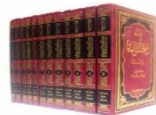


ISLAMIC TEXTS



A source for acceptance of queer individuals into mainstream Muslim society

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Introduction

Queer Muslims face a multitude of challenges of which one is rejection. This is caused by the belief that homosexuality is a major sin in Islam and punishable by death under the *Shariah law*. Most people who respond harshly towards queer Muslims operate from a point of fear and ignorance of the challenges facing queer Muslims. This is evident from the numerous responses The Inner Circle (a queer Muslim organization in Cape Town) had when engaging with the local Muslim community of Cape Town.

There have been attempts in the past to raise the topic of homosexuality and to highlight homoeroticism in Muslim communities through the works of Stephen Murray and Will Roscoe (1997) as well as J.W Wright and Everett K. Rowson (1997). Yet there is a lack of literature on the issue from a theological perspective. This perspective is necessary as most clients who approach The Inner Circle for help seek a theological answer for their inability to reconcile their faith with their sexuality.

Kugle, Scott Siraj al-Haqq (2010) ^[1] examines this need in his book "Homosexuality in Islam" and indeed braves the waters addressing the issue from a theological point of view. Although the book is an academic piece of work and well suited for academics, it does not provide uncomplicated answers to the ordinary Muslim. I attempt in this report to be as simple as possible in my arguments so that it does meet this need.

With Islam being under much scrutiny in the West post 9/11, it's very sacred texts and the authenticity thereof came into question. This, coupled with the international queer sector's demand for human rights, placed pressure on orthodox Muslim clergy to defend its religious texts and to publically authenticate their position on non-heteronormative sexualities. While this was occurring on the one hand, it gave opportunity for progressive Muslim thought to re-emerge. Hence, we observe progressive Muslim individuals and organizations re-opening the discourse on Islam, gender and sexual diversity in the last decade. Scholastic work such as that of Scott Siraj al-Haqq Kugle and Kecia Ali ^[2] to which I make reference to in this report, was possible due to the re-emergence of progressive Muslim thought around homosexuality and sexual ethics in Islam.

And say: "Truth has now arrived, and falsehood perished: for falsehood by its nature is bound to perish." Quran 17:81

It is an Islamic belief that the trajectory towards unravelling matters is a universal process through which truth authenticates itself over falsehood. Those who perceive themselves to be the custodians of the truth would attempt to justify and defend their position as if it were the only truth, until such a time when new information is presented to them, forcing them to change their stance.

Orthodox Muslims who justify their condemnation for homosexuals often use verses from the *Quran* and *Hadith* to support their argument. While Islam, through the very meaning of the word, promotes peace in all spheres of life, queer Muslims struggle to find peace with a

representation of Islam that does not include them. This left many queer Muslims feeling alienated from their communities and rejected by Allah, friends and families. For many queer Muslims, casual sex, alcohol and substance abuse, attempted suicide and apostasy became ways of negotiating the dilemma between Islam and their sexuality. TIC's research (2008) ^[3] reveals this reality and Scott Siraj al-Haqq Kugle notes this in his book "Homosexuality in Islam (2010)". My opinion is that Islam, in its true meaning of peace and justice, accommodates the individual's sexual orientation as an intrinsic part of their biological and psychological makeup. I attempt to prove my theory in this report.

In this report I attempt to reveal that Islam, at its very core and Quranic constitution, does not condemn non-heterosexual sexual intimacy, but instead embraces it as part of a divine plan. Kecia Ali in her book "Sexual Ethics in Islam (2006)" alludes to the fact that the prohibition on same-sex marriages in Islam does not stem from the Quran, but indeed from the legal construction of marriage and that sexual relationships are both gendered and hierarchical. Her study lacks the Quranic texts that can be interpreted to support non-heterosexual marriages. In this report I attempt to highlight some of those verses and their positive interpretations.

The Quran opens itself up to numerous interpretations through its poetical form of expression and prospective scope of meaning that is divinely intended to accommodate scientific discoveries, human development over time and the evident diversity amongst humanity. For Muslims to limit themselves to one interpretation, or being averse to varied interpretations of the Quran, discounts the Quran and hence their social and spiritual growth. This report expounds on the appropriateness in alternative interpretations of divine texts and highlights Quranic evidence that supports this argument. This report also reinforces the Quran's inclusive nature and draws attention to equality and freedom of choice as some of its values.

Most of the arguments in this report are based on the Quran which is regarded by Muslims as the primary source of guidance and the constitution that shapes Islam. All Muslims agree that no other laws, extrapolated from secondary sources may contradict this primary source. Hence, this document zooms in on some of the contradictions in secondary sources such as Hadith that contradicts the Quran on the issue of homosexuality and the punishment for public sexual offenses. This report applies this knowledge to challenge the Shariah law which criminalizes homosexuality and to prove that such a law is Quranically unconstitutional.

Hadith was collected in the second half of the second century of Islam's existence. The reason for its late development as a science and as an Islamic source of law is precisely because of the Prophet Muhammad's prohibition of its collection. Numerous Hadith collections report on these prohibitions.^[4] The ardent companions and followers of the Prophet such as, the first four Chaliphs Abu Bakr, Umar, Uthmaan and Ali, as well as the prophet's personal scribe, Zaid bin Thaabit refused to record sayings of the prophet and thus obeying the Prophet's order. The Chaliph Umar Ibn Abdul-Aziz in the second century AH, issued an order to permit the writing of Hadith thinking that he would put an end to the widespread lies about the Prophet Muhammad (pbuh). Although this might have been a noble exercise in its time, Hadith collection is certainly proving to be a problematic science for most progressive Muslims today.

Unlike the Quran, Hadith presents inconsistencies, distortions of facts and contradictions that discount it from being used as a source for Islamic law. It is to no surprise that hate crimes against homosexuals and the justification for their execution, stems largely from this

secondary source. On the other hand, although Hadith is problematic as a source for Shariah law, it does present an interesting window into the history of Islam, the mindset of early Muslims and the kind of early leadership that shaped the face of Islam. Hence, I would not discard this source in its entirety. Many progressive Muslim scholars would agree that Hadith presents a useful elaboration on Quranic verses, only when it qualifies that verse and not contradicts it.

During engagements with the Muslim clergy, The Inner Circle has noted that there is a residing belief amongst the clergy that homosexuality is a phenomenon which is non-existent in the Islamic world both past and present. In places where it does exist, it is either an idea imported by the West, or practiced amongst ignorant or uneducated Muslims:

“Homosexuality is a moral disorder. It is a moral disease, a sin and corruption... No person is born homosexual, just like no one is born a thief, a liar or a murderer. People acquire these evil habits due to a lack of proper guidance and education.”^[5]

This report highlights the implausibility of this belief by proving that the phenomena of men having sex with men existed during the time of the Prophet Muhammad (*pbuh*) and during the golden period (first two centuries of the existence of Islam). It also corroborates that the current interpretation of the story of Sodom and Gomorrah is flawed and largely influenced by patriarchal perceptions of masculinity.

Except for the Hanafi^[6] school of thought in Sunni Islam, there is unanimity amongst mainstream Sunni and Shi’a scholars that homosexuality falls under the category of adultery and therefore *Hadd* punishment is applicable. There is consensus amongst these scholars that this sin is punishable by death. They only differ in the style of execution. This report proves that stoning to death is not a Quranic concept and that the Quran is indeed pro life.

Islam is not a homogeneous faith. Although the fundamentals of Islam, extrapolated from the Quran remains unchanged, diverse cultures and geography influenced different manifestation and perceptions of Islam. Popular Muslim belief holds that the Quran remains the only book in history that has not undergone changes in the last 1400 years. Unlike the Hadith, which has a more complicated and sometimes questionable history of compilation, the Quran is believed by most Muslims to be the direct word of Allah to Muhammad (*pbuh*), hence its authenticity. This report largely uses verses from the Quran to support its arguments and arrive to its conclusions.

This report makes a theological argument and uses the community research done by The Inner Circle in 2008, to support its arguments.

“The best of what was revealed”

*And follow the best of what was revealed to you from the One who has authority over you, before distress takes you by surprise and while you are in a state of unconsciousness. –
Quran 39:55*

Let's make no apology that there are verses in the Quran that left even the Prophet Muhammad (pbuh) uncomfortable. While the Quran gives a husband polarized options in how to deal with his wife's disobedience, from effective communication to beating her, the Prophet (pbuh) never adopted the latter option. As problematic such verses may seem to critics of the Quran, there is wisdom in its revelation.

We approach the Quran as individuals of diverse temperaments and worldviews shaped by our own experiences. Despite multiple interpretations revealed to us in a particular Quranic verse, we accept the ones observable through our own lenses. Hence, a verse might give punitive license to a man with an angry disposition, while a man whose humanitarian qualities dictates his actions, might observe accordingly. What makes for an ideal situation is a healthy balance between the two so that humankind is never swayed by extremes. The verse quoted above makes it clear that Muslims are instructed to extract the best interpretation out of the many possibilities of interpretation, for the greater good. If this divine guidance is ignored and interpretations are personally motivated and unconsciously made, it leads to distress.

We have indeed sent our messengers with the evidence and we sent down with them the Book and the Balance so that humankind can continue to exist in equity. Quran 57:25

Consider that one of the reasons for the revelation of the Quran is to make communities workable. Exercising extreme measures leads to social distress and leave surprisingly unexpected results. In order for humanity to succeed, polarized extremes are presented to us in the Quran as a criterion by which we are reminded to measure and keep things in the balance. However, these extremes are not divine licences to exercise wanton desires.

And from everything we created in contrasting duo so that perhaps you would be reminded. Quran 51:49

It is through contrast that we come to appreciate the positive things in life. We can only appreciate the light when we have experienced darkness, which is really nothing but the absence of light. Similarly we appreciate love and justice with the knowledge of what rejection and injustice feels like.

The Quran places great emphasis on equality, justice and the saving of life.

In the Law of Equality there is the saving of life to you, o you men of understanding; that you may restrain yourselves. - Quran 2: 179

O ye who believe! stand out firmly for Allah, as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to piety: and be conscious of Allah. For Allah is well-acquainted with all that ye do. - Quran 5:8

And why should ye not fight in the cause of Allah and of those who, being weak, are ill-treated and oppressed? - Men, women, and children, whose cry is: "Our Lord! Rescue us from this town, whose people are oppressors; and raise for us from Thee one who will protect; and raise for us from Thee one who will help!" - Quran 4:75

A self-serving attitude by men in history has left women and effeminate men marginalized and rejected. Based on the principles of equity and justice in the Quran, there is no basis for

the justification of authority of men over the ostensibly weaker ones in society. Islamic history is filled with examples of the emancipation of slavery, the social advancement of women and care for the orphan. Had homosexuality, as a sexual orientation and identity, been a pressing social issue during the time of the Prophet Muhammad (pbuh), he would have certainly spoken for the rights of homosexuals.

The Quran was revealed in a patriarchal, male chauvinistic seventh century Arabian society. Hence it stands to reason why the Quran largely addresses the aristocratic males of that society that contributed to the appalling status of women and innately effeminate men in seventh century Arabia. The Prophet Muhammad (pbuh) managed to raise the status of women and lay the foundations of equality between the sexes in a span of twenty three years. The mistake most Muslims make is to consider this process conclusive instead of furthering the equity initiative of the Prophet (pbuh) by elevating and maintaining the status of women and sexual minorities as we evolve over time.

It is agreed upon by most Islamic historians that *Ijtihad*, once a prized possession of Muslims, a key to the workability of society, has been lost to religious control and much to the favour of the Umayyad dynasty's political agenda. *Ijtihad* was still in practiced until the tenth century. However by the eleventh or twelfth century, following the Asharite^[7] commentator Al-Ghazali (1058-1111) who believed that *Ijtihad* leads to error and excesses, most Sunni authorities declared that the doors of *Ijtihad* have been closed. Minority views continued to discuss and support *Ijtihad*, but with little effect. In place of *Ijtihad*, *taqleed* was introduced as a means to control religious liberalism. It is believed by many progressive Muslim scholars today that it is due to this lack of process that Muslims are challenged with workable solutions to many contemporary social problems. Perhaps it is time to reassess the belief that the doors of *Ijtihad* should remain closed.

The research by The Inner Circle on Islam and homosexuality included in this report uses the principle of *Ijtihad* extensively to arrive to some of its conclusions.

Freedom of choice and expression

O you who have attained to faith! Enter into Islam whole-heartedly; and follow not the footsteps of the evil one; for he is to you an avowed enemy.

Quran 2: 208

There is no compulsion in religion: Truth stands out clear from error. Whosoever rejects evil and has faith in Allah has indeed grasped the most trustworthy handhold that never breaks. And Allah hears and knows all things. Quran 2:256

Although these two verses generally encourage people to adopt faith and reject disbelief, it makes it quite clear that the system of Islam cannot be forced upon anyone; neither should anyone enter it half-heartedly. It gives humankind the freedom to choose how they wish to live their lives.

And if they accuse you of falsehood, say: "My work to me and yours to you! You are free from responsibility for what I do and I for what you do!" Quran 10:41

Assuming responsibility for one's actions precedes the freedom of choice and expression Muslims are afforded in the Quran. It places responsibility on the actors and gives others who believe differently the freedom to responsibly express their difference. This Quranic injunction leads to a healthier understanding and appreciation of others.

The Quran also acknowledges freedom of belief in the following verse:

Say: "O you who have denied faith! I do not worship that which you worship and neither do you worship that which I worship and I will not worship that which you worship and neither will you ever worship that which I worship. So therefore, unto you your way and unto me mine!" – Quran 109: 1-6

The fact that Muhammad (pbuh) was persecuted by the *Quraishi* regime at the beginning of his mission is testimony to the fact that his freedom of speech and belief was violated by a regime who felt that their powers were threatened by Muhammad's new beliefs. It was the Quran who gave him this freedom to spread his own beliefs and to employ the measures through which his vision can be realized. Those who followed his beliefs did so out of their own free will despite being persecuted. It would be insincere of a Muslim to take away the rights and freedoms of others and forget that Islam came into existence through similar struggles for freedom of expression.

The prophet Muhammad was instructed by Allah in the Quran not to use force as a measure in his mission:

We know best what they say; and you are not to subdue them by force, but through reminders in the Quran and to such who fears My warning. – Quran 50:45

Muslims believe that they are the people Allah chose to bring guidance to the modern world. This is evident in the following verse:

You are the best of people evolved for mankind. You enjoin what is right and you forbid what is wrong and you believe in Allah. If only the people of the book believed (in this message) it would have been better for them; amongst them are believers, but most of them are iniquitous. – Quran 3:110

The challenge that lies ahead for Muslims is how they would be able to convince humanity that Islam is a good model for our times without using force. How will Islam be instrumental in a technologically advanced information era, while there is resistance to transformation on the part of its leadership? What answers will Islam present to the questions of gender, sexual diversity and choice of religion without diverting from its constitution? Are Muslims not perhaps enacting the same fears of losing power as their early *Quraishi* adversaries when they were confronted with change?

The Quran and diversity

“And among His signs is the creation of the heavens and the earth, and the variations in your languages and your colours: Verily in that are signs for those who possess knowledge” – Quran 30:22

O mankind! Verily We have created you male and female, and have made you into nations and tribes that you may come to know. Truly, the noblest of you, in the sight of Allah, is the most Allah-conscious amongst you. Verily Allah is the Knower, the All-Aware. – Quran 49:13

These Quranic verses expound on the diverse nature of human beings that contrast them to the uniqueness of Allah. Language, culture, race and ethnicity are amongst the obvious scopes of diversity seventh century Arabs were plagued with and by which their existence as a united community was threatened. However the diversity within humanity is evidently extensive in our time. These are divinely intended phenomena that put humanity under trial in the trajectory of either unifying it or disengaging it from one another.

Glory be to Allah who have created all the different pairs/partners from what the earth produces and from themselves (humankind) and from that which they possess no knowledge. – Quran 36:36

It is largely accepted by most scientists and particularly psychologists today that homosexuality is a phenomenon that existed since time immemorial and is a natural occurrence in human beings as it is in the animal and plant world. ^[8] Orthodox Muslim scholars differ in their argument stating that, unlike animals and plants, human beings make choices and to lust after one's own sex is a choice that can be disconnected from one's identity: “Homosexuality as a predisposition can be disconnected from one's identity when one makes the choice to abandon that predisposition.”^[9]

Although there might be psychological help available for compulsive social behaviour today, most psychologists and scientists believe that homosexuality is not pathological and cannot be cured.

A research study conducted by the National Association for Research & Therapy of Homosexuality (NARTH) fails to prove that their reparative therapy was successful. It does not show promising results as only 34.3% of all the 882 men in the study showed some change after therapy. There is a deficiency in the study as it does not revisit these men at intervals to check for relapses. ^[10]

Most scientists would agree that homosexuality is harmless and poses no threat to humanity and that reparative or aversion therapy does cause serious harm to the individual. ^[11] This fact reinforces the argument that homosexuality is a divinely intended diversifying factor that challenges humanity's fear of others.

Orthodox Muslims who take a more lenient approach to homosexuality would advocate that one must hate the sin and not the sinner. Homosexuality is not seen as a sexual orientation by them, but rather as a sexual act which involves anal penetration. Some orthodox Muslim clergy would preach that it is acceptable for someone to have an attraction for the same sex, but sinful to act upon it.

Discrimination on the bases of sex, sexual orientation and gender has been present in many civilizations and cultures throughout history and it is evident that patriarchal religious influence, often linked to a state or church, had a great role to play. The justification for this discrimination is often supported by scriptural verses that have ambiguous or sometimes out of context interpretations. I would like to present a few examples of how Quranic verses pertaining to sex and sexual behaviour have been used to justify the condemnation of homosexuality.

The homosexuality that is not in the Quran

Terms such as Homosexuality, Bisexuality and Heterosexuality by which modern society classifies human sexuality are not terms used in the Quran. There is however a theme of sexuality and sexual permissibility and prohibition which runs through the Quran. Although the Quran appropriately addresses a heterosexual audience, and is largely silent about non-heterosexual sex, this does not automatically imply condemnation of the latter.

Traditionalists often refer to the parable of Prophet Lot (pbuh) in the Bible and the Quran as a blanket condemnation for homosexuality, drawing parallels between the sexual perversities of his people and homosexuality.

In order to appreciate and do justice to this beautiful Quranic parable, one has to take in consideration the milieu against which this parable is recounted.

"Do you approach the men and cut off the highway and commit atrocities in your councils (circles)? But his people gave no answer but this: they said: "Bring us the wrath of Allah if you are telling the truth." - Quran 29:29

And he warned them of Our power, but they disputed about the warning and attempted to seduce his guests: whereupon We obliterated their sight. So taste then My retribution after the warning. - Quran 54:36-37

Sodom was undoubtedly the wealthiest city on the biblical Vale of Siddim in Babylon. According to the Quran (15:16), this city was situated directly on the highway of trade which today is known as the Arava highway. Archaeological findings and historical usage of the highway confirms that merchants often traded with Sodom and passed from opposite sides through this highway. Sodom, known for its amenities and location on the highway, begged a necessary resting point for travellers.

Prophet Abraham (pbuh), the uncle of Lot (pbuh), enunciated the divine law of honouring visitors and showing hospitality to guests and foreigners and thus Sodom were compelled to give rest to travellers. Because of the selfish nature on the part of the aristocratic male rulers

of Sodom and Gomorrah, they refused to share resources and common space with foreigners. They carved for themselves luscious hidden gardens for personal enjoyment and enjoyed the best of what Sodom had to offer, while common people and foreigners were subjected to harsh social and economic treatment.

Flavius Josephus, a Jewish historian, wrote: "Now, about this time the Sodomites, overweeningly proud of their numbers and the extent of their wealth, showed themselves insolent to men and impious to the Divinity, insomuch that they no more remembered the benefits that they had received from Him, hated foreigners and avoided any contact with others. Indignant at this conduct, God accordingly resolved to chastise them for their arrogance, and not only to uproot their city, but to blast their land so completely that it should yield neither plant nor fruit whatsoever from that time forward." ^[12]

It would not be correct to single out male-to-male sex as the sole purpose for destruction of Sodom. Sexual practices in historical Babylon should also not be seen in isolation from idolatrous beliefs and patriarchal pursuits for power and dominance. Sex under repressive conditions and in exploitive societies has often been used to assert dominance by patriarchal chauvinistic men. Non-consensual sex which is tantamount to rape has much more to do with an associated need to dominate rather than sexual gratification. In the case of Sodom the victims were not only virgin girls but also young men coerced into having sex with temple priests as part of their idolatrous rituals. According to the Quran, Sodom stands to be the first nation ever to commit the crime of subjecting vulnerable men to coercive sex with the aristocrats.

Temple prostitution was seen as an offering to the gods. Every father in Babylon was compelled to offer his virgin daughter to the Temple of Ishtar. The virgins are then compelled to have sex with strangers as an offering to the god Ishtar and so that the virgins may be purified and made ready for marriage. Prophet Lot (pbuh) defied this custom by repeatedly deferring the ritual when he was approached by the rulers to offer his daughters to the temple. As a last resort, and in compromise and utter hopelessness, he offered his daughters to the aristocrats to protect his guests who were Allah's angels sent to warn him of the coming destruction of the cities. He responded, with a frail heart, that perhaps in this hopeless situation his daughters would be purer for their rituals than the rape of the angels of Allah. (Quran 11:78)

To quote the Greek historian Herodotus: "The worst Babylonian custom is that which compels every woman of the land once in her life to sit in the temple of love and have... intercourse with some stranger... the men pass and make their choice. It matters not what be the sum of money; the woman will never refuse, for that were a sin, the money being by this act made sacred." ^[13]

Ishtar was the primary Goddess of love and war. Ritual prostitution was performed in her name. In Cyprus where Ishtar was known by the name Aphrodite, it was the custom that unmarried women should prostitute themselves at the Goddess' sanctuary and give profit to the Goddess. In Ishtar's temple in Babylon, all women, without regard to their class, acted as a prostitute at least once. ^[14]

This indicates that the sexual interactions amongst the people of Sodom and Gomorrah, as the two leading cities in ancient Mesopotamia, were not just amongst men. Hence, one cannot conclude that the cities were destroyed primarily due to homosexual acts or even same-sex sexual orientation. In the entire Quranic parable related in over seventy verses,

there is no allusion to sexual orientation or that the aristocratic men in question were having consensual sex with one another. Strong Quranic terminologies however suggest coercion and sexual primacy as opposed to consensual heterosexual or homosexual sex.

A number of reasons for Sodom and Gomorrah's self-imposed destruction can be deduced from this Quranic parable:

- a) The people of Sodom were not monotheists and their idolatrous beliefs dictated sexual proclivity, social and economic injustice.
- b) Inhospitability to foreigners and guests confirms social discrimination and xenophobia.
- c) Daylight robbery on the highway of trade is indicative of voracity and disregard for foreigners.
- d) Exercising coercive power through sexual gratification.
- e) Unjust laws and practices in their councils were constituted to serve the patriarchal elite.

It can thus be concluded that the parable of Lot in the Quran cannot be used as a blanket condemnation for homosexuality as there are no parables one can draw from to support such a condemnation. In condemning homosexuals one would contradict the many verses in the Quran that promote the idea of unity within human diversity. A spiritual path towards the Creator also requires a complete acceptance of diversity and difference without judgment. This however does not give licence to homosexuals to become social wrecks. It merely disproves the belief that the fight of Lot was against homosexuality. Scott Siraj al-Haqq Kugle in his book "Homosexuality in Islam (2010)" draws similar conclusions that the parable of Lot in the Quran does not suggest that consensual sex between members of the same sex is a sin.

In addition to the parable of Lot, orthodox Muslim scholars have also quoted other verses from the Quran to support their contempt for homosexuality.

"If any of your women are guilty of lewdness, you must produce four reliable witnesses from amongst you against them; and if they testify, then they should be confined to houses until death do claim them, or Allah ordain for them some (other) way. – Quran 4:15

If two men are guilty of lewdness, both of them should be reprimanded. If they repent and amend, leave them alone, for Allah is oft returning, Most Merciful." – Quran 4:16

Because of the imprecision of these verses it's not rational to conclude that these verses refer to sexual violations amongst homosexuals. In fact, it makes more sense to appropriate these verses to cover a wide range of possible public indecencies regardless of gender and sexual orientation.

The Arabic word "faahishah" used in the above verses is loosely translated as "lewdness" or "public indecency", but due to the nature of the Arabic language, this term has many implications of a shameful and sexual nature for which four witnesses need to be produced before a judgment can be made. In fact, this verse acts more as a deterrent from randomly accusing people of public indecency as producing four witnesses to the actual penetration (as required by the Shafi' school of thought) during sex, is a rarity.

The recognition of non-heterosexuals in the Quran

"Say: Everyone acts according to his own disposition (nature): But your Lord knows well who is best guided on the way." – Quran 17:84

This is such a profound divine statement that gives recognition to a deeper sense of diversity beyond religion, race and gender. The individuality, nature and temperament of each human being are more intense levels of diversity we need to explore and embrace before we can feel at one with Allah. Sexual orientation is but one such phenomenon that often causes us to fear "other" people we are ignorant about.

This verse speaks to our own natures and at the same time calls us to be true to ourselves and to return to the very core of who we are as spiritual beings. This verse places judgment in the hands of the Creator and also confirms the divine intention with freedom of choice which is yet another way of putting to test humanity's need for personal gratification versus the needs of the collective.

And tell the believing women to lower their gaze and be modest, and to display of their adornment only that which is apparent, and to draw their veils near to them, and not to reveal their adornment save to their own husbands or fathers or husbands' fathers, or their sons or their husbands' sons, or their brothers or their brothers' sons or sisters' sons, or their women, or the followers (of Muhammad) amongst the men who have no desires for women, or children who know naught of women's nakedness. And let them not stamp their feet so as to reveal what they hide of their adornment. And turn unto Allah together, O believers, in order that ye may succeed. – Quran 24:31

This verse might be seen by many in the West as dictating the modesty of women and denying her the right to choose her own modesty. However, it has been extremely liberating to women at the advent of Islam when they were seen as mere chattels of desire. By lowering their gaze and donning an extra piece of garment in public, they were demonstrating their desire to be appreciated for more than just their physicality. However, there would be no sense for her to continue this demonstration in front of the category of men, listed in the above verse, who poses no threat to her. One such category of men would be the men who have no natural inclination towards her as they would clearly not pose a threat to her womanhood. By stating this, the Quran makes it clear that such a category of men do exist in society.

As for women who sit inactive and have no hope for marriage, it is no sin for them if they discard their (outer) clothing in such a way as not to show adornment. But to refrain is better for them. Allah is Hearer, Knower. – Quran 24: 60

There are different categories of women who are not actively pursuing a social contract with a man for many reasons and who might openly protest against such an institution. This protest would be exaggerated in a patriarchal society where men are seen as forcing themselves upon women by which, women are compelled to assert themselves by protesting against a social contract that might enslave them. It would make no sense for such women to wear the protective outer garment as their whole demeanour, without adornment, would publically dictate their intentions to men. This category of women includes those women who have no sexual attraction towards men. It can be observed in the demeanour of some homosexual women that they do not wish to adorn themselves and create unnecessary attention from men.

Rabi'a Al-Adawiyah was a venerated Sufi saint who lived in Basra (717–801 CE), who refused to marry her entire life. Although this choice might not have been related to her sexual identity, she still defied a social norm she struggled to relate to even though marriage by orthodox Muslims has been proclaimed as a Prophetic command.

People asked: "Why do you not take a husband?" Rabi'a responded: "I am saddled with three concerns. If you remove these worries from me, I shall take a husband. One: Tell me, will I die with complete faith in Allah? Two: On the Day of Judgment will my Record of Deeds be given in my right or left hand? Three: On the Day of Judgment will I be among the people of the right side or the left side?" The people said that they were unable to give her assurances regarding these issues. She said: "A woman who has these fears has no desire for a husband."

She knew none of her questions were answerable by any human being and thus she cleverly avoided a debate around the issue of marriage.

There is another story related to Rabi'a which is worth mentioning and which verifies that homosexuality was also prevalent amongst early Sufi saints, if not venerated:

One day Rabi'a Al-Adawiyah, saw Rabah al-Qaysi (her contemporary Sufi companion) kissing a young boy: 'Do you love him?' she asked. 'Yes,' he said. To which she replied, 'I did not imagine that there was room in your heart to love anything other than Allah, the Glorious and Mighty!' Rabah was overcome at this and fainted. When he awoke, he said, 'On the contrary, this is a mercy that Allah Most High has put into the hearts of his slaves.'^[15]

Homosexuality and the Prophetic teachings (Hadith)

There are numerous recordings of Hadith in which the Prophet Muhammad (peace be upon him) himself forbade the collection of his traditions for fear that it might be held in higher regard than the Quran and for fear that some of it might be fabricated. It can also be noted that the kind of Islam presented to us today places much importance upon the tradition as opposed to the Quran, which perhaps the Prophet Muhammad (pbuh) was trying to prevent. The traditions collected during the Prophet Muhammad's time were all discarded by his command and thus we see the resurfacing of his collected traditions only in the latter part of the second century after his death. The fact that these traditions are related through

secondary sources and through an eliminatory process puts the validity and science of the collection of Hadith into question. Most progressive Islamic scholars would not abandon this science in its entirety but would select those traditions which complement the Quran.

It is beyond the scope of this article to venture into the Hadith discourse, but suffice to say that Imam Bukhari (265 AH), the major contributor to the collection of authentic Hadith, himself stated that he only selected 7,300 out of 600,000 narrations for fear that the rest might have been fabricated.^[16] The mere fact that such a huge number of fabricated Hadith existed puts the authenticity of the remaining Hadith in question and also raises questions around the issues that necessitated such fabrications.

Unlike the Quran, Hadith has many contradictions and I would like to bring to the reader's attention one such contradiction that specifically relates to sexual offences.

Narrated by Abdullah ibn Abbas: "The Prophet Muhammad (pbuh) said: If anyone has sexual intercourse with an animal, kill him and kill it along with him. I (Ikrimah) said: I asked him (Ibn Abbas): What offence can be attributed to the animal? He replied: I think he (the Prophet) disapproved of its flesh being eaten when such a thing had been done to it."^[17]

Narrated by Abdullah ibn Abbas: "There is no prescribed punishment for one who has sexual intercourse with an animal."^[18]

The above two narrations are collected by the same person, narrated by the same person, recorded one after the other in the same book of collections, but yet starkly contradict each other. The former Hadith also contains an opinion by Ibn Abbad which is problematic. Questioning the wholesomeness of the meat of a sexually violated animal seems to be more important than the life of the person who committed the crime. Even if we should consider the context, such a Hadith remains problematic.

As a consolation, there are no references to homosexuality in the more authentic Hadith collections of Imam Bukhari and Imam Muslim (regarded by Muslims as the two most authentic collections out of the six famous compilations of Hadith) and no Hadith at all reporting an actual incidence in which the Prophet Muhammad (pbuh) ordered the killing of homosexuals. The other four authentic compilations of Hadith do record, in various forms, his condemnation of the "act of the people of Lot" usually in the form of a command to "Kill both the active and passive partner." However, in light of the beautiful character of the Prophet Muhammad (pbuh) so portrayed in the Quran, it is unthinkable that he could have given such an unyielding order.

Other Hadith compilations that are regarded as secondary, adds a little more detail labelling sexual relations between women a form of fornication and declaring that men marrying boys will be one of the signs of satanic power prevailing. Some Hadith also offer a variety of views on the appropriate form of punishment for sodomy, as well as purported (but mutually inconsistent) reports of actual cases of execution for the offense by the early caliphs, beginning with Abu Bakr. What is interesting to note is that the reporters of these Hadith are either questionable or not very well known and that the offenders are invariably anonymous.

Homosexuality in the midst of Prophet Muhammad (pbuh)

An interesting class of transvestites or effeminate men are noted in the city of Medina at the time the Prophet Muhammad (pbuh) came to make it the centre of Islam. These men were called the *mukhannathun* and had similar characteristic of modern day transvestites and effeminate gay men, however not exclusively so. According to Everett Rowson, it should not be assumed that all these men were transgendered or castrated. They were very influential in the arts of poetry and music and were socially identified through their colourful attire. What is interesting to note is the duality in the reports on how the Prophet Muhammad (pbuh) related to these men. ^[19]

'A'isha reported that a mukhannath used to come to the wives of Allah's Apostle (pbuh) and they did not find anything objectionable in his visit, considering him to be a male without any sexual desire. Allah's Apostle (pbuh) one day came as he was sitting with some of his wives and he (the mukhannath) was busy describing the bodily characteristics of a lady and saying: As she comes in front four folds ^[20] appear on her front side and as she turns her back eight folds appear on the back side. Thereupon Allah's Apostle (pbuh) said: I see that he knows these things; do not, therefore, allow him to enter. She ('A'isha) said: Then they began to observe the veil in front of him. ^[21]

This Hadith narration is commonly used by Orthodox Muslim scholars to justify the contempt for effeminate and transsexuals and used as proof that Muslims should not allow them in their houses. However, this narration makes it clear that the Prophet Muhammad (pbuh) did not find any objection in the *mukhannath* working for his wives while they were unveiled and his condemnation of this one particular *mukhannath* is not an indictment on the rest of the *mukhannathun*. His disapproval of this particular *mukhannath* was also not based on his sexual orientation, but rather his actions in this particular situation.

The fact that he describes a woman sensually is an act of impiety and distastefulness in front of pious women. Because the text does not give insight into the character of the *mukhannath* in question, he could well have been bisexual. He could also have been an impersonator. Impersonators were men who posed as *mukhannathun* as the latter had the freedom of moving between the sexes. Impersonators were common during the time when segregation between the sexes made it more difficult for men to have clandestine affairs with women.

Another interesting narration is provided in Abu Dawood's collection of Hadith on the authority of Aba Hurayra, according to which, "A *mukhannath*, who had dyed his hands and feet with henna, was brought to the Prophet Muhammad (pbuh). He asked, 'What is the matter with this one?' He was told, 'O Apostle of Allah, he imitates women.' He ordered him to be banished. They said, 'O Apostle of Allah, shall we not kill him?' He replied, 'I have been forbidden to kill those who pray.'"

Again a number of interpretations can be read into this Hadith, but I would hope that such narrations, if indeed authentic, are read in light of the Quran which teaches that life is sacred

(Quran 2:179). What is remarkable in the Prophet Muhammad's final response is his own conscious understanding and appreciation of the sacredness of life.

A number of themes surface when we piece together many such narrations around the Mukhannathun. One such theme is the Prophet Muhammad's concern with social justice and public morality more than the private or the sexual orientation of the individual.

Themes in the Quran such as social justice, gender equity, inclusivity of different faiths, diversity in humanity, a prophetic example and an Oft-forgiving and Merciful Allah, makes it difficult to dismiss an entire group of people that has indeed played a significant role in many civilizations. The fact that homosexuals and transgendered people have survived many centuries and indeed contributed to the growth of humanity dismisses the orthodox Islamic notion that such groups of people are detrimental to the institution of marriage, the family and society as a whole.

There are certainly many incidences in Islamic history that point to the social contributions that many homosexuals, homosexually orientated individuals and transgendered people made, whether it be in the arts, entertainment, politics and poetry or even in companionship. Their presence was felt by many before the advent of Islam, during the Umayyad^[22] and Abbasid^[23] dynasties, after the demise of the Prophet Muhammad (pbuh) and are certainly felt, respected and even sought after until today.

Execution of homosexuals based on the Quran

Homosexuality is criminalized in the Shariah under Hadd punishment and is seen to fall in the same category as adultery for which the punishment is death with some differences in opinion regarding the style of execution. This view is held by most Islamic schools of thought in the Sunni and Shi'a world.^[24] It is widely accepted by the majority of orthodox Islamic and Biblical scholars that Allah used brimstone to destroy the notorious cities of Sodom and Gomorrah. This supports the argument that homosexuals should be executed either by being buried under stone, pelted with stones or thrown down headlong from the highest building in the city.

Seeing that Shariah law may not contradict Quranic injunctions, I would like here to examine the concept of stoning to death for adultery and to prove that the death penalty for any sexual offense is not a Quranic concept. This would then subsequently prove that the killing of homosexuals is un-Islamic. Before we can do this, it would make sense to examine the Quran's position on the sacredness of life.

The following verses are single statements aimed at the collective and emphasises the Quran's pro-life stance.

And for you, in the Law of Equality, there is saving of Life, O you with understanding; so that you may restrain yourselves. - Quran 2:179

And thus have We ordained for the Children of Israel that if any one killed a person, except in retaliation for murder or for spreading mischief in the land – it would be as if he had killed the whole of mankind; and if any one saved a life, it would be as if he saved the whole of mankind. Verily there came to them Our Messengers with clear signs, yet, even after that, many of them continued to commit excesses in the land. – Quran 5:32

Say: "Come, I will rehearse what Allah hath (really) prohibited you from": Join not anything as equal with Him; be good to your parents; kill not your children on a plea of want; – We provide sustenance for you and for them; – come not nigh to shameful deeds. Whether open or secret; take not life, which Allah made sacred, except in justice: thus doth He command you, that you may learn wisdom. – Quran 6:151

Nor take life which Allah has made sacred except in justice. And if anyone is killed wrongfully, we have given their heir recourse for justice. But let him not exceed bounds in the matter of taking life, because he is being assisted. – Quran 17:33

On the Quranic continuum of punishment for sexual offenses there are at least three distinguished levels. On a personal level, those who have committed the offense and bring Allah to mind and ask for forgiveness will find Allah's forgiveness and a pleasant eternal abode:

(forgiveness and heaven is for)... those who, committed a shameful deed, or wronged their own souls, earnestly bring Allah to mind, and ask for forgiveness for their sins, – and who can forgive sins except Allah. – and are never obstinate in persisting knowingly what they have done. – Quran 3:135

The second level is that in which the shameful deed must have been witnessed by at least four men and for which the punishment is dependent on the degree of the offense and the discretion of the judge:

If any of your women are guilty of a shameful deed, take the evidence of four witnesses from amongst you against them; and if they testify, confine them to the houses until their death, or Allah puts forward for them another way out. – Quran 4:15

If two men among you are guilty of lewdness, admonish them both. If they repent and amend, leave them alone; for Allah is Oft-returning, Most Merciful. – Quran 4:16

The extreme level points out the limit to which punishment for sexual offenses can be taken:

Do not approach zina: for it is a shameful deed and a way abating! – Quran 17:32

The woman and the man guilty of zina, – flog each of them with a hundred stripes: Let not compassion move you in their case, in a matter

prescribed by Allah, if you believe in Allah and the Last Day: and let a party of the Believers witness their punishment. – Quran 24:2

Based on the Quranic system of equity and the Prophetic teaching of moderation, a balance should always be struck between the polarities the Quran points out. Even though complete justice, an eye for an eye, is practical in the case of retaliation, the Quran favours forgiveness. (Quran 5:45)

Muslim scholars would agree that a hundred lashes are not definite as the number of lashes can differ depending on the severity of the crime as seen above. The status of the person also influences the judgment as seen in the following Quranic verses:

O Consorts of the Prophet! If any of you were guilty of a shameful deed, the punishment would be doubled to her, and that is easy for Allah. – Quran 33:30

If any of you have not the means wherewith to wed free believing women, they may wed believing girls from among those whom your right hands possess: And Allah hath full knowledge about your faith. You are one from another: Wed them with the leave of their owners, and give them their dowers, according to what is reasonable: They should be chaste, not lustful, nor taking paramours: when they are taken in wedlock, if they fall into shame, their punishment is half that for free women. This is for those among you who fear being compelled; but it is better for you that ye practise self-restraint. And Allah is Oft-forgiving, Most Merciful. – Quran 4:25

The word “*rajm*” does not appear in the Quran. There have been attempts in Islamic history to claim that such a verse was revealed to Muhammad (pbuh) but was either lost or abrogated. The attempts to justify this are evident in the following Hadith:

Narrated Ibn 'Abbas: 'Umar said, "I am afraid that after a long time has passed, people may say, 'We do not find the Verses of the Rajm (stoning to death) in the Holy Book,' and consequently they may go astray by leaving an obligation that Allah has revealed. Lo! I confirm that the penalty of Rajm be inflicted on him who commits illegal sexual intercourse, if he is already married and the crime is proved by witnesses or pregnancy or confession." Sufyan added, "I have memorized this narration in this way." 'Umar added, "Surely Allah's Apostle carried out the penalty of Rajm, and so did we after him." [25]

It is recorded in Sunan Ibn Majah that the Prophet Muhammad's wife Ayesha said: "When the verse on "Rajm" (Stoning) descended, it was written on a piece of paper and kept under my pillow. Following the demise of Prophet Muhammad (pbuh) a goat ate the piece of paper while we were mourning. [26]

These Hadith narrations raise a couple of questions. It is in stark contradiction to the following Quranic verse:

None of Our revelations do We abrogate or cause to be forgotten, but We substitute something better or similar: Know you not that Allah has power over all things? – Qurān 2:106

If these Hadith are actual fabrications of which there were thousands according to Imam Bukhari ^[27], then it would mean that somehow there was an attempt to continue the practice of stoning to death as capital punishment. In this case, the following Quranic verse would apply:

But there are, among men, those who purchase idle tales (Ḥadīth), without knowledge (or meaning), to mislead (men) from the path of Allah and throw ridicule: for such there will be a humiliating penalty. – Qurān 31:6

In both cases, there seems to be no scriptural support for the notion of stoning to death. In fact, if we try to justify stoning to death as a punishment for adultery, then our arguments would come into strong contrast with verses 33:30 and 4:24 quoted above. In both these scenarios the women in question are married and their punishment is either halved or doubled. It is possible to half or double the amount of lashes as indicated by these verses, but how would we apply these verses to the death penalty.

To further expand on this point, it is noted that one of the classical translators of the Quran into English, Abdullah Yusuf Ali saw the punishment for adultery and fornication to be lashing and not stoning to death.

“Zina includes sexual intercourse between a man and a woman not married to each other. It therefore applies both to adultery (which implies that one or both of the parties are married to a person or persons other than the ones concerned) and to fornication, which, in its strict signification, implies that both parties are unmarried.”

This statement by Abdullah Yusuf Ali supports the argument that stoning to death for any sexual offense contradicts the Quran and therefore cannot form part of an Islamic penal code. Later, the Presidency of Islamic Researches in Saudi Arabia, influenced by Wahabi thought, modified the commentary to read like this:

“Although zina covers both fornication and adultery, in the opinion of Muslim jurists, the punishment laid down here applies only to unmarried persons. As for married persons, their punishment, according to the Sunnah of the Prophet (peace be on him), is stoning to death.”
[28]

Let no man guilty of adultery or fornication marry any but a woman similarly guilty, or an unbeliever: nor let any but such a man or an unbeliever marry such a woman: to the believers such a thing is forbidden. – Qurān 24:3

In Abdullah Yusuf Ali’s translation of the above Quranic verse, he translates the meaning of “zina” to include adultery and fornication for which he believes the severest punishment is up to a hundred lashes. Had the punishment for adultery been stoning to death, then it would

not have made sense for the Quran to stipulate marriage conditions for the man after he has committed adultery, for he should have been stoned to death.

Female homosexuality is not mentioned in the Quran and is only hinted to in some Hadith. This is attributed to patriarchal perceptions of masculinity and femininity, with the latter being inferior to the former. Islamic law is almost exclusively patriarchal in influence and interpretation. Masculinity and the perception of it even before the advent of Islam has shaped how Muslim men perceive themselves and how they perceive femininity should look like in society. More attention is given to the disgust in male homosexuality due to the fact that the sexual act between two men directly impacts on a man's masculinity. While homosexuality was socially accepted, it was only accepted to the extent that the masculinity of the man is not threatened. In other words, he becomes the penetrator and not the penetrated. Homosexuality between bearded men was also frowned upon and hence the homoerotic poetry gives much examples of an older man bugging a beardless boy. In this social setup it is understandable why female homosexuality would be marginalized. While females having sex with one other were deemed insignificant due to the fact that there is no penis penetration involved, a man having sex with a bunch of females at the same time was deemed prolific. It is therefore understandable why there is little said about female homosexuality in Islamic law.

The Quranic verse 4:15 quoted above is used by some orthodox Muslim scholars to refer to female homosexuality. However, most progressive Muslim scholars would disagree and believe that the verse must be interpreted to include all forms of sexual indecencies that is publically staged and for which four witnesses can be produced.

There is only one Hadith explicitly talking about lesbianism narrated in At-Tabarani's ^[29] collection of Hadith which reads that the Prophet Muhammad (pbuh) apparently stated that lesbianism is adultery between women. The fact that this Hadith was recorded much later than the authentic six compilations of Hadith and the fact that this much is said about lesbianism, reinforces the fact that even the sexuality of women and the perception of that sexuality was controlled by men.

Conclusion

Muslims would agree that the Quran serves a personal and a social purpose. The Quran is a vehicle towards Allah-consciousness and the criteria to judge between what is appropriate and what is destructive for society. Hence, the Quran should be instrumental in the building of a healthy society in which everyone is free to choose as Allah intended, but at the same time co-exist inter-connectedly and in harmony. Muslims are not asked to take responsibility for the world's problems, but they are chosen according to the Quran to be the community that are instrumental in the workability of society through encouraging what is appropriate and discouraging what is not (Quran 3:110).

Iran is a good example of an Islamic state which has a system that is not in the best interest of its people or the workability of society. The emigration of Iranians to the West due to irreconcilable issues with religion such as forced marriages, sexual orientation and Hadd punishments has left Iran's Islamic model questionable. The Iranian government has not "purified" its society from the perceived evil of homosexuality; neither did it assist individuals

on the path of salvation by executing them. It is evident that the purpose for which the Quran was intended is not manifested in this society and many other Islamic states.

It can only be concluded that there is another face of Islam, other than the one propounded through the Quran, that has taken power through the employment of secondary Islamic sources. The Islam we are engaging with today seems to be an Islam that has usurped religious power for political gain. This has a huge impact on the lives of Muslims who are afraid to utter their discomfort with certain issues pertaining to Islam as the religion itself teaches blind-following and obedience to authorities.

What is evident in this report is that sexual expressions are only punishable when this evidently private expression of sexual intimacy becomes a public one and which was witnessed by at least four people. This injunction is to safeguard individuals from being falsely accused of public indecency. There are many institutions these days that pass fatwa (religious judgement) that dictates actions around personal issues such as masturbation, sex with one's legal partner and contraception which many progressive Muslims started to question.

The poetical nature of the Quran is such that it can be interpreted in many ways. It depends on the personality and disposition of the interpreter. However, the liberty of interpretation that this noble book affords us was never intended to disregard diversity or to exploit its subject's freedom of choice, right to life and freedom to co-create.

Recommendations

Islam will persist and continue to grow as a way of life for many billions of people across the globe. In fact, Islam is the most influential of all the religions in the world and its adherents the most willing to lay down their lives for the protection of this system. It would not be wise to oppose the system of Islam as this will only be met with stronger opposition. It would be wiser to work with progressive Muslim structures to create reform within Islam. Organizations such as The Inner Circle in South Africa, Sisters in Islam in Indonesia, Muslims for Progressive Values in the USA are indeed organizations that has the capacity to bring forth alternative understandings of Islam that values human rights.

Muslims have a suspicion that anything emanating from the "evil" West is a ploy to destroy Islam. Even something that could be beneficial to humankind can be criticized simply because it comes from the West. The "West" is also just a term used to hide the fact that it is really the atheists and "non-Muslims" in the West that Muslims have a problem with. This problem could be alleviated by involving as many key Muslims as possible in the strategic planning and projects implementation. Muslims might not be entirely acceptant of the agenda, but would hesitate to criticize it because of Muslim involvement.

Muslims also believe that they are the chosen people to make sure the commands of Allah prevail on earth. Hence, it is imperative for "non-Muslims" to ally with Muslims on common social issues.

The Inner Circle's research and alternative interpretation of the Quran is perhaps one way in which Muslim authorities can re-evaluate Islam's position on the matter and bring about equality and workability in the Islamic world regarding the rights of non-heterosexual minorities. It is imperative that funders who seek to create transformation within Muslim communities to assist in the publication and distribution of such alternative views that has been proven to be liberating to many Muslims who had no idea that alternatives exist within Islam.

Other religions such as Christianity and Judaism have similar issues with homosexuality and it is to no surprise that their progressive clergy developed similar conclusions as that of The Inner Circle and other queer Muslim organizations. It is therefore imperative to bring these interfaith voices together in dialogue with the hope to bring forth interfaith publications that could have a stronger impact in the transformation process.

It is important to work out strategies that make dialogue possible. Human rights organizations should collaborate with progressive Muslims who are at least open and sensitive to human rights. It would also help to collaborate with Muslim feminists who feel as marginalized as queer Muslims and who could become allies. It is imperative that the voices of those Muslims echoing human rights be amplified and the destructive voices exposed. There are many conservative Muslim organizations that operate in the West that are selective in their human rights work and would hesitate to engage with topics such as homosexuality, safe-sex workers and abortion on demand in a very public space. Such organizations should be co-opted to accept public debate and re-evaluated their stance and its effects on the rights of individuals.

Muslims are not opposed to reason, logic, scientific evidence, historical facts and biological evidence. In fact, Muslims pride themselves on the belief that Science continue to prove the authenticity of the Quran. Hence, one strategy would be to prove, without doubt, that the historical facts, archaeological and scientific discoveries around Sodom and Gomorrah support the Quranic version of the story and bring out the hidden meanings of key words in the story.

In the last five years of The Inner Circle's engagement with Muslim clergy, it was noted that there is much ignorance around homosexuality in their arguments. It is thus imperative that conclusive evidence around the nature of homosexuality and the psychology behind this sexual orientation surface and are made available to Muslim clergy. It is also imperative to bring this research and similar research on Islam and sexual diversity to the fore and have it widely published in the Muslim community.

Notes

[1] Scott Siraj al-Haqq Kugle is the first Muslim to publish widely on the issue of homosexuality and transgender identity in Islam. An independent research scholar in Islamic studies, he has taught at Swarthmore College, Pennsylvania, and the University of Cape Town.

[2] Kecia Ali is an Assistant Professor of Religion at Boston University. She previously held research and teaching fellowships at Brandeis University and Harvard Divinity School. Some of her work

include: "Sexual Ethics and Islam (2006) and "Money, Sex, and Power: The Contractual Nature of Marriage in Islamic Jurisprudence of the Formative Period (2002).

[3] This research was conducted by Core Krystal (Cape Town) after The Inner Circle saw a need to establish local Muslim responses to homosexuality, sexual practices and HIV.

[4] Baghdadi, Taqyid al Ilm, pp 29-44

[5] Cited in B.A. Robinson, 'Islam and Homosexuality', <http://www.religious-tolerance.org/hom_isla.htm>, 16 November 2002

[6] One of the four major schools of thought in Sunni Islam started by Imam Abu Hanifa (150 AH).

[7] The Ash'ari theology is a school of early Muslim speculative theology founded by the theologian Abu al-Hasan al-Ash'ari (d. 324 AH / 936 AD). Al-Ghazali was one of the disciples of this school.

[8] Soble, Alan; Power, Nicholas. The Psychology of Sex, contemporary readings, fifth edition (2008), pp 11-12

[9] Alexander, Sheikh Abdurahman, Homosexuality, Burhanol Islam, vol. 35, April 2000

[10] Nicolosi, Joseph; Byrd, A. Dean; Potts, Richard W. (June 2000). Retrospective self-reports of changes in homosexual orientation: A consumer survey of conversion therapy clients. Psychological Reports. pp. 1071–1088

[11] Lamberg, Lynne. JAMA (Journal of the American Medical Association) contributor JAMA, 1998; 280:497-499

[12] Jewish Antiquities, 1:194-195, <http://www.hup.harvard.edu/features/kugbib/chapter.html>

[13] Denning, Sarah. The Mythology of Sex, Chapter 3, Macmillan General Reference, 1996

[14] Harding, M. Esther. Woman's Mysteries: Ancient and Modern. New York: Perennial Library, 1976.

[15] quoted from as-Sulami, Early Sufi Women = Dhikr an-niswa al-muta' abbidat as sufiyyat, translated by Rukia E. Cornell, Louisville, KY: Fons Vitae, 1999, pp 78-79

[16] Ahmad, Nazir. Qur`anic And Non-Qur`anic Islam 2/E, Vanguard, 1997

[17] Dawood, Sunan Abu Dawud, vol 38, report 4449

[18] Dawood, Sunan Abu Dawud, vol 38, report 4450

[19] Rowson, Everett K. The effeminates of early Medina, Journal of the American Oriental Society, Vol. 111, No. 4. (Oct. - Dec., 1991), pp. 671-693.

[20] Arabs in seventh century Arabia found fat women attractive. The folds that fat create on the woman's body was seen as sexy and desert women with fat was seen as healthy.

[21] Abu Dawud. Adab, no 4928 (4:282)

[22] The Umayyads, headed by Abu Sufyan, were a merchant family of the Quraysh tribe centred at Mecca. They had initially resisted Islam, not converting until 627 AD, but subsequently became prominent administrators under Muhammad and his immediate successors. Following the murder of

'Uthman civil war ensued, and although 'Ali was initially triumphant, eventually Abu Sufyan's son Mu'awiyah, then governor of Syria, emerged victorious establishing himself as the first Umayyad caliph.

[23] The Umayyads were considered too secular and discontent erupted into major revolts in Syria, Iraq, and Khorasan (745-746 AD). In 749 AD, Abu al-'Abbas as-Saffah, was proclaimed as caliph who thereby became first of the 'Abbasid dynasty.

[24] Peters, Rudolph. Crime and Punishment in Islamic law, pg 61, Cambridge: Cambridge University Press, 2006

[25] Al-Bukhari. Sahih Al-Bukhari, Volume 8, Book 82, Number 816

[26] Ibn Majah. Sunan Ibn Majah, Volume 2, pg 39

[27] Imam Bukhari (194/810-256/870), was a famous Sunni Islamic scholar of Bukharian/Uzbek ancestry. He was, perhaps, best known for authoring the Hadith collection named Sahih Bukhari

[28] Original commentary by Abdullah Yusuf Ali for the Quranic verse 24: 2

[29] Abu al-Qasim Sulaiman ibn Ahmad ibn Al-Tabarani (360 AH). He narrated numerous Hadith.

Glossary

AH: After the Hijrah. The Hijrah is the migration of the Prophet and his followers from Mecca to Medina. This incident marks the start of the Islamic calendar.

hadd: limit – usually refers to the class of punishments that are fixed for certain crimes that are considered to be "claims of Allah." They include theft, fornication, consumption of alcohol, and apostasy.

hadith: oral narrations originating from the words and deeds of the Prophet Muhammad and later recorded as normative text. Muslims view Hadith as a secondary source to the Quran.

ijtihad: independent reasoning - the endeavor to derive a rule of divine law from the Quran and Hadith without relying on the views of other scholars.

mukhannathun "effeminate ones", "men who resemble women", singular (mukhannath) is classical Arabic for people who would now be called transgender women, perhaps poorly distinguished from eunuchs. Hadith often makes mention of them. Outside of the religious text they are strongly associated with music and entertainment.

pbuh: (peace be upon him) an acronym used with the name of Prophets of Islam as a sign of respect.

queer: a controversial as it may be considered as a derisive and derogatory term by many people. However, it saw substantial changes over the course of the 20th Century. Many LGBTI

people have reclaimed the term as a means of self-empowerment and embraced the term to describe a sexual orientation and/or gender identity or gender expression that does not conform to hetero-normative society.

Quran: The revealed book of Allah and regarded as the direct word of Allah to the Prophet Muhammad. It is also the primary source of law on which the Shariah law is based.

Quraishi: belonging to the ruling tribe of Quraish in seventh century Arabia during the time of the Prophet Muhammad (pbuh) and before the advent of Islam.

rajm: stoning - a punishment that has been prescribed as proper for married men and women who commit adultery when proof is established, or there is pregnancy, or a confession. However, this is not a term found in the Quran and hence this practice is justified through secondary Islamic sources.

shariah: a code of law derived from the Quran and from the teachings and example of Muhammad's lifestyle. The Shariah is a code of law developed through consensus of earlier Muslim scholars. Muslims are subjected to this law specifically in Islamic countries.

taqleed: imitation - the acceptance of a legal precedent without questioning. The opposite of independent reasoning (ijtihad).

The Inner Circle (TIC): A queer Muslim organization based in Cape Town and established as an official non-profit organization in 2006. It gives support to queer Muslims locally and internationally and has a number of empowerment programs for queer Muslims and the communities they come from. It also hosts an Annual International Retreat that brings together queer Muslim activists from different queer Muslim organizations across the globe.

zina: considered in orthodox Islam as extramarital and premarital sex for which there is a punishment of either stoning to death or up to a hundred whip lashes. Progressive Muslims would prefer to view "zina" as sexual relationships with someone outside of a longstanding commitment, contract or mutual agreement, be it verbal or written.