

Transsexualism in Africa under the Guise of Human Rights and Freedom: A Philosophico-Theological Appraisal

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Abstract

Transsexualism is a difficult but vital topic to analyze objectively. In general, Africans see transsexualism as a modern phenomenon that diverges from African morality and religion. This paper examines the moral standing of transsexualism, which has been the subject of a contentious dispute among medical professionals, philosophers, theologians, religious academics, and ethicists. It uses philosophical and theological explanatory models to evaluate the moral standing of transsexualism. The research, which is literature-base, uses critical and descriptive methodologies to achieve its objectives. The research shows that people who contemplate transsexualism do so under the guise of born-free, co-creatorship, equality, nondiscriminatory rights and freedom, and the right to be recognized as a human person. It also shows that certain traditional African societies may not practise transsexualism, but they do have its external symptoms. The article posits that transsexuals and proponents of transsexualism should reason deeper and seek more objective explanations to understand the impact of the practise from the paradigms of philosophy, theology, and ethics in order to help them see value and redirect their lives.

Keywords: Africa, Transsexualism, Human Freedom and Rights, Morality, Philosophico-Theological.

1. Introduction

The history of medicine makes it clearly evident that ethical and scientific debates have always surrounded the practice of medicine. When it becomes apparent that these conflicts often entail philosophical and theological issues that are beyond the scope of their professional expertise, medical practitioners and related entities sometimes find themselves in awkward situations. The majority of ethical disagreements start on the presumption that the group's values, whether they come from a social class, the professional elite, or even a religious body, are obvious, and they make little or no attempt to comprehend the perspectives of opponents who have different competing value systems. Discussions on moral dilemmas in medicine have often been stalled by this kind of argumentation. One of the biggest problems facing governments, religious institutions, and the majority of non-governmental organisations in the modern world is how to keep people morally sane in the face of unusual behavioural trends that are speedily gaining social acceptance, especially among young people and teenagers. Lesbian, gay, bisexual, and transgender identification by the majority of people—young and old—in public is no longer news because many political authorities around the world have legalized these

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anti-social and inappropriate conducts under the cover of human freedom and rights, disregarding the moral ramifications and the subsequent rise in dangerous crimes (Johnson, 2007). Ironically, despite the fact that certain members of the religious clergy and cultural elites that ought to understand the trends have embraced them, these abhorrent social tendencies have seeped into many religious establishments across the world. And some people have gone so far as to commit some of the most abhorrent of these crimes, like same-sex marriage and similar practises. This challenge, which is unmistakably anti-society and anti-humanity, begs for a critical evaluation from theologians, religionists, ethicists, and philosophers.

Transsexualism, which is the subject of this research, has been the subject of a contentious dispute among medical professionals, theologians, religious academics, and ethicists for some time. There are people who support the practise on the one hand, while there are others who are against it on the other. It can be inferred from the many reasons put forth by those who are in favour and against transsexualism that these arguments are fundamentally based on the philosophical, theological, and religious worldviews of their respective proponents and opponents. But the discussion has been elitist, as usual. The majority of Africans, for example, are unable to engage in transsexualism with assurance and sincerity because of the complicated and opaque cultural, theological, moral, and ethical difficulties surrounding the practise. However, there is nothing particularly enigmatic about transsexualism. As a result, this paper offers a thorough philosophical and theological evaluation of the moral standing of transsexualism using critical and descriptive methodologies to help readers grasp it more thoroughly. The study discusses whether transsexualism has ever been practised in traditional African communities as well as how transsexualism is positioned within the framework of African humano-centricism (the African conception of the human being). The research employed various philosophical and theological explanatory models, including *imago Dei*, genuine human realization, human dignity, virtue ideals, utilitarian theory, beneficial effects and fairness, non-maleficence and freedom, and religious ethical beliefs, in order to evaluate the philosophico-theological issues associated with transsexualism.

2. Conceptualizing Transsexualism

Although the term "transgender" is frequently used to refer to transsexuals as well, many groups of people who identify as gender nonconforming reject the term. This demonstrates how self-identification differs from classifications imposed by onlookers. Cauldwell coined the word "transsexualism" in 1949, but Benjamin (1953, 13) popularized it in reaction to extensive media coverage of Christine Jorgensen's narrative, which had undergone gender reassignment surgery. Benjamin is sometimes referred to as the "father of transsexualism," but older instances of efforts to recreate the sex or gender of the body exist. Transsexualism, or transsexuality, as defined by Cohen-Kettenis and Gooren (1999), is regarded as the most severe form of gender identity disorder, marked among other things by a desire for "sex reassignment surgery" (SRS). According to Britannica (2023, 3), a kind of gender identification known as transsexuality occurs when a person feels they should be of the other sex. For instance, a transsexual person who originally identified as male and acted in a masculine way was born with natural female genitalia along with other secondary traits of the feminine sex. He typically has a sexual orientation that makes him attracted to other women. A transsexual is an individual who uses hormones to either boost or inhibit the traits of their preferred gender while physically transitioning from male to female or vice versa. A person who aspires to or has altered their appearance in order to transit from one particular sex to another is referred to as a transsexual (Penner, Cordero, & Nichols, 2023).

Although transgender people have existed since antiquity, the modern understanding of transgender identity as well as gender as a whole did not emerge until the mid-1900s (Glicksman, 2013). The topic of transgender people grew during the late 1800s, and most authors tried to explain how being transgender

came about. In a description of transgender Mexican shamans from 1882, William A. Hammond compared them to the Scythian sickness (Glicksman, 2013). Up until after World War II, native groups conducted extensive research on the issue. Magnus Hirschfeld initially used the word "transvestite" in 1910, at which point transgender concerns first surfaced in German in the late 1800s. The International Statistics Classification of Diseases (ICD) as well as other related health bodies no longer list transsexualism as a mental condition (Heylens et al., 2012). This elimination had been suggested by the World Professional Association for Transgender Health (WPATH) along with other transgender people. Transsexualism was renamed Gender Incongruence of Adolescence or Adulthood (HA60) in the ICD-11's eleventh edition, while gender identity disorder during childhood was renamed Gender Incongruence of Childhood (HA61) (Glicksman, 2013). Transsexualism was likewise replaced by a diagnosis of gender dysphoria in the latest edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-5) published by the American Psychiatric Association (Glicksman, 2013). Transsexual prevalence estimates range from 0.005 percent to 0.014 percent for men and from 0.002 percent to 0.003 percent for females, respectively (Wahng, 2024). According to the Amsterdam Gender Dysphoria Clinic, there are 1:10,000 assigned men and 1:30,000 assigned females per gender (De Cuypere, 2006). In a paper they presented during the WPATH 20th International Symposium in 2007. Olyslager and Conway (2007) argued that the results from their own and other studies genuinely implied a significantly higher incidence, based on the bare limits of 1:4,500 male-to-female transsexuals and 1:8,000 female-to-male transsexuals for a number of nations worldwide.

3. Arguments on Transsexualism in Human Society

The validity of transsexualism, the cause of it, as well as the appropriateness of surgical reassignment and other forms of therapy, have all been intensely debated topics of discussion. Transsexual surgery entails a hideous and drastic bodily modification that cannot mimic the physical characteristics or functions of the other sex. To maintain their transition, transsexuals require synthetic hormones, which might cause cancer (Saunders, 2005). These treatments entail a severe and horrifying body modification that cannot duplicate the anatomy or bodily functions of the other sex. Even after surgery, psychotherapy should be used to address the psychological state of transsexualism. Since no physiological cause has been found, psychotherapy should be used to treat it; hence, transsexuals need constant assistance and care even after surgery. According to Saunders (2005), transsexuals are unlikely to be able to join the rite of marriage legally because they will have significant psychological disorders and disfigured bodies. On the constitution of the position of a postoperatively transsexual, the Christian definition of marriage, for instance, states that the pair should be made up of a man and a woman. There are two arguments that may be generated: the psychological argument claiming biological sexuality is insufficient to consider on its own and the sociological argument that the acceptability of a gender role by the general public is independent of the person's "real" sex (O'Donovan, 1983). In addition, they are not going to be capable of having a genuine receptivity to life, the possibility of having children, or completing the union in its utmost display of love.

Surgery that deliberately compromises a patient's physical integrity must be denounced since it is disgusting and uncharitable. In addition to being denied identity documents, transgender people are frequently turned down by homeless shelters, excluded from possession of their children, fired from their jobs, fired from their homes, driven out of their homes, persecuted by authorities, and denied accessibility to sufficient single-sex services. According to Dickens (2020), this is particularly true in the United States, where transgender people frequently lack access to adequate single-sex services, are regularly refused identity documents, are barred from serving in the United States armed forces, are dismissed from their employment, are driven out of their houses, are turned out of homeless shelters, and are denied possession of their children. According to Sangama (2015), in India, Kerala becomes the first state that has implemented a

transgender policy. Transgender people struggle to carry out their daily activities and are unwilling to divulge their gender. The transgender population is often mocked and mistreated by traditional human society, and in public locations like train stations, bus stops, educational institutions, shopping centres, theatres, and hospitals, they are ignored and treated like outcasts. The moral failing stems from society's refusal to accept or contain various gender identities and manifestations; this mentality has to change.

Many transgender people continue to feel let down by the healthcare systems in their nations, whether these are private or public-health institutions, despite having legal rights under international law. They encounter homophobia as well as transphobic attitudes from medical professionals who are unfamiliar with their gender identities and often lack the training and resources necessary to provide them with the right treatment and guidance. Many people would rather forgo therapy than put up with embarrassment and privacy violations. Despite the fact that transgender people are at risk for HIV and AIDS, government campaigns to fight the illness often disregard them. Condoms, lubricants, and other forms of protection are often not easily accessible to them. Some have labelled transsexuals as "medical fakes" because of the sociomedical designed nature of transsexualism, which helps control a binary gender system (Hausman, 1995). According to McGuinness and Alghrani (2008), gender and sex may be seen from a biological and cultural perspective. Gender is more closely related to society and the environment than biological sex, which is related to a person's body. Gender-specific objects may be provided for children to play with and might be given to them. By adopting male pronouns in place of female pronouns, dressing as a male, and partaking in activities that are generally associated with males in that society, transgender persons identify differently from their biological sex (Pepper & Lorah, 2008). It is seen as a dated and even derogatory expression. A person's personality, expression, or role as male, female, androgynous, or non-binary may be ascribed to a collection of social, cultural, and linguistic standards known as gender.

According to medical specialists, sex is determined at birth based on how the genitalia look (Penner, Cordero, & Nichols, 2023). The urge to alter one's sex, known as transsexualism, often manifests throughout adolescence. Transsexuals might pretend to be the other sex, engage in transvestism, or have surgery to modify their appearance. Men may utilize hormones to stimulate breast development. While female transsexuals are typically lesbians, male transsexuals can be either homosexual or heterosexual. Although the full scope of transsexualism is unknown, the quantity of operations shows some indication. There are thought to be between one in 30,000 and one in 100,000 people. Transsexualism, a psychosis characterized by the logical organisation of delusions founded on incorrect premises, is a psychiatric illness. It is not inherently erotic. Transsexuals strongly believe that they belong to the other sex and reject the gender that has been given to them. They feel alienated from their bodies and disgusted by their genital organs because of the psychological incongruity of their position (Burns, 2009). They want to live as someone of the opposite gender and use hormones and surgery to alter their sexual characteristics. Gender identity issues are classified as mental illnesses, although this does not provide stigmatization or the right to get health insurance coverage for sex reassignment treatment in most developed nations. According to the Standards of Care (SOC) set out by the World Association of Professionals for Transgender Health, transsexual individuals must have a psychiatric assessment and be given an assessment of gender identity disorder (Janssen, 2020).

Though many religious traditions condemn transsexualism, they have firmly established stances on the treatment of transgender persons in their institutions or in society at large, and those that do tend to have been developed very recently. The theologically based worldviews that hold that humankind was formed by a divine entity that precisely made people male and female are at the root of much religious opposition to transgender as well as non-binary acceptance (Penner, Cordero, & Nichols, 2023). They believe that each person's biological sex is predetermined by divine will and is thus divinely predestined. That some people of religion regard individuals according to their given sex at birth and think that forcing them to recognize

another's gender identification is disloyal or untrue is thus not unexpected. Islam forbade the transgender issue from the very beginning of the religion's inception. In the prophet's hadith, the Islamic perspective on this matter is stated unambiguously. Islam adamantly claimed that there are two distinct types of human beings, each of whom is biologically solely related to a single gender identity, either male or female (Schmidtke, 1999). Nevertheless, the departure from the general formula does not rule out the possibility that something could go wrong, such as in the instance of ambiguous genitals. Contrasted with the transgender phenomena referred to as *mukhannas* as well as *mutarajjilt*, which are disorders and illnesses said to be brought on by depression, this is not the same (Gibtiah, 2014). These actions are absolutely prohibited in Islam because they are seen as deviations from the nature of humans and God's provisions. The Islamic religion, with its ethical teachings, serves as guidelines for its adherents. Islam categorically outlaws any practises intended to mimic the other sex, both in look and demeanour, particularly in the context of transgender people. Afif (2019) posits that the penalty for the offenders is exile from both their family and community since this is seen as a blatant breach of faith. The sentence for people who engaged in both aberrant and resembling sexual behaviour is generally the same as that for adultery. This is done to stop its perpetrators' harmful effects.

4. Transsexualism in African Worldview: Towards Humano-Centricism

African traditional theology, which has its roots in African culture, acknowledges God's transcendence, purity, justice, compassion, and omniscience, as well as the theocentricism of humanity or personality. These components are also prevalent in the practises and theologies of other faiths, including the Christian religion. In order to create knowledge portals that will strengthen global philosophy and address issues like devaluation, globalization, and injustice against women, more rigorous and innovative epistemic efforts are now required. This is because African philosophy is entering a new stage of development. Oyewumi (1997) said that the importance accorded to the body determines cultural relevance and the body's involvement in European culture. According to Asante (2019), black people's oppression is related to the meanings given to possessing a black body by white oppressors, while the oppression of women is rooted in the meanings given to possessing a female body by male oppressors. In the African context, the main argument against transsexualism is founded within the metaphysical and epistemological underpinnings of African reality, where the human person is seen as being completely linked to the community. In this sense, the individual is required to act in ways that encourage and advance the collective good in this community-centred society, which does not distinguish between an individual "I" and the collective "we". As a result, a successful moral entity must have a metaphysical orientation that is firmly rooted in the belief that each person is reliant on the beings of others rather than independent of them. The obligations due to those who are alive and future generations apply equally to the departed and future generations in the African sense. Human relationships are necessary for individuals to create strong connections of identification with one another. According to Senghor (cited in Matolino, 2017), refraining from taking part in the final act of producing life is bad for society since it jeopardizes both the chances for life and its natural cycle. In the context of African eschatology, transsexualism could jeopardize a gay person's interests in the afterlife because they would not have left behind a child from a fulfilling relationship due to sexuality distortion, which would have helped them gain entrance and advance what they liked in the world of the immortals. The damage that transsexualism and other of its likes (lesbian, gay, bisexual, transsexual, and intersex) do to society as a whole and to the interests of the individual makes them immoral.

The objections to transsexualism are a result of its harm to groups or individuals in society. The most crucial demerit of transsexualism is the disruption of African life's natural rhythm as well as the fact that it is unreasonable for it to demand a position in African cultures. To overcome this issue, it is critical to realize that

in a communitarian society, human beings cooperate because they believe what they accomplish is beneficial to both themselves and the community. This indicates that their decisions and efforts are focused on achieving that communal good. It is hard to determine who is on the other side of a cohesive group. One must comprehend what a really horrible offence against the greater good this situation would have proven to be in order to reach such a conclusion. Africans are not predisposed to live up to their society's standards of moral behaviour. For instance, transsexuals may act carelessly in their attempts to generate and maintain life, resulting in unsatisfying lives and filth. In ways that do not fit with their apparent failure, transsexuals who are unable to have children of their own are not condemned. This is carried out without intending to criminalize such nations. In accordance with the apparent failure, transsexualism is denounced in an African humano-context as a choice not to distort God-given sexuality. This stance attempts to address what the moral censure may be since it may only be of a sort that does not elicit a level of enthusiasm.

In her study, Mnyadi (2020) argues that *iZangoma* is an African traditional healer and investigates its spiritual impact on human sexual identity. Though he calls for an end to bias against ancestral control, homosexuality, and double stigmatization, it questions the notion that homosexuality or transsexualism never existed in Africa. According to Conner and Sparks (2014, 88), Hsu and Harris (2010), Lambrecht (2017), as well as Phiri (2016), African traditional healers (*iSangoma*) are seen as gatekeepers, people who spend their lives at the intersection of the material and spiritual worlds, and mediators who help maintain gender equality. According to Lambrecht (2017), an *iSangoma's* androgynous conduct and vivid dress code indicate their location between the physical and spiritual worlds, where they turn into boundary-wagging wanderers. According to Hsu and Harris (2010), a traditional healer's androgyny is important because it helps the patient establish a connection with their male and female ancestors, which promotes recovery. There is debate about *iZangoma's* sexual orientation. According to Ilesanmi (2013), an *iSangoma's* calling is based on their ability to procreate or their matrilineal ancestry. Women tend to be more perceptive, child-bearers, inventors, and caretakers than men are, and they also tend to be more resilient, tenacious, and compassionate. Male amaThwasa, who are often young and single, have a tendency to become gay when summoned to initiation. Derwent (cited in Ogana & Ojong, 2015) agrees with this assertion and claims that male *iZangoma* performed in manners that are generally associated with the feminine sex during ancestral ownership. The duties of the other sex are assumed by the male amaThwasa, who sits on the left side of the home.

Some African scholars, such as Ilesanmi (2013) and Ogana and Ojong (2015), contend that homosexuality originated in Africa before the human race migrated to other continents and that gays and transsexuals were respected as well as worshipped as representatives of the gods in various African societies. They also assert that historical depictions on African walls from antiquity show that our predecessors engaged in hemophilic passion, love, and intercourse. Contrary to popular assumption, same-sex relationships have occurred throughout history; they are not a modern invention. Homosexuality has always existed in Africa, according to Bertolt (2018), with South Africa being no exception. While Tamale (2014) and de Vos (2015) contend that homophobia is an outcome of people's fear of homosexuality and that the idea that the practise of homosexuality is not African but a manifestation of homophobia, African societies see androgynous initiates as gatekeepers or mediators who provide harmony between the sexes. These initiates are men who are capable of vibrating masculine energies as well as females who can vibrate female energies. Traditional healers are said to possess a crucial androgynous energy that enables them to travel between worlds and maintain their bodily form. Similarity in sex is not a need for healing abilities.

A significant African human rights instrument is the African Charter on Human Rights and the Rights of People (African Charter), which was pushed into existence in 1986. It outlines the core human rights that nations in Africa have recognized, including: According to Article 2, it is stated that everyone shall have the right to enjoy the freedoms and rights acknowledged and ensured in the present Charter, without regard to

any distinction of any kind, including that of ethnic background, colour, sex, language, religion, political opinion, as well as different viewpoints, national as well as social origin, fortune, birth, or other status." In accordance with Article 3(1), all people shall be equal under the law. Each and every person has a right to equal protection under the law, according to Article 3, Section 2. The universality of human rights is emphasized in these human rights accords. This implies that discrimination cannot be a justification for denying anyone the ability to enjoy their basic human rights. Everyone possesses the right to respect and equality in treatment.

5. Transsexualism under the Guise of Freedom and Human Rights

All people have the inherent right to human rights and freedoms, which include the freedom against slavery and torture, the fundamental right to liberty and life, the freedom of thought and speech, and the right to a job and an education. Transsexuals who consider it or engage in it do it for the sake of human rights and liberties. For example, they see the statements made by civil society and the UN on the encompassing nature of human rights and freedoms as safeguards. They use the guidelines outlined in several of these agreements when interpreting them. For instance, transsexuals and proponents of transsexualism base their arguments on the following tenets:

(1) Born-free and equality: This is the idea that everyone has freewill and the right to the full enjoyment of all human rights and that everyone is entitled to those rights regardless of sexual orientation or gender identity. When seen in the context of Kantian philosophy, sex reassignment surgery's current spike in popularity is logically absurd and immoral. According to Kant's ethical principle of universality, gender-reassignment surgery would result in paradoxes and absurdities since the extinction of the human species would quickly follow if all males had the procedure performed globally to make them all appear like women (Mendoza, 2021). A Kantian would thus claim that the procedure of sexual reassignment is morally wrong. The transgender population struggles with a variety of issues, including despair, suicidal thoughts, fear, embarrassment, and societal stigma. Once their gender identity is known, it is deemed impossible for them to live a respectable life. In order for transgender people to understand that they constitute an integral component of society and are not regarded as untouchables, actions must be taken to raise public awareness. They need to be mainstreamed through the development of an inclusive mindset in all aspects of life in order to solve their challenges.

(2) Nondiscriminatory human rights and freedom: the idea that everyone has the right to exercise all fundamental freedoms without facing discrimination on the grounds of one's sexuality or gender identity. Therefore, regardless of whether or not the exercise of another fundamental right is also impacted, everyone has a right to equal treatment before the law and equal protection under the law without first experiencing any such discrimination. This implies that the law forbids such discrimination and assures that everyone will get the same protection from it. For purposes of doubt, discrimination based on a person's sexuality or gender identification includes every distinction, exclusion, restriction, or preference founded on sexual orientation as well as gender identity that have the intention of undermining or preventing equal protection under the law and the recognition, enjoyment, or exercise of any fundamental freedoms or rights on an equal basis. According to the Universal Application of Fundamental Human Rights (2017), discrimination on the basis of sexual orientation or gender identity may be, and often is, exacerbated by discrimination on other bases such as gender, race, age, religion, disability, health, and economic position.

(3) The entitlement to be recognised as a person: the conviction that every individual possesses a fundamental right to be treated equally under the law everywhere. As a result, people with different sexual preferences and gender identities have the right to be treated equally under the law. In this regard, a person's

self-described gender, sexuality, and gender identity are fundamental components of who they are as a person and one of their most fundamental rights to dignity and freedom. Notably, no person should be required to undergo medical procedures, such as sex reassignment surgery, sterilisation, or hormonal therapy, in order to have their gender identity legally recognised. The legal acknowledgment of a person's gender identification cannot also be prevented by invoking a status like marriage or parenting.

It is obvious that gender identification is an illegal basis for discrimination under international law when taking into account the universal legal principles outlined above. As a result, transgender people feel and think they have a claim to the complete spectrum of human rights outlined in most international agreements, including the United Nations Charter. They similarly believe and contend that they have the right to the entire spectrum of human rights outlined in their nation's Constitution, free from any restrictions. This is true because everyone has the same access to human rights, regardless of their sexual orientation or gender identity. The African Commission on Human and People's Rights adopted a resolution in 2014 denouncing systematic assaults and human rights violations against people based on their sexual or gender identity, which include murder, rape, assault, arbitrary detention, and other forms of persecution. The African Commission encouraged member nations to enact legislation and utilize it to criminalize all types of violence directed against individuals based on their sexual orientation or gender identity. No matter how a person identifies or expresses their gender, everyone in society is entitled to fundamental rights and freedoms. Only South Africa has a constitution that explicitly prohibits discrimination on the basis of sex, gender, and sexual orientation. Many nations' constitutions forbid discrimination on the basis of sex, while others, like Swaziland, forbid it on the basis of gender. This does not imply that other states' constitutions do not provide constitutional protection to transgender individuals. In Southern Africa, steps are being taken to acknowledge and defend the fundamental liberties of the transgendered. The right to equality and the prohibition of discrimination on the basis of numerous factors, such as race or religion, are guaranteed by the constitutions of Botswana, Angola, Lesotho, Malawi, Mozambique, Namibia, the Republic of South Africa, Swaziland, Zambia, and Zimbabwe (The Universal Application of Fundamental Human Rights, 2017). Only South Africa has so far made same-sex unions' legal and provided gender reassignment surgery. In the African nations of South Africa and Namibia, transgender people may now request to have the gender designations on their identification papers changed.

Human freedom of defence would make it easier for individuals who identify as sex and gender diverse to have their rights upheld without having to appease preexisting legal, medical, and societal understandings of sex and gender. According to Winter (2009), arguments for human freedom would ultimately allow those who identify as sex and gender diverse to contest the systems of sex and gender knowledge. The fulfillment of all freedoms by persons whose identities are gender and sex different will continue to be hampered unless these knowledge frameworks are challenged. Although human rights agreements do not ensure that everyone will be treated with respect and dignity, they do establish normative values that impact and drive social change. Existing human rights treaties like the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) may be relied upon by those who identify as sex and gender diverse. These accords, however, impose application requirements in situations that are particular to individuals who have different sexes and genders, adding to their difficulties in achieving their human rights (Cowan, 2005). For instance, in order to guarantee that everyone, regardless of gender, age, or disability, may exercise their right to health, a government must establish certain laws and programmes.

According to Ottuh and Erhabor (2022), the foundation of international human rights legislation and the essence of the United Nations' mandate is the Universal Declaration of Human Rights. Despite these international standards, the lesbian, gay, bisexual, transsexual, and intersex (LGBTI) community continues to

face widespread discrimination and abuse throughout the world, as documented by the United Nations as well as national and regional human rights organisations for over twenty-five years. Inciting hatred, penalization, arbitrary detention, as well as imprisonment, mistreatment in imprisonment and medical settings, pervasive stigma, discrimination, harassment, and intimidation at places of employment and at home, in addition to education, health, housing, and obtaining public services, are among the examples of this. All of the nations that make up the United Nations have vowed to respect universal human rights principles, including through ratifying agreements that have legal force (Ottuh & Erhabor 2022). LGBTI rights violations have been regularly brought to the attention of United Nations human rights professionals, including a variety of treaty monitoring organisations and special processes, who have also given advice on how states should uphold their duties within international law on human rights. For instance, the Human Rights Committee repeatedly called for Members to take action against acts of violence and prejudice against LGBTI persons and encouraged States Parties to ensure equal rights for all people, irrespective of their gender identity or sexual orientation. The non-discrimination promise of the Covenant covers sexual orientation, gender identity, and intersex status, according to the Standing Committee on Economic, Social, and Cultural Rights (United Nations, 2016). Additionally, the United Nations Committee on the Rights and Freedoms of the Child interprets Article 2's right against discrimination.

Maintaining the rights of transgender people is more important than ever. Laws governing toilet preferences are mostly symbolic; transsexuals still face prejudice in other significant areas, including employment, housing, and having access to healthcare (Stotzer, 2009). Support for transgender rights requires persuasive arguments and concentrated action, but in the present political atmosphere, which arguments are most potent and generally applicable? The lesbian, gay, bisexual, and transgender (LGBT) community sometimes uses "born that way" justifications to support their claims that sexual orientation as well as gender identity are intrinsic, unchangeable, or unrelated to choice. This criticism, however, pertains to transgender rights since they lack a strong scientific or logical foundation and instead depend on flimsy premises. Human rights-based arguments, however, have a stronger foundation. The freedom to express one's sexual orientation or gender identity in whatever way is at the heart of transgender rights. Transgender rights depend on choice, and "born that way" defenses are readily refuted by logic and empirical data. The most significant points within this piece of writing are actually that transgender rights derive from human rights and that people with transgender identities need to live fulfilling lives in their communities alongside the freedom to study, work, fall in love, and play. Since religion is essentially a personal choice, the First Amendment of the United States guarantees religious freedom. Although it is unlikely that transgender individuals merely choose their gender identities, it is crucial that associated decisions regarding how to express their gender are backed by our laws and policies. Advocates for transgender rights should steer clear of illogical arguments and those who downplay the most recent gender identity research.

6. A Philosophico-Theological Appraisal

In order to assess the philosophico-theological issues surrounding transsexualism, the research used a variety of philosophical as well as theological explanatory theories, such as *imago dei*, genuine human realization, dignity for humans, virtue principles, the theory of utilitarianism, beneficial consequences and justice, benignity and autonomy, and religious moral principles.

6.1 *Imago dei*

The phrase "Image of God" in Genesis 1:27 is translated "*Imago Dei*" in Latin. It is a metaphysical statement that is peculiar to human beings and represents the spiritual affinity between God and humankind. In this sense, humans are a reflection of God's divine essence since they are capable of achieving the distinctive qualities that have been given to them. This encompasses the ability for human self-actualization, creative

freedom, and the possibility of self-transcendence. Because if human beings are somewhat capable of loving God, then they must also love other humans, the *imago Dei* doctrine has clear moral ramifications in the context of transsexualism. This freedom provides the human-centeredness and completion that make it possible for humans to achieve their full potential and take part in a holy reality. However, the freedom that results in separation from God, as in the case of transsexualism, negates the *Imago Dei* doctrine. From another viewpoint, one may argue that building one's self may be a collaborative exercise in reaffirming the *Imago Dei*. Thus, the *Imago Dei* of Genesis is often used as a weapon against transgender, intersex, and non-binary people. From the perspective of Ottuh and Idemudia (2020b), however, the Bible does not claim that the Creator exclusively created cisgender or binary people or that God made the human race in a single manner.

6.2 Genuine human realization

Genuine human realization (GHR) is an ethical principle championed by Celestina Isiramen that she used to appraise the ethical or moral status of a human's personhood. The ethics of "GHR" are predicated on the notion that the human being is a creature of God, endowed with freedom and rights, and striving to serve a role in human society and to attain a close relationship with ultimate reality (Isiramen & Akhilomen, 1998). In this sense, humans work to enlighten their consciences by considering their objectives and priorities as well as the specific conditions, dangers, and unique repercussions of a given action. This value system is also expressed in moral laws. As a result, Ottuh (2021) contends that moral reasoning is personalist in that it is practical and clever in its pursuit of its aims. Genuine human realization can manifest in self-realization (S-r) and self-actualization (S-a). Self-realization is a challenging process that entails overcoming obstacles and developing emotional and behavioural self-control, while each person has a development incentive called "self-actualization" that stems from a desire to realize their own psychological potentials. These ethics place a strong emphasis on the need to value all facets of human awareness, to continually overcome obstacles, and to achieve S-r and S-a.

6.3 Dignity for humans

Human dignity is a fundamental commitment to human value, and it is treated as the foundation of human rights and freedoms as it has implications for legal, moral, and political governance (Beitz, 2013). Human rights or freedoms, including their universality, may result in limitations for certain people, such as transsexuals, due to obligations that are consistent with those rights and freedoms. This human rights and freedom trait highlights the necessity for an ethical rationale. In this sense, respect for plurality and particularity is shown by addressing the issue of how human rights and freedoms may be justified. Therefore, the basis underpinning particularity in the above sense is laid by human dignity and rights, which see all people as distinct individuals rather than as members of a group. Furthermore, the idea of adaptation aids in understanding how human dignity and rights, which serve as their cornerstone, interact with particularity in nature. A moral rationale and respect for human dignity are necessary for rights for all humans and their universality. Due to the distorting nature of human physiology and sexuality, transsexualism is believed to violate human dignity in all its ramifications. Nevertheless, there are good reasons why such a far-reaching concept of human dignity should be primary in theological and philosophical thinking, and for this reason, human dignity is likely to remain a component of normative discourse in the context of human rights and freedoms despite its problematic characteristics.

6.4 Virtue principles

Virtues are the attitudes, tendencies, or personality qualities that allow individuals to be and behave in ways that help them realize this potential. People may follow the ideas they have chosen to live by virtue.

According to Ottuh and Idjakpo (2021), virtues include things like sincerity, bravery, empathy, compassion, generosity, loyalty, integrity, justice, self-control, and wisdom. The pursuit of particular values, including excellence or commitment to the universal good, is what is referred to as practicing virtue ethics. These ideals allow for the complete development of humankind. These ideals are developed through careful consideration of what humans are capable of becoming. In the framework of the virtue principle, living a moral life entails more than only adhering to moral principles and developing the ability to use them in various contexts. The pursuit of character development both within one's own community and in the communities of other humans is a crucial component of living a moral life. According to this new interpretation of virtue tenets, transsexualism is an insult to what is noble about people. This is due to the fact that transsexualism is a form of conversion therapy that actually entails surgically redesigning an individual from one specific category to another. The categorizations and conversion procedures have been constructed in such a manner that reclassification is completely independent of alterations in the person's sexual choice, their experience with sexual desires, and their sexual identities.

6.5 Utilitarianism

According to the utilitarian moral tenet, everyone has a responsibility to act in a way that will benefit the largest number of people. Simply put, transplantation is a medically acceptable solution for the physical issue of transsexualism. Here, relationships are encouraged by feminist moral theory; however, there is a limit to how much others may be taken into account while making such a significant choice in life. Utilitarian philosophers contend that one should be permitted to have gender re-assignment surgery (GReS) in the event that they firmly identify as transsexual and choose to do so in defiance of the preferences of their siblings, parents, spouses, or children (Hume, 2011). For adult patients experiencing long-term gender identity instability, GReS is ethically acceptable as long as it does not put financial strain on relatives, if the patient can afford it, and if the decision to undergo the procedure is made wholly on their own volition. Thus, this position defeats the counterarguments that surgery is a band-aid solution to a deeper issue, eliminating healthy organs is immoral, and transsexuality should not be contemplated or addressed with surgery.

6.6 Beneficial consequences and justice

Because there are few mental health professionals skilled in trans-affirmative mental healthcare, there is a weak power imbalance between transgender individuals and mental health professionals. This could make patients wary during early consultations, resulting in a weak power differential (Lodha & Desousa, 2018). Although transgender patients have the same rights to healthcare resources, they are more likely to utilize mental health services and health insurance. For Ottuh, Ottuh, and Aitufe (2014), equity or justice is an organizing principle used to structure relationships, social positions, and the rights of all humans in a moral and inclusive society.

6.7 Benignity and autonomy

Healthcare professionals should evaluate any gaps in their understanding and acceptance of patients who identify as gender nonconforming and reflect on how they handle gender identity and the patient experience. According to Lodha and Desousa (2018), patients who identify as transgender possess the right to have their chosen name and gender identity documented, to have their self-identification recognised by personnel, and to collaborate with their healthcare professionals on healthcare choices with their informed permission. For transsexuals, the idea of a private life includes the freedom to cultivate their unique identities and form connections with others. This involves having the freedom to engage in vital economic, social, cultural, and recreational activities. Public authorities may sometimes need to assist you in exercising your rights to a

personal life, which includes your capacity to engage in social activities. By using this freedom, they may stop others and the media from meddling in their lives. Additionally, it means that any personal information pertaining to them, such as official documents, pictures, letters, diaries, and medical records, needs to be kept securely and should not be disclosed without their consent, save in certain unavoidable situations. However, there are some circumstances in which the government may impede someone's ability to respect their right to a private life, including their family, home, and correspondence. This is only permitted when duly constituted authorities can demonstrate that their actions are proper, required, and reasonable in order to safeguard the economy, the safety of the nation, morality, health, and other people's rights and freedoms, as well as to avoid disruption or criminality. Although religion is not a state system in Nigeria, it serves as an indicator of ethical behaviour in the country's daily life. It is clear that a state's intellectual foundations indicate the significance of divinity. It demonstrates how religious society and its people are. Ottuh and Idjakpo (2021) argue that it is necessary to review anything that goes against moral principles, particularly those derived from the Christian Bible. Therefore, it could be said that in this instance, various social and cultural contexts of society have historically influenced the United Nations Declaration of Human Rights. First, most nations have restrictions on the exercise of human rights, which forbid violating the rights of others. Second, society and religious morals and ideals impose restrictions on human freedom. The United Nations Universal Declaration of Human Rights does not possess or produce these religious beliefs and morals.

6.8 Religious moral principles

According to Campbell, Hinton, Jordan, and Anderson (2019), religions may embrace transgender people or reject gender diversity. The conversion experienced by an Ethiopian eunuch demonstrates how the New Testament views eunuchs as appropriate prospects for evangelism and baptism (Mbuwayesango, 2016). The 1992-released Catholic Church Catechism does not specifically address transgender concerns. Sex-change operations do not alter a person's gender in the eyes of the Church, according to a private letter provided to church leaders in 2000 by the Catholic Congregation for the Doctrine of the Faith. Gender studies, according to Pope Benedict XVI, might cause the human race's "self-destruction" since they obfuscate the line between men and women. Pope Francis claimed that biological gender and the socio-cultural function of sex may be differentiated but not separated in 2015, the same year the Vatican decreed that transgender Catholics are not permitted to serve as godparents. Different Catholics have taken a variety of stances on transgender-related problems. As a result of Vatican II, it is posited that a human being is a unity made up of body and spirit, and as such, he or she must hold the body in high respect and see it as good, according to the "Pastoral Constitution" concerning the Church in the contemporary world (Norton, 2011). Human bodies, which are the sanctuaries that house the Holy Spirit, should not be debased by engaging in sin, as St. Paul rightly warned (1 Cor. 6:16, 19). Additionally, the Church declares that direct, intended mutilations, sterilizations, and amputations performed on innocent people are morally wrong. From 1700 BC until 1924 AD, castrating male bodies for royal duties was a common practise in China. They had a lengthy history, a thriving community, and a prominent position in society. They may have been transgender or another gendered variant, but their cultural heritage is significant to Chinese culture regardless of their gender identity.

Since many faiths are founded on the principles of harmony, affection, and tolerance, they encourage intergroup pro-sociality, at least when seen in the context of their particular teachings and values. According to Ottuh (2022), research on religion as well as social attitudes has ironically shown that religion tends to predict the majority of prejudice. In other words, this supports, Ottuh and Jemegbe's (2020) postulation that religion is generally an indicator of intergroup anti-sociality. When considering faith in relation to claimed categorical religious affiliation, such as Christian, Muslim, and Jewish, those who identify as religiously linked are more likely than those who do not report having unfavourable views towards a range of social outgroups.

Additionally, the majority of Abrahamic religions (Christianity, Judaism, and the Islamic faith) contain dogmas according to which their respective deities created humankind with people who were effectively established in the gender binary (such as Adam and Eve), thus suggesting that religions may be influencing adherents to adopt cisgender normatively (Ottuh & Idemudia, 2020a). To attain peace, one must learn to accept and tolerate differences in gender, colour, religion, and other aspects of life. To advance towards a fair, diverse, and accepting society and an improved, more peaceful planet, one must work together.

7. Conclusion

So far, the research has shown that people who contemplate transsexualism do so under the guise of born-free and equality, nondiscriminatory rights and freedom, and the right to be recognized as a human person. It also shows that although certain traditional African cultures may not practise transsexualism, they do have its external symptoms. Most facets of traditional African beliefs about life and the human person, according to this argument, have been replaced by technical development, biomedical discoveries, and many life philosophies that are foreign to African culture as well as faiths. The *imago Dei*, authentic human realization, dignity for people, virtue ideals, utilitarianism, positive outcomes and equity, benignity, and freedom, in addition to religious ethical views, are some of the main philosophical and theological paradigms used to analyze the transsexualism phenomenon. These frameworks force contemporary Africans to address issues related to transsexualism and uncover essential freedoms and rights hidden under the cloak of spiritual convictions and ideologies. Transsexuals see their sexual orientation as a misunderstood term and characterize it as both an anatomical or physiological construct as well as a reflection of their pride or perception of modernity. Whether or not dominant proponents of transsexualism support it or not, Africans, moral philosophers, and theologians consider it an affront to moral society. Thus, proponents of transsexualism and transsexuals are challenged to reason deeper and seek more objective explanations in order to comprehend the impact of the practise, especially as it affects their sense of natural sexuality. Transsexuals need assistance to help them see value and redirect their lives. Their conditions need compassion, spiritual counseling, and psychological treatment. This will help them confront their human conditions and the effects of their behaviour, including recognizing their own value and deflecting their attention from obsession.

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