

HOMOSEXUALITY ISLAM AND HUMAN RIGHTS PERSPECTIVES

Alimatul Qibtiyah

*Dosen Fak. Dakwah dan Komunikasi
UIN Sunan Kalijaga
alimatulqibty@gmail.com*

Abstract

Setiap manusia yang hidup di dunia ini semestinya mempunyai hak yang sama untuk mendapatkan kebutuhan-kebutuhan dasarnya. Namun demikian realitasnya tidak seperti itu. Kelompok-kelompok marginal seperti kelompok LGBT akan banyak mendapatkan diskriminasi. Bahkan pendiskriminasian itu sering dilegitimasi sebagai kutukan Tuhan di dunia. Tulisan ini akan mendiskusikan bagaimana Islam dan ummat Islam melihat fenomena homoseksualitas baik dari sisi teologis maupun sosiologisnya. Kelompok yang tidak setuju dengan keberadaan kaum gay ini, berargumen bahwa itu adalah penyimpangan sedangkan kelompok yang peduli melihat bahwa untuk menjadi gay, waria ataupun lesbi bukanlah pilihan dia tetapi itu juga pemberian dari Tuhan, karena itu tidak adil jika mereka diperlakukan tidak adil dari apa yang terjadi pada mereka yang sebenarnya mereka tidak minta. Perbedaan ini tidak lepas dari pendekatan yang digunakan dalam memahami text-text keagamaan.

Kata Kunci: *HAM, Homoseksualitas*

A. Introduction

Homosexuality is a sexual and emotional interest directed towards members of one's own biological sex. The term "homosexuality" was first used in the 19th Century, but same-sex relationships are referenced as far back as ancient Greece and Rome, most notably in Plato's *Symposium*.

Homosexuality has been the center of debate and controversy for centuries. Some groups claim that homosexuality is unnatural and immoral because it is strongly condemned in some religious texts. This condemnation of homosexuality is also reflected in the laws of various societies that view homosexuality as a crime and leave many homosexuals without legal recognition and civil rights. Other groups argue that discrimination against homosexuality is unlawful, unfair, and harmful to the society as a whole. Laws regarding gay rights vary greatly worldwide. In some Western countries, advocates have been

most successful in fighting discrimination in the workplace but they are still working to obtain legal protection from discrimination in all areas of contemporary society and culture including marriage and adoption.

In Islamic society homosexuality is not a new issue either. Historically, In Morocco, Turkey, Saudi Arabia, Iran, and Iraq, some people practice homosexuality.¹ Most Islamic scholars forbid and condemn homosexuality because homosexuality is a sin, a moral disorder, and health disease. Homosexuality is against natural law (*sunnatullah*) and leads to the destruction of family life. However, in the late 19th century, there have been several groups that claimed themselves as gay Muslim association: *Al-Fatiha Foundation*², *Queer Muslim*³, *ILGA-Europe*

¹ Murray, S. O. and Will, R., *Islamic Homosexuality*. (New York: New York University, 1997)

² <http://www.al-fatiha.net>

³ <http://www.angelfire.com/ca2/queermuslims>

International Lesbian and Gay Association⁴, and *Queer Jihad*⁵. They use different arguments from the hegemonic culture which is heterosexual norm in Muslim society.

The spreading information through the internet about gay Muslim association, particularly in the Western world which sees Islam as an evolving religion that must adapt to modern-day society, is a very interesting phenomenon. This phenomenon seems to give new thoughts about how Islamic society tolerates, respects, and accepts homosexuals as human beings like other heterosexual people.

The discussion about Islam and Muslim in any aspect of their lives cannot be separated from the first source (Al Qur'an) and the second source (Hadith) of Muslim's way of life. Therefore, in this paper I am going to discuss theological and sociological perspectives for homosexuality from both sides whether it is against or in favor of homosexuality. If somebody argues an issue by using a religious name, it will be accepted by other religious people as far as the argument is based on the religious texts. As a result, there are many people use religion for their many reasons.

B. Method to understand Islamic texts

In the discourse of contemporary religious study, religious phenomena can simply be identified either from the approach of their textual normative teachings (normative) and the historical understanding (historic)⁶. The first approach results in textual, literal, and theological understanding of religious doctrine. Meanwhile, the second tends to take into account

the historic context of human understanding, accompanied by the interdisciplinary approaches that include historical, philosophical, psychological, sociological, and anthropological methods.

The relationship between normative and historic approaches in the development of Islamic thought according to Abdullah can be seen in the table 1⁷. Both approaches go back to the original texts, Al-Qur'an and Hadith, but they have different ways to interpret them. Although the resource of texts is same, the outcome of interpretation could be different. For example about gender and power is in religion. Most religion pronoun God by men's (he). Why should be he, why not she. I think it is gender bias. This concept leads to men as if they are God who has super power for the creature. There is one text in the Qur'an that the husband is allowed to married more than one wife (polygamy). Men who live in patriarchal culture will take this text then do it without study and analyzes this text. Text is just taken for granted, accepted as if free from social and historical context. If the first wife disagrees with the husband proposal for getting another wife, the husband will say to his wife that she should agree because Got gives permission to get another wife for him. The husband uses his power to oppress his wife in the name of religion. In this situation the wife should accept the husband's decision because she is powerless, fear and anxiety if the husband will divorce her. The wife is fear with her husband because she economically depends on her husband. Also divorce for some cultures is something bad, and unacceptable.

⁴ <http://www.ilga-europe.org>

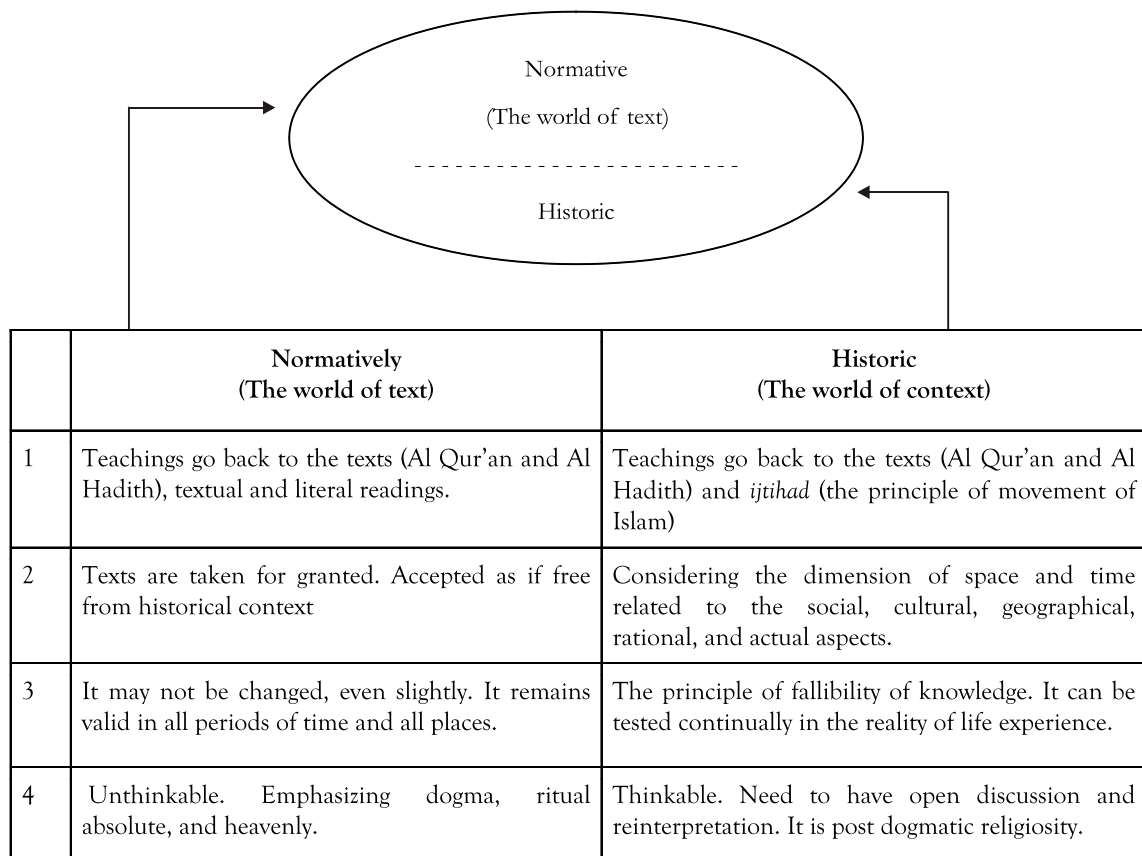
⁵ <http://www.queerjihad.org>

⁶ Abdullah, A. *Studi Agama Normatifitas atau Historisitas?* (Yogyakarta: Pustaka Pelajar, 1996).

⁷ *Ibid*

Islamic feminists solve polygamy problem by reinterpreting the text by using social historical approach and finding other texts that related to the polygamy text. Islamic feminists interpret that this text related to social and security problems and others. They say that polygamy is only permitted if justice is done, but another text say justice can never be done. It means that the essential value of Qur'an is monogamy. The majority of contemporary Islam scholars and Muslim law system, including in Indonesia, they restrict the possibility of polygamy by certain requirements and certain situation. Even in Tunisia polygamy is unlawful because this culture was done for long time ago. In the 19 century polygamy is an impossible practice since family is a foundation of society, and a good family requires better understanding between spouses. Although Islamic feminists and moderns scholars try to interpret the Qur'an contextually, in reality most Muslim still believe that polygamy is allowed and most polygamists practice it by using his power to oppress his first, second or third wife.

Table 1



Sources: Abdullah Amin (2002)

1. Textual Approach

A textual approach understands religious texts literally: it produces textual normative teachings. Textual normative teachings include teachings drawn from the canonical texts (the Qur'an and Hadith), ignoring the later religious scholarship of the classical schools, and understanding literal readings of the canonical texts⁸. Interpreted this way, the meaning of any text or passage is not problematical. Each is accepted as if it has not been shaped by people throughout the course of history. Its meaning is seen as being wholly attributed in the historical time in which it was first received. Textualists claim that key religious teachings have not changed over time and that understanding of them may not be changed even slightly as societies change. From their perspectives, the supposed original meanings remain valid over all periods of time and in all places. This approach to texts yields socially conservative teachings emphasising rigid dogma and enjoining absolute conformity to what are seen as obligatory practices, with no additions and no use of local languages in the rituals.

According to Fazlur Rahman, textualists evince 'a general failure to understand the underlying unity of the Qur'an.'⁹ They fail to recognise the difference between general principles and specific responses to concrete

and particular historical occurrences. In search of a unified understanding of the Qur'an, Rahman considers the views of Muslims – most particularly from the earliest time – expressed in the Qur'anic texts themselves. He emphasises the intellectual endeavour or jihad (technically called *ijtihad*) which means:

The effort to understand the meaning of a relevant text or precedent in the past, containing a rule, and to alter that rule by extending or restricting or otherwise modifying it in such a manner that a new situation can be subsumed under it by a new solution. This definition itself implies that a text or precedent can be generalized as a principle and that principle can then be formulated as a new rule.¹⁰

2. Contextual and Hermeneutical Approaches

Scholars who adopt a contextual approach to understanding Islamic teachings tend to seek recourse to the canonical texts (the Qur'an and Hadith); but, they broaden the scope for *ijtihad* (interpretation) said texts by considering the influences of place and time on the original revelation of the holy words and examples and on the recording of the texts.¹¹ Thus, they understand them as shaped by the socio-cultural and geographical conditions of different times and places. For this reason, contextual approaches are also called 'historical' approaches. Since an historical or contextual approach tends to take into account the historicity of human understanding, it uses a variety of disciplinary approaches to help reach an interpretation.

⁸ Abdullah, A. *Hermeneutic method*. Paper presented at the Short Course Southeast Asia: Islam, Gender and Reproductive Rights, (Yogyakarta: PSW UIN Sunan Kaliahaga Yogyakarta, 2002).

⁹ Mubarak, M. Z. *Geneologi Islam radikal di Indonesia: Gerakan, pemikiran dan prospek demokrasi*. (Jakarta: Pustaka LP3ES, 2008).

¹⁰ Rahman, F. *Islam & modernity: transformation of an intellectual tradition*. (Chicago: University of Chicago Press, 1982) hlm.2.

¹⁰ *Ibid*, hlm. 8

¹¹ Abdullah, 1996; Amal & Panggabean, 2005; Rahman, 1982; Saeed, 2005.

These approaches include historical, philosophical, psychological, sociological and anthropological disciplines, which are thought to produce better understandings of the meaning of the texts. The meanings can be tested continually in the reality of life experience. Scholars of the contemporary approach claim that texts need to be discussed openly and, where necessary, reinterpreted. This, according to Abdullah, generates a ‘post-dogmatic’ religiosity.¹²

According to Amal and Panggabean, providing a useful summary, note the four basic components of the contextual approach to the Qur’an: “(a) the literary context of the Qur’an; (b) the historical context of the Qur’an; (c) the chronological context of the Qur’an; (d) the socio-historical context of contemporary societies”.¹³

Significantly for this research, contextual approaches can deconstruct religious dogma that does not support gender equality and reconstruct it as support for gender equality. But, because such dogma has been internalised in the beliefs of Muslims for centuries, it is not easy for liberal groups to challenge gender views long established in a given society or to address the social problems that result from them.

The hermeneutical approach is a method of interpretation that has been customarily used in human sciences but has also been introduced into religious studies, including

the Islamic sciences. It involves re-thinking or imaginatively re-experiencing what the author originally felt or thought. In other words, hermeneutics is a method “to transpose a meaning-complex created by someone else into our own understanding of ourselves and our world”.¹⁴ A hermeneutic approach consequently engages in two tasks: “Ascertaining the exact meaning of a word, sentence, and/or texts at the time it was written, and the discovery of the teachings contained in the symbolic forms employed in the texts”.¹⁵

Wadud, one of the best known feminist exponents of hermeneutics in Qur’anic exegesis, maintain that the hermeneutic approach focuses on three aspects of the text: first, “the context in which the text was written, [second] ... the grammatical composition of the text ... and, [third] the world-view of the text”.¹⁶ Wadud adds that the hermeneutic approach can be applied to women’s issues in the Qur’an by analysing the text in several ways: the context of women’s issues in the context of discussion of similar topics elsewhere in the Qur’an; in the light of similar language and syntactical structure used elsewhere in the Qur’an; in the light of overriding Qur’anic principles, only evident by reading the whole text; and, within the context of the Qur’anic *Weltanschauung* or world-view.¹⁷ She also emphasises paying attention to the distinctive

¹² Abdullah, 2002; Qibtiyah, 2007.

¹³ Amal, T. A., & Panggabean, S. R. (2005). ‘A contextual approach to the Qur’an’, in A. Saeed (ed.), *Approaches to the Qur’an in contemporary Indonesia*. London: Rahman, F. (1982). *Islam & modernity: transformation of an intellectual tradition*. Chicago: University of Chicago Press. P. 121

¹⁴ Bleicher, 1980, p. 1)

¹⁵ *Ibid.*

¹⁶ Wadud, A. *Qur’an and woman: Rereading the sacred text from a woman’s perspective*, (New York: Oxford University: 1999), hlm.3

¹⁷ *Ibid*

features of the Arabic language because the Qur'an and Hadith employ Arabic to present their messages.

Through hermeneutics, Muslim feminists and neo-modernists tend to reread the texts, emphasising the notions of equality and justice in men's and women's roles in society, which are "complementary and egalitarian rather than hierarchical and unequal".¹⁸ In the context of modern Islam, when talking about an equality-based interpretation of the Qur'an, this can only be successful when "a complete re-examination of the primary sources of Islamic thought, praxis and worldview is made that intentionally includes female perspectives on these sources and that validates female experiences".¹⁹

C. Homosexuality in the Religious Texts

Muslims believe that Al-Qur'an is their Holy Book as a way of life that was revealed by God (Allah) to the Prophet Muhammad through the angel Gabriel (Jibra'eel). Regarding sexual orientation, besides talking about heterosexuality, Al Qur'an also talks about homosexuality. There are six references (42 verses) in the Qur'an that relate to homosexuality. These verses relate with the Prophet Lot's story:²⁰

¹⁸ Afsaruddin, A *Hermeneutic and honor: Negotiating female "public" space in Islamic societies*. (Cambridge: Center for Middle Eastern Studies of Harvard University Afsaruddin, 1999) p. 23.

¹⁹ Wadud, A. *The "F" word: Feminism in Islam*: 2010) hlm. 20. Retrieved January 2, 2011, from http://www.religiondispatches.org/dispatches/guest_bloggers/3393/the_“f”_word%3A_feminism_in_islam_/.

²⁰ Al Hilali, T. M. K., & Muhsin, M. *Interpretation of the Meaning of The Noble Qur'an in The English Language*. (Saudi Arabia: Darussalam, 1995).

1. Al-A'raf/7:80-84

80. And (remember) Lout (Lot), when he said to his people: "Do you commit the worst sin such as none preceding you has committed in the 'Alamîn (mankind and jinns)? **81.** "Verily, you practise your lusts on men instead of women. Nay, but you are a people transgressing beyond bounds (by committing great sins)." **82.** And the answer of his people was only that they said: "Drive them out of your town; these are indeed men who want to be pure (from sins)!" **83.** Then We saved him and his family, except his wife; she was of those who remained behind (in the torment). **84.** And We rained down on them a rain (of stones). Then see what was the end of the *Mujrimûn* (criminals, polytheists, sinners, etc.).²¹

2. Hud /11: 77-83

77. And when Our Messengers came to Lout (Lot), he was grieved on their account and felt himself straitened for them (lest the town people should approach them to commit sodomy with them). He said: "This is a distressful day." **78.** And his people came rushing towards him, and since aforetime they used to commit crimes (sodomy, etc.), he said: "O my people! Here are my daughters (i.e. the daughters of my nation), they are purer for you (if you marry them lawfully). So fear Allâh and degrade me not as regards my guests! Is there not among you a single right-minded man?" **79.** They said: "Surely you know that we have neither any desire nor in need of your daughters, and indeed you know well what we want!" **80.** He said: "Would that I

²¹ Q.S. Al-A'raf(7):80-84

had strength (men) to overpower you, or that I could betake myself to some powerful support (to resist you).” **81.** They (Messengers) said: “O Lout (Lot)! Verily, we are the Messengers from your Lord! They shall not reach you! So travel with your family in a part of the night, and let not any of you look back, but your wife (will remain behind), verily, the punishment which will afflict them, will afflict her. Indeed, morning is their appointed time. Is not the morning near?” **82.** So when Our Commandment came, We turned (the towns of Sodom in Palestine) upside down, and rained on them stones of baked clay, piled up; **83.** Marked from your Lord, and they are not ever far from the *Zâlimûn* (polytheists, evil-doers, etc.).²²

3. *Al-Anbiya*’/21: 74

And (remember) Lout (Lot), We gave him *Hukman* (right judgement of the affairs and Prophethood) and (religious) knowledge, and We saved him from the town (folk) who practised *Al-Khabâ’ith* (evil, wicked and filthy deeds, etc.). Verily, they were a people given to evil, and were *Fâsiqûn* (rebellious, disobedient, to Allâh).²³

4. *Ash-Shu’aro*/26:160-75

160. The people of Lout (Lot) (those dwelt in the towns of Sodom in Palestine) belied the Messengers. **161.** When their brother Lout (Lot) said to them: “Will you not fear Allâh and obey Him? **162.** “Verily! I am a trustworthy Messenger to you. **163.** “So fear Allâh, keep your duty to Him, and

obey me. **164.** “No reward do I ask of you for it (my Message of Islâmic Monotheism), my reward is only from the Lord of the *‘Alamîn* (mankind, jinns and all that exists). **165.** “Go you in unto the males of the *‘Alamîn* (mankind), **166.** “And leave those whom Allâh has created for you to be your wives? Nay, you are a trespassing people!” **167.** They said: “If you cease not. O Lout (Lot)! Verily, you will be one of those who are driven out!” **168.** He said: “I am, indeed, of those who disapprove with severe anger and fury your (this evil) action (of sodomy). **169.** “My Lord! Save me and my family from what they do.” **170.** So We saved him and his family, all, **171.** Except an old woman (his wife) among those who remained behind. **172.** Then afterward We destroyed the others. **173.** And We rained on them a rain (of torment). And how evil was the rain of those who had been warned. **174.** Verily, in this is indeed a sign, yet most of them are not believers. **175.** And verily! Your Lord, He is indeed the All-Mighty, the Most Merciful.²⁴

4. *An-Naml* /27:54-59

54. And (remember) Lout (Lot)! When he said to his people. Do you commit *AlFâhishah* (evil, great sin, every kind of unlawful sexual intercourse, sodomy, etc.) while you see (one another doing evil without any screen, etc.)?” **55.** “Do you approach men in your lusts rather than women? Nay, but you are a people who behave senselessly.” **56.** There was no other answer given by his people except that they said: “Drive out the family of Lout (Lot) from your city. Verily, these are men who want to

²² Q.S. *Hud* (11): 77-83

²³ Q.S. *Al-Anbiya*’(21): 74

²⁴ Q.S. *Ash-Shu’aro*(26):160-75

be clean and pure!” 57. So We saved him and his family, except his wife. We destined her to be of those who remained behind. 58. And We rained down on them a rain (of stones). So evil was the rain of those who were warned. 59. Say (O Muhammad SAW): “Praise and thanks be to Allâh, and peace be on His slaves whom He has chosen (for His Message)! Is Allâh better, or (all) that you ascribe as partners (to Him)?” (Of course, Allâh is Better)²⁵

5. *Al-’Ankabût* /29:28-34

28. And (remember) Lout (Lot), when he said to his people: “You commit *Al-Fâhishah* (sodomy the worst sin) which none has preceded you in (committing) it in the *’Alamîn* (mankind and jinns).” 29. “Verily, you do sodomy with men, and rob the wayfarer (travellers, etc.)! And practise *Al-Munkar* (disbelief and polytheism and every kind of evil wicked deed) in your meetings.” But his people gave no answer except, that they said: “Bring Allâh’s Torment upon us if you are one of the truthful.” 30. He said: “My Lord! Give me victory over the people who are *Mufsidûn* (those who commit great crimes and sins, oppressors, tyrants, mischief-makers, corrupts). 31. And when Our Messengers came to Ibrâhim (Abraham) with the glad tidings they said: “Verily, we are going to destroy the people of this [Lout’s (Lot’s)] town (i.e. the town of Sodom in Palestine) truly, its people have been *Zâlimûn* [wrong-doers, polytheists and disobedient to Allâh, and have also belied their Messenger Lout (Lot)].” 32. Ibrâhim (Abraham) said: “But there is Lout (Lot) in it.” They said: “We know better who is

there, we will verily save him [Lout (Lot)] and his family, except his wife, she will be of those who remain behind (i.e. she will be destroyed along with those who will be destroyed from her folk).” 33. And when Our Messengers came to Lout (Lot), he was grieved because of them, and felt straitened on their account. They said: “Have no fear, and do not grieve! Truly, we shall save you and your family, except your wife, she will be of those who remain behind (i.e. she will be destroyed along with those who will be destroyed from her folk). 34. Verily, we are about to bring down on the people of this town a great torment from the sky, because they have been rebellious (against Allâh’s Command).”²⁶

The second source (Hadith) is every saying, action, and hope of the Prophet Muhammad (pbuh). Its functions include explaining the Al-Qur’an, giving details to general rulings from the Al-Qur’an, and mentioning certain laws that are not mentioned in the Qur’an. Based on its functions, Hadith should not contradict the meaning with Al Qur’an. However, not all hadiths are considered to be valid. There are certain levels of validation, of Hadith namely *Sahih* (Authentic), *Hasan* (Acceptable), *Daeef* (Weak), and *Mawdoû* (Fabricated).²⁷ Regarding homosexuality, there are several *hadiths*:

1. The Prophet (pbuh) cursed homosexuals by repeating three times: “Allah has cursed anyone who does what Lut’s people did.” And he said: “If you find any persons

²⁵ Q.S. *An-Naml* (27):54-59

²⁶ Q.S. *Al-’Ankabût* (29):28-34

²⁷ <http://www.islamworlduk.com/hadith.htm#1>.

engaged in homosexuality, kill both the active and the passive partner.”²⁸

2. The prophet (pbuh) said: “Lesbianism is Zina/adultery between women.” Abu Hurairah reported Allah’s Messenger (pbuh) said: “Four types of people awake under Allah’s anger and go to bed under Allah’s displeasure.” Those who were listening asked: “Who are they, Messenger of Allah?” He replied: Men who imitate women, women who imitate men, those who have sex with animals, and men who have sex with men.”²⁹
3. The Prophet (pbuh) said: “Allah will not look at a man who has intercourse with a man or a woman in the anus.”³⁰
4. ‘Certainly the thing I fear most on my ummah is the (wicked) practice of the people of Lot.’ (Tirmizi, Ahmad, Ibn Hajr Al-Haysami, Ad-Duri and Al-Aajuri) (Hadith Hasan)³¹
5. The prophet (pbuh) said “a man is not allowed to see another man’s *aurah* (part of the body that must be covered) and a woman is not allowed to see another woman’s *aurah*. A man is not allowed to sleep with another man and a woman is not allowed to sleep with another women in one blanket”³²

²⁸ Sabiq, S. *Fiqh as-Sunnah*. (Libanon: Dar al Fikr: 1981), II:365-367

²⁹ <http://www.ichimusai.org/artiklar/islam/islam-homo.html>

³⁰ <http://www.ichimusai.org/artiklar/islam/islam-homo.html>

³¹ <http://www.islaam.net/main/display>

³² Sabiq, S. *Fiqh as-Sunnah*. (Libanon: Dar al Fikr: 1981), II:365-367

D. Muslims’ responses on homosexuality

Based on these types of methods for understanding texts, there are also two groups of thoughts regarding the homosexuality controversy among Muslims. The first group, which is the majority of Muslims, argues that homosexuality is wrong, while others argue that there is nothing wrong with homosexuality.

1. Muslims against Homosexuality

Muslims who are against homosexuality provide several reasons for their beliefs. Firstly, both Al-Qur’an and Hadith texts clearly say that homosexuality is against the natural law because homosexuality was never committed before the Prophet Lot’s followers. They also argue that there is no genetic difference between homosexuals and heterosexuals because children of homosexuals are no more likely to be homosexual than any other children.³³ Poor parenting and/or sexual molestation during childhood might be causes of homosexuality. Therefore, it is an unnatural and abnormal deviant behavior.³⁴

Secondly, homosexuality is considered to be *fahishah* (nasty behavior), like adultery. Sex outside of marriage is forbidden. It does not matter whether it is adultery, bestiality, pedophilia or homosexuality.³⁵ It endangers the family and thus social stability. Lastly, homosexuality is part of the main cause of HIV/AIDS disease. They even say that this disease is part of the God condemnation, similar to what God did to the Prophet Lot’s follower.³⁶

³³ <http://www.geocities.com/mikailtariq/homo.htm>.

³⁴ http://www.religioustolerance.org/hom_spit.htm.

³⁵ Gunawan, W. *Homosexuality in the Islamic Law*. *Musawa* 2(1), 2003, 15-21.

³⁶ Mustaqim, A. *Homosexuality in the Contemporary and Classic Interpretation*. *Musawa*, 2(1), 2003, 1-14.

2. Muslims Support Homosexuality

The second group is followed by fewer Muslims. They have different interpretations of the texts on homosexuality. They argue that homosexuality is an unchosen orientation, normal, and natural for a minority of humans. If homosexual people have a choice they will not choose to become homosexual because it is hard to survive in the heterosexual norm.

Typically this group is supported by religious liberals, gays, lesbians, mental health professionals and human sexuality researchers. They believe that the homophobia of most contemporary Muslims is based not on their faith but on their culture, and there is a surprising amount of scholarly research support this idea. They also argue that there is no punishment mentioned for homosexuality in the Qur'an such as the punishment for adultery 100 lashes. Because there is no punishment in the Al-Qur'an there is currently no uniform legal position in the Islamic countries.³⁷

Secondly, the Prophet Lot's story of a town destroyed is for the "immorality" reason. Mushin Hendriks, an American Muslim scholar and a gay man, claims that the story of Lot "sees God destroying men because of male rape, sodomy and promiscuity. But there is a difference between sodomy and homosexuality, between rape and love. The story says nothing about homosexual love."³⁸

There was historical context behind the practice of homosexuality during the Prophet Lot era. Mustaqim quotes this story from Al Alusi that at that time there was a hard condition for the Prophet Lot's followers regarding their

food.³⁹ They did not have a good harvest from their farms. Therefore, they lacked food. Some citizens blamed the foreigners for their poor harvest, and they convinced other citizens to sodomize the foreigners. The foreigners then paid the citizens four dollars (dirham) so they would not be sodomized again. Thus, many people engage in sodomy for economic reasons. This story also mentioned that the Lot's followers were used to have an anal sex with their wives.

Another argument is during the Prophet Mohammed's lifetime, there was no a single recorded case of a punishment or execution for homosexuality. It is only two generations after Mohammed, under the third Caliph, Omar, that a gay man was burned alive for his 'crime'. Even then it was fiercely debated and many scholars argued that this was contrary to the traditions of the Prophet. Several scholars and historians have proven that homosexuality was fairly common at the time of the Prophet. They have also shown that at certain points in history gay people were much more tolerated – and indeed, sometimes celebrated – in Muslim societies than in Europe. Before the twentieth century, the regions of the world with the most prominent and diverse gay behaviors on display were in northern Africa and southwest Asia – Muslim lands.⁴⁰

One of the groups that support homosexuality is Al-Fatiha Foundation. This organization is dedicated to Muslims who are lesbian, gay, bisexual, transgender, transsexual, and those questioning and exploring their sexual orientation or gender identity, with support for their allies, families

³⁷ Murray, S. O. and Will, R. *Islamic Homosexuality*, (New York: New York University: 1997).

³⁸ <http://www.johannhari.com/archive/article>.

³⁹ Mustaqim, A. (2003). *Homosexuality in the Contemporary and Classic Interpretation*. *Musawa*, 2(1), 1-14.

⁴⁰ <http://www.johannhari.com/archive/article>.

and friends as well. Al-Fatiha promotes the progressive Islamic notions of peace, equality and justice. It was founded in 1998 as non-profit and a non-governmental organization. It hopes to work in order to enlighten the world that Islam is a religion of tolerance and not hate, and that Allah (God) loves His creation no matter what their sexual orientation might be.⁴¹

Another health problem that is often related with the homosexual issue is HIV/AIDS. Many people blame homosexuality as the main cause of this deadly disease. However, many heterosexual and homosexual alike argue that HIV/AIDS is caused by unsafe sex, needle sharing, blood transfusions not by homosexuals. In fact there are many heterosexuals get this disease. Curry in *The Final Call* (2004)⁴² reports that heterosexual women are the fastest growing population of infection. He quotes the UNAIDS report that the increase in the number of people who are infected with HIV/AIDS is due to the “migratory labor system.”

E. Discussion

Nowadays, the majority of Muslim populations in the world are surprised if they hear that there is a gay Muslim organization. Even I was surprised personally by learning about the existence of a gay Muslim organization one month ago. As individuals there are some Muslims who are homosexual but they had never been part of a formal organization as “gay Muslim”. For many

Muslims the words ‘gay’ and ‘Muslim’ seem like polar opposites, and an openly gay Muslim seems as probable as a black member of the Ku Klux Klan. Therefore, the development of gay Muslim organizations such as *Al-Fatiha Foundation Queer Muslim*, *ILGA-Europe*, and *Queer Jihad* are quite recent.

This shock is understandable because there are many Islamic texts that mentioned homosexuality as an abhorable sin (*fahishah*). Another fact is that all of the seven countries that treat homosexuality as a crime punishable by death are Muslim. Of the 82 countries where being gay is a crime, 36 are predominantly Muslim (<http://www.johannhari.com/archive>). Besides that talking about sexuality in Islamic cultures is also still taboo. Most Muslim communities think about sexuality as part of the private life, perceive that it is very rude if it is discussed publicly.

However, when Islamic scholars decide to punish homosexuals, there is no uniform of punishment among Muslim countries. Some of them equate the punishment with adultery (100 lashes) because there is no exact punishment for homosexuality in the Al-Qur’an. The punishment of adultery can be carried out if it is supported by four witnesses. At that time and may be until right now, it is difficult to find four witnesses for fornication. It means that texts emphasize moral punishment rather than physical punishment. Some Islamic scholars, who tend to use a normative approach to understand Islamic texts, might punish homosexuality by using violence. On the other hand, other Islamic scholars who take on historical approach might adopt a lower and less violence because they consider other aspects such as human rights. They even will argue that people cannot judge others who have a different

⁴¹ <http://www.al-fatiha.net/about.html>.

⁴² Curry, G. (2004 July 27). HIV/AIDS is Destroying Black and Africans. *The Final Call*, p 24.

sexual orientation. Only God (Allah) has the prime authority to decide the right or wrong of homosexuality.

When homosexuality is considered to be a bad behavior, it means that it is very subjective and individual. It depends on the individual experience in her/his life. For example, in Western Countries such as the United States homosexuality is recognized as a sexual orientation not as deviant behavior today. However, there is a negative stigma toward homosexuality still present anywhere because there is internalization of oppression in the society that heterosexual is normal, natural, and better than homosexual.

According to Hubbard the negative stigma toward homosexuality and positive stigma toward heterosexuality are socially constructed through religious texts.⁴³ She even says that both heterosexual and homosexual are unnatural. I think religious beliefs and practices cannot also be separated with socio culture and historical context.

F. Conclusion

By way of summarizing the key arguments and explanations in this paper, it can be concluded that first although the mainstream idea in Islamic society disagree with homosexuality, there are new thoughts and discussions of homosexuality that try to respond the contemporary phenomena. It is important to listen to gay Muslims' arguments, and then we have enough information to understand what their problems and what they feel. It is not fair if people judge others before they understand what others argue for.

⁴³ Hubbard, R. The Social Construction of Sexuality. Rothenberg, S. Paula (Eds.), *Race, Class, and Gender in the United States An Integrated Study* (New Jersey: Worth Publishers 2004), hlm. 65-68.

Secondly there are three classification of ideas regarding the cause of homosexuality namely, first, heterosexual natural and normal whereas homosexual is unnatural and abnormal. Second, both heterosexual and homosexual is natural and normal. Last idea states that both heterosexual and homosexual is socially constructed. The idea of homosexuality cause is still debatable and it seems to be difficult to get an agreement.

Lastly, I think it is not necessary to get an agreement what they thought about homosexuality particularly in Islamic society as long as they respect each other. Diversity and colorful ideas are beautiful as long as they do not oppress each other. Agree in disagreement can be done for confronting oppression and restoring injustice. The most important is whatever their sexual orientation, they are human beings. Therefore, it is injustice if we treat them not as human beings. To humanize human beings we can empower ourselves and others by minimizing power and maximizing the human rights.⁴⁴

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⁴⁴ Wormer, V. K. *Confronting Oppression, Restoring justice: From Policy to Social Action*. (Alexandria Virginia: Council on Social Work education, 2004) hlm. 9-10.

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