Islam and Homosexuality:
How Islamic Modernists are working for Reform within Islam

a paper by
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In partial fulfillment for the requirements of the course

HCH676G
Theological Issues in the History of Christian-Muslim Relations
(via Distance Education)
The Lutheran Theological Seminary in Philadelphia
Spring Semester 2016
The Rev. Dr. David D. Grafton, Professor

May 6, 2016
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Scholars in the contemporary period have not lived up to the standards and frankness of pre-modern Islamic scholars, and much work has yet to be done on the question of sexuality in Islamic scripture, law, and society. Many scholars and Islamic leaders in the present shy away from honest discussions of sex and sexuality, with all its promise and problems. Muslims in pre-modern times certainly were not shy about discussing matters of sex, so why should we be prudish?

Scott Siraj al-Haqq Kugle
Sexuality, Diversity, and Ethics in the Agenda of Progressive Muslims
Dedication

To

Amar
My son-in-law
who is Egyptian and Muslim
who said it was my daughter (1981-2016) who first opened his eyes
to the truth

and

To

Jim
A gay Christian and world traveler
who is a lover of
Muslims and Arabs
everywhere
INTRODUCTION

Historical Context
North America and Europeans have entered the post-modern era, while the Islamic world is still adjusting to modernity. In the 19th century, with foundational changes occurring in the social, ecumenical and philosophical spheres of society because of industrialization, mobilization and urbanization, Europeans and North Americans moved from the medieval era into the modern period. Belief in the scientific method displaced belief in God. Secularism became the new religion.

During colonization, modernist imperialists brought industrial development and urbanization to countries they occupied to export, to the motherland, resources harvested, leaving the overall population without an entrance into, though exposed to, modernity. When independence came to these countries during the 20th century, leaders had to determine how their county would enter into modernity. “This dilemma continues to impact the non-Western world and particularly the Islamic world.”

Muslims responded, generally, in four ways: The Secularist embraces modernity in its entirety; the Modernist, through reforms, seeks a state that is both modern and Islamic; the Traditionalist (Sunni and Shi’ite) rejects the secular state and seeks a life modeled after the Qur’an, Hadith and the Shari’a. Revivalists (or Fundamentalists) seek to reform all of Islam into an Islamic fundamentalist state.

The Islamic authors presented in this paper, would, presumably all be Modernists.

Potential Christian Counterparts and My Christian Theological Perspective

In my paper, in the footnotes, I introduce two Queer Theologians with whom I am sympathetic (Bob Goss and Dale Martin), and who, like their Muslim counterparts, have scholarly addressed their sacred texts on this topic. In addition, contributors to The Queer Bible Commentary (2006) are, indeed, counterparts to pro-LGBT Islam. I give some space to discuss Romans 1 and 2 in context with some aspects of the history of Islamic Spain.

Ministry Context

I work as the Executive Director of Other Sheep (www.othersheepexecsite.com), an ecumenical inter-faith Christian organization that works worldwide for the full inclusion of LGBT people of faith within their respective faith traditions. Other Sheep is a networking ministry “. . . connecting people with people and people with resources . . . ” Since 2005, I have travelled in over 30 countries representing, and working, the ministry of Other Sheep. Hence, my scope of ministry in the words of John Wesley: the world is my parish. My focus is, along with the Muslims presented in this paper, reform.

Words such as Shari’a and Hadith, as they appear in this paper, are written in the various forms (sharia, Shari’a, shari’a, Hadith, hadith, hadith) in which the author, being cited, wrote them.

Muslim Outcasts and the Tent of Islam

Gay American Muslims

“With heartbreaking desire,” countless LGBT Muslims in the United States2 “long to find a way back home, ‘to the tent of Islam.’” But ostracized still, they find themselves indefinitely victimized by “stigma, discrimination, self-hate and disassociation from familial, cultural and religious institutions.”3 LGBT-inclusive Muslim spaces simply do not exist in the ‘Mainstream’ Islamic world.4

Some 2015 Worldwide Anti-Gay Muslim Incidences

In October 2015, in the semi-autonomous Aceh province of northwest Indonesia, on the tip of the Sumatra Island, “a pair of young women . . . hugging in public” were arrested by Islamic law (Sharia) police.5

According to the recent January, 2016, year-end Human Rights Watch News report for 2015, new Sharia laws enacted in the sovereign state of Brunei, situated on the north coast of the island of Borneo in Southeast Asia,6 “call for public lashing, imprisonment and even the death penalty for same-sex

2 Of the “number of immigrants living in the United States . . . 27 percent are Muslim and 19 percent are Christian.” Wesley Granberg-Michaelson, From Times Square to Timbuktu: The Post-Christian West Meets the Non-Western Church (Grand Rapids, Michigan: Wm. B. Eerdmans Publishing Co., 2013), 82. According to Prothero, “. . . there are likely more Muslims than Episcopalians in the United States . . . ” Muslims are part of what he describes as “. . . the vitality of non-Christian religions in the United States . . . ,” and along with Mormons and two other world religions, Muslims “have . . . claimed to understand Christianity better than the nation’s cultural and religious insiders.” Stephen Prothero, American Jesus: How the Son of God Became a National Icon (New York: Farrar, Straus and Giroux, 2003), 6, 301.

3 An example of disassociation (based on reasons from religion, specifically Islam) at the level of the United Nations: Ali Abdussaiam Treki (1937-2015) of Libya, President of the United Nations General Assembly from September 2009 to September 2010, in response to a question asked him at the outset of his UN presidential term concerning “the UN resolution which calls for the universal decriminalization of homosexuality,” said: “As a Muslim, I am not in favor of it . . . at all. I think it’s not really acceptable by our religion, our tradition. [Some think] it is a kind of democracy . . . I think it is not.” See Other Sheep. “Other Sheep eNews 2009 09 26 Progressive Muslims on Homosexuality.” Accessed May 3, 2016. http://othersheep.org/Other_Sheep_eNews_2009_09_26_Progressive_Muslims_on_Homosexuality.doc


6 In Asia, in the first decade of the new millennium - the 21st century, the Christian community grew at a faster rate than the Muslim community. The Christian’s growth rate was 2.4, and the Muslims’ was 1.7. The Muslim community numbers 1 billion people in Asia, and the Christian numbers 350 million people. It is estimated that by the year 2025, the Christian community in Asia will grow to 450 million. See Wesley Granberg-Michaelson, From Times Square to Timbuktu: The Post-Christian West Meets the Non-Western Church (Grand Rapids, Michigan: Wm. B. Eerdmans Publishing Co., 2013), 9.
In the same year-end report, in 2015, Egypt was cited for “imprison[ing] gay men and transgender women on ‘debauchery’ charges;” Morocco “routinely imprisoned men accused of homosexuality;” and “a Malaysian federal court reversed a ruling that had found unconstitutional a Sharia (Islamic law) provision that forbids ‘a male person posing as a woman.”

In the 12 northern Muslim states of Nigeria, where Sharia law is in force, “homosexual acts are punishable by imprisonment, caning, or death by stoning.” In Nigeria, in 2015, no executions were reported by pro-LGBT activists.

The Internet, according to Semerdjian (“Islam,” 2007) has become a highway for “vibrant discussions,” between Muslims, on homosexuality. Semerdjian sites three websites: Al-Fatiha, Queer Jihad, and Mohja Kaft’s Sex in the Umma. The first, now defunct according to Muslim activist Urooj Arshad, had a membership of almost 4,5000 Internet users at the time of Semerdjian’s article. The second is “more of a forum for discussion for gay men of all faiths.” The third is “an invigorating Web site that posts creative pieces written by Muslim Americans discussing sexuality, veiling, and homosexuality in Islam.”

What Price for Religious Freedom under Islamic Rule?

In Islam-dominated societies where Shari’a is in effect, religious freedom for the “protected people” comes at the expense of being fully incorporated into society.

7 In a BBC news item dated April 2014, the Sultan of Brunei, in announcing the new “tough Islamic penal code,” said: “Today... I place my faith in and am grateful to Allah the almighty to announce that tomorrow, Thursday 1 May 2014, will see the enforcement of Sharia law phase one, to be followed by the other phases,” AFP news agency quoted him as saying. The penal code will be introduced over three years, with offences in the first phase covered by fines and prison sentences, the Brunei Times reported. Amputations come under the second phase, and stoning, for crimes including adultery and homosexual acts, under the third phase.”


11 http://www.well.com/user/queerjhd/

12 http://mohjakahf.weebly.com/ is the closest I could come to finding the site “Mohja Kaft’s Sex in the Umma.” I don’t know if the link I’ve given here is related to the site cited above, but it sure is a dandy! and very much related to the topic at hand.

13 I’m not sure how this statement – “at the expense of full incorporation into society” – plays out in Ghana where according to the president of the Council of Independent Churches of Ghana, Apostle S.T. Doku, Muslims and Christians in Ghana live peacefully and harmoniously together. See Wesley Granberg-Michaelson, From Times Square to Timbuktu: The Post-Christian West Meets the Non-Western Church (Grand Rapids, Michigan: Wm. B. Eerdmans Publishing Co., 2013), 157. Mark Noll, Professor of History at Notre Dame, notes that “some of the bitterest civil conflicts of the past decades” in Africa have taken place, geographically, “in the top third of the
Pakistan

In *International Religious Freedom Advocacy: A Guide to Organizations, Law and NGOs* published in 2009, the authors highlight Pakistan’s North West Frontier Province (NWFP) as “a study in contradiction” where, on the one hand, “religious tolerance” under “Islamic rule” characterized the region so that “Christian minorities were protected, new churches built and interfaith dialogues hosted.” But on the other hand, religious minorities suffered a “more subtle discrimination in the form of economic and educational disempowerment.”

Malaysia

Zainah Anwar is the executive director of Sisters in Islam. She lives in Malaysia and supports the need for reform. She says, “in a country where Islam is used as a source of law and public policy, religious authority can no longer claim monopoly over the interpretation and meaning of Islam.” In other words, “the concept of public morality” and “moral policing” is “extremely difficult to define within Malaysia’s multiethnic, multireligious, pluralistic, and democratic society.”

Lebanon

In Lebanon, Helmick observes that Christians “were free to maintain their religious faith but were expected to leave all responsibility for the public affairs of society to Muslims.” He reasons that “the way the root traditions of Islam validate the legitimacy of the religious faith of the other Peoples of the Book . . . [...] . . . [is] constricted by the relatively primitive political technology of that early time [i.e., 7th century Arabia, inception of Islam].”

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16 Cochrane, concerning himself with the issue of religion and the making of “a healthy and strong civil society,” postulates that “particular religious communities may well damage” the health of a society by exercising “exclusive control over particular norms” or “through . . . denial of other norms.” Open-ended communications foil under such conditions. See James R. Cochrane, “Instruments of Inhibitors of Civil Society? The Role of Christians in the Formation of Public Policy.” In *Religions, Conflict, and Democracy in Modern Africa: The Role of Civil Society in Political Engagement*, edited by Samuel K. Elolia (Eugene, OR: Wipf and Stock Publishers, 2012), 242, 245.
18 Unlike Western Christendom, Islam “had no equivalent” of the royal element (regnum) and the priestly element (sacerdotium) in society, which was “so crucial in the history of Western Christendom.” Instead, Muslims, under the Prophet Muhammad, “became at once a political and a religious community, with the Prophet as head of state.” See Bernard Lewis, *The Crisis of Islam: Holy War and Unholy Terror* (London: Phoenix, 2004). London: Phoenix, 2004), 5.
Islamic Law,\textsuperscript{19} Homosexuality and the need to Reform Attitudes

Expressed concern over Shari’a

In modern times, Shari’a has been more fully applied “in a number of countries (e.g., Libya, Pakistan, Sudan, and northern Nigeria\textsuperscript{20},) most dramatically and successfully in the Islamic Republic of Iran (1979).” In view of this, both Muslims and non-Muslims have expressed real concern: “[U]nless drastically reinterpreted, Islamic law will adversely affect the rights of such classes as women, homosexuals\textsuperscript{21} and other Muslim minorities,\textsuperscript{22} and non-Muslims\textsuperscript{23}.” Liberal Muslims have made efforts “to reform Islamic law” in these areas of concern. However, to date their efforts have “failed to gain popular support.”\textsuperscript{24}

Reform through theological accommodations

Jim Wafer, borrowing his ideas from Khalid Duran, a Muslim scholar who “address[es] homosexuality as


\textsuperscript{20} Nigerian Muslims and Sharia: “... Khilafat (the political extremists) who believe that Islam is a total way of life, social political change is desirable. ... For this reason, Muslims must work towards the establishment of a dar al Islam (Islamic State). Muslims of this credo do not believe that it is possible to practice Islam when a non-Muslim holds political power. [...] This mentality of some Nigerian Muslims shows how precarious religion can sometimes manifest itself as an agent of social change ... this sort of dysfunctional role of the Islamic religion in the Nigerian society ...”. Manus, Ukachukwu Chris Manus and Bolaji Olukemi Batey, “Religion and Social Change in Multi-Ethnic Nigerian Society,” in Religion, Conflict, and Democracy in Modern Africa: The Role of Civil Society in Political Engagement, edited by Samuel K. Elobia, Samuel K. Eugene (OR: Wipf and Stock Publishers, 2012), 291-292.

\textsuperscript{21} “[U]nder Sharia in northern Nigeria] the rights of persons living on the fringes of Muslim society, for instance ... homosexuals can never be guaranteed” [emphasis mine]. The attempt of sharia here to get rid of moral decadence is only at best-skin deep, since the privacy of rich men, who hide in five star hotels with their concubines and prostitutes, is guaranteed.” Umar Habila Danfulani, “Shari’a, Democracy, and Civil Society: The Case of Northern Nigeria,” in Religion, Conflict, and Democracy in Modern Africa: The Role of Civil Society in Political Engagement, edited by Samuel K. Elobia. Eugene (OR: Wipf and Stock Publishers, 2012), 319.

\textsuperscript{22} Marginalized Muslim husbands: In Maradi, Niger, Muslim husbands, as well as Christian husbands, who do not produce children within their marriage, are “accused by others ... of being a homosexual.” Cooper attributes the dual legacy of a Muslim environment and the teachings of fundamentalist [Christian] missionaries to the extreme homophobia” she witnessed in Maradi among Christians. Barbara M. Cooper, Evangelical Christians in the Muslim Sahel (Indianapolis: Indiana University Press, 2006), 392.

\textsuperscript{23} Non-Muslims: “The governor of Yobe State ... that he would start compelling non-Muslim women to put on head cover [emphasis mine]. ... This is a misuse of power by the Governor of Yobe.” Yushau Sodiq, “Nigerian Civil Government and the Application of Islamic Law: Can Conflict Lead to Accommodation?” in Religion, Conflict, and Democracy in Modern Africa: The Role of Civil Society in Political Engagement, edited by E Elobia, Samuel K. (Eugene, OR: Wipf and Stock Publishers, 2012), 355.

a human rights issue,” says, when it comes to reforming attitudes “in countries where Islam is the
dominant religion” the answer is not “secular arguments,” but “‘theological accommodation’ with
Islam.” Specifically, Duran is calling for two things: a “new shari’a comparatively detached from the
social climate of seventh-century Arabia” and an emphasis on “the ethical principles of freedom and
justice enunciated by the Prophet Muhammad in Mecca.” Any approach other than this, coming from
the West (like “human rights” per se), will “result in a backlash against what is perceived as an attempt to
impose the values of the former colonial powers.”

Homosexuality in the Lives of Medieval Muslims

Homophobic Christian Spain in 693
Christian Spain, fearful of God’s judgement due to homosexuality in its midst, in 693 enacted
ecclesiastical and civil laws against homosexuality – with castration and excommunication for its just
merits.

A “gay-friendly” Islamic invasion of Spain in 711
Ironically, almost twenty years later, homophobic Christian Spain found itself in the clutches a 711
invasion of Islamic armies, “military representatives of a culture never hostile to homosexuality.” The
700 year rule of Islam in southern Spain that followed was “a brilliant era of intellectual, religious, and
sexual tolerance” during which homoerotic literature flowered and homosexuality was generally
accepted.

Homoeotropic poetry and prose in Medieval Arabic world, especially in Spain
Boswell discusses homoerotic poetry and prose, and the same-sex unions they represent, in Cordoba
and Spain under Islamic rule, from the 8th century to the 12th century. During this time period, what
was true in Cordoba – “the largest city in the West in the 9th and 10th centuries,” amazing Christians
and Muslims alike with “its wealth and sophistication” – was true in the Arabic-speaking world in
general: Throughout the Arabic world, “Arabic poetry and prose . . . treated gay people and their
sexuality with respect or casual acceptance.” But “in early medieval Spain this tendency was if anything
exaggerated. Erotic verse about ostensibly homosexual relationships constitutes the bulk of published
Hispano-Arabic poetry.” Homoerotic love, in Spain, was celebrated between ruler and subject, poet and

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26 On sexual tolerance, see the example of Muhammad (d. 631) who had died just 80 years before the Islamic armies invaded Spain: Mohammed, who had as many as twelve wives at one time, was a polygamist. Polygamy, however, was an accepted norm of his day. The Qur’an permits a man to marry up to four wives with the stipulation that he must be able to care for them all equally (4:3). The shari’a, in addition to the four wives allowed by the Qur’an, permits a man to legally marry an unlimited number of concubines for a specified amount of time, “be it a day or fifty years, and the marriage tie is dissolved when the time expires.” Miller, William McElwee. “Islam.” In Religions in a Changing World, ed. by Howard F. Vos, 61-88. Chicago: Moody Press, 1959.
27 Byrne Fone, Homophobia: A History (New York: Picador USA, 2000), 120-121.
poet, teacher and student, and the everyday citizen who himself wrote, or repeated these, love poems. 29

A Significant Corollary Between Paul and Hrosvitha in their Reference to Same-sex Sex

Hrosvitha’s narrative poem
Louis Crompton provides for us the name of the Cordoba caliph, ‘Abd al-Rahman that Boswell writes about in some detail [pages 198-200]30 without naming the caliph. The caliph’s love-interests in “a young [male] Christian hostage,” who repeatedly refused the sexual advances of the caliph, were immortalized in a narrative poem by a German nun called Hrosvitha. Boswell asserts that “Hroswitha meant to make no theological statement about homosexual acts . . .” It was not “unnatural for men to relate sexually to men but simply ‘unseemly’ for Christian men to relate in any personal way to pagan men.” Crompton summarizes Hrosvitha: She “condemned Arab lust [not same-sex sex as per Boswell] and glorified Christian chastity.”31

It’s not about sex: How Paul and Hrosvitha are saying the same thing
There is an interesting parallel in thought here between the Apostle Paul and Hrosvitha. Compare Boswell [200] on Hrosvitha with Elizabeth Stuart [96]32 on Paul in Romans 1. Just as Hrosvitha is not distinguishing between homosexual lusts and heterosexual chastity, but rather what is “unseemly” with what is “seemly,” i.e., that the “young [male] Christian hostage” would be a witness to the Islamic caliph, so, too, Paul is distinguishing between Gentiles and Jews, between their “clean” and “unclean” practices, and not between homosexuals (as “unnatural”) and heterosexuals (as “natural”).

Moral Superiority and Homosexuality: Jews over Gentiles, Christians over Muslims

Muslim interest in homoeroticism, indicative of their inferiority
Citing As’ad AbuKhalil and Lewis Bernard in his article “The Will Not to Know: Islamic Accommodations of Male Homosexuality,” Murray ostensibly concludes that, in part, “the medieval Christian animus for homosexuality was probably a product of culturally backward Europeans searching for reasons to feel superior to Muslim civilizations” [emphasis mine]. Whatever the probable cause, the fact remains: “As

29 Boswell illustrates this, giving us love poems and stories from various stations in life, from kings and califs (al-Mutamid of 11th century Seville, and Abd al-Rahan who ruled Cordoba in the 10th century) to subjects, teachers and poets. Of his page, the king of Seville wrote: “I made him my slave, but the coyness of his glance has made me his prisoner, so that we are both at once slave and master to each other.” Boswell notes that “Islamic society has generally ignored” the Qu’ranic texts and “early religious writings of Islam” on homosexuality. “[M]ost Muslim cultures,” he says, “have treated homosexuality with indifference, if not admiration.”
30 Christianity, Social Tolerance, and Homosexuality, 198-200.
a marker of the Muslim enemy, homosexuality became a part of antagonistic acculturation, an oft-underlined-by-Christians ‘moral superiority’ to Muslims. . .”

**Jewish superiority over Gentiles, like medieval Christians to Muslims**

It is interesting to note that the first century Jewish-Gentile dynamic, in this context of same-gender sex acts (Romans 1) in which the Jews saw themselves morally superior to the Gentiles (Romans 2), mirrors Murray’s medieval Christian-Muslim dynamic in which the Christians, in this context of same-gender sex acts, saw themselves as morally superior to the Muslims, i.e., “they do it, we don’t.”

**How Paul baits and hooks his Jewish reader in Romans 1 and 2**

Queer Theologians have related Paul’s Romans 1 content (“against nature,” the sense of which is “contrary to accepted norms”) to the larger context of Romans chapter 2 in which Paul slams the Jews for their estimation of themselves as superior to Gentiles, in part, because of their disgust for Gentile same-gender sex acts. Romans chapter 2 ties back into Romans chapter 1 where Paul initially, and now obviously in light of chapter 2, baited and hooked his Jewish readers (in Romans 1) to bring them to a critical sense of self-examination in Romans 2. “Therefore you [Paul’s Jewish readership] have no excuse, everyone of you who passes judgment [on the Gentiles of chapter 1], for in that which you judge another, you condemn yourself; for you who judge practice the same things [including same-gender sex acts? or less specifically, a reference to similar things?]” (Romans 2:1, NASB).

**The Islamic Version of “Don’t Ask Don’t Tell”**

**Arabic men and gay sex: Without fear and restraint**

According to Murray, in his discussion on homosexuality and “the will not to know,” because the Islamic Arab world is “very much into the family unit,” Arab men, if they fulfill their duties as husband and father, are “free to do whatever they want and this is not questioned” – and this includes same-sex sex acts. “And since nobody talks about homosexuality, they don’t have to fear somebody is going to say this – or even think this about them.”

**Everyone does it in Iran**

Murray tells of one Tehran native who reports that “[e]very man in Iran is involved in male-to-male sex, because premarital [heterosexual] sex and sex outside marriage are not only a sin, but are also very difficult [to find].” Here, this Iranian man perceives “homosexual behavior” in Iran as (allegedly) universally practiced.

**Customary not to talk about other people, to care for yourself**

Murray, citing a Norwegian anthropologist as his source, informs us that the Islamic Mediterranean world is characterized by a “preference for avoiding direct confrontation of other people’s failings” since “[t]he world is imperfect; people are created with dissimilar natures, and are likewise imperfect. It is up to every person to behave as correctly – i.e., tactfully, politely, hospitably, morally, and amicably – as

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possible in all the different encounters in which he engages, *rather than to demand such things of others*” [emphasis mine].

Normative standards, public consent

“The will not to know” is a given mindset, according to Murray, “in Arab and other Islamic societies.” Generally speaking, it is a rule of thumb that “everyone successfully avoids public recognition (let alone discussion!) of deviations from normative standards – sexual or other.”

Scott Siraj al-Haqq Kugle: A Modernist Approach to Homosexuality in Islam

Overview and Why sex is so important and How we got here

In his scholarly essay on “Sexuality, Diversity, and Ethics in the Agenda of Progressive Muslims,” Scott Siraj al-Haqq Kugle defines and demonstrates a hermeneutical approach (the science of interpretation) by which he is able to reassess what the Qur’an, hadith and Islamic law say and do not say about homosexuality. In turn, on the basis of his findings, Kugle affirms and celebrates gay Muslims, and accordingly, challenges the Islamic community to independently evaluate his approach and theology.

In his opening paragraphs, Kugle introduces us to an Islamic faith that traditionally, unlike many other religions comparatively speaking, “has evaluated sexual life positively.” He cites the Prophet Muhammad, Imam al-Ghazali (1058-1111) and “the whole tradition of Islamic scholars” as examples for present day Muslims to emulate in maintaining “a frank discussion” on “sexual pleasure and the complex relationships it creates.” Kugle sees interplay between our sex lives and our public and political lives, the former having a consequential impact upon the latter (Kugle calls this the “intimate citizenship”). Sexuality is “more than lust;” it is a gauge “of our core being,” touching upon every aspect

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34 In terms of the penal code, this “will not to know” is compounded by the provision for “severe punishment [of the accusers] for [an] unproven accusation.” Citing Jehoeda Sofer, Murry shows that according to Islamic law, “only oral testimony by eye witnesses is admitted. Four trustworthy Muslim men must testify that they have seen ‘the key entering the key hole’ or the culprit must confess four times.”


of our inner and outer existence. Today's critical focus on “sex and sexuality” “in Islamic scripture, law, and society” is an outgrowth of feminism and its discussion on gender and male dominance.  

Sexuality and erotic life among Muslims  
In his first segment, “Sexuality and Erotic Life Among Muslims,” Kugle begins by asserting, then elaborating on, two main ideas: (1) “sexuality is a field where spirituality plays out;” and (2) the Islamic heaven is “sensually delightful and even sexually blissful.” For his first main idea, Kugle references (a) “Tunisian sociologist” Abdelwahab Bouhdiba on “connecting erosicism with spirituality;” (b) Muhammad’s saying “Three things were made beloved to me in this world of yours: women, perfume and prayer;” (c) ‘Ali Muttaqu’s (d. 1567) comments on “a man’s sexual play with his partner;” (d) “[S]exual relations through informal contract” (ex: “ownership in slavery”); and (e) the Qur’an’s acceptance of “non-procreative sexual acts” (2:223). For his second main idea, Kugle quotes Bouhdiba: “. . . to make the quest for orgasm an essential aim of earthly life and even of the life to come . . .”

Kugle’s foregoing discussion on eroticism and sexuality leads him to assert that, in spite of “the heterosexist assumption,” sexual desire has not always been “only between a man and a woman.” He concludes this segment with the “radical notion, that Islam does not address homosexuality” and, therefore, all assumptions aside, one must make “room for an educated and sensitive dialogue” on homosexuality. To move the conversation to the foreground, he notes the following as incentives: (1) “new biological knowledge about genetics;” (2) “sociological knowledge about personality development” (3) the work of “Muslim feminist scholars;” (4) the “opportunity to return to the sources of Islamic religious belief (“the Qur’an, the prophetic traditions, and the decisions of Islamic jurists”); and (5) “a keen sense of justice” and “a firm hold on reason.”

He finishes this segment with a simple hermeneutical principle: “We must be instantly suspicious of statements like ‘Islam says . . . ‘ or ‘The Shari’ah says . . .’ as if these abstractions actually speak. Things do not speak. Only people speak.”

Diversity and sexuality in the Qur’an  
In his second segment, on “Diversity and Sexuality in the Qur’an,” Kugle, to drive home a point, begins by drawing an analogy between what the gay community may or may not know about the origin and the original use of the word “homosexuality” (medical clinics initially used the word “to identify a ‘deviant’ sexuality in order to classify people”) and what the Islamic religious community, in general, may or may

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38 “Sexuality, Diversity and Ethics,” Kugle summarizes: “Sexual play was not limited to marital relations, but was permissible in other kinds of contractual relationships,” 193 (book page), 3 (PDF page).
40 Cf. Christian theologian Dale Martin: “Texts do not interpret themselves; they must be interpreted by human beings. To repeat a slogan I have often used . . . ‘Texts don’t mean. People mean with texts.’ Thus much of my work has been an attempt to disabuse people of the myth of textual agency.” Dale Martin, Sex and the Single Savior: Gender and Sexuality in Biblical Interpretation (Louisville, Kentucky: Westminster John Knox Press, 2006), 1.
not know about its “basic principles.” The point is, present day Islam’s “dominant interpretations may not be in accord with” the Qur’an “at its most basic level.”

One of the underlying principles of Islam is “the Qur’an’s positive assessment of diversity” in chiefly two areas: “in creation and in human societies.” Kugle enumerates and discusses the following diversities, all of which the Qur’an celebrates: (1) many prophets (outside of Islam) – diversity in religion; (2) “diversity in tribal, ethnic, and national groups” (49:13); (3) “diversity in physical appearance, constitution, stature, and color of human beings” as well as “in inward disposition and personality”; (4) the male-female “binary construction of gender,” and hermaphrodites.

In this context of Qur’anic diversity, Kugle asks “whether [or not] the Qur’an accepts diversity in sexual disposition and orientation.” Because of “the Qur’an’s vivid portrayal of diversity at so many levels . . . the burden of proof,” he says, is with those who “deny that sexual diversity is part of the created world.”

In arguing for Qur’anic sexual diversity, Kugle cites “men who are not in need of women” (Surat al-Nur 24:30). Kugle then collaborates this Qur’anic verse with the Prophet Muhammad’s acceptance of “these men-who-acted-like-woman” in Medina. Kugle highlights that it is very important before moving forward in the discussion, to acknowledge, as reasonable, the conclusion that “the Qur’an accepts the existence of diversity in sexuality and sexual orientation.”

Raising a red flag here, Kugle cautions Muslims against the unscriptural (un-Qur’anic) use of ‘natural’ and ‘unnatural’ in their discussion of heterosexuality and homosexuality. Kugle contrasts the European Christian and their approach to homosexuality “as ‘natural’ versus ‘unnatural,’” with the Qur’anic approach to diversity “in creation and in human society.”

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41 Cf. Christian theologian Chris Glaser: “. . . we must be governed by the Bible’s broadest themes. Choosing life, liberation from oppression, salvation from sin, God’s redemption in Jesus Christ, loving God and neighbor, the community of faith – all these . . . are important concepts for understanding how God welcomes us home [the LGBT Christian who regains his faith] . . . Within this broader context, what does or doesn’t the Bible say about homosexuality?” Chris Glaser, Come Home! Reclaiming Spirituality and Community as Gays and Lesbians (second edition, Gaithersburg, MD: Chi Rho Press, 1998) 31.

42 “Sexuality, Diversity and Ethics,” Kugle, without calling it “religious freedom” outright, nonetheless names it: “Islam has a unique history of being a confessional, universal, and missionary religion that nonetheless accepts and protects other religious communities, guaranteeing the security of their members,” 195 (book page), 5 (PDF page).

43 Q Surat al-Hujurat 49:1: “We created you different tribes and nations so that you may come to know one another and acknowledge that the most honorable among you are those that stay the most conscious of Allah.”

44 Q Surat al-Isra’ 17:84 “. . . that everyone acts according to his or her own disposition.”

45 “Sexuality, Diversity and Ethics,” Kugle qualifies his comment: “This example from the Qur’an is suggestive, but not indicative,” 197 (book page), 7 (PDF page).

46 Mawdudi, in his conclusion in his Towards Understanding Islam, maintains that Islam “makes no discrimination on the basis of race, color, language or other external categories.” In the same paragraph in which he makes this nondiscriminatory claim, and in the paragraph following, are the seeds of discrimination toward gender and sexual orientation. He says: Islam is “a system encompassing . . . psychology and sociology,” among other fields of life and living which he names, and that “[t]his system of law . . . is based on . . . nature . . . and nature cannot be changed . . .” Mawdudi, Abul A’la. Towards Understanding Islam. (USA: Islamic Circle of North America, 2002), 156.

47 “Sexuality, Diversity and Ethics,” Kugle notes: “Contemporary Muslims who explicitly denounce homosexuality as ‘un-Islamic’ adopt this dichotomy of natural and unnatural, and apply it as if it were indigenous to the Islamic tradition and to the Qur’an,” 197 (book page), 7 (PDF page).
As if to exhibit the Qur’an’s intended celebration of sexual diversity, Kugle calls forth “a rich archive of same-sex sexual desires and expressions” from “respected members of [medieval Islamic] society: literati, educated elites, and religious scholars,” and references “the Christian campaigns to re-conquer Spain,” in part, by “engag[ing] in polemics against Muslims by accusing them of being ‘sodomitical’ and of engaging openly in same-sex practices.” In ironic contrast to medieval Christians, wherever contemporary Western society has “recognized only the most repressive elements among Muslims . . . [they] are acting out their own indigenous forms of homophobia in the[ir] mis-recognition or erasure of gay and lesbian Muslims.” Pre-modern Ghalib (d. 1803) and al-Ghazali (d. 1111), whose God creates [sexual diversities] by design and not by “the arrows of accident,” stand in contrast with the modern European/American development of the term homosexuality which signals “a binary and irreducible opposition between two sexual orientations” in which heterosexuality is “normative” and homosexuality, a “derivative,” is therefore “perverted, inverted, sick, criminal, or somehow unnatural.”

Kugle ends this section with a discussion on the use of the “more open-ended term” queer (shudhudh in Arabic, which literally means “odd”) in place of homosexuality, as more inclusive in its reference to sexual diversities than the binary terms heterosexual and homosexual. Normative heterosexual customs of the past, such as the legal allowance for “sexual relationships with slaves who are ‘owned,’” could, from our present-day standpoint, be labeled ‘queer.’

Homosexuality that is not in the Qur’an
The Qur’an “assum[ing] a heterosexual norm among its listeners,” does not have a term for ‘homosexuality’ or ‘heterosexuality.’ Kugle discusses this in his third segment – “Homosexuality that is not in the Qur’an.” The Arabic word for homosexuality – created in the 20th century – is al-shudhudh al-jinsi which literally means ‘sexually rare or unusual,’ which stands for “a sexuality that is uncommon, outside the general norm, and rare.” As mentioned early, “[t]he closest the Qur’an comes to directly addressing homosexual people is the phrase ‘men who are not in need of women’ and does so “descriptively in neutral tone, not linked to” any “legal proscription.” Kugle discusses how “jurists and commentators . . . forbid[] homosexuality and condemn homosexuals[],” and not the “Qur’an itself.” Kugle gives a detailed discussion on the supposed interconnectedness of a few key words that some (not all) jurists say justify the condemnation of homosexuals: these key words can be generally translated as transgression, adultery, “to break out of the bounds of moral restraint” or idol worship, and “the denial that God is one.”

Kugle ends this section with a return to an emphasis on hermeneutics. No one actually “reads” a sacred text, he says. This is simply because the reader comes to the Qur’anic text with his “pre-understanding” of the text already in place, and so reads back into the sacred text what he has already been told, or taught, is the meaning of the text. It becomes necessary to have to use “critical techniques of rereading the scriptural texts through new lenses in order to free the text from its former . . .

48 Cf. Christian theologian Dale Martin: “What influences interpretation are the social constraints surrounding and constituting the interpreter, especially other human interpreters. We read certain ways because we are socialized to do so; we change our readings in interaction with other human beings; we read differently on a second reading because we ourselves have been (socially!) changed in the meantime. There are constraints on reading, but they are social and psychological constraints, not constraints directly by the ‘text itself.’ We may ‘feel’ that the text is indicating its meaning, but I insist that there is no meaning ‘there’ in the text. It is created by readers using the text.” Dale Martin, Sex and the Single Savior: Gender and Sexuality in Biblical Interpretation (Louisville, Kentucky: Westminster John Knox Press, 2006), 5.
confinement.”

For example, feminists read the Qur’an without “importing into it patriarchal assumptions.”

Kugle transitions to the remainder of his essay by telling his readers “a thoroughly critical reassessment” of “sexuality as well as gender” is still needed, a “project” to which Kugle “hopes to contribute” albeit “in a small way.” To accomplish this, in part, he proceeds in his essay by “address[ing] texts and traditions in their order of importance to Islamic jurisprudence. . . .”

Interpreting the Qur’an depends on the experience of the interpreter
The heading to the forth segment of Kugle’s essay – “Interpreting the Qur’an depends on the experience of the Interpreter” – begins by discussing a way for “gay and lesbian readers” to read the Qur’an. Taking feminists as a model, whose “interpretive tools” (which are also used by Islamic modernists in general), are “the experience(s) of the interpreter.” For gays and lesbians, Kugle coins the phrase “sexuality-sensitive” (from the Arabic word hassa “meaning literally ‘a sensitive person’” and “used colloquially to denote ‘a homosexual person’”) to name, or catalogue, their “interpretive tool,” a tag signifying their unique queer “experiences,” which becomes the lenses for interpreting, a way for reading.

Kulge enumerates how to read the Islamic texts through the interpretive tool of “sexuality-sensitive:” (1) “sexualities are always multiple in society; (2) “variation is always arranged in hierarchical orders of power;” (3) “non-normative groups” are “marginalized and disempowered;” and (4) “the elite is always empowered by silencing and oppressing the marginal few” while “claim[ing] to speak for the norms of society.”

Two reading strategies: semantic and thematic
Kugle assigns two reading strategies for the Qur’an. The first is “semantic” and the second is “themantic.” As for the first, “classical Qur’anic commentators” would traditionally do a “verse-by-verse and a “word-by-word” replacement reading of the text whereby the commentator “substitutes his own words for the words of the Qur’an,” determining the intent of any given word, generally in isolation and akin to “speculative assertion.” Semantic readings, on the other hand, “discover how the Qur’an [gives] term[s] a range of meanings, dependent on how the terms [are] related to each other and how they [are] repeated [or used] in different contexts” in the Qur’an. Thematic readings, built on the same context-principle as the word-semantic readings, creates “a composite picture of” a given topic “based on its multiple and varied single instances” in the Qur’an, “trusting that the Qur’an provides a thematic unity underneath all these instances.”

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In both instances— the semantic and thematic reading, Kugle uses the verses and narratives of the Lut story in the Qur’an (which is the Lot story of Genesis 19 in the Bible) to illustrate, in great detail, how “sexuality-sensitive” reading lenses, tied with semantic and thematic reading strategies, brings a whole new understanding to the meaning of the Lut (Lot) story. Since it is not within the scope of this paper to delineate the intricacies of the steps taken in applying the reading strategies to Lut, suffice it to say that the outcome in meaning dovetails beautifully with Queer Christian Theology:

“The sexual acts of the narrative are acts of violence . . . The narrative is clearly about infidelity [concentrated in rejecting the prophethood of Lut and disbelieving in the God whom Lut claims to represent] through inhospitality and greed, rather than about sex acts in general or sexuality of any variation in particular.”

In support of the foregoing Lut interpretation, Kugle references a “book by al-Rawandi” (late twelfth century) that “quotes a series of hadith attributed to the Prophet Muhammad . . . which support elements of the (Lut) narrative framework presented” here.

**Jurists, sexual acts, and Lut’s people**

In the fifth segment of the essay, Kugle discusses “Jurists, sexual acts, and Lut’s people.” The story of Lut remains central to Kugle’s discussion in this section. Jurists relied not on the Qur’anic account of Lut for their legal rulings on “anal sex between men,” but “on either hadith or, more often, reports of the decisions of the early followers of the Prophet.” Jurists focused on only one male-to-male sex act – anal penetration which is “how the Islamic juridical tradition pictured all same-sex desire” (albeit “many gay men do not practice anal penetrative sex at all” and “rightly protest that anal sex is not the definitive feature that characterizes them”). For convince in parley, a “short-hand” way of speaking, jurists “call the act of male-to-male penetration “the act of the people of Lut.” Kugle discusses different schools of thought, different leading jurists, their commentaries on the Qur’an, and their understanding and use of hadith. Kugle summarizes: there is “no actual consensus” among classical jurists as to “the nature of the act” of male-to-male anal sex and the “status of punishment for it.” Furthermore, commentators who “read the Qur’an as a narrative of ethical exhortation rather than as a legal text” took issue with jurists.

**The Prophet Muhammed and homosexuality**

In his sixth segment, Kugle purports that the Prophet Muhammed, in accord with what we know from hadith, “did not act to punish people as homosexuals or for acts associated with them.” “The hadith that address the issue of punishing men for having anal sex are not linked to any specific case or event in

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51 Bates, in his 2004 book on Anglicans and homosexuality, observes that the “tale of Lot” is recounted in the sacred scriptures of the Jews, Christians and Muslims, and that all three of these “great monotheistic religions” agree, reaching “the same conclusion,” that the story of Lot is a “condemnation of homosexuality.” According to Bates, the Qur’an – with its mere four scattered references, so he says, to homosexuality – “essentially states that homosexuality is wrong.” But, he says, according to 4:13 in the Qur’an, “its practitioners should be forgiven: ‘If two men among you commit indecency, punish them both. If they repent and mend their ways let them be. God is forgiving and merciful.’” Stephen Bates, *A Church at War: Anglicans and Homosexuality* (London: I.B. Tauris & Co. Ltd., 2004), 56-7.
the Prophet’s life.” Kugle, for this segment of his essay, gives the title “Exemplary Conduct of the Prophet Muhammad.”

Clarifying the question of sexual ethics
In his final segment, before his concluding remarks, Kugle “Clarify[s] the Question of Sexual Ethics.” Still, continuing with the narrative of Lut, Kugle “compare[s] Lut’s story with that of Salih” in which a protected camel, needing the general care and oversight of the people at large, “stood symbolically for the weak and vulnerable members of society.” The people of Thamud, instead of heading the prophet’s message, killed the consecrated camel in demonstrative proclamation of their unwillingness and disgust in caring for “the weak and vulnerable members of society.” Much like comparing Gibiah with Sodom for establishing the meaning of the narrative, Kugle’s comparison of Thamud with Sodom goes far in establishing the meaning of Lut and Sodom. He observes: “Nobody would take seriously a jurist who argued that slaughtering another’s camel is a capital crime, based on the example of the people of Thamud who were destroyed after killing a camel. ... Allah razed the people of Thamud by a volcanic eruption.” Kugle maintains that “the interconnectedness of social ethics with sexual ethics,” coupled with “a keen sense of justice” focuses ones attention on “the content of the relationship” and not the “gender of the partners.”

The advent of modernity: An ethical challenge
In his conclusion, Kugle sees “the advent of modernity” as a “reality;” an “ethical challenge;” “potentially a blessing;” and the opportunity for freedom “from the shackles of patriarchal power.” He cites three times, in their Islamic history, when change came: “the political rule of a monarch;” the institution of slavery; and the feminist movement. He applies “the struggle” and radical tawhid, and makes the claim with Islamic legal scholar Abdullahi Ahmed an-Na’im that shari’ah should be reformed by “reviv[ing] its underlying principles so that it protects civil liberties and human rights rather than suppressing them;” and that Muslims should not mistakenly think of self-determination in terms of the establishment of Islamic law (shari’a) in the form in which it presently exists.

Semerdjian on Homosexuality in the Qur’an, Hadith and Legal Schools

Qur’an: Caution against the practice of homosexuality, not prohibition
Elyse Semerdjian, the Director of Global Studies and Associate Professor of Middle East/Islamic World

52 Cf. Christian theologian Dale Martin: “... I take my stand with a quotation from an impeccably traditional witness, Augustine, who wrote: ‘Whoever, therefore, thinks that he understands the divine Scriptures or any part of them so that it does not build the double love of God and of our neighbor does not understand it at all’ (Christian Doctrine 1.35.40). By this light, any interpretation of scripture that hurts people, oppresses people, or destroys people cannot be the right interpretation, no matter how traditional, historical, or exegetically respectable.” Dale Martin, “Arsenokoites and Malakos: Meanings and Consequences” in Brawley, Robert L., ed.. Biblical Ethics and Homosexuality: Listening to Scripture, edited by Robert L. Crawley (Louisville: Westminster/John Knox Press, 1996), 130.
History at Whitman College, in her article on “Islam,” discusses the importance of the Qur’an, the Hadith, and legal sources as they pertain to the legal and moral standing of homosexuality within Islam. She concludes that the Qur’an “is not as clear on the issue of homosexual sex acts” as other zina crimes, i.e., sex acts outside of the marriage contract (such as fornication and adultery). She seems to reason that since a punishment (such as lashing) is not specified for same-sex sex acts, then “instead caution against the practice of sodomy” is prescribed. She cites verse 56:16 as a proof text for her argument: “For ye practice your lusts on men in preference to women: ye are indeed a people transgressing beyond bounds.”

Hadith: First century “Victorian” Islamic scholars and the Prophet’s sayings
Semerdjian views the Hadith (a collections of the ‘sayings’ of the Prophet Muhammad) as “more firmly pronouc[ing]” “prohibitions against homosexuality.” The Islamic scholars of the first century who compiled the Hadith, the use of which became a legal standard for law “by all the major schools of law,” were “so conservative” in their “type of morality” that they “could be compared with the Victorians in Europe.” Semerdjian, quoting from the Hadith, gives the following ‘sayings’ of the Prophet:

- Whenever a male mounts another male the throne of God trembles; the angels look on in loathing and say, Lord, why do you not command the earth to punish them and the heavens to rain stones upon them?
- The Prophet, peace be upon him, cursed the effeminate men and women who act like men, and said expel them from your homes.
- The thing I fear most for my community is the act of the people of Lot.
- Indeed, my community will suffer punishment if men go with men and women with women.
- Do not gaze at the beardless youths, for verily they have eyes more tempting than the houris [big-eyed maidens].

Islamic Law: The Hanafi jurists and the Malik school of Islamic law
Semerdjian cites two different legal schools of thought: (1) The Hanafi jurists who “were split as to whether sodomy constituted zina (a categorical sex crime); and (2) The Malik school of Islamic law, founded in the eight century by Anas bin Malik, which prescribed “stoning for homosexual offenses.” According to Malik, “among the first to burn in the fires of hell,” the following (along with other types of sin) are included: sodomites (both active and passive) and “men who masturbate.” The Malik school of Islamic law is the dominate school in North Africa.

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54 Contrast this “first century” Islamic puritanical view of sex with the following: Mutahhari, an Islamic feminist, makes the claim that Islam is the only exception in the world in which its code of moral conduct does not have “a kind of aversion to sexual relations.” Without naming Christianity or the Apostle by name, she discusses Paul as “allow[ing] marriage only as one evil to ward off a greater evil.” She concludes that “[t]hese people [Christians] consider love of women to be one of the great moral depravities.” Murtaza Mutahhari. “The Human Status of Woman in the Qur’an,” in Princeton Readings in Islamist Thought: Text and Contexts from al-Banna to Bin Laden (Princeton, New Jersey: Princeton University Press, 2009) 259.
Most gay Muslims are seeking theological answers

Inner Circle, established in 2006 and based in Cape Town, South Africa, is “a queer Muslim organization” that “gives support to queer Muslims locally and internationally” through “a number of empowerment programs” designed “for queer Muslims and the communities they come from.” Iman Mushin Hendricks, the Director of the Inner Circle, in an article he authored entitled “Islamic Texts: A Source for Acceptance of Queer Individuals into Mainstream Muslim Society” (2010), explains the need for educational material “from a theological perspective” for queer Muslims. “[M]ost clients who approach the Inner Circle for help,” he writes, “seek a theological answer for their inability to reconcile their faith with their sexuality.”

Helping gay Muslims understand the Islamic texts

Observing the times, the Imam notes that with the “re-emergence” of “progressive Muslim thought,” topics like “homosexuality and sexual ethics in Islam” are being addressed by Muslim scholars like Scott Siraj al-Haqq Kugle (whose work “does not provide uncomplicated answers”) and Kecia Ali. To simplify things theologically for “the ordinary Muslim,” Hendricks wrote his article “Islamic Texts: A Source for Acceptance of Queer Individuals into Mainstream Muslim Society” in the spirit of “Islamic belief that the trajectory towards unravelling matters is a universal process through which truth authenticates itself over falsehood” and with a mission to save “many queer Muslims” from casual sex, alcohol and substance abuse, attempted suicide and apostasy “all destructive avenues queer Muslims may opt for out of desperation when “negotiating the dilemma between Islam and their sexuality.”

A theology for non-heterosexual sexual intimacy

Hendrick’s article “attempts to reveal that Islam, at its very core, does not condemn non-heterosexual sexual intimacy.” He does this by showing the following: (1) “Islam, in its true meaning of peace and justice [and “equality and freedom of choice” and that “the system of Islam cannot be forced upon

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56 Cf. African Christians, says Professor ter Haar, give “extreme attention to the Bible as the authoritative and infallible word of God” which is, she says, “common to evangelical Christians the world over.” Gerrie Ter Haar, How God Became African: African Spirituality and Western Secular Thought (Philadelphia, PA: University of Pennsylvania, 2009), 31, 18.

57 “Mainstream’ Muslim spaces continue to remain inaccessible to LGBT Muslims, leading to stigma, discrimination, self-hate and disassociation from familial, cultural and religious institutions. We can also understand this as the phenomenon of “spiritual violence.” Urooj Arshad, “LGBT Muslims Seeking Inclusion,” The Alwaleed Islamic Studies Program at Harvard University, Institute for Social Policy and Understanding, accessed April 20, 2016. http://www.ispu.org/pdfs/ISPU_Harvard_SubReport_LGBTMuslimsSeekInclusion_web_bw.pdf. See the link, which Arshad provides in her “LGBT Muslims Seeking Inclusion” article, on “spiritual violence.” http://www.whosoever.org/v5i6/violence.html for more information on “spiritual violence” and its affect on LGBTpeople.

58 According to Burton, one of the reasons “Christians in Hamitic Ethiopia, Egypt and Canaan” converted to Islam (to “teaching that was primarily derived from the Bible”) was “the fact that they were allowed the freedom to
anyone” so then the “freedom of belief”), accommodates the individual’s sexual orientation; (2) “the Quranic texts that can be interpreted to support non-heterosexual marriages;” (3) “the Quran . . . is itself open to numerous interpretations and meanings;” (4) “that hadith [many of which contain ‘inconsistencies, contradictions and distortions of facts’] which do not contradict the Quran present a useful elaboration on Quranic verses;” (5) by “follow[ing] the best of what [is] revealed to you [in the Qur’an] from the One who has authority over you;” (6) the “principle of ijtihad” which allows for “independent reasoning;” (7) the “diverse nature of human beings” as well as the diversity that “occurs naturally in the animal and plant word;” (8) by revisiting and re-interpreting “the parable of Prophet Lot” – a condemnation on inhospitality and rape, not a condemnation on same-sex relationships; (9) “the imprecision of” the reference to “two men guilty of lewdness” in 4:16; (10) “the recognition of non-heterosexuals in the Quran” in 24:31 (“the men who have no desires for women” in 24:32, and “women . . . who have no sexual attraction towards men” in 24:60, and “the diversity on the continuum of sexuality” as with the term mukhannathun – transvestites and effeminate men); (11) “the problematic nature of the hadith;” (12) the Prophet “did not find any objection in the mukhannath [effeminate] working for his wives while they were unveiled;” and (13) the Qur’an does not “decree the death penalty” for homosexuals.

In his conclusion, Hendriks calls for “structures” that will “enable progressive Muslim thought to flourish” including “increase[ed] dialogue between Western and non-Western Muslims” as well as

Worship God according to the dictates of their own conscience, and not in the mold of heavy theological creeds.” Keith Augustus Burton, The Blessing of Africa. (Downers Grove, IL: InterVarsity Press, 2007), 171.

In his Major Themes, Rahman says “The essence of all human rights is the equality of the entire human race, which the Qur’an assumed, affirmed, and confirmed. It obliterated all distinctions among men except goodness and virtue . . . .” While Rahman does not address “religious liberty,” per se, his discussion on Jews and Christians (The People of the Book) and other religious entities, could be understood to essentially encapsulate the concept of religious liberty, especially in his discussion on “the Mother of the Book and [which is also called] the Hidden Book” from which “all messages emanate,” a reference to “. . . different prophets . . . to different peoples and nations at different times [whose] messages are universal and identical.” From my paper “Ahl al-kitāb: The People of the Book, and Mohamed Talbi on Religious Pluralism.” Fazlur Rahman, Major Themes of the Quran (Chicago: University of Chicago Press, 2009), 45, 163. Compare also page 80: “. . . all over the world, there have been God’s Messengers whether or not named in the Qur’an (40:78; 4:164). These Messengers of prophets are ‘sent to their people’ at first but the message they deliver is not just local; it has a universal import and must be believed in and followed by all humanity – this is what the indivisibility of prophethood means.”


Hendricks quotes Josephus, Antiquities 1, 193-195: “1. (194) About this time the Sodomites grew proud, on account of their riches and great wealth: they became unjust towards men, and impious towards God, insomuch that they did not call to mind the advantages they received from him: they hated strangers, and abused themselves with Sodomitical practices. (195) God was therefore much displeased at them, and determined to punish them for their pride, and to overthrow their city, and to lay waste their country, until there should neither plant nor fruit grow out of it.” [Emphasis mine.] F. Josephus and W. Whiston, The Works of Josephus: Complete and Unabridged (Peabody: Hendrickson, 1987), Antiquities 1, 193–195.

“interfaith . . . dialogue” between Christians, Jews and Muslims, and collaboration with human rights organizations.

**Mohamed Talbi on Homosexuality**

A prohibition of homosexuality is not mentioned in the Quran

“[O]ne of the most prominent Muslim modernist thinkers of the twentieth century” and a distinguished “historian of mediaeval North Africa,”

Mohamed Talbi, in an April 15, 2015, TV “interview on Tunisia’s TV Channel 1,” positively agreed with the Interviewer’s statement that “[t]he prohibition of homosexuality is not mentioned in the Quran.” Talbi went on to say: “I believe that by remaining silent about it, Allah left the issue of homosexuality in the hands of the worshippers, who may decide whether to prevent it or not.” Under another topic – prostitution – put forth by the Interviewer, Talbi said, “Show me a single Quranic verse prohibiting prostitution. [...] The worshippers of Allah have the right to prevent things that are harmful. Prevention is not prohibition.”

**I’m a Quranic Muslim**

Talbi, in the same interview, called himself a Quranic Muslim: “I am a Quranic Muslim, and that’s it. I abide by the Quran, and nothing else. [...] Any hadith that is compatible with the Quran is an authentic hadith, regardless of its ascription. By the same token, any hadith that contradicts the Quran attributes lies to the Prophet Muhammad.” He noted: “The problem is that the Islamic nation has divided into sects, which are killing each other and accusing one another of heresy. [...] The shari’a – or rather, the shari’as – divide, whereas the Quran unites. Therefore, I do not subscribe to any shari’a whatsoever – Shiite, Sunni, or any other.”

**No Sex Ethic in the Sacred Text – Just a Love Ethics**

Walter Wink

Nelson, in his discussion on a theology and ethics of homosexuality for Christians, concurs with Walter

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63 Ronald L. Nettler, in his article “Mohamed Talbi on understanding the Qur’an” in *Modern Muslim Intellectuals and the Qur'an*, refers to Mohamed Talbi as “one of the most prominent Muslim modernist thinkers of the twentieth century.” Citing three publications by Talbi in Arabic, Nettler notes: Talbi’s “writings on Islam and modernity and religious pluralism are extensive.” In addition, Talbi has distinguished himself as “a historian of mediaeval North Africa.”

Wink: “There is no biblical sex ethic. The Bible knows only a love ethic which is constantly being brought to bear on whatever sexual mores are dominant in any given country, or culture, or period.”

Qur’an 4:3
We could easily apply Wink’s assertion, on both counts – a love ethic and existing dominant mores – to the Qur’an’s endorsement of polygamy (existing dominant mores) in 4:3 in which the Qur’an qualifies polygamous marriages with the condition that the husband must be able to care for his wives equally (a love ethic).

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66 One could extrapolate, that since the Qur’an says “if you fear you will not be fair [to your wives], then [marry] only one; that is the safest course” (4:3), then, likewise a gay man (from America, for example – where marriages are created around love and romance) man should reconsider before marrying a woman, simply because he may find that he cannot be fair to her, i.e., he will never undress her with his eyes, he will never ravish her, he may, in fact, even fail to bond with her (husband-wife) except on some level like a brother-sister relationship.
Appendix I

Chart created with quotes and information taken from
Created by Steve Parelli

Sharia and Homosexuality in the Muslim World (2012)

| 78 States (Muslim and non-Muslim, worldwide in 2012) | Had criminal laws and penal sanctions attached, as a consequence of sexual orientation, sexual behavior or gender identity |

MUSLIM STATES - It seems that there is a certain “privileged” connection between Islam and the repression of homosexuality

| Iran, Yemen, Saudi Arabia, Mauritania and Sudan | Death Penalty | All five states that currently (2012) punish same-sex relations by the death penalty are Sharia-compliant. |
| Nigeria – northern region | Death Penalty | Has predominantly Muslim populations |
| Somalia – southern parts | | |
| Iran, Yemen, Saudi Arabia, Sudan, Qatar, Pakistan, Afghanistan, Malaysia | Brutal Punishments - including lashes and public stoning, as well as arbitrary executions | Also occur in Muslim majority states |
| Maldives | Life imprisonment | Do so on the basis of the Sharia injunctions |
| Bangladesh | Punishment | More “tolerant,” but still punishes the offense of the “unnatural intercourse” |

Appendix II

Transcript: Tunisian Scholar Mohamed Talbi: The Quran Does Not Prohibit Alcohol, Prostitution, or Homosexuality

April 15, 2015
Clip No. 4887

Tunisian Islamic scholar Mohamed Talbi recently expounded upon his views of Islam in an interview on Tunisia's TV Channel 1. Talbi said that there are no Quranic verses prohibiting alcohol consumption, prostitution, or homosexuality, noting that "prevention is not prohibition." Talbi, who called himself a "Quranic Muslim," said that the claim that the Prophet Muhammad was illiterate was "the greatest farce of all."

Following are excerpts from the interview, which aired on April 15, 2015.

Dr. Mohamed Talbi: The problem is that the Islamic nation has divided into sects, which are killing each other and accusing one another of heresy. [...] The shari’as – or rather, the shari’as – divide, whereas the Quran unites. Therefore, I do not subscribe to any shari'a whatsoever – Shiite, Sunni, or any other. [...] I am a Quranic Muslim, and that's it. I abide by the Quran, and nothing else. [...] Any hadith that is compatible with the Quran is an authentic hadith, regardless of its ascription. By the same token, any hadith that contradicts the Quran attributes lies to the Prophet Muhammad. [...] The more distant a hadith becomes from the Prophet Muhammad, the more it expands like a virus, at high speed. [...] Only the Quran is obligatory. Anything that is not the Quran is man-made and is not obligatory. [...] Only Allah may prohibit things. Anyone other than Allah who prohibits things is a polytheist.

Interviewer: What is the basis of your claim that alcohol was not prohibited? What is the Quranic basis for this claim?

Dr. Mohamed Talbi: Many versus in the Quran deal with alcohol. I have quoted them and written about them.

Interviewer: But they were abrogated, and as a consequence, alcohol was considered "defilement and a work of Satan, so avoid it."

Dr. Mohamed Talbi: When I say to you: "avoid smoking," does this mean that smoking is prohibited by the Quran? [...] Excessive consumption of alcohol, to the point that one loses one's reason, is the "defilement and a work of Satan." [...]

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Interviewer: What about prostitution?

Dr. Mohamed Talbi: Show me a single Quranic verse prohibiting prostitution. [...] The worshippers of Allah have the right to prevent things that are harmful. Prevention is not prohibition. [...] 

Interviewer: The prohibition of homosexuality is not mentioned in the Quran.

Dr. Mohamed Talbi: True.

Interviewer: Does that mean that homosexuality is halal? We know that God punished the people of Sodom.

Dr. Mohamed Talbi: I believe that by remaining silent about it, Allah left the issue of homosexuality in the hands of the worshippers, who may decide whether to prevent it or not. [...] With regard to the inheritance law, Allah, in His wisdom, saw the kind of society to which the Quran was given. In that society, women were nothing but a sexual commodity.

Interviewer: That's not true. Khadija owned a business. The Prophet Muhammad was employed by her at first.

Dr. Mohamed Talbi: Khadija owned a business, but what was the society in which she lived doing - to females? Newborn girls would be buried alive, just because they were female and were [considered] worthless. [...] Allah granted women a share of the inheritance, which was in keeping with the nature of their society. [...] The Quranic approach is to improve the status of women. Therefore, we may continue to improve the status of women further and further, until we reach complete equality between men and women. [...] 

Interviewer: We all know that the Prophet Muhammad was an illiterate man.

Dr. Mohamed Talbi: He was what?

Interviewer: He was illiterate.

Talbi laughs

Interviewer: That makes you laugh? Do you believe that the Prophet knew how to read and write?

Dr. Mohamed Talbi: By God, this is the greatest farce of all.

Interviewer: This is what we were taught and what our children are being taught.

Dr. Mohamed Talbi: This is the greatest catastrophe of all.

Interviewer: How come?

Dr. Mohamed Talbi: Do you know what they say about the compilation of the Quran?

Interviewer: What do they say?
Dr. Mohamed Talbi: They say that since the Prophet Muhammad did not know how to read or write... They understood "illiterate" to mean that he could not read or write. They put into his mouth a hadith that goes: "We are an illiterate nation that can neither read nor write." The conclusion one draws is that we should remain an illiterate nation that cannot read or write. [...] 

Interviewer: Do you believe that the Prophet knew how to read and write?

Dr. Mohamed Talbi: Of course. The Prophet Muhammad wrote the Quran on a piece of parchment. In his home, he kept a written copy of the Quran, which he left to his wife Hafsa. 'Aisha had a copy of the Quran. Hafsa had one too. Where did they come from? Did they come from the garbage, as the Islamic scholars say? Apparently, the Lord told the Islamic scholars that the Prophet Muhammad would rummage through the garbage, and would find a piece of bone, leather, or stone, and would say to some passerby: "Come over, and write the verse on this shoulder bone for me," and then he would throw it somewhere in this home. His house was full of putrid garbage. Does this make any sense? [...] They say that when Othman came to power, he collected all this garbage, and from it, the Quran emerged. [...] If you were to enter a Sunni mosque and set off a bomb that kills everybody, you would not go Paradise, right?

Interviewer: Right.

Dr. Mohamed Talbi: But if you blow yourself up in a mosque, killing Shiites – They say to you: "Boy, when you blow yourself up, you can relax. As soon as you close your eyes, you will see 1,000 naked black-eyed virgins, waiting for you in Paradise." Why wouldn't he do it? "What am I doing here?" he'd say. [...]

Close

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### Appendix III

**Arabic Terms Directly, or Indirectly, Associated with Homosexuality in Juridical Discourse**


Note: Text in the chart is generally taken as direct quotation from the source. The chart, with emboldened words, is designed by Steve Parelli

<table>
<thead>
<tr>
<th>Term</th>
<th>Defined/ Described</th>
<th>Additional Notes/ Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>zina</strong></td>
<td>A legal category. Illicit sexual intercourse (outside of the marriage contract), a term that covers: fornication, adultery, rape homosexuality and prostitution.</td>
<td>Premodern Arabic and Ottoman Turkish sources do not refer to cases of same-sex relationships as homosexuality, instead these acts are legally catalogued as zina crimes.</td>
</tr>
<tr>
<td><strong>louta</strong></td>
<td>The physical act of sodomy.</td>
<td>Legal sources do not show a term denoting a lifestyle of homosexual sex. The cultural assumption was that engaging in such an act was not necessarily a lifestyle choice.</td>
</tr>
<tr>
<td><strong>louti mukhannath</strong></td>
<td>The active partner (the penetrator). The passive partner (the penetrated). The mukhannath maintains his status in society throughout his lifetime; this is evident in the stigma attached to the passive party in the sex act.</td>
<td>The penetrator is viewed as being masculine. The passive party is effeminate—a notion that lies at the root of the term mukhannath in Arabic which literally means “effeminate.”</td>
</tr>
<tr>
<td><strong>khuntha</strong></td>
<td>This term can mean hermaphrodite or even transvestite; considered a third sex status by jurists.</td>
<td>Allowed to see women unveiled and would sit in an intermediary position between men and women in the mosque when in attendance.</td>
</tr>
</tbody>
</table>
Appendix IV

East Africa Coast and Close Ties to Arabia

The port cites of Mombasa and Zanzibar and their surrounding regions “provide an instance where reports” with “some historical depth” dating to the nineteenth century, document homosexuality. As Muslim trade-domination grew in the Indian Ocean after 1000 AD, the coastal ports of eastern Kenya and Tanzania became “Muslim city-states with close ties to Arabia.” Swahili, the trade-language between the Arabs and the coast of Kenya, has words depicting homosexuality as testified to by the 1882 Swahili-English dictionary, its first publication. Gilll Shepherd, in her 1978 report on “Mombasan same sex patterns,” concluded that “both male and female homosexuality is relatively common among Muslims, involving perhaps one in twenty-five adults.” In her subsequent 1987 report on the same study, without explanation, she “raised the estimate to one in ten.”

Pseudo-historical findings blamed the Arabs for importing homosexuality to Africa, or “due to their influence” Africans adopted same-sex sexual practices. This was “Christian Europeans blaming homosexuality [in Africa] on Muslims.”

Bibliography


*Website news articles footnoted in the first segment of this paper are not included in the bibliography.*