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Queer Ijtihad

Traditional Islamic doctrine condemns homosexual behavior on the basis that it is a sinful (*haram*) product of degeneration, inherently nonexistent in the Islamic world (Muhsin 33). Within the past ten years, an increasing number of self-proclaimed “progressive” Islamic scholars have developed interpretations of the Quran that affirm homosexuality (*mithliyah*—sameness; or *al-shudhud al-jinsi*—sexual deviance)¹ (Revelo La Rotta 49). These scholars destabilize existing Quran interpretations by redefining gender, situating the self as spiritual guide, and reframing sexuality as an issue of human rights.

This process of destabilization is called “queering” religious texts, or putting forth interpretations that “expose the socio-cultural embeddedness and temporal specificity of the texts, as well as the ideological framework of the authority that constructs such hermeneutics” (Yip 51). Scholars extend this process to the Qur’an, the Shari’ah, and the Hadith, re-contextualizing verses when necessary and dismissing hadith when possible. Using this process, to queer a text is to straddle both defensive and offensive approaches to Scripture.

On the defensive side, scholars must examine the religious texts that traditionally condemn homosexuality, disprove the common “conservative” interpretations of these texts, and offer affirming reinterpretations (Yip 53). By studying the original language of the Quran and viewing the texts through “modern” lenses, scholars first prove “the

¹ Although some scholars debate whether sexuality is an ingrained preference or just a series of behaviors, this paper defines homosexuality as both the sexual or romantic coupling between two members of the same sex, and a sexual and romantic preference of an individual for members of the same sex.

inaccuracy of traditional interpretations,” and then “undermine the theological credibility and moral authority” of traditional teachings (Yip 52). Scholars set aside what they have been told about certain verses in the Quran, and read each chapter with a blank slate, hoping that God will help them see and interpret what others have not. For example, when interviewed by sociologist Andrew K.T. Kip, one Muslim woman testified:

I now know that there are various interpretations of what the Qur’an says...I read and reread it in English and Arabic, because it didn’t occur to me that it was referring to sexuality...As I discussed it more and read more, I became convinced that the passages don’t refer specifically to homosexuality (Yip 52-53).

When reinterpreting, progressive scholars often claim that conservative scholars have taken passages out of context, and so they attempt to resituate Quran passages in their original historical, temporal and cultural contexts. This reflects the postmodern idea that knowledge is neither universal nor general, but is “discursively produced” (Yip 54). This applies especially to the *Shari’ah* (Islamic law), which is constructed based on human (mis)interpretations of Scripture and should be reevaluated according to the needs of the people. For example, Kip posits that any law banning homosexual behavior is unfounded, because condemnation of homosexuality stems from a misreading of the story of Lot, in suras 6 and 38 of the Qur’an. The traditional interpretation of the story says that God destroyed the cities of Sodom and Gomorra because of homosexual activity, but after situating the story in its historical context, Kip concludes that God destroyed the cities because of their inhospitality, not their sexuality (52). Kip’s defensive apologetics allow him to deconstruct the mainstream narrative.

Next, progressive scholars take an offensive approach by constructing an affirming narrative to replace the old one. This involves transcending the “heterosexist bias embedded in the interpretation of religious texts and institutional pronouncements that censure homosexuality,” and then acknowledging the self as the ultimate source of religious wisdom (Kip 56). The heterosexist bias allows conservative scholars to deploy “selective fundamentalism,” focusing on homosexuality while ignoring other Scriptural prohibitions (Kip 56). To be homosexual, it would seem, is worse than being inhospitable or deceptive. Progressive scholars must break through this bias by projecting their own non-heterosexual experiences onto the texts, queering it in the true form of the word. Relying on one’s own experiences for religious guidance relocates the spiritual guide from the imam to the self, and allows one to perform *ijtihad*, or independent reasoning/struggle (Kip 56, Muhsin 21). Through *ijtihad*, which ultimately combines defensive and offensive strategies, progressive scholars develop an Islamic theology that affirms homosexual behaviors and identities.

Scholar Ann af Burén demonstrates the value of *ijtihad* by performing an ethnographic study of a Muslim woman in Turkey, a country that is ripe for religious/cultural discourse given its location straddling East and West (Burén 62). The woman, Çiçek, enjoys having sexual relationships with women. Worried that God will condemn her for sexual immorality, she develops her own theological standpoint. She reasons that God gave her the desire for women, and “if God did not want it, God would stop it. God made me feel this way” (Burén 71). Her close relationship with God allows her to be confident in this. Her communion with him “goes beyond questions of morality” (71). She even feels his presence, as if he were an angel, and believes that he

will guide her decisions (71). Çiçek's unique spiritual view allows her to maintain sexual relationships without sacrificing her religion.

However, many Muslims choose to separate their homosexual desires from their identities, situating their desires within a socially acceptable "familial ethos" (Revelo La Rotta 38). The familial ethos, or community-based moral philosophy that guides individual behavior, makes the family the center of political and economic power in many Muslim communities. Homosexual activity before marriage is acceptable as long as both men (and to a lesser extent both women) plan to be heterosexually married and reproduce (Revelo La Rotta 39). Çiçek, mentioned above, prefers women but still considers herself heterosexual, because she "will eventually marry a man" and sees no reason to "claim bisexuality as a constant sexual identity" (Burén 64). During a trip to Egypt, ethnologist Fernando Revelo La Rotta describes how one man has sexual relations with him "as a viable way to release sexual desires before marriage" (Revelo La Rotta 39). This ideology is even reproduced in books and movies. Maryam Keshavarz's 2011 Iranian film *Circumstance* tells the story of a homosexual woman who decides to marry a man and reproduce the family structure (*Circumstance*). Jordanian writer Fadi Zaghmout wrote the novel *Aroos Amman*, or The Amman Bride, about two men who pursue a sexual relationship with each other but remain engaged to women (Zaghmout).

Translator Faris Malik challenges the existence of homosexuality altogether, on the grounds that gender is fluid and that during sexual relations, one partner becomes the man (dominant) and the other the woman (submissive). He believes that it would be sinful for two men to have sex—if this were possible. During sexual relations, one man is always passive. Says Malik, "The Qur'an does not prohibit using, as passive sex

partners, men who by nature lacked desire for women, since such men were not considered ‘male’ as a result of their lack of arousal for women” (Malik). To prove this, he describes the “natural eunuchs” of Quranic times. To be a natural eunuch, a man has to be “innately and exclusively gay,” “indifferent to women’s bodies,” and “and lacking an appreciation of women as sexual objects” (Malik). These men are also referred to as *mukhannathun*, effeminate men. Since eunuchs fall outside of the category of male, the Qur’an never specifically prohibits having sexual relationships with them. Furthermore, although the prophet Muhammad curses “the effeminate men who are males, and the male-pretenders who are women,” he is not referring to natural eunuchs, who are allowed to dress and act outside of traditional gender binaries (Malik). How can one know for certain that he is a eunuch, and not just a female-pretender? According to Bukari, Authentic Traditions, Book XLII, Chapter 8:(13b), a man once approached Prophet Muhammad worried about his lack of desire to marry a woman. He complained to Muhammad four times, and then Muhammad told him that God had either made him a man or a eunuch, and it was up to him to figure out which one. But if the man ever intended to have sex with a woman, he could never be a eunuch. To be non-male, one must be exclusively attracted to other males—thereby having the disposition of a female—which would allow him to act as a sexual partner for true men (Malik).

Revelo La Rotta describes how this phenomenon operates in Egypt. In *The Society*, Cairo’s underground network of men with homosexual tendencies, masculine men are tops. While penetrating effeminate men, tops negate the bottoms’ masculinity: Anyone who is penetrated becomes a “ladyboy” in order to protect the penetrator’s heterosexuality. Ladyboys operate at the command of “true” men, who gaze hungrily at

their “thinner, less muscular” bodies as the ladyboys belly dance (Revelo La Rotta 42). As one man says disdainfully, “Only the feminine men dance” (44). As the tops leer at, touch, and address the ladyboys as they would a woman, gender becomes purely a performance, complete with seductive dancing, long hair, small bodies and even female pronouns. The (wo)men become “simultaneously an object of reproach and desire due to their feminine characteristics” (46). By having sexual relationships with non-males, the tops retain their heterosexuality and reinforce their adherence to the familial ethos.

This opens the door to a variety of sexual desires and gender variances. Malik performs *ijtihad* to reinterpret Quran 42:49-50:

To Allah belongs the dominion over the heavens and the earth. It creates what it wills. It prepares for whom It wills females, and It prepares for whom It wills males. Or It marries together the males and the females, and It makes those whom It wills to be ineffectual. Indeed It is the Knowing, the Powerful.

Traditional scholars interpret this verse to say, “God bestows daughters or sons on whom It wills and gives some people both sons and daughters.” However, Malik notices that this is one of few verses to mention females before males, which suggests that they are not offspring, but counterparts, “objects of desire” for “whom(ever) It [God] wills” (Malik, Quran 42:49). The fact that the verse says “whom(ever)” acknowledges sexual variety between males and females, or between two females or two males. The Quran supports not just sexual variance but also gender variance, as epitomized not just by the inclusion of natural eunuchs, but also by the inclusion of Mary, mother of Jesus. According to tradition, Mary conceived Jesus immaculately; he had no father since Muslims reject the possibility that he is the son of God. Because a baby cannot be

produced without a man's seed, Mary must have carried reproductive seed within her body—this would mean that she was both male and female (Malik). Citing the Hebrew Bible, Isaiah 7:14, he notes that the Hebrew word describing Mary, *almah*, means a “tomboy or rebuffer or men” (Malik). God finds gender variance so important that he chose the mother of Jesus to demonstrate fluidity between and convergence of male and female.

Scholar Muhsin Hendricks expounds upon the need for gender fluidity and sexual diversity, while situating the question of homosexuality at the discursive crossroads of human rights and the quest for knowledge. He addresses homosexuality from an activist's standpoint, stating that other works on the subject “do not provide uncomplicated answers to the ordinary Muslim. This article therefore attempts to meet this need” (Hendricks 31).

Regarding the role of homosexuality in the pursuit of knowledge, Hendricks, a self-proclaimed “progressive,” points out that the Qur'an encourages innovation and reinterpretation. Modern science has begun to suggest that “the individual's sexual orientation is an intrinsic part of their biological and psychological makeup,” and is therefore part of God's “divine plan” (Hendricks 32). Although the Qur'an has traditionally been interpreted to denounce non-heterosexual unions, the text is actually constructed to “accommodate scientific discovery, human development and diversity within humanity” (Hendricks 32). Hadith, however, are not. Advances in the “challenging science of hadith collection” have led many Muslims to dismiss hadith that contradict the Qur'an regarding homosexuality, noting that the Prophet himself prohibited his followers from writing down his words (Hendricks 32). Because only

7,300 out of 600,000 hadith are considered authentic, it's doubtful that any really are (Hendricks 41). Writer Samar Habib corroborates this by pointing out a supposed hadith about Ali Ibn Abi Talib, who confronted two men engaged in homosexual activity, flung them from a rooftop, and stoned them to death. This hadith's origins are questionable (*maqtu'a*), yet conservative fiqh scholars such as al-Zuhri and al-Hindi use similar hadiths to condemn same-sex behaviors (Habib 1). By incorporating science into religion and dismissing disagreeable hadith, Hendricks supports homosexuality on the grounds of "knowledge."

To that end, to support homosexuality is not a choice but a moral mandate. The ban on "sodomy" (*liwat*) removes autonomy from the sodomites, and gives legal and moral control of sexuality to the righteous (read: heterosexual male) members of society, thereby turning sodomites/sexual deviants into weaker actors to be manipulated and contained. Because the story of Islam is the story of emancipation, beginning with the story of Prophet Musa/Moses, Prophet Muhammad would denounce all forms of oppression, and "would have spoken for the rights of homosexuals" (Hendricks 34). Hendricks states:

It would be insincere for any Muslim to ignore the fact that Islam came into existence through similar struggles for freedom of expression. Indeed, to deny the rights and freedoms to others which enabled the Prophet (pbuh) to undertake his mission would be inconsistent with his teachings.

To support homosexuality is to battle oppression. The existence of male homosexuality is a threat to masculinity, the source of man's power. Although Malik writes that homosexual intercourse revolves around one man becoming female, Hendricks disagrees:

During intercourse, both men remain fully male. Homosexual intercourse poses a threat because it proves that a man can be penetrated and dominated by another man—he is not invincible—which complicates masculinity. Because homosexual behavior queers traditional concepts of masculinity, it also destabilizes the phallogentric and oppressive power structure that Muhammad preaches against (Hendricks 43). Therefore, it should be celebrated.

Scott Siraj al-Haqq Kugle, leading scholar on Islam and homosexuality, presents an even more radical theory of emancipation entitled liberation theology, which centers on the “scriptural exhortations to struggle against injustice and oppression” (Kugle 33). First and foremost, God fights for the oppressed. Everything in the Qur’an, including the verses commonly used to denounce homosexuality, centers on the freeing of Muslims from injustice. At the core of each person is human nature (*fitra*), created by God and unchangeable, and each person has the right to protect every aspect of his or her nature, including sexuality. Taking pride in this, the homosexual joins a wider network of oppressed reformers that includes “women, youth, racial minorities, and others who are marginalized or disempowered by the political-religious system that rules them” (Kugle 35). Muslims have a responsibility to “sacrifice one’s own well-being to protect the poor, the vulnerable, the strangers, and those who suffer, without which worship is incomplete, indeed hypocritical” (Kugle 35). Any inequality and oppression embedded in Islamic legal structures stem from hypocrisy—God gives Muslims power, but they use this power to “quickly oppress others” (Kugle 36). In this case, Muslims are oppressing the weak among themselves through narrow-minded religious doctrine in order to preserve hierarchies that benefit the few (Kugle 37).

Islamic liberation theology destroys these hierarchies through defensive and offensive approaches to Scripture, coined “resistance and renewal” (40). Drawing inspiration from anti-apartheid movements in South Africa, Kugle declares that the Qur’an itself is “both liberating and in need of liberation,” which will only happen when Muslims dismiss their old limited and corrupted interpretations and perform *ijtihad* for themselves (Kugle 37). Power structures cannot change until national leaders turn to new interpretations, which cannot happen until activists move away from preexisting, unjust interpretations. *Ijtihad* is subversive and, according to some, un-Islamic, because common Muslims—including women, poor, and sexual minorities—are thought to lack the mental faculty and education necessary to interpret the Qur’an. In reality, by focusing primarily on affirming verses, homosexual men and women offer a “sexuality-sensitive” reading (Kugle 40). Such a reading dismantles patriarchy and explicitly opposes male supremacy; it dismisses heterosexism and considers itself gender-sensitive. It fights through words, which are superior to fists, according to Qur’an 16:125, which states, “Summon them to the way of your Lord with wisdom and good counsel, and argue with them by means that are more wholesome” (Kugle 42). Kugle proclaims that “denying the ones who oppress you the ability to dominate your inner life [through resistance and renewal] is a more decisive form of resistance than a counter-punch” (Kugle 42). With words, homosexual Muslims can preach to each other a new truth, slowly healing the psychological damage that an oppressive regime inflicted on them. They become liberated. They liberate others.

For example, a liberated reading turns the story of Lot into a story of sexual domination, manipulation and abuse. The Tribe of Lot’s sin is to reject the Prophet and

his teaching in many ways, including *but not limited to* non-consensual anal sex and sexual assault to his guests. The Tribe assaults his guests not because of romantic, homoerotic desire, but because of a need to assert authority over the newcomers through physical and sexual abuse (Kugle 51). This is similar to soldiers using rape against other men and women as a weapon, not primarily for sexual desire but for a desire to dominate. Clearly, to emphasize homosexuality and yet omit questions of injustice is not just a false interpretation, it is a dangerous one, because it causes pain for millions of homosexuals while diminishing the importance of justice (Kip 52).

Writers such as Kip, Hendricks and Kugle represent a growing minority of Muslims who incorporate same-sex preferences into their faith. Perhaps these writers reflect a larger shift in Muslim culture worldwide from conservatism to liberalism, and, one might wonder, from Eastern to Western. Although critics have spoken out against these “progressives,” calling them misguided apostates, still more have praised them for approaching homosexuality from a loving Muslim perspective (Eldin). One cannot predict the ultimate impact of these writers on the greater Muslim world but, if Kugle is to be believed, it will be liberating.

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Zaghmout, Fadi. "Selection." *Aroos Amman*. Jordan: , 2012. Print.

original text to conform to certain purposes instituted by the receiving system. He also points out that of the different forms of adaptations that writers commonly engage in, including: translation, criticism, commentary, historiography and anthologies, translation is the most obviously recognizable type of rewriting that is influential in projecting and disseminating the image of original writers and their works beyond the boundaries of their culture of origin (Lefevere, 1992a: 9). This paper will examine Lefevere's concept of translation as a form of rewriting of an original text through... categories. Text comprehension and genre-oriented studying of textual exactness, clarity and deepness. Olga Valuyskaya. Department of English philology.Â multiple character of the text is adopted, and there comes the notion of adequateness. The criterion for adequateness will be.Â The matter is not within the language. peculiarities of the text itself that remains stable, but within. the depicted reality.