.pdf. According to the Intersex Society of North America (ISNA), “Intersex is a general term used for a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn’t seem to fit the typical definitions of female or male” (Intersex Society of North America, “What Is Intersex?” Accessed March 2024: https://isna.org/faq/what_is_intersex/). Although ISNA dissolved itself in 2008, its website remains available and its two successor organizations also host the same content: Accord Alliance, www.accordalliance.org and InterACT: Advocates for Intersex Youth, <https://interactadvocates.org>. “What Is Intersex?” It is worth noting that some clinicians diagnose intersex as “disorders of sex development” (DSDs), including anomalies of the sex chromosomes, gonads, reproductive ducts, and genitalia. See Ieuan A. Hughes et al., “Consensus Statement on Management of Intersex Disorders,” *Journal of Pediatric Urology* 2, no. 3 [2006]: 148–62, at 554; Consortium on the Management of Disorders of Sex Development, *Clinical Guidelines for the Management of Disorders of Sex Development in Childhood* (Intersex Society of North America, 2006), 2, Accessed March 2024: <https://dsgguidelines.org>. The same guidelines also provide a comprehensive list of over twenty intersex conditions, 5–7. Some medically non-technical lists can be found in the following sources: American Psychological Association, “Intersex”: <https://dictionary.apa.org/intersex>; Intersex Society of North America, “Intersex Conditions”: <https://isna.org/faq/conditions/>; MedlinePlus, “Intersex”: [https://medlineplus.gov/ency/article/001669.htm#:~:text=Differences%20of%20sex%20development%20\(DSD,an%20older%20term%20for%20DSD](https://medlineplus.gov/ency/article/001669.htm#:~:text=Differences%20of%20sex%20development%20(DSD,an%20older%20term%20for%20DSD). The medical names of each condition often vary depending on the medical experts, type of studies undertaken, and language used. A large number of intersex and human rights activists caution against using the term *disorders of sex/gender development*. They object to the DSD terminology because, according to them, it stigmatises variations of sexual characteristics and ignores the plight of those who suffer from medical mismanagement and secrecy. See, for example, Marie-Noëlle Baechler, “Letter to the Editor: Children Are Not Disorders,” *Archives of Disease in Childhood*, (2006), Accessed July 2024: <https://adc.bmj.com/content/91/7/554.responses#children-are-not-disorders>; David Cameron, “Letter to the

- Editor: Re: Variations of Sex Development instead of Disorders of Sex Development,” *Archives of Disease in Childhood*, (2006), Accessed July 2024: <https://adc.bmj.com/content/early/2006/04/19/adc.2006.098319.responses?versioned=true#re-variations-of-sex-development-instead-of-disorders-of-sex-development>; Milton Diamond and Hazel G. Beh, “Letter to the Editor: Variations of Sex Development Instead of Disorders of Sex Development,” *Archives of Disease in Childhood*, (2006), Accessed July 2024: <https://adc.bmj.com/content/early/2006/04/19/adc.2006.098319.responses?versioned=true#variations-of-sex-development-instead-of-disorders-of-sex-development>). Also see the documents on the website of the Organisation Intersex International (OII): www.intersexualite.org/Disorders_of_Sex_Development.html. For a comprehensive overview of the controversies on DSD terminology, see Ellen K. Feder and Katrina Karkazis, “What’s in a Name? The Controversy over ‘Disorders of Sex Development’,” *Hastings Center Report* 38, no. 5 (2008): 34–6.
- ⁶ Budwey, *Intersex and Religion*, 17; Cornwall, *Sex and Uncertainty*, 244–5; Vilorio and Nieto, *Spectrum of Sex*, 48–55.
 - ⁷ Budwey, *Intersex and Religion*, 17–18; Vilorio and Nieto, *Spectrum of Sex*, 44; Vittorio E. Bianchi et al., “The role of androgens in women’s health and wellbeing,” *Pharmacological Research* 171, (2021): 105758. The SRY gene on the Y chromosome initiates testes development by triggering the expression of the SOX9 gene. SRY acts as a master switch, activating SOX9 in the genital ridge, which then leads to the differentiation of Sertoli cells and ultimately, the formation of testes.
 - ⁸ Sally Tantawy et al., “Analysis of the gene coding for steroidogenic factor 1 (SF1, NR5A1) in a cohort of 50 Egyptian patients with 46,XY disorders of sex development,” *European Journal of Endocrinology* 170, no. 5 (2014): 759–67.
 - ⁹ Budwey, *Intersex and Religion*, 19–21; Vilorio and Nieto, *Spectrum of Sex*, 42–7, 81–2.
 - ¹⁰ Peggy T. Cohen-Kettenis, “Gender change in 46,XY persons with 5 α -reductase-2 deficiency and 17 β -hydroxysteroid dehydrogenase-3 deficiency,” *Archives of Sexual Behavior* 34, no. 4 (2005): 399–410. Babu and Shah say 53% of those raised as girls with 5-ARD report gender dysphoria. Choice to retain female gender identity may be culturally influenced; social prejudice against gender change may also prevent some assigned female at birth from choosing to change to male (Ramesh Babu and Utsav Shah, “Gender identity disorder [GID] in adolescents and adults with differences of sex development [DSD]: A systematic review and meta-analysis,” *Journal of Pediatric Urology* 17, no. 1 (2021): 39–47.
 - ¹¹ Liliana Burdea, Lokesh Sharma, and Magda D. Mendez, *21-Hydroxylase Deficiency* (StatPearls Publishing, 2025), National Library of Medicine <https://www.ncbi.nlm.nih.gov/books/NBK493164/>; the cascade reaction from cortisol underproduction leads to “hyperplasia of the adrenal cortex, accumulation of cortisol precursors” and to production of excess androgens, which virilize 46XX infants (Ibid.). There is a “nonclassic” form of 21-HD that manifests in XX individuals with facial hair and infrequent menstruation. The “classic” form of 21-HD develops prenatally and can be detected in newborns. 75% of those with classic 21-HD have no enzyme activity and cannot maintain salt levels (“salt-wasting”); this is a life-threatening condition that requires medical intervention. 25% have the “simple virilizing” form that manifests in XX individuals with ambiguous genitalia. See Saroj Nimkarn, Prasanna K Gangishetti, Mabel Yau, and Maria I New, “21-Hydroxylase-Deficient Congenital Adrenal Hyperplasia,” *GeneReviews National Library of Medicine* <https://www.ncbi.nlm.nih.gov/books/NBK1171/>.
 - ¹² Dianna Chormanski, Lokesh Sharma, and Maria Rosaria Muzio, *17-Hydroxylase Deficiency* (StatPearls Publishing, 2025).
 - ¹³ Ahmed Khattab et al., “Clinical, Genetic, and Structural Basis of Congenital Adrenal Hyperplasia due to 11 β -Hydroxylase Deficiency,” *Proceedings of the National Academy of Sciences* 114, no. 10 (2017): E1933–E1940.

- ¹⁴ Cohen-Kettenis, "Gender Change," 399; Burdea, et al, *21-Hydroxylase Deficiency*.
- ¹⁵ Khattab, et al., "Clinical, Genetic, and Structural Basis of Congenital Adrenal Hyperplasia due to 11 β -Hydroxylase Deficiency." 95% of people with CAH have 21-hydroxylase deficiency (21OHD), but because this VSC is genetic, geological pockets of rarer forms exist (Busra Gurpinar Tosun and Tulay Guran, "Rare Forms of Congenital Adrenal Hyperplasia," *Clinical Endocrinology* 101, no. 4 [2024]: 371–85), for example in Turkey (Z. Şiklar et al., "17 α Hydroxylase/17, 20 Lyase Deficiency: Clinical Features and Genetic Insights from a Large Turkey Cohort," *Endocrine* 85, no. 3 [2024]: 1407–16). See also Babu and Shah, "Gender Identity Disorder."
- ¹⁶ Sara Scalenghe, *Disability in the Ottoman Arab World, 1500–1800* [Cambridge: Cambridge University Press, 2014], 125–9; Ze'ev Hochberg et al., "Clinical, Biochemical, and Genetic Findings in a Large Pedigree of Male and Female Patients with 5 Alpha-reductase 2 Deficiency," *Journal of Clinical Endocrinology and Metabolism* 81, no. 8 (1996): 2821–7; Nasir A. M. al-Jurayyan, "Ambiguous Genitalia, Two Decades of Experience: Clinical Management and Sex Assignment," *Journal of Taibah University Medical Sciences* 5, no. 1 (2010): 13–20, at 14; M. M. Lubani et al., "Prevalence of Congenital Adrenal Hyperplasia in Kuwait," *European Journal of Pediatrics* 149, no. 6 (1990): 391–2; Soheir et al., "Cytogenetic and molecular study in intersex," *Egyptian Journal of Medical Human Genetics* 13, (2012): 281–89, at 284; M. A. Abdullah et al., "Ambiguous Genitalia: Medical, Socio-cultural and Religious Factors Affecting Management in Saudi Arabia," *Annals of Tropical Paediatrics* 11, (1991): 343–8; Hüseyin Özbey et al., "Gender assignment in female congenital adrenal hyperplasia: a difficult experience," *BJU International* 94, no. 3 (2004): 388–91, at 389; Ivan Watson, "Rare gender identity defect hits Gaza families," CNN (17 Dec. 2009): <https://www.cnn.com/2009/WORLD/meast/12/17/gaza.gender.id/index.html>; Aslı Derya Kardelen et al., "A Rare Cause of Congenital Adrenal Hyperplasia: Clinical and Genetic Findings and Follow-up Characteristics of Six Patients with 17-Hydroxylase Deficiency Including Two Novel Mutations," *Journal of Clinical Research and Pediatric Endocrinology* 10, no. 3 (2018): 206–15, at 208. One study estimated prevalence of 5-alpha reductase deficiency in Gaza to be as high as 1:100 male births, 1% (G. Kohn et al., "Male Pseudohermaphroditism Due to 17 β -Hydroxysteroid Dehydrogenase Deficiency (17BHD) in a Large Arab Kinship. Studies on the Natural History of the Defect," *Journal of Pediatric Endocrinology* 1, no. 1 (1985): 29–37, at 31).
- ¹⁷ See Abū 'Abd al-Raḥmān al-Khalīl b. Aḥmad al-Farāhīdī, *Kitāb al-'ayn*, ed. Maḥdī al-Makhzūmī and Ibrāhīm al-Sāmarrā'ī, 8 vols. (Baghdad: Dār al-Rashād, 1980), 4: 248; Abū Naṣr Ismā'īl al-Jawharī, *al-Şihāḥ tāj al-lughā wa-şihāḥ al-'arabiyya*, ed. Aḥmad 'Abd al-Ghafūr 'Aṭṭār, 6 vols. (Beirut: Dār al-'Ilm li-l-Malāyīn, 1407/1986–7), 1: 281; Muḥammad b. al-Ḥasan Ibn Durayd al-Azdī, *Jamharat al-lughā*, ed. Ramzī Munīr Ba'lbakī, 3 vols. (Beirut: Dār al-'Ilm li-l-Malāyīn, 1987), 1: 418; Muḥammad b. Aḥmad al-Azhārī, *Tahdhib al-lughā*, 15 vols. (Beirut: Dār Iḥyā' al-Turāth al-'Arabī, 2001), 7: 145; Aḥmad b. Muḥammad b. 'Alī al-Fayyūmī, *al-Miṣbāḥ al-munīr fī gharīb al-sharḥ al-kabīr*, 2 vols. (Beirut: al-Maktaba al-'Ilmiyya, 1994), 1: 183; Muḥammad b. Mukarram Ibn Manẓūr, *Lisān al-'arab*, 15 vols. (Beirut: Dār Şādir li-l-Ṭibā'a wa-l-Nashr, 1414), 2: 145; Muḥammad Murtaḍā al-Zabīdī, *Tāj al-'arūs min jawāhir al-Qāmūs*, ed. 'Abd al-'Azīz Maṭar, 40 vols. (Kuwait: Maṭba'at Ḥukūmat al-Kuwait, 1414/1994), 5: 240–2.
- ¹⁸ Al-Jawharī, *al-Şihāḥ*, 1: 281.
- ¹⁹ Muḥammad al-Muḥibbī, *Khulāṣat al-āthar fī a'yān al-qarn al-ḥādī 'ashar* (Beirut: Dār al-Şādir, 1111AH), 3: 315–6; Muḥammad b. Aḥmad al-Sarakhsī, *Kitāb al-mabsūṭ* (Cairo: Maṭba'at al-Sa'āda, 1906–1913), 30:105, 109, 112.
- ²⁰ Parts of such studies have been published in special issues of journals, including *Chrysalis: The Journal of Transgressive Gender Identities* 2, no. 5 (1997–98); *GLQ: A Journal of Lesbian and Gay Studies* 15, no. 2 (2009); *Culture, Health and Sexuality: An International Journal for Research, Intervention and*

- Care* 23, no. 4 (2021); and *TSQ: Transgender Studies Quarterly* 9, no. 2 (2022). Other pioneering studies in this regard are Gilbert Herdt (ed.), *The Third Sex, Third Gender: Beyond Sexual Dimorphism in Culture and History* (Princeton: Princeton University Press, 2020 [1993]); Alice Domurat Dreger, *Hermaphrodites and the Medical Invention of Sex* (Cambridge, MA: Harvard University Press, 1998); John Colapinto, *As Nature Made Him: The Boy Who Was Raised as a Girl* (New York: HarperCollins, 2000); Anne Fausto-Sterling, *Sexing The Body: Gender Politics and the Construction of Sexuality* (New York City: Basic Books, 2000); *Hermaphrodites with Attitude* (Newsletter of ISNA), published from December 1994 until Spring 2003; Sharon E. Sytsma (ed.), *Ethics and Intersex (International Library of Ethics, Law, and the New Medicine* 29, 2006th edition); Sharon Preves, *Intersex and Identity: The Contested Self* (New Brunswick: Rutgers University Press, 2003); Alice Dreger (ed.), *Intersex in the Age of Ethics* (University Publishing Group, 1999); Suzanne Kessler, *Lessons from the Intersexed* (New Brunswick: Rutgers University Press, 1998); Morgan Holmes, ed., *Critical Intersex* (London: Routledge, 2009); Susannah Cornwall, *Sex and Uncertainty in the Body of Christ: Intersex Conditions and Christian Theology* (London: Routledge, 2010); idem, "British Intersex Christians' Accounts of Intersex Identity, Christian Identity and Church Experience," *Practical Theology* 6, no. 2, (2013): 220–36; Julie A. Greenberg, *Intersexuality and the Law: Why Sex Matters* (New York City: New York University Press, 2012); Megan K DeFranza, *Sex Difference in Christian Theology: Male, Female and Intersex in the Image of God* (Grand Rapids: Wm. B. Eerdmans, 2015); Hida Viloria and Maria Nieto, *The Spectrum of Sex: The Science of Male, Female, and Intersex* (London and Philadelphia: Jessica Kingsley Publishers, 2020); Leah DeVun, *The Shape of Sex: Nonbinary Gender from Genesis to the Renaissance* (New York: Columbia University Press, 2021).
- ²¹ See, for example, Bruce Bagemihl, *Biological Exuberance: Animal Homosexuality and Natural Diversity* (New York: Stonewall Inn Editions, 2000); Mary Jane West-Eberhard, *Developmental Plasticity and Evolution* (Oxford: Oxford University Press, 2003); Joan Roughgarden, *Evolution's Rainbow* (Berkeley: University of California Press, 2004); Malin Ah-King, "Queer Nature: Towards a Non-Normative View on Biological Diversity," in *Body Claims*, ed. Janne Bromseth, Lisa Folmarson Käll, and Katerina Mattson (Uppsala: Center for Gender Research, Uppsala University, 2009): 212–33; Malin Ah-King and Sören Nylin, "Sex in an Evolutionary Perspective: Just Another Reaction Norm," *Evolutionary Biology* 37, no. 4, (2013): 234–46; Janet L. Leonard, *Transitions between Sexual Systems* (Cham: Springer, 2018); and for general readers, Lucy Cooke, *Bitch: On the Female of the Species* (New York City: Basic Books, 2022; Audiobook, 2022), esp. chapter eleven, "Beyond the Binary."
- ²² See, for example, Ryan T. Anderson, *When Harry Became Sally: Responding to the Transgender Movement* (New York City: Encounter, 2018), which argues that media, medicine, and government policy produced a trend to depict gender as non-binary, contrary to science. See also the FAQs provided by the website "Sex Matters," which promotes binary gender, opposes the idea that one can change sex, and suggests that gender theorists are responsible for spreading myths about DSDs being a third sex: <https://sex-matters.org/resources/sex-and-gender-faqs/#dsds>.
- ²³ See, for example, Abdelwahab Bouhdiba, *Sexuality in Islam*, trans. Alan Sheridan (Boston: Kegan Paul, 1985), 30–42; Paula Sanders, "Gendering the Ungendered Body: Hermaphrodites in Medieval Islamic Law," in *Women in Middle Eastern History: Shifting Boundaries in Sex and Gender*, eds. Beth Baron and Nikki Keddie (New Haven: Yale University Press, 1991): 74–95.
- ²⁴ On Islamic legal discussions of intersex topics, see, for example, Ash Geissinger, "Islam and Discourses of Same-Sex Desire," in *Queer Religion: Homosexuality in Modern Religious History*, 2 vols., eds. Donald L. Boisvert and Jay E. Johnson (Santa Barbara: Praeger, 2012), 1: 69–90, at 72–3; Sara Scalenghe, *Disability in the Ottoman Arab World, 1500–1800* (Cambridge: Cambridge University Press, 2014), 124–62; Mehrdad Alipour, "Transgender Identity, the Sex-Reassignment Surgery Fatwās and Islamic Theology of a Third Gender," *Religion and Gender* 7, no. 2 (2017): 164–79, at 173–6; Saqer

- A. Almarri, "‘You Have Made Her a Man among Men’ Translating the Khuntha’s Anatomy in Fatimid Jurisprudence," *Transgender Studies Quarterly* 3, nos. 3–4 (2016): 578–86; idem, "Non-binary Sexual and Gender Identities in the Community: the *Khuntha* as an Isolated Being in the Mosque," *Body and Religion* 3, no. 2 (2020): 166–87; Indira Falk Gesink, "Intersex Bodies in Premodern Islamic Discourse: Complicating the Binary," *Journal of Middle East Women’s Studies* 14, no. 2 (2018): 152–73; idem, "Intersex in Islamic Medicine, Law, and Activism," in *The Routledge Handbook on Islam and Gender*, ed. Justine Howe (London: Routledge, 2020): 116–29; Ani Amelia Zainuddin and Zaleha Abdullah Mahdy, "The Islamic Perspectives of Gender-Related Issues in the Management of Patients with Disorders of Sex Development," *Archives of Sexual Behavior* 46, (2017): 353–60. The following studies deal with Islamic medical and bioethical debates on intersex topics: Mohd Salim Mohamed and Siti Nurani Mohd Noor, "Islamic Bioethical Deliberation on the Issue of Newborns with Disorders of Sex Development," *Science and Engineering Ethics* 21, (2015): 429–40; Inas A. Mazen, "Clinical Management of Gender in Egypt: Intersexuality and Transsexualism," *Archives of Sexual Behavior* 46, (2017): 369–72; Nasir Malim and Aasim I. Padela, "Islamic Bioethical Perspectives on Gender Identity for Intersex Patients," *Journal of the British Muslim Medical Association* 5, no. 2 (2020): 19–25. On the correlation between the medicalisation of intersex people and Islamic *fatwās*, see Mehrdad Alipour, "The Nexus between Gender-Confirming Surgery and Illness: Legal-Hermeneutical Examinations of Four Islamic Fatwas," *Journal of Middle East Women’s Studies* 18, no. 3 (2022): 359–86; Muhammad Afif Mohd Badrol, Abdul Bari Awang, and Sayed Sikandar Shah Haneef, "Intersex Gender Determination in Classical Islamic Law and Modern Medicine: An Analysis for Integration," *Al-Shajarah: Journal of the International Institute of Islamic Thought and Civilization (ISTAC)* 23, no. 2 (2018): 469–96; Taqwa Zabidi, "Analytical Review of Contemporary Fatwas in Resolving Biomedical Issues over Gender Ambiguity," *Journal of Religion and Health* 58, no. 1 (2019): 153–67. For general discussions of sex and gender in the Muslim world, including intersex topics, see Corinne Fortier, "Sexualities: Transsexualities: Middle East, West Africa, North Africa," *Encyclopedia of Women and Islamic Cultures [EWIC]* (2019); Basim Musallam, *Sex and Society in Islam: Birth Control before the Nineteenth Century* (Cambridge: Cambridge University Press, 1983); Vardit Rispler-Chaim, *Disability in Islamic Law* (Dordrecht: Springer Netherlands, 2007); Chantal Zabus, "Transing the Algerian Nation-State: Textual Transgender and Intersex from Pre-Independence to the Black Decade," *Acta Neophilologica* 52, nos. 1–2 (2019): 69–96; Dror Ze’evi, *Producing Desire: Changing Sexual Discourse in the Ottoman Middle East, 1500–1900* (Berkeley: University of California Press, 2006).
- ²⁵ For *fatwās*, see Alipour, "The Nexus between Gender-Confirming Surgery and Illness," 359–86. On the views of Muslim preachers, see Assim al-Hakeem, "Gender Identity in Islam (Male, Female, Transgender, Intersex, No Gender)," *assimalhakeem*, Accessed October 2023: <https://www.youtube.com/watch?v=pQoDE7tU7No>; Amer Jamil, "The Muslim Perspective on Transgender Ideology (LGBT)," *@UstAmerJamil*, Accessed October 2023: https://www.youtube.com/watch?v=oWF-b_rXwpU; Yasir Qadhi, "Rulings on Transgenderism in Islam," *EPIC MASJID*, Accessed October 2023: https://www.youtube.com/watch?v=iCsUXGz1_6I.
- ²⁶ Bouhdiba, *Sexuality in Islam*, 30–42; Sanders, "Gendering the Ungendered Body," 74–95.
- ²⁷ The other three sources are *al-Mukhtaṣar* of al-Qudūrī (d. 428/1036–37), *al-Hidāya* of al-Marghīnānī (d. 593/1196), and *al-Mabsūṭ fī fiqh al-imāmiyya* of al-Ṭūsī (d. 460/1067). In addition to legal sources, Sanders refers to *The Canon of Medicine (al-Qānūn fī l-Ṭibb)* of Ibn Sīnā (d. 428/1037) (Sanders, "Gendering the Ungendered Body," 76). Gesink argues that Muslim medical discourse demonstrates flexibility concerning gender or sex categories; see Gesink, "Intersex Bodies," 160–3.
- ²⁸ See, for example, Kecia Ali, *Sexual Ethics and Islam: Feminist Reflections on Qur’an, Ḥadīth, and Jurisprudence* (Oxford: Oneworld Publications, 2006), 114; Almarri, "‘You Have Made Her a Man among Men’," 581; Elizabeth M. Bucar, "Bodies at the Margins: The Case of Transsexuality in Catholic

- and Shia Ethics," *Journal of Religious Ethics* 38, no. 4 (2010): 601–15; Afsaneh Najmabadi, *Professing Selves: Transsexuality and Same-Sex Desire in Contemporary Iran* (Durham: Duke University Press, 2014), 177; Rispler-Chaim, *Disability in Islamic Law*, 70; Scalenghe, *Disability in the Ottoman Arab World*, 139–40; Zabidi, "Analytical Review of Contemporary Fatwas," 156; Ze'evi, *Producing Desire*, 9 and 23.
- ²⁹ See Everett K. Rowson, "The Categorization of Gender and Sexual Irregularity in Medieval Arabic Vice Lists," in *Body Guards*, eds. Julia Epstein and Kristina Straub (New York: Routledge, 1991): 50–79; idem, "Gender Irregularity as Entertainment: Institutionalized Transvestitism at the Caliphal Court in Medieval Baghdad," in *Gender and Difference in the Middle Ages*, eds. Sharon Farmer and Carol Braun Pasternack (Minneapolis: University of Minnesota Press, 2003): 45–72.
- ³⁰ Paula Sanders, "Hermaphrodites Revisited: A Reconsideration," (2008, unpublished), 4, Accessed October 2023: www.academia.edu/35003377 (site discontinued). Also, see Chapter One of this book.
- ³¹ Ibid.
- ³² Geissinger, "Islam and Discourses of Same-Sex Desire," 72–3. Also see idem, *Gender and Muslim Constructions of Exegetical Authority* (Leiden: Brill, 2015), 30–65; idem, "Applying Gender and Queer Theory to Pre-modern Sources," in *The Routledge Handbook of Islam and Gender*, ed. Justine Howe (London: Routledge, 2021): 101–15.
- ³³ Ibid. Geissinger's main sources for this conclusion are Thomas Laqueur and Dror Ze'evi; we note that scholars have questioned the universality of Laqueur's thesis. This may be a productive area of new inquiry in Islamic studies: Did Muslim physicians and theoreticians of conception historically regard women as imperfect males? Did they regard non-males as less than fully human?
- ³⁴ Gesink, "Intersex Bodies," 153.
- ³⁵ Ibid.
- ³⁶ Ibid., 154.
- ³⁷ Ibid., 153.
- ³⁸ Mehrdad Alipour, "Navigating Body Politics in Shi'i Legal Tradition: Examining Sayyid Kāzīm al-Yazdī's Account of Non-Binary Intersex," *Islamic Law and Society* 32, no. 3 (2025): 262–315. Also, see Alipour, "Transgender Identity." It should be noted that recently, Yacoob has examined the binary perspective primarily from a Ḥanafī legal standpoint. She contends that in classical Ḥanafī law males and females are not the only legal entities. Although legal personhood is partially influenced by gender, other social factors such as age, enslavement, and social status are significant (Saadia Yacoob, *Beyond the Binary: Gender and Legal Personhood in Islamic Law* [Berkeley: University of California Press, 2024]).
- ³⁹ Sara Scalenghe, *Disability in the Ottoman Arab World, 1500–1800* (Cambridge: Cambridge University Press, 2014), 132–6.
- ⁴⁰ Almarri, "'You Have Made Her a Man among Men'."
- ⁴¹ Sanders uses these terms with the full understanding that it is anachronistic to apply a modern conceptualisation of "intersex" to classical Muslim legal literature. She uses the term "gendering" to define the way in which classical Muslim jurists "constructed the *khunthā mushkil*...as a social person" (Sanders, "Gendering the Ungendered Body," 79).
- ⁴² See, for example, Gayle Rubin, "The Traffic in Women: Notes on the 'Political Economy' of Sex," in *Feminist Anthropology: A Reader*, ed. Ellen Lewin (Oxford: Wiley-Blackwell, 2006 [1975]): 87–106; Kate Millett, *Sexual Politics* (New York: Columbia University Press, 2016), 28–31; Claire Renzetti and Daniel Curran, "Sex-Role Socialization," in *Feminist Philosophies*, eds. Janet Kourany, James Sterba, and Rosemarie Tong (Englewood, NJ: Prentice Hall, 1992): 31–47; Nancy Chodorow, "Family Structure and Feminine Personality," in *Feminism and Philosophy: Essential Readings in Theory, Reinterpretation, and Application*, eds. Nancy Tuana and Rosemarie Tong (New York: Routledge,

2018 [1995]): 199–216; Catharine A. MacKinnon, *Toward a Feminist Theory of the State* (Cambridge: Harvard University Press, 1989), chaps. 7 and 12. Also see Simone de Beauvoir, *The Second Sex*, trans. Constance Borde and Sheila Malovany-Chevallier (New York: Random House, 2011 [1949]); Judith Butler, “Performative Acts and Gender Constitution,” in *The Performance Studies Reader*, ed. Henry Bial (London: Routledge, 2004 [1990]): 154–66; and idem, *Bodies That Matter: On the Discursive Limits of Sex* (London: Routledge, 2011 [1993]).

- ⁴³ For example, some scholars critique studies of gender that ignore the influence of nationality, ethnicity, and race (Elizabeth V. Spelman, *Inessential Woman* [Boston: Beacon Press, 1988]; Butler, *Gender Trouble*, chap. 1). Others object to the classification of sex as a matter of biology without social or cultural meaning (Anne Fausto-Sterling, “The Five Sexes: Revisited,” *The Sciences*, [July–August 2000]: 18–23). According to Fausto-Sterling, the binary notion of sex fails to include individuals with sex characteristics that do not fall into male and female categories (Anne Fausto-Sterling, “The Five Sexes: Why Male and Female Are Not Enough,” *The Sciences* 33, [1993]: 20–24). Butler holds that, like gender, sex is culturally constructed, and thus the distinction between the two is not clear (Judith Butler, *Gender Trouble*, 10–11). Other scholars hold that the sex/gender distinction is useless (Toril Moi, *What Is a Woman?* [Oxford: Oxford University Press, 1999], chap. 1; Tomas Bogardus, “Evaluating Arguments for the Sex/Gender Distinction,” *Philosophia* 48, [2020]: 873–92). There are other theories on sex and gender, including: sex/gender nominalism (Iris Marion Young, “Gender as Seriality: Thinking about Women as a Social Collective,” in *Intersecting Voices*, ed. I. M. Young [Princeton: Princeton University Press, 1997]: 12–37), the positionality approach (Linda Alcoff, *Visible Identities* [Oxford: Oxford University Press, 2006], chap. 5); and the beyond-binary position offered by queer theorists (Robin Dembroff, “Beyond Binary: Genderqueer as Critical Gender Kind,” *Philosopher’s Imprint* 20, [2020]: 1–23). For a review of different positions and controversies on this topic, see Mari Mikkola, “Feminist Perspectives on Sex and Gender,” in *The Stanford Encyclopedia of Philosophy*, eds. Edward N. Zalta and Uri Nodelman (Summer 2024 Edition).

- ⁴⁴ Butler, *Gender Trouble*, chap. 1: 3–44.

- ⁴⁵ Everett K. Rowson, “The Effeminate of Early Medina,” *Journal of the American Oriental Society* 111, no. 4 (1991): 671–93; Mehrdad Alipour, *Negotiating Homosexuality in Islam: A Legal-Hermeneutical Examination of Modern Shi’i Discourse* (Leiden: Brill, 2024), 107–13; idem, “Beyond Anachronism: Questioning Modern Gender and Sexuality Language in Classical Persian Literature,” in *Gender and Sexuality in Persian Literary and Religious Traditions: Embodied Encounters*, ed. A.A. Seyed-Gohrab (Leiden: Leiden University Press, 2026): 181–206.

- ⁴⁶ Franz Rosenthal, “Ar-Razi on the Hidden Illness,” *Bulletin of the History of Medicine* 52, no. 1 (1978): 45–60, at 54–5.

- ⁴⁷ Aristotle, “Politics,” in *The Complete Works of Aristotle: The Revised Oxford Translation*, ed. Jonathan Barnes, trans. Benjamin Jowett (Princeton: Princeton University Press, 2016), Book I: 3, 1253a7–18. Also, see Kristin Andrews and Susana Monsó, “Animal Cognition,” in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Spring 2021 Edition), Accessed April 2024: <https://plato.stanford.edu/archives/spr2021/entries/cognition-animal/>. Kietzmann does not attribute this common definition of ‘human’ to Aristotle (Christian Kietzmann, “Aristotle on the Definition of What It Is to Be Human,” in *Aristotle’s anthropology*, eds. Keil, Geert and Kreft, Nora [Cambridge: Cambridge University Press, 2021]: 25–43).

- ⁴⁸ According to this definition, “being animal” is also an essential element, referred to as ‘genus’ (*jins*), that humans share with other beasts. See, for example, Ibn Sinā, *Dānishnāma-yi ‘alā’ī* (Hamadan: Dānishgāhi Bū ‘Āli Sinā, 1383sh), 26; Naṣīr al-Dīn al-Ṭūsī, *Asās al-iqtibās* (Tehran: Intishārāt-i Dānishgāh-i Tehran, 1367sh), 29.

- ⁴⁹ al-Tūsī, *Asās al-iqtibās*, 30; Quṭb al-Dīn al-Shīrāzī, *Durrat al-tāj* (Tehran: Intishārāt-i Hikmat, 1369sh), 38; Muḥammad Riḍā al-Muẓaffar, *al-Manṭiq* (Qum: Mu'assasat al-Nashr al-Islāmī, 1430/1388sh), 96–7; 'Alī Kāshif al-Ghiṭā', *Naqd al-ārā' al-manṭiqiyya wa-ḥall^h mushkilātihā*, 2 vols. (Beirut: Mu'assasat al-Nu'mān li-l-Ṭibā'a wa-l-Nashr, 1411), 1: 132–3.
- ⁵⁰ See, for example, Abū Muḥammad 'Abd al-Ḥaqq Ibn 'Aṭīyya (d. 542/1147–48), *al-Muḥarrar al-wajīz fī tafsīr al-kitāb al-'azīz*, ed. 'Abd al-Salām 'Abd al-Shāfi Muḥammad, 6 vols. (Beirut: Dār al-Kutub al-'Ilmiyya, 1422/2001), 2: 4; Abū Bakr Ibn al-'Arabī (d. 543/1148–49), *Aḥkām al-Qur'ān*, 4 vols. (Beirut: Dār al-Kutub al-'Ilmiyya, 1424/2003), 4: 99; Muḥammad b. Aḥmad al-Qurtubī (d. 671/1273), *al-Jāmi' li-aḥkām al-Qur'ān*, 20 vols. (Cairo: Dār al-Kutub al-Miṣriyya, 1384/1964), 5: 2. These exegetes (*mufas-sirūn*), relying on verses such as Q. 4:1 and Q. 92:3, often hold that the human race consists of two types: males and females. Thus, according to them, *kunthās* do not constitute a distinct type but belong either to the male type or the female type. The exegete Makki b. Abī Ṭālib (d. 437/1045) also regards humans as either male or female and does not recognise a third category, although he does not use the term type (Makki b. Abī Ṭālib, *al-Hidāya ilā bulūgh al-nihāya fī 'ilm ma'ānī l-Qur'ān wa-tafsīrīh wa-aḥkāmīh wa-jumal min funūn 'ulūmīh*, 13 vols. [Sharjah: Kulliyat al-Sharī'a wa-l-dirāsāt al-Islāmiyya–Jāmi'at al-Sharjah, 1429/2008], 2: 211). Nevertheless, the Māliki jurist and exegete Abū Bakr Ibn al-'Arabī presents a different opinion in this regard (see footnote 64). In the Shi'i context, classical exegetes, such as 'Alī b. Ibrāhīm al-Qummī (d. after 307/919), Muḥammad b. Mas'ūd al-'Ayyashī (d. perhaps 320/932), al-Shaykh al-Tūsī (d. 460/1067), and al-Faḍl b. al-Ḥasan al-Ṭabrisī (d. 548/1154), in their discussions of relevant verses about the creation of male and female, such as Q. 4:1, Q. 42:49, and Q. 92:3, do not address the category of *kunthā*.
- ⁵¹ On *qism*, see, for example, Muḥammad b. Aḥmad Ibn Idrīs al-Ḥillī, *al-Sarā'ir al-ḥawī li-taḥrīr al-fatāwī*, 3 vols. (Qum: Mu'assasat al-Nashr al-Islāmī, 1410/1386sh), 3: 281; Yahyā b. Sharaf al-Nawawī (d. 676/1277), *al-Majmū' Sharḥ al-Muḥaddhab*, 20 vols. (Beirut: Dār al-Fikr, 1990), 2: 47. On *ṭabī'a*, see, for example, Shams al-Dīn Muḥammad b. Makki al-'Āmilī, *al-Durūs al-shar'iyya fī fiqh al-imāmīyya*, 3 vols. (Qum: Mu'assasat al-Nashr al-Islāmī, 1417), 2: 379; Zayn al-Dīn b. 'Alī al-Jubā'ī al-'Āmilī, *al-Rawḍa al-bahīyya fī sharḥ al-Lum'a al-dimashqīyya fī fiqh al-imāmīyya*, 2 vols. (Qum: Intishārāt-i Daftar-i Tabliqāt-i Islāmī, 1412/1373sh), 2: 332. On *khalq*, see, for example, Shams al-Dīn Muḥammad al-Ḥaṭṭāb al-Ru'aynī al-Māliki (d. 954/1547), *Mawāhib al-jalīl fī sharḥ Mukhtaṣar al-Khalīl*, 6 vols. (Beirut: Dār al-Fikr, 1412/1992), 6: 424. On *jins*, see, for example, Muḥammad b. Aḥmad al-Sarakhsī, *al-Mabsūt*, 30 vols. (Beirut: Dār al-Ma'rifa, 1414/1993), 13: 13.
- ⁵² For example, al-Rāzī alludes to both biological and behavioral characteristics to classify categories of humankind (Rosenthal, "Ar-Razi on the Hidden Illness," 54).
- ⁵³ For example, jurists propose a taxonomy of males and females in which each category is divided into two groups: free males and enslaved males, and free females and enslaved females. This is followed by another subdivision, categorising each group of free and enslaved males, as well as free and enslaved females, as either Muslims or non-Muslims. These taxonomies can be extended by considering, for instance, whether or not a non-Muslim male or female can be identified as the People of the Book (*ahl al-kitāb*).
- ⁵⁴ Geissinger, "Applying Gender and Queer Theory to Pre-modern Sources," 103.
- ⁵⁵ Al-Sarakhsī, *al-Mabsūt*, 10: 158; Muwaffaq al-Dīn Abū Muḥammad Ibn Qudāma al-Maqdisī (d. 620/1223), *al-Mughnī*, 10 vols. (Cairo: Maktabat al-Qāhira, 1388/1968), 7: 104; Ḥasan b. Yūsuf al-Ḥillī ('Allāma), *Tadhkirat al-fuqahā'*, 2 vols. (Tehran: al-Maktabat al-Murtaḍawiyya li-l-ḥyā' al-Āthār al-Ja'fariyya, 1388), 2: 574; 'Alī b. Ḥusayn 'Abd al-'Āli al-Karakī, *Jāmi' al-maqāṣid fī sharḥ al-Qawā'id*, 13 vols. (Qum: Mu'assasat Āl al-Bayt li-l-ḥyā' al-Turāth, 1414), 12: 36.
- ⁵⁶ For the *ḥadīths* on this matter, see Alipour, *Negotiating Homosexuality*, 110, n87.

- ⁵⁷ Ibid. Also, see Murtaḍā b. Muḥammad Amīn al-Anṣārī, *Makāsib al-muḥarrama*, 6 vols. (Qum: al-Majma' al-Fikr al-Islāmī, 1420), 1: 173–5.
- ⁵⁸ Ḥasan b. Yūsuf al-Hillī (Allāma), *Tahrīr al-aḥkām al-shar'iyya 'alā madhhab al-imāmiyya*, ed. Ibrāhīm al-Bahādūrī, 5 vols. (Qum: Mu'assasat al-Imām al-Ṣādiq, 1422), 1: 129–30; Najm al-Dīn Ja'far b. Ḥasan al-Hillī (Muḥaqqiq), *Sharā'i' al-islām fī masā'il al-ḥalāl wa-l-ḥarām*, 4 vols. (Qum: Nashr-i Istiqlāl, 1409/1367sh), 1: 96; Aḥmad al-Muqaddas al-Ardabīlī, *Majma' al-fā'ida wa-l-burhān fī sharḥ Irshād al-adhhān*. ed. Muḥtabā al-'Irāqī, 'Alīpanāh al-Ishtihārdī, and Ḥusayn al-Yazdī, 14 vols. (Qum, Iran: Mu'assasat al-Nashr al-Islāmī, 1422), 2: 446–7.
- ⁵⁹ See Alipour, “Navigating Body Politics in Shi'i Legal Tradition.”
- ⁶⁰ See, for example, Susannah Cornwall, “Bodily Rights and Gifts: Intersex, Abrahamic Religions and Human Rights,” *Culture, Health and Sexuality* 23, no. 4 (2021): 533–47; Max Strassfeld, *Trans Talmud: Androgynes and Eunuchs in Rabbinic Literature* (Berkeley: University of California Press, 2022).

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