

Muslim Moral Instruction on Homosexuality

Most Muslims (and non-Muslims) believe that Islam prohibits any same-sex sexual activity and that homosexuality is irreconcilable with being Muslim. As a result, Muslim lesbian, gay, and bisexual (LGB) young people often struggle to reconcile their sexual orientation with their cultural or religious identities and the consequences of their “coming out” (or being “found out”) can be extremely harsh. In addition, stereotypical ideas of LGB people and Muslims reinforce prejudices and misconceptions in both LGB and Muslim communities. This, in turn, contributes to the stigmatisation and discrimination faced by Muslims, LGB people, and Muslim LGB people alike. Education and dialogue on religion and homosexuality is important in order to encourage a better understanding and mutual respect amongst individuals and communities as well as to empower Muslim LGB young people to deal with the questions and issues they face.

There is great diversity in how Muslims experience and view Islam. Some talk about “Islam” when referring to a particular culture or certain traditions, others use the word “Islam” to refer to the practice of religious rituals, *shari’ah* (classical Muslim law), a certain type of spirituality or a political viewpoint. Therefore, when discussing the topic of homosexuality and Islam it is important to clarify firstly what is meant by “Islam” by the various participants, and secondly to acknowledge that there may be variety in what Muslims consider a correct and acceptable moral instruction.

When speaking of Muslim moral (or legal) instructions, most traditional or conservative Muslims will refer to *shari’ah* (classical Muslim law) as their guidance. However, many modern Muslims chose to base their morality on the Quran itself or on Islam’s spiritual message. *Shari’ah* is a body of rules, norms, and laws according to which, from a traditional viewpoint, Muslims (are supposed to) live their lives. The *shari’ah* rules are largely moral or religious, carrying consequences only in the hereafter. However, some *shari’ah* rules are also considered to be punishable in the here and now, although most Muslim scholars agree that these punishments

should only be executed in “true Muslim societies” ran by “true Muslim governments” and are, therefore, not applicable in modern states.

Shari'ah developed somewhere between the eight and ninth century AD in various Muslim schools of thought where legal and religious rules were derived from the Quran and *hadith*. *Hadith* are recounts of the practices and sayings of the Prophet Muhammad that had been passed on from generation to generation. Although *shari'ah* is presented by some conservative Muslim scholars as a monolithic set of rules, it actually includes a variety of opinions between the original schools of thought and differing opinions of individual scholars. It also reflects regional influences and local customs. The process of understanding and formulating legal and religious rules from the Quran and *hadith* is known as “interpretation” (*ijtihad*). Traditional Muslim scholars believe that somewhere between the tenth and the fourteenth centuries “the gate of *ijtihad*” was closed, preventing new interpretations of the Quran (or *hadith*) being recognised as *shari'ah*. This idea has made it difficult for progressive Muslim scholars to challenge rules and morals of *shari'ah* that were shaped in the social contexts of previous centuries.

Generally it can be said that according to *shari'ah* sexual relations are only allowed within a heterosexual marriage. Therefore, most sexual relations outside of marriage qualify as adultery or fornication, both of which are sinful and punishable by flogging for unmarried men and women, or death for married men and women. Some traditional Muslim scholars have argued that lesbian or gay sexual relations would always take place outside of a marriage (as recognised by *shari'ah*) and, therefore, the *shari'ah* prohibition of heterosexual adultery and fornication also applies to all same-sex sexual relations. However, most traditional Muslim scholars base their opinion that homosexuality is sinful on the basis of Quranic verses, in particular the story of Lut (similar but not identical to the story of Lot in the Bible) and/or on several *hadith*. As the Quran does not specify any punishment for same-sex sexuality in these verses, some scholars refer back to the *shari'ah* rules on heterosexual adultery or fornication.

They, therefore, argue that anal sex between men, as considered equivalent to heterosexual intercourse, is punishable by one hundred whiplashes for an unmarried man and death by stoning for a married man. Other traditional scholars have ruled that “sodomy” between men is always punishable by death for both partners, whether married or not, based on a *hadith*. The punishment of toppling a wall on two men who practised “sodomy,” which is sometimes reported, particularly in Afghanistan, is based on another *hadith*. Most traditional scholars also hold that sexual contacts other than anal sex between men and sexual relations between women are sinful. This is based on analogies to *shari’ah* rules prohibiting illicit heterosexual sexual activities other than full intercourse as well as on *hadith*. Sexual activities between men other than anal sex or sexual activities between women are usually considered punishable by flogging.

Today only few Muslim countries have legal systems that are entirely based on *shari’ah*. Nine countries have laws in place that prescribe the death penalty for same-sex sexual activities: Afghanistan, Arab Emirates, Chechnya, Iran, Mauritania, Pakistan, Saudi Arabia, Sudan, and Yemen. Reports of official executions are rare, although prosecutions and harassment of LGB people by the police and authorities does take place regularly, as it does in many non-Muslim countries. Many other countries (Muslim and non-Muslim), use secular laws (often deriving from colonial times) to prosecute LGB people, allowing for punishments such as imprisonment, hard labour and fines.

In Egypt, for example, there are no laws specifically prohibiting homosexuality, but since 2001 many gay men have been arrested, charged and convicted for “the habitual practice of debauchery,” which is part of a law on prostitution. These arrests include young people like 15-year-old Mahmoud who was apprehended along with fifty-two other men aboard the Queen boat, a Cairo restaurant/discotheque on the Nile in May 2001. He was forced to undergo a medical examination that proved he had practiced anal sex. The court stated that he had confessed to “practicing homosexuality and being a member of a gay organization,” but Mahmoud pleaded

innocent at the trial, arguing his confessions were made under duress and torture during interrogation. Initially he was convicted to the maximum penalty of three years imprisonment followed by three years of probation by the Cairo Juvenile Court, but seven months after his arrest, the sentence was reduced on appeal to six months jail and six months probation.

Another case involved a 19-year-old Egyptian student who was arrested by the Vice Squad as he stood on a Cairo street. He had allegedly arranged a face-to-face encounter with a man he had met on the Internet, who turned out to be a police informer. He underwent humiliating medical examinations and ill-treatment whilst awaiting trial. His initial conviction was eventually overturned.

Although *shari'ah* remains (at least in theory) the moral guidance for traditional and conservative Muslims, many Muslims actually believe that it is each individual's responsibility to live in accordance with *shari'ah*. Moreover, an increasing number of Muslims do not look to *shari'ah* but to the Quran itself or to Islam's spiritual message for their moral guidance. This development, sometimes referred to as "progressive Islam," includes Muslim reformists and feminists who argue that *shari'ah*, unlike the Quran, is merely an understanding of Islam that has been influenced by traditional customs and social values of the historical time in which it was formulated. In addition, feminist scholars have also asserted that the formulation of *shari'ah* was carried out mostly by men, reflecting a male understanding and experience, that led to a gender bias in *shari'ah* that justified (and continues to justify) patriarchal practices.

Feminist Muslim scholars also point out that much of the ideas of male superiority over women in *shari'ah* is largely based on *hadith* whilst the Quran itself generally affirms women's rights and equality. They question the reliability of these *hadith*, which they believe to have been strongly influenced by patriarchal prejudices. Even amongst traditional Muslim scholars, there are many differing opinions on which *hadith* are reliable. Most progressive Muslims, therefore,

concentrate their studies on the Quran as the only reliable and most important text on which to base Muslim morality.

Having acknowledged *shari'ah* as a historical understanding of Islam and having reduced the importance of *hadith*, progressive Muslim scholars have developed new Muslim ethical frameworks through various methods. For example, feminist Muslim scholars have re-interpreted Quranic verses placing them in their socio-historical context, demonstrating that Islam actually expanded and enforced women's rights and envisaged equality between men and women. Some progressive Muslim scholars have developed approaches that go beyond the re-interpretation of the Quran. They see the *Quran* as two types of documents within one: the first relating to the socio-economic issues at the time of the *Quran's* revelation; the second embodying the spiritual or ethical message of Islam. They believe that the spiritual message of Islam and principles of justice underlying the Quran should form the basis of a modern Muslim moral framework. The development of progressive Muslim scholarship has provided a context in which to explore issues in relation to gender and sexuality, including homosexuality.

Some Muslim scholars point out that the Quran and early Muslim scholars actually dealt with (hetero) sexuality quite openly and positively. However, some feminist scholars argue that this "positive approach" to sexuality amongst classical Muslim scholars, mostly (or only) affirms masculine heterosexual experience. Reformist and feminist Muslim scholars challenge the idea that Islam requires men and women to live in accordance with prescribed gender roles or impedes women from controlling their sexuality. Progressive and feminist Muslim scholars have explored issues such as women's rights in family laws, women's control over reproduction, violence against women including honour crimes, and HIV/AIDS.

A few Muslim scholars have built upon this work to question the assumption that homosexuality is always an un-Islamic expression of love and sexuality. They have analysed the Quranic verses that are said to refer to male homosexuality, and have re-interpreted and

examined these verses using reformist and feminist techniques of interpretation. According to these scholars, the word “homosexuality” is not mentioned in the Quran and the interpretation of the words used are reflecting pre-conceived assumptions about the meaning of the story of Lut and prejudiced views of homosexuality. The words that are mentioned in the Quran include: *fahisha* (7:80 & 27:54 – lewdness, indecency, atrocity, gruesome deeds); *khabaidh* (21:74 - improper or unseemly things); *munkar* (29:29 - that which is reprehensible), and *sayyi'aat* (11:78 - bad or evil deeds).

The word *fahisha* is most often quoted as referring to anal sex or homosexuality. Although most scholars reinterpreting these verses acknowledge that this term can possibly be understood to include anal sex or homosexuality, they point out that it does not refer explicitly or only to homosexuality but actually to illicit sexual behaviour in general. Therefore, these progressive scholars argue that the story of Lut is not specifically about homosexuality or same-sex relationships. They believe that the story is about people taking part in widespread unlawful sexual behaviour, possibly including anal sex (which can also occur in a heterosexual relationship), but also engaging promiscuity, bestiality, paedophilia, and rape as well as inhospitality towards guests, abuse of power, and intimidation. In short, these scholars hold that the condemnations of the people of Lut are not about condemning loving and mutually respectful relationships between men or between women.

With regards to lesbian sexuality very little scholarly work has been done by progressive Muslim scholars. Some extend their conclusions regarding what the Quran says about male homosexuality to female homosexuality. The only verse in the Quran that is sometimes cited by traditional scholars to refer to lesbian sexuality is verse 15 of Surah An-Nisa'a. In this verse, reference is made to women committing indecency or lewdness (*fahisha*), but again there is no clear indication of what exactly this indecency is. Most scholars do believe it suggests some form of sexual indiscretion, such as adultery or fornication and possibly lesbian sexuality, but usually

the verse is understood to refer to prostitution. Therefore, or otherwise, the Quran is said to be silent on sexual relationships between women.

A few progressive Muslim scholars have argued that it may be possible for Muslims to view same-sex relationships positively. They refer, for example, to gender-neutral verses in the Quran affirming the importance of companionship and love between people, not just between a man and a woman. They argue that an affirmation of these relationships through a form of a Muslim “marriage” or “union” could be possible within a progressive Muslim framework.

Although the number of Muslims that would find the latter an acceptable view (or experience) of Islam is still extremely limited, it is empowering for Muslim LGB young people to be aware of the possibilities explored by these Muslim scholars. Discovering and accepting one’s own as well as other people’s identities can be difficult, but exploring the variations that exist within -often stereotyped- identities can be a helpful tool. Many Muslim LGB young people find themselves caught between a Muslim community that rejects LGB people and an LGB community that scorns Muslims and Islam. A better understanding and mutual respect within and between these communities are crucial for LGB Muslim youth as well as for Muslims and LGB communities in general. Some ways of working towards this are: acknowledging that “prejudice is prejudice” in whatever form; breaking down stereotypes and acknowledging diversities of opinion, and most of all, respecting each other’s beliefs, choices and life experiences - between communities and well as within communities.

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Safra Project Website. Accessed July 20, 2004. <<http://www.safraproject.org/sgi-intro.htm>> Resource on issues relating to lesbian, bisexual, transgender, queer, and questioning women who identify as Muslim religiously and/or culturally. It includes a section dealing with progressive and feminist views on “Sexuality, Gender & Islam” and other relevant social and legal information. Queer Sexuality and Identity in The Qur'an and the Hadith. Faris Malik, Accessed July 20, 2004. <<http://www.well.com/user/aquarius/Qurannotes.htm>> Source of information on, and analysis of, Quranic verses and *hadith* relating to homosexuality.

Al Fatiha Foundation Website. Accessed August 2, 2004. <http://www.al-fatiha.net>> Based in the USA, this organisation is dedicated to Muslims who are lesbian, gay, bisexual,

transgender, intersex, questioning, those exploring their sexual orientation or gender identity, and their allies, families and friends. Al-Fatiha promotes the progressive Islamic notions of peace, equality, and justice.

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