

Queer-Friendly Islamic Hermeneutics

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Many contemporary Muslims believe that a queer-friendly Islamic hermeneutics is impossible—or at least that this queer-friendly interpretation is false. And in many ways, it can be seen that queer-friendly Islamic hermeneutics is really a very desperate attempt to reconcile the irreconcilable. Scott Kugle, however, contests this assumption arguing that the words gay and Muslim “belong together because they form the basic identity of actual people in Muslim communities throughout the world.”¹

In addition, analyzing how Islam and homosexuality can be reconciled ideologically is a matter that has not been seriously explored in recent times. Even when it is explored, this is not usually done by academics but by lesbian/gay/queer/trans/bi and intersex Muslim activists themselves, to whom this is personally very important. As such, there is little knowledge in the academy about what a queer-friendly Islam looks like or whether it is even possible in the first place.

The status of homosexuality in the Quran is actually more ambiguous and flexible than Sharia-abiding Islamic states, and the majority of their populace, tend to believe. In fact, the Sharia-endorsed punishment for homosexuality that is carried out in places like Saudi Arabia, Iran, or Nigeria, owes itself to a hadith related about Ali Ibn Abi Talib, the Prophet’s cousin and Aisha’s adversary in the Battle of the Camel, which followed shortly after the Prophet’s death. After the Prophet’s death, two men caught in a homosexual act were brought to Ali Ibn Abi Talib. It soon became apparent that none of the Prophet’s companions were able to produce or remember a hadith in which the Prophet had set punishment for homosexual activity. A young gay, Muslim man interviewed for a documentary relates this very story and thus demonstrates that there is an awareness among gay Muslims that the punishment for homosexuality within Islamic countries can be questioned. Ibn Abi

Throughout the world, Muslims explore ways to be gay and still be part of the Muslim community. Although prohibitive Islamic attitudes towards homosexuality may seem to make this difficult, these are not shared by all Muslims. There is also a counter-culture of Muslim queerness that demonstrates that not all religious scholars were necessarily against homosexuality. This article discusses understandings of Islam that accommodate homosexual relationships.

Talib, however, ordered the two men to be thrown from a rooftop and to be followed by a hailstorm of rocks.²

This event marked the first official stance that a Muslim leader took against homosexual relations and as such this incident appears to be the roots of modern Islamic attitudes toward homosexual relationships. The incident also alerted the early fiqh scholars to the fact that not enough had been said about banning or punishing homosexuality either in the Quran or the authentic hadiths as collected and extracted by al-Bukhari. In addition, these early fiqh scholars ensured that an active and negative discourse would emerge. They cited questionable hadiths, that is hadiths without a proper supporting chain of transmission that can be traced back to the Prophet and his companions, relating that the Prophet saw male and female homosexual activities as sinful and equivalent to *zina*,³ and that severe punishment befalls the active and the passive partner.

Modern mainstream Muslim attitudes to homosexuality, as represented by the widely known Shayk Yusuf al-Qaradawi,⁴ for example, have inherited a way of interpreting the religious texts that lead to the same negative and damning conclusions about homosexuality. These ways of interpretation can be found within the writings of fiqh scholars such as al-Zuhri, al-Thahabi, al-Suyuti, al-Mashtolee, or al-Hindi,⁵ who frequently relied on ahadith *maqtu’a* (ahadith whose chain of transmission could not be traced back to a reliable source) to substantiate arguments regarding the prohibition of homosexuality.

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The story of Lut

These prohibitive attitudes towards homosexuality, however, are not shared by all Muslims. In fact there is also a counter-culture of Muslim queerness that demonstrates that not all Islamic societies or fiqh

scholars were necessarily against homosexuality. There were a number of fiqh scholars, such as Ibn Hazm, Hasan al-Basri, and Yahya Bin Aktham who did not see that homosexuality was equivocal to fornication or that it as punishable under Islamic law. In his book, *Al-Muhalla*, Ibn Hazm explicitly rejects the hadith that claims that lesbianism is “women fornicating with each other” as an inauthentic hadith, or a hadith without *isnad*.⁶ Al-Hasan al-Basri and Ibn al-Hazm were both exposed to homosexual persons and often referred to them quite ordinarily in their writings.

Yahya Bin Aktham, *Qadi al-Muslimin* in Baghdad at the time of al-Caliph al-Ma’mun, was known for his authorization of and involvement in homosexual relations; while Ibn Hazm states clearly that some Muslim communities of his time banned and punished homosexuality while others accepted and authorized it.⁷ Ibn Hazm also alerts us to the fact that the story of Lut’s people, as related in the Quran, was not always considered to be a story warning specifically and exclusively against homo-

Gay Muslim support group marches in the San Francisco Pride Parade.

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sexuality. Ibn Hazm argues that the story serves as a warning to those who would reject a true prophet, such as Lut in this story. Ibn Hazm stresses that it was Lut's people's insubordination and unwillingness to accept him as a true prophet that led to their destruction and not simply the fact that they engaged in homosexual acts.⁸

Furthermore, in Surat al-A'raaf: 80-84, Lut reproaches his people for abandoning women and engaging in seemingly exclusive homosexual behaviour, but, Ibn Hazm argues, this is certainly not the pinnacle cause of their demise since Lut is additionally disgraced by their attempts to rape his visitor (who also happens to be an angel sent by God to guide Lut out of Sodom, see Surat Hud: 78-81). If Lut's people are, after all, homosexuals, the story stresses this as one of their questionable attributes, but their destruction does indeed seem to be caused by their rejection of Lut and their attempts to rape his visitor, rather than being caused strictly by their sexual behaviours with each other. Contemporary fiqh scholars tend to generalize the story of Lut's people and see it as a story including and characterizing all homosexuals and for all time, rather than choosing to interpret this story as a specific "historical" incident or a story relating to specific individuals. But for the purposes of a queer-friendly Islamic hermeneutics, the question that becomes immediately apparent is: what are Muslims to do with homosexuals who do not resemble Lut's people in that they are not rapists or even non-believers? And this is precisely the question implicitly raised by Ibn Hazm in the eleventh century.

Outlawing *fahsha*

Finally, the Quranic verse in Surat al-Nisa': 20-21, has often been seen by contemporary Muslim scholars to be outlawing homosexuality. The verse tells the believers that if a woman is caught committing *fahsha* (this will be explained in a moment) she should be placed under house-arrest indefinitely or until God works out a way for her. The same verse tells the believers that the two men involved in the *fahsha* should be punished and if they repent they should be released. If by the word "*fahsha*" "homosexuality" was intended, as the contemporary religious figures often claim, then the punishment proscribed here certainly undermines the punitive decision undertaken by Ali Ibn Abi Talib (that is, to throw homosexuals to their death). Nevertheless, even though many modern scholars read "*fahsha*" here as "homosexuality," the word does not specifically mean homosexuality and in fact it could mean any unspecified variety of non-marital sexual activity. *Fahsha* is a word that means obscene sexual behaviour and could refer to bestiality, debauchery, orgy-like behaviours, or possibly, but certainly not exclusively, homosexual activity. It is actually very difficult to substantiate the claim that this verse is related to homosexual activity at all, since the verse seems to be referring to sexual activity between one "theoretical" woman and two "theoretical" men, where the woman is placed under house arrest and the men are punished and released if they repent.

A queer-friendly Islamic hermeneutics

A queer-friendly Islamic hermeneutics begins by, firstly, rejecting the unauthenticated (or severed) hadiths which discuss homosexuality that early, and also later, fiqh scholars relied on. Secondly, the queer-friendly hermeneutics moves to de-programme the belief that the story of Lut in the Quran is a story about homosexuals or worse yet, a story about all homosexuals that ever were or were ever to be. Of the authentic hadiths that remain, however, two are significant, which are authenticated in *Sahih al-Bukhari*. The one to be mentioned here relates a story about a "*mukhanath*." In this historical period, the word "*mukhanath*" can mean a castrato, or an effeminate (usually homosexual) man or a person of indeterminate gender (usually an intersex person). In this hadith, the *mukhanath* was at Um Salma's house (the Prophet's wife) and he was banned by the Prophet from being alone with the women (as he was previously authorized to do) after he provided a sexual description of a woman to one of the Prophet's soldiers.⁹ If by "*mukhanath*" an effeminate, homosexual man was intended (as some modern translators of the hadith see it), we would need to take into account that he was in the presence of the Prophet and that he was banned from entering the women's quarters because he was able to describe them as sexual objects, that is, for his heterosexuality, whereas his presumed homosexu-

ality had allowed him access to the women's quarters and the company of the Prophet in a previously uncontested way. If the Prophet did not object to the presence of a "*mukhanath*" then we can easily see why there were no authentic ahadith relating him banning or punishing homosexuality.

Thus, from a Zahir perspective, Islam and homosexuality can be reconciled. This interpretational style was followed by Ibn Hazm and others and reduces the number of religious texts which can be relied on to the holy Quran and the authenticated hadith collections of al-Bukhari or al-Muslim. The fact that homosexuality was not punished in the formative years of Islam, during the Prophet's lifetime; that the ahadith condemning homosexuality do not have a proper *isnad*, and that the Quranic story of Lut is unnecessarily seen

as a story about all homosexuals rather than a story about a specific group of people at a specific point in time, all these matters demonstrate that a queer-friendly Islamic hermeneutics is at least theoretically possible.

In-born or not?

Many Muslim scholars who are against homosexuality also argue that it cannot be in-born or *fitra*, despite the fact that many homosexual Muslims state the contrary. This rejection of innateness is due to the premise that God does not make mistakes and creates humans in perfection. It is believed that homosexuals choose to sin by acting on their desires and that homosexual desires in themselves are not sinful, but the activity itself is.¹⁰ These conservative parameters suggest a way for homosexual couplings. Since the desire is not sinful but the act is, Muslim homosexuals can enter into romantic relationships without feeling guilty as long as they avoid certain sexual acts. Or, a more radical way of thinking that is currently being adopted by homosexual Muslims, suggests that homosexuality, in many cases, is indeed *fitra* and in-born and that it is precisely part of the Creator's intention.¹¹

The latter line of argumentation would of course be supported by the indisputable *fitra* of an intersexed person. It cannot be argued that intersexed individuals choose to be intersexed since they are literally born this way, and yet they are not represented in the ahadith or the holy Quran. Therefore, God does create individuals who are neither women nor men even though these individuals are not accounted for Islamically.¹² Therefore, the argument continues, just as God creates individuals who are neither women nor men, he also creates individuals who cannot fit into the exclusive heteronormative gender binary that is promoted by many Islamic communities. This view reflects a rationalist approach to Islamic interpretation which is not at odds with scientific methodology and evidence-based theory, but it goes without saying that this rationalist Islamic mode is not the most popular or currently the most dominant. Nevertheless, the fact that these arguments are being brought forward shows that queer-friendly interpretations of Islam are not only possible in theory, but offer ways to devout homosexual Muslims to reconcile themselves to their faith.

Notes

1. Scott Kugle, "Queer Jihad: A View from South Africa," *ISIM Review*, no. 16 (2005): 14-15.
2. See *I Exist*, dir. Peter Barbosa, Arab Film Distributors (2003). Also see http://www.religioustolerance.org/hom_isla.htm. Last accessed January 28, 2008.
3. A hadith cited in several early Islamic texts including Ahmad Bin Mohamad Bin 'Ali al-Yemeni (850 A.D.), *Rashd al-Labeeb Ila Mu'asharat al-Habib* (n.p.: Thala Lil-Tiba'ah Wa'l-Nashr, 2002), 123.
4. See "Islamic Stance on Homosexuality," ed. Nadia El-Awady, Islam Online: <http://www.islamonline.net/english/Contemporary/2003/02/article01-1.shtml>.
5. See Samar Habib, "The History and Representation of Female Homosexuality in the Middle Ages," in *Female Homosexuality in the Middle East: Histories and Representations* (New York and London: Routledge, 2007), 55-62.
6. See Ibn Hazm, *al-Muhalla* (c.1060 A.D.) accessible at www.alwaraq.net, 2232-2233.
7. See Habib, *Female Homosexuality*, 59-60.
8. See Ibn Hazm, *al-Muhalla*, 2228-2229.
9. Bukhari, "al-Nikah," 4834, *Hadith Encyclopedia* Ver. 2.1, Harf (Cairo and Riyadh).
10. Jim Wafer "Muhammad and Male Homosexuality" in *Islamic Homosexualities*, ed. Stephen O. Murray and Will Roscoe (New York: New York University Press, 1997), 87-96.
11. See the documentary, *A Jihad for Love*, dir. Parvez Sharma, Channel Four Films, 2007, and <http://www.ajihadforlove.com/home.html>.
12. See Paula Sander, "Gendering the Ungendered Body: Hermaphrodites in Medieval Islamic Law," in *Women in Middle Eastern History*, ed. Nikki R. Keddie and Beth Baron (New Haven: Yale University Press, 1991), 75-95.

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