Queer Visions of Islam

By

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“Queer Muslims? Really?,” people raise their eyebrows when I explain to them my academic work. “Is there such a thing? I thought Islam strictly condemns it.” Some ask: “Why bother? Wouldn’t it be easier to simply turn your back on the religion and live by Western standards?”

Queer Muslims worldwide face these inquiries daily. An imam once informed me that were I to live in a country ruled by the Shari`a (Islamic religious law), I would be stoned for my sexual orientation. The questions, positing queer and Muslim as two antagonizing concepts, need not come from the outside, since many queer Muslims question themselves, struggling to lead a life rooted in faith and embracing their sexuality. Nonetheless, those asking for complete abandonment of all religious codes are trapped by the “widespread tendency to blame Islam for oppressing Muslims rather than blaming Muslims for misreading Islam” (Barlas 2). Religion need not be abandoned, just rearticulated. I am inspired by John McNeill’s maxim that “Good theology will result in good psychology and vice versa” (1996:18). In many ways, this project speaks to those queer Muslims questioning their faith, as an affirmation that God indeed accepts and celebrates their sexuality. Though engaging the liberation theology discourse, and meant as a first step toward a comprehensive liberation theology, words here are principally an activist’s outcry against oppression. Thus, as I discuss theology, I am primarily attempting a contribution to a growing social movement of queer and progressive Muslims. First and foremost, however, the project is my own faith exploration, a definitive rebuttal to claims that my love and desire toward someone of the same gender disgusts God and will surely propel me to hell. “God doesn’t hate,” I chanted at the
LGBT Millennium March on Washington, DC in May 2000. Full-heartedly I believe those words, and writing this paper has been my effort to authenticate them.

Envisioning a queer Islam understands allowing for an essential ambiguity within the religion and its laws. Ironically, ambiguity reigns as the prevailing state of affairs, with neatness within clear categories an exception. In the following examples, it will become evident that Islam’s jurists repeatedly allow for exceptions, though they profess to be preserving immutable boundaries ordained by God. Behind Barlas’ statement that Muslims/humans, not Islam/God are oppressive, lies an idea that there may exist multiple Islams, as interpreted by and for different agents. However, I argue that the uncertainties allowed by Islamic jurists, otherwise interested in neatly ordering all aspects of life, predominantly serve to preserve a power hierarchy benefiting men. Ambiguity lies at the core of any queer project, where each agent must define him/herself; Islamic scholars, in contrast, cannot admit ambiguity openly, though they tolerate it quietly, since they would be forced to admit a human, not a divine system of rules. That I see shari’ah as a human rather than a divine system should not belittle its colossal importance in the lives of many Muslims. Indeed, the creation of a power hierarchy may be a subconscious process in the minds of many jurists who simply think they are performing the will of God. Recognizing that the jurists may have had the best of interests ought not to stop us from examining these inconsistencies within the (human) law, in a contemplation of a bigger picture painted by theology. Traditional scholarship has, inadvertently or not, unlocked a gender and sexuality continuum – this reading simply brings to the forefront these brief moments allowed by the system itself.
Opening the gender and sexuality continuum requires abandoning any essentialist, and hence potentially oppressive, claims on male and female natures. Therefore, I place “sex” in quotations every time it refers to anatomical distinctions.¹ Similarly, I consciously avoid Western contemporary labels, which can both limit definitions and invite criticism of a Western colonial agenda. *Same-gender sex or sexuality* will therefore be used – rather than more charged labels such as *homo-, hetero- or bisexuality* – referring to acts between members of a same gender regardless of their professed or perceived sexual orientation. *Queer* remains the exception to the rule: sufficiently vague to avoid essentialist classification, it persists as the only term successfully encapsulating an intersection between non-normative sexualities and gender expressions. Examinations of gender and sexuality, through a queer lens, must proceed together because underneath fears of same-gender sexualities necessarily lie fears of manly women and emasculated men.

This project searches for queer-affirmative Qur’anic messages that have been hidden by centuries of biased interpretations. In the following pages, I study cases dealing with inconsistencies in exegesis and legal decisions discussing queer persons, arguing that Islam as a religion is inherently egalitarian and sex-affirmative, instead of oppressive and homophobic. Though Muslims and non-Muslims alike have emphasized Islam’s latter, rather than its former qualities, I constantly return to Barlas’ maxim that human interpreters, not God, should be found guilty of oppression. Examining the

¹ Here I follow the work of transger(ed) theorists like Ricki Wilchins, Kate Bornstein or Carol Queen and Lawrence Schimel (see bibliography for further insight). “Sex” as a category presupposes a binary matrix failing to take into account individuals whose anatomy (whether genetic or medically altered) refuses easy tagging into classical definitions of “male” and “female.” Upholding the binary, “sex” preserves the focus on the privileged penis. On the other hand, divorced from genitals, gender opens a more fluid space, allowing individuals to characterize themselves separately from their anatomy. New gender theories require not only conceiving of sex as only an *action* between individuals, but call for an understanding of this action as broader than intercourse or even explicit genital contacts.
Islamic scholars’ crisis over individuals in-between binaries ultimately exposes the phallus as the privileged site of power. The scholars’ insistence on a power hierarchy will be shown as a societal, not divine or “natural” mechanism. Every time exegesis faces a paradox at the site of non-conforming bodies, the simplest solution demands dismantling oppressive rules differentiating male and female, gay and straight. The gender and sexuality continuum may seem a path toward unraveling the very fabric of a contemporary Islamic society. Order, however, has been maintained, despite (or because of) ambiguities – this project merely asks for their recognition and celebration.

Queering the Claim

In 1988, the prestigious al-Azhar school in Egypt denied re-admission to one of its students who underwent genital reassignment surgery, claiming that Sally’s (previously Sayyid) ambiguous status violates al-Azhar’s strict separation between men and women. The school insisted that social order depends on men and women obeying narrow social/sexual roles established by God. Jakob Skovgaard-Petersen summarizes views of the al-Azhar special committee discussing Sally:

God has created mankind in pairs and His [sic] Revelation makes it clear that the distinction between the sexes [sic] (as well as the one between believer and unbeliever) is the fundamental distinction whereupon society is founded. Their interaction may pose a threat to the social order, and this threat (which mainly emanates from the woman) must be contained (325) [emphasis added].

According to Skovgaard-Petersen, Al-Azhar, which I take as representative of dominant Islamic discourses, suggests that an Islamic society allowing for an unsupervised interaction between men and women will collapse into chaos. I examine this monolithic claim, asking whether the “fundamental difference” between genders is in accordance with Islam’s sacred texts, or whether it is a product of human biases. Furthermore, al-
Azhar maintains that by claiming him/herself a woman, Sayyid/Sally was simply trying to have “legitimate” sexual intercourse with another man. Here, al-Azhar’s association of gender and sexuality hints at how the sexual act remains profoundly gendered. I will investigate what gender prejudices have influenced those with authority to decide what types of intercourse can be “legitimate.” Phobia of same-gender sex, fueled by the overwhelming necessity to keep men and women in strictly prescribed (and unequal) roles, will be shown as a human, not a divine impulse. That these impulses reign largely unchallenged in Islamic law should not prevent us from remembering that they are “necessities” only as they are constructed as such by the law itself. As human impulses, they can change if enough people stop conforming to the rules of the oppressive law.

The analysis starts with the four sources of any valid Islamic law: 1) the Qur’an, Islam’s sacred text, 2) the hadith, sayings or deeds of Prophet Muhammad as reported by his contemporaries, 3) qiyas, analogy to similar cases – which I have already indicated in paralleling gender and sexuality issues, and 4) ijma’ or consensus of the Muslim community. Many may find my analysis of Islam’s sacred texts limited due to my lack of Arabic proficiency; throughout our discussion, the aforementioned imam categorically dismissed all my arguments because I could not speak Arabic, nor had formal schooling in Islamic law. In contrast, a large number of contemporary Muslims cannot speak Arabic apart from pronouncing prayers, and must rely on translations for transforming Qur’anic verses into legal or social norms. The original Arabic of the sacred texts unlocks itself to multiple interpretations, accentuating ambiguity at the core of multiple Islams responding to needs of its diverse constituents. For example, Ahmed Ali’s (1988) translation of Surah Al-A’râf ayet 81:

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2 See Joseph Schacht’s *An Introduction to Islamic Law* (1964).
for ye practice your lusts
On men in preference
To women

in Muhammad Behbudi and Colin Turner’s (1993) version becomes

In order to satisfy your lust, you sleep with men rather than women. Man’s innate opposition is towards the opposite gender; by lying with those of the same sex [sic] you have corrupted your own souls and denied your womenfolk their rights (to sexual satisfaction).

In verse 27:56, Behbudi and Turner furthermore offer a commentary on modern times, exclaiming “This is not a sign of social freedom; it is a perversion!” Even a quick glance at the differences between these translations reveals the translators’ ideological orientations, calling into question why scholars historically choose certain meanings, when others, radically different ones, are also possible.

Muslims consider the Qur’an the revealed and unchanging word of God, and as such the sacred text serves as the primary source for law and religious life. Yet, believers as far back and as authoritative as ‘Ali ibn Ali Talib (Muhammad’s cousin and son-in-law and one of his successors) confess that the Qur’an “does not speak with a tongue; it needs interpreters and interpreters are people” (qtd. Esack 50). Thus, every time we write “Qur’an says,” what we really mean is “This is what we think Qur’an says.” Even the text in Arabic exists underneath layers of interpretation, so that ambiguous words are linked to particular meanings without question. My reading of the Qur’an is rooted in liberation theology works such as Amina Wadud’s Qur’an and Woman (1999), Farid Esack’s Qur’an, Liberation and Pluralism (1997) and Asma Barlas’ “Believing Women” in Islam: Unreading Patriarchal Interpretations of the Qur’an (2002). Although works of textual exegesis, these books start from dissatisfaction with legal rigidity, hence

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3 Unsurprisingly, this project looks at certain problematic words in new lights and suggests new implications.
implicitly or even explicitly suggesting legal reformations. Esack offers that the Qur’an itself sanctions new theological expressions rooted in personal and group experiences:

Dogma may precede praxis, but not in a case of theology that is committed to liberation … The Qur’anic statement ‘and to those who struggle in Our way, to them We shall show Our ways’ (29:29) affirms this view of ‘doing’ theology (85).

These works, asking that the law reflect the needs of the people it governs, can be said to unite around Wadud’s proposal for a hermeneutics of tawhid (meaning unity) emphasizing “how the unity of the Qur’an permeates all its parts” (xii). This hermeneutics sharply contrasts the “linear-atomistic approach” to the Qur’an that looks into the Scripture verse by verse, or even as parts of one verse. Even so, a close look at origins of specific words and verses is indispensable. Though disassembling the law may suggest a destruction of the whole, I strive to re-unite problematic parts with the overarching Qur’anic ethos of human liberation. Rather than destroying the whole, re-aligning its parts with the general message should, in fact, strengthen it.

The Prophet’s hadith offer a second clue to understanding God’s intentions within the sometimes ambiguous Qur’anic text. Yet, similar to the above examples of different translations of the Qur’an, the hadith literature incorporates a spectrum of attitudes and opinions on many specific subjects. Barlas argues that the medieval exegesis abandons the Qur’an in favor of hadith, regardless of the latter’s soundness; if the chain of transmitters were sound, a hadith was accepted as authoritative even if it clashed with the Qur’an. Amreen Jamel suggests:

Rather than the Qur’an having influenced the hadith, the hadith literature has managed to connect Lot and same-sex [sic] sexuality exclusively, thus influencing various interpretations of the

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4 For example, the verse on polygamy sanctions the practice only as a protection for orphaned children and strictly demands justice toward the wives. The condition is embedded in the verse itself, while the allowance for polygamy is likewise surrounded by other provisions for orphans. See, for example, Wadud pp. 82-85.
Qur’an, perhaps also accounting for the later Islamic attitudes toward same-sex [sic] sexuality (68).

In *Women in the Qur’an, Traditions, and Interpretations* (1994), Barbara Stowasser compellingly argues that the negative *hadith* may have been fabricated to fill in the blanks left by the metaphorical language of the Qur’an. Barlas and Stowasser’s tracing of the gender-paradigm shift can easily be applied to same-gender sexuality. Assad AbuKhalil thus argues that the later theologians “concocted a variety of non-*sahih* [non-authoritative] *hadiths* to ban the practice,” though the punishment – the extent of it, or the need for it at all – never received a consensus from the jurists (32-33). Nonetheless, rather than *a priori* dismissing the *hadith* due to possible contaminations, deeper analysis reveals that internal inconsistencies may be extremely valuable to queer-friendly rearticulations of the scripture.

*Ijma*’ or the consensus of the Muslim community is a concept much harder to define, as Islam now spans virtually all continents. Across history, though legal pronouncements remain harsh, expressions of same-gender sexualities or non-normative gender identities abound, particularly in the ‘Abbāsid period. Unfortunately, few works on Islam parallel meticulous tracings of paradigm shifts achieved by, for example, Biblical theologians, though Barbara Stowasser’s work on women indicates an overall trend toward more rigidity. Everett Rowson, one of the leading scholars on this topic, recognizes that same-gender sex in classic Islamic culture has received little scholarly attention the subject deserves. Rowson and his colleagues, finding few sources, must rely on examining mostly poetic expressions, although these texts can be socio-political means of subversion rather than a report on societal conditions.
The project here builds on Abdelwahab Bouhdiba’s articulations, in *Sexuality in Islam* (1998), on sexuality’s prominent place within the religion. Though the author himself may at times talk dismissively about homosexuality, his version of Islam – one extremely affirmative of sexuality – is nonetheless priceless to queer readings. Bouhdiba places tremendous emphasis on reciprocity, a concept extremely important in the new exegesis concerning Lot, the story where conservatives across Judeo-Christian-Islamic traditions find their arguments against same-gender love. He claims:

> If the unity of self passes through the two poles of sexuality and the love of God it is because they are ultimately one and the same thing. Moreover, in both cases there is reciprocity and reaction. Neither with the human partner, nor with God, does Islam accept one-way love. And reciprocity in one case implies reciprocity in the other (124).

Bouhdiba declares that “love arouses the wonder of God himself [sic]” (13), that love is half the faith, or that it has the power of prayer (91). By extension, other Qur’anic requirements for egalitarianism imply that oppression against a fellow human, including that of an unfair gender system, may show a profound disrespect toward God. Qur’an 49:13 reminds us that we are created different “that / Ye may know each other / (Not that ye may despise / Each other)” (qtd. Barlas 145). Here, differences do not imply hierarchy or incompatibility, but are rather a device that triggers human learning. The sexual act must be based on respect and reciprocity in order for the sexuality encountered in others to become a projection of God (92). Sex, a union of two people in love regardless of their gender, opens the door toward glimpses of God’s own transcending unity and majesty.

Moving away from same-gender sexuality to (trans)gender identities, I focus on Paula Sanders’ essay on hermaphrodites in medieval Islamic law, and reports on contemporary legal decrees (called *fatwas*) by Sheikh Tantawi, the Grand Mufti of the
Egyptian Republic. I use Sanders’ idea that law considers “gendering” and “sexing” as two distinct processes – with gendering possibly independent of anatomy – to allow for a gender continuum. Sheikh Tantawi’s 1988 *fatwa* in the case from the chapter’s opening, authorizes Sally’s genital reassignment surgery and marks a revolutionary precedent for transgendered Muslims, who now have the religious/legal backing for aligning their anatomy with their experience of gender. Tantawi, however, continues to insist on a gender binary yet, finding himself caught in contradictions, unknowingly opens a continuum of gender. The gender continuum finds its scriptural backing in new *hadith* readings offered by Rowson in “Effemimates of Early Medina” (1991).

Much of my analysis builds on works of queer theorists and transgender(ed) activists, such as Judith Butler, Kate Bornstein and Riki Wilchins. These authors insist that discussions on (trans)gender and homosexuality, while refusing stereotypical equating of one with the other, belong under the same category of queerness. While Judith Butler, for example, professes that “policing” gender serves to protect normative heterosexuality, Marjorie Garber sees heterosexuality as guarding the surfaces of the male body. Regardless, heteronormativity privileges the penis, prohibiting a gendered act of penetration from being enacted *on* a male body. In fact, the binary matrix sees penetration as a violation, an act of submission demanded by the more powerful and gratified by the weaker agent. Furthermore, sex becomes *only* as a penetration of a body by a penis, so that desire and power always flow from one to the other of only two radically opposed categories. Gender makes sense only if “masculinity” (as the law sees it, synonymous with virility and potency, intact bodily boundaries and the privileged penis) remains “on top,” literally and figuratively.
Consider that, in her 1990 book *Thinking Fragments: Psychoanalysis, Feminism, and Postmodernism in the Contemporary West*, Jane Flax finds the current Western (mainstream) philosophy resting on binary and supposedly natural or essentialist oppositions that include identity/difference, nature/culture, truth/rhetoric, speech/writing, and male/female. The construction of these qualities through and as opposite reveals the [misogynist] philosopher’s desire for control and combination. The members of these binary pairs are not equal. Instead the first member of each is meant to dominate the second, which becomes the ‘other’ of the first (36).

Though writing about the West, the binaries Flax describes permeate, possibly forming the foundation of, Islamic law. She centers on logocentrism, the binary logic that delineates all aspects of life into two diametrically opposed camps, resulting in little to no allowance for those belonging somewhere in the middle. Flax, furthermore, recognizes logocentrism attending on phallocentrism, phallus-benefiting mechanisms. As indicated by Flax, a phallogocentric society (a system of binaries privileging the phallus) generally forces one member of the pair (usually woman, homosexual, nature, pollution, private), into a position of the subservient Other to the dominant member (man, heterosexual, culture, purity, public). Flax here continues the thinking of such theorists as Simone de Beauvoir and Luce Irigaray, who acknowledge as a given that the masculine identity in the West performs only as a mirror image, an explicit disavowal, of the feminine Other. Eve Sedgwick Kosofsky elaborates that “to identify as must always include multiple processes of identification with. It also involves identification as against” (61).

The Islamic matrix of gender and sexuality may be somewhat more complicated, establishing a dichotomy not simply between men and women, but between men and a

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5 I reverse Flax’s positioning of nature and culture. Though culture uses nature to validate its claims, by presenting social/normative as natural/normal, the “refined” culture is supposed to be above the “baseness” of nature.

6 To this system Islam adds an important relationship between Muslim and non-Muslim, as well as old and young. Although the West has recently fetishized youth, the real power lies in the hands of the older generation.
larger group we can call not-men.⁷ Not-men includes all those who are “passive recipients” of sex (whether anatomically male or female), as well as intersexed and transgendered individuals.⁸ Islamic legal discourse may indeed be much more open to a third gender category than Western social discourse has traditionally been. Nonetheless, phallogocentrism continuously and systematically reduces gender and sexuality to absurdly basic categories of active and passive, which this project attempts to broaden into a continuum. However, the law-makers frequently abandon their binary requirements when presented with cases threatening their privileged status. The gender binary, although claimed as a divine ordinance, emerges as only a mechanism instituting a power hierarchy.

My rearticulations of gender and sexuality begin with the Qur’anic story of humankind’s origins, tracing all humans to one primordial soul. Immediately, this concept erases any power hierarchy within human relationships, demanding reciprocity. Wadud speculates that God created one human soul, nafs – grammatically feminine but conceptually genderless – dividing it into two equal male and female counterparts. She bases her discussion on verse 4:1:

> He created You (humankind) min [from, of same nature] a single nafs, and created min [from, of same nature] (that nafs) its zawj [mate, spouse], and from these two He spread (through the earth) countless men and women (qtd. Wadud 17).

Unlike the Platonic version of the story, I submit that the division of this primordial soul was not intended as a perfect separation: each pair carries a piece of the other. Consequently, two souls need not imply a binary tension, since they both trace back to one nafs and ultimately One God. Bouhdiba’s lens presents the creation of pairs as a gift

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⁷ Leila Ahmed thus stresses that “women” in her book “are those whom societies under review defined as women and to whom they applied legal and cultural rules on the basis of these definitions” (7).
⁸ Though Islamic law does not explicitly equate “passive” male partners to female roles, the binary logic necessitates that they be grouped with this larger category of not-men.
of rejoicing at God’s Oneness when uniting with significant others. Pains of love and desire are not simply longings to find our other half, but also to, once united in a sexual embrace, come closer to God.

Wadud suggests that each member of the created pair presupposes the other so that the pair’s reality depends on a constitutive correlation. Such relationship understands identity formation through affirmation, not disavowal of the other, allowing the other to lose its capital O and outsider status. Dominant ontology, on the other hand, views male and female as “natural” opposites, implying at once irreconcilable differences between genders (of which there are two), and mutual incompatibility in same-gender relationships. Wadud declares that “compatible mutually supportive functional relationships between men and women can be seen as part of the goal of the Qur’an with regard to society” (8). Bouhdiba likewise writes of the “profound complementarity of the masculine and the feminine” (30). But if, as Wadud alludes, the text nowhere establishes essentialist male and female descriptors, these compatible relationships can occur between any two individuals, regardless of their gender, as well as within one person.

Insisting on binary boundaries in matters of gender and sex, Islamic law renders its mechanisms extremely vulnerable. Though at times showing glimpses of a continuum, the law nonetheless insists that anyone not-man serve as, to borrow from Flax, the (necessary) outside, the boundary that defines and preserves the inside. The notion of a necessary outside,9 for example, explains the medieval scholars’ preoccupation with intersexed individuals; rather than reflecting a widespread social problem, the discussion instead gives meaning and order to the societal inside by creating a binary tension with a clear outside. I continuously return to the primordial nafs to point

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9 This idea is very similar to Mary Douglas’ analysis of purity and pollution concepts in Purity and Danger.
to the need for erasing this tension. Furthermore, new medical technologies and social changes continuously bring the outside in. Bornstein, for example, repeatedly wonders what a “real man,” a concept implicit in Islamic law, entails when compared to a woman with breasts and a penis, or a man with facial hair and a vagina. We can also wonder what it means to be a “man” in a reciprocal same-gender sexual union. Without any clear outside as the location of a constitutive disavowal, the inside boundary eventually collapses.

The title of this chapter is suggested by Barlas’ interest in “querying the claim, implicit in confusing the Qur’an with its patriarchal exegesis, that only males, and conservative males at that, know what God really means” (19). Barlas is relentless in arguing that “interpreters of sacred knowledge became its architects instead, reducing, by a series of mediations, Divine Discourse to their own interpretations of it” (67). I argue along with Barlas that Islamic scholars have constructed their own ontology of gender and sexuality, though they believe(d) to be purely relating God’s unchanging message. That the process may have crystallized subconsciously rather than maliciously still does not excuse the stubbornness of contemporary Islamic societies to preserve the status quo when so many are calling for change.10 Even when sanctioning certain practices vital to queer Muslims’ everyday well-being, conservative lawmakers still speak from a privileged position of a heterosexual male, dispensing crumbs of power. In one of his fatwas on transgender issues, Sheikh Tantawi claims that “God did not send a disease without sending a cure for it,” never considering that the disease he alludes to lies within the society rather than bodies of queer Muslims.

10 I refer here primarily to Islamic feminists who have systematically argued against laws preserving an unfair gender system.
Even those with the best of intentions can yield to the confusion between Divinity and its human interpreters. Amreen Jamel, for example, fears:

if Muslims are to continue to take the Qur’an as the unchangeable word of God, then queer Muslims have little choice. This then means that the reform movement within the Muslim homosexual community has to raise the question of the authority of the Qur’an and whether a text from the seventh century should indeed be allowed to legislate the twenty-first century (63).

Jamel, like many others, seems to a priori dismiss that there can be a compatibility between Islam and queerness. Nonetheless, regarding the Qur’an as the sacred word of God, or Shari’a as Divine law, need not imply that our understanding of the message has not changed. Wadud suggests: “No method of Qur’anic exegesis is fully objective … Yet, often, no distinction is made between text and interpretation” (1). Every reading of sacred texts, and especially the often ambiguous Qur’an, is always an interpretation, thus allowing and even calling for new meanings appropriate to each generation. The task at hand, then, is not abandoning or re-analyzing all religious codes, but maintaining a connection with God devoid of oppressive accounts brought about by biased humans.

When approaching the Qur’an, Barlas asks whether the text is at all biased toward the male; in contrast, I posit that the Qur’an (though not always its interpreters) is unequivocally committed toward human liberation, erasing biases between people(s). Comprehended under this axiom, the sacred texts can indeed become a powerful moral tool, showing incredible freshness in providing hope and strength to the oppressed.
What's Lot Got To Do With It?

Despite the positive messages on healthy sexuality highlighted by Bouhdiba, dominant Muslim discourses regard same-gender coitus as a sinful activity, rationalizing their condemnations in a misreading of the scriptural story of Lot and the sin of his people. Traditional exegesis contends that God considered sexual acts between men an abomination meriting the destruction of an entire city. English words such as sodomy or sodomite and Arabic lūṭi (from Lut), referring to same-gender sexual acts, take for granted that Sodom was punished exclusively for same-gender sex. In contrast, Amreen Jamal situates Lot in a much wider context of other messengers whose people rejected their call toward islam (19) and consequently paid the price, not for same-gender sex, but for their ignorance of God. I continue John McNeill’s Biblical analysis which sees Lot’s story as an illustration of wickedness in general, and pride and inhospitality in particular (McNeill 45-47). Starting with the assumption that from a plethora of meanings, scholars have selected specific ones for specific goals, this chapter aspires not to completely erase sexual connotations of some problematic words, but rather to place them in a larger context of warnings not to turn away from God. Tracing word appearances suggests a metonymical slide, inconsistent with the hermeneutics of tawhid, from a general injunction against indecency toward a very specific and modern application regarding (male) homosexuality (recall Behbudi and Turner’s translation of verse FIND IT).

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11 The Qur’an, significantly, never employs the names Sodom and Gomorrah – these proper names came into Qur’anic exegesis and social mentality through Bible-related traditions or isra’iliyyat, paralleling how negative views on women found their way into the Islamic cannon (see Stowasser for more detail).
12 The word islam in its original form simply means submission to God.
13 I.e. viewing the Qur’an as a unified text, rather than a series of (disjointed) verses.
Recall Jamel’s claims that the *hadith* literature, not the Qur’an, connects Lot and same-gender sexuality, as well as Stowasser’s and AbuKhalil’s suspicions that some *hadith* may have been invented, possibly under the influence of negative *isra‘iliyyat*. In view of Biblical scholars’ rearticulations of Lot’s story and Islamic academics’ suspicions that negative connotations may have found their way into the Qur’an via conceivably fabricated *hadith*, close analysis of challenging Qur’anic passages becomes a priority for a queer-affirmative theology and social movement. Jamel lists fourteen *surahs* that make references to Lot: 6:85-87, 7:78-82, 11:73 and 11:79-84, 15:58-77, 21:70-71 and 21:74-75, 22:43-44, 26:160-176, 27:55-59, 29:25 and 29:27-34, 37:133-138, 38:11-14, 50:12-13, 54:33-40 and 66:10, the last verse referring to Lot’s wife rather than Lot himself (10).14 Significantly addressed to men only, the passages contain a few noteworthy phrases, namely *approaching, lust, lewdness or indecency*, and *women/spouses*. Two other verses, 4:17 and 4:19, have also been identified as dealing with same-gender sexuality, but they too center on the notion of indecency. Jamel goes into much detail, analyzing numerous other phrases appearing in these passages. Although her analysis is remarkable, she refuses to acknowledge that the verses under scrutiny have nothing to do with a reciprocal same-gender sexuality as we understand it today. While she continuously situates the verses on Lot in a larger context, she nonetheless restricts their meanings to same-gender coitus only. The hermeneutics of *tawhid* and pure logic dictate that, given the text’s overarching themes of God’s love and human love, and given that each problematic word in any other context has non-sexual

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connotations, interpretation should be shifted away from a narrow-minded condemnation of same-gender sex toward a broader understanding of ignoring God’s call to islam.

According to A Concordance of the Qur’an, the phrase ya’tī – approaching someone, presumably in a sexual manner – generally denotes neutral actions such as “to approach, to commit, to perform, to come to or upon,” out of which committing an “indecency” (again, assuming its sexual nature) is mentioned only 12 times. While the Qur’an warns both men and women against approaching indecency, thus constructing the phrase in gender- and sexually neutral terms, if it refers to sexual acts at all, ya’tī in these verses now signifies only male-male coitus. Throughout the pertinent verses, the Qur’an continuously qualifies ya’tī with the concept of shahwah, non-sexual lust akin to gluttony. While traditionally restricted to denoting a man’s lust toward other males, shahwah generally depicts coveting the pleasures of this world that can turn a believer from prayer and God’s path (e.g. 4:27 and 9:59, respectively). Likewise, the corresponding verb “to desire” usually appears in an environment of otherworldly rewards or punishments: while unbelievers long to suppress the Truth (34:54), believers will be rewarded in Heaven with all they desire (43:71, 52:22, 56:21, 77:42). Shahwah encompasses a desire much larger than sexual lust, denoted by the word hamma, which originates in a completely different root. The idea of lust is consequently better understood as a human weakness used by idolaters to turn the believers away from God. Systematically embellishing Earth’s pleasures, pagans cause the believers to desire not God’s eschatological promises but quick, though temporary, rewards.

In view of Stowasser’s allegation that Bible-related traditions have influenced Qur’anic exegesis, new findings by Biblical scholars can perhaps help reverse the trend
and rid the interpretation of biased human assumptions. John McNeill’s analysis strikes a parallel with the above otherworldly qualifiers by pointing out that Old Testament Hebrew consciousness connects same-gender sex with idolatry:

It was a practice among some of Israel’s neighbors to use both sexes [sic] as part of fertility rites in the temple services … Whenever homosexual activity is mentioned in the Old Testament, the author usually has in mind the use male worshippers made of male prostitutes provided by temple authorities (1993: 57).

Here, the ban against “lusting” (shahwah) after members of the same gender pertains not to a reciprocal union of two people, but rather to sacred prostitution, a piece in the puzzle of idolaters’ rejection of One God. The reasoning is underscored by Bouhdiba’s discussion on reciprocity as central to Islamic values surrounding sexuality. Emphasizing orgasm as a shared pleasure, Bouhdiba finds “sexuality encountered in others … [as] a projection of God” (92, emphasis added). Sacred prostitution, on the other hand uses the body of others for pleasure and worship. Contrary to McNeill’s appeal that sex, as a form of play, be viewed as an end in itself,\textsuperscript{15} sacred prostitution exploits sex as a means to worship false gods. The practice disrespects God in two ways. Being a one-sided pleasure, it denies the prostitute’s bodily sanctity; through the theory of one nafs, it denies the worshipper’s own humanity and hence God’s projection in both souls. Desiring sexual acts, regardless of the partner’s gender, does not contrast Islamic morality, but exploiting these acts in a non-reciprocal pagan ritual does. In this worldview, God is not angered at same-gender sex, but at using bodies to worship false gods.

The term fāhishah (from the root FHSH), which the Qur’an applies to Lot’s people, likewise indicates general lewdness and indecency instead of narrow

\textsuperscript{15} See his Taking a Chance on God for a more detailed discussion.
connotations of same-gender coitus. According to Jamel, words from this root appear in three Lot-related passages, 7:78-82, 27:55-59 and 29:27-34, while other terms from the same root can be found an additional twenty-one times in the Qur’an (25). The term *fāhishah* stands for a broad idea of sin, while in four cases (4:15, 19, 25 and 17:34) it indicates adultery. Leaving implications of adultery for a later analysis, consider Jamel’s findings that

The term “indecency” (*fāhishah*) in Q.29/27 is used in reference to an indiscretion connected to those who “approach men, and cut the way” and who also commit “dishonour” (*munkar*) in the assembly (25).

“Cutting the way” in Qur’an 29:27 indicates the sin of Lot’s people as highway robbery, a serious transgression in times when an attack on a lonely traveler in the midst of the desert usually meant certain death. Jamel, on the other hand, reports that Richard Bell believes “there is no evidence that the people of Lot were accused of that [i.e. highway robbery]. It [the phrase in question] must mean ‘cut off the way of offspring’ or ‘bar the ordinary way’” (qtd. Jamel 75). Forcing a modification from a general injunction to an extremely specific prohibition, Bell ignores the more or less straightforward interpretations analyzed above and stubbornly demands a reading that implicates and forbids same-gender sexuality. Bell disregards the Qur’anic text itself and Islam’s lack of requirement that each sexual act result in a procreative opportunity in his need to impose an ontological stigma on queer individuals.

Conservative interpretations like Bell’s attempt to entrap queer sexuality in “unnatural,” not just immoral terms. Essential qualities are assigned to men and women in order to imply that the only “naturally” acceptable pairing occurs between diametrically opposite individuals, capable of producing offspring. This reading ignores the high value Bouhdiba’s exegesis places on love and sex as ends in themselves, without
the need for procreation. Consider that Qur’anic passages on Lot always couple the concept of “approaching men” with the idea of abandoning women/wives. Two words appear in these verses: nisā’ and zawj, the former denoting both “women” and “wives,” while the latter almost exclusively designating “spouse(s).” While this warning has traditionally been read invoking men not to abandon women as their “natural” mates, this exegesis insists that the word in question be understood as spouses. Any “natural,” essentialist allusions are therefore erased, leaving the phrase located in moral terms concerning adultery. The immorality then arises not from the gender of one’s sexual partner but rather from the moral choice to break a marital promise. Simultaneously, the verse becomes significantly liberating to women who have the need for sexual pleasure as much as their spouses.

Although fāhishah may denote a broader reading of sin, several of the verses call for narrowing the meaning to infidelity. Verse 17:34, for example, explicitly connects fāhishah with adultery: “And approach not fornication [zina’]; surely it is indecency [fāhishah], and it is evil [sa’a] as a way” (qtd. Jamel 27). Infidelity parallels sacred prostitution in its perversion of a sexual act that disrespects, rather than celebrates, the body of another human being. Observing fertility rites inherently involves breaking a vow of faithfulness made to one’s spouse – a moral crime the Qur’an explicitly mentions by name. 16 The discussion on the immorality of adultery lifts unnatural implications from two other verses discussing indecency between two men or two women. Jamel translates verse 4:19 as “Such of your women as commit indecency [fāhishah], call four of you to witness against them; and if they witness, then detain them in their houses until

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16 Significantly, the Qur’an asks that final judgment be left to God; though it is a sin to disrespect the body of another human, God remains the ultimate judge.
death takes them or God appoints for them a way” (26). Similarly, 4:20 instructs: “And when the two of you commit indecency, punish them both; but if they repent and make amends, then suffer them to be; God turns and is all-compassionate” (ibid. 26). Many arguments can repudiate that the above verses speak about sex between two members of the same gender at all: fāḥishah’s linguistic ambiguity obscures what indecency signifies in the first place, and whether the subjects are committing it together or with another party of a different gender. However, arguing that the verse indeed stands for adultery committed by a same-gender couple results in astonishing ontological implications on same-gender love and sexuality as discussed in the Qur’an. Assuming a same-gender couple, the Qur’an then acknowledges a possibility of same-gender zina’, and by extension same-gender desire, placing it on an entirely equal footing with its opposite-gender counterpart. This somewhat radical conclusion is supported by several hadith I analyze below. The following chapter likewise investigates how jurists of classical Islam ignore distinctions between desires for either gender (though not necessarily giving sanction to acting on those desires). The precedent is also set in verses that explicitly name women’s rights and responsibilities, ensuring their equal station with men. Rather than rendering same-gender sex an “unnatural” and immoral abomination, this verse seems to recognize its possibility in everyday life, striving not to forbid it, but to regulate it in the same way as opposite-gender intercourse.

17 Masculine dual, which could potentially be used for masculine and feminine plural.
18 In cases of zina’, four witnesses that have seen the actual sexual act are needed to legally implicate the parties. Most other legal disputes require only two male witnesses.
19 According to Barlas, Umm Salama, one of Muhammad’s wives, is said to have asked the Messenger why God was not addressing women directly in the Qur’an, instead grammatically lumping both men and women under the male plural form. As a result, numerous passages address men and women simultaneously.
The last piece of the puzzle concerns Lot’s offering of his daughters to the crowd assembled at his house. The townspeople want to punish Lot for his moral warnings, but instead of a direct attack on Lot, they choose vengeance on his guests, an approach more degrading considering the sacred status given to hospitality discussed above. The verses in question read:

And when Our messengers came to Lot, he was troubled [si‘a] on their account and distressed for them, and he said, “This is a fierce day.” And his people came to him, running towards him; and erstwhile they had been doing evil deeds [sayyi‘at]. He said, “O my people, these are my daughters; they are cleaner [athar] for you. So fear God, and do not degrade [tukhzu] me concerning my guests. What, is there not one man among you of a right mind?” They said, “Thou knowest we have no right to thy daughters, and thou well knowest what we desire [muridu]” (qtd. Jamel 13-14).

The passage implies the townspeople’s desire for some sort of sexual contact with Lot’s guests, making the key issue discernment of Lot’s intentions in “giving away” his daughters and the crowd’s corresponding answer that the daughters are not what they “desire.” Jamel discusses the daughters’ superior “cleanliness” as a direct symbol for uncleanness of same-gender sexual relations (41). On the other hand, she notes that “the term ‘clean’ is used in an ironical fashion by those who were destroyed to refer to Lot. The city dwellers, in what seems to be a mocking fashion, jeer at Lot and his people for being ‘clean’” (37).20 Their previous mockery of Lot’s “cleanliness” indicates that the crowd’s desire lies in the symbolic rather than the physical plane. The term itself is situated similarly to shahwah, which speaks of turning away from God toward the passing pleasures of this world.21 Jamel notes numerous uses of terms from the root RWD referring to non-sexual activities, as well as the moral-religious implications when

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20 I am grateful to Prof. Siraj Kugle for pointing out that the term in question is mutattahirîn, meaning “those who think themselves clean,” making the irony even more profound.

21 The concept does not imply that Islam negates pleasure; on the contrary, Bouhdiba’s analysis shows Islam as an extremely sex- and pleasure-affirmative religion. The problem arises when pleasure becomes the sole focus of one’s life and causes one to abandon God.
used to denote sexuality. The latter passages, for example, refer to Egyptian Governor’s wife’s desire for Joseph, who must remain faithful to God. Violating the host’s sacred responsibility toward his guests, Lot’s people choose the visitors rather than the family as the object of their intended defilement through rape, in order to bring out Lot’s greater humiliation. The crowd’s “desire” for the visitors cannot be farther from a reciprocal union, leaving rape, not consensual sex as the abomination in question. A sexual act is implied, but only as a symbol of townspeople’s disrespect toward Lot’s message to obey God, as well as his degradation.

Like the Qur’an, the hadith, read in a different light, appear to be validating rather than condemning same-gender sexuality. Though, as mentioned, the negative hadith may have been fabricated, their internal inconsistencies may be used to support a queer exegesis. On the one hand, authors like Jim Wafer believe that the Prophet took a lenient attitude toward same-gender sex, or that he viewed it with “philosophical indifference” (89). Wafer’s comments on the aforesaid verse 4:20 note that punishment is not indicated, meaning that the Prophet was interested in regulation, not prohibition. Everett Rowson points to Prophet’s acceptance of cross-dressing men, which I take as a similar approval for non-normative sexual practices. Rowson finds that the Prophet chastised these men not for their gender-crossing but for divulging secrets of his private life, very similar to the Qur’an asking for a punishment of adulterous indecency, not a blanket prohibition of same-gender sex. Paralleling Qur’anic understanding of indecency discussed above, some hadith are explicit in placing impulses toward either genders on the same level. Addressed to men, these hadith charge: “Keep not company with the sons of Kings, for verily souls desire them” or “Do not gaze at the beardless youths, for
verily they have eyes more tempting than the houris” (qtd. Wright 7). Prof. Kugle points out that these *hadith* may have originated in the ‘Abbasid period and then projected back upon the Prophet. If authoritative, the *hadith* radically acknowledge same-gender desire as an inherent inclination, and attempt to regulate it, not completely restrict it. Even if fabricated, the *hadith* then speak of a current within a period in Islamic history when same-gender desire was acknowledged and transgressions seen in a moral-ethical rather than natural light.

Contrary to this tolerant or even affirmative attitude, Wafer cites several other intensely negative *hadith*, the most severe example testifying that

> Whenever a male mounts another male, the throne of God trembles; the angels look in loathing and say, Lord, why do you not command the earth to punish them and the heavens to rain stones on them? (qtd. Wafer 89).

Though many medieval scholars have argued that the *hadith* is clearly fabricated, it remains one of the most cited examples of colloquial understanding of same-gender sexuality and the wrath it incurs with the Divine. Those eager to quote this *hadith* to justify oppression, should recall that though individuals have practiced same-gender sex for millennia, God has *not* commanded the heavens to rain stones on them. Even if we take the Qur’an as a historical rather than metaphorical account, Lot’s story remains the only instance where God interfered with humanity for anything relating to same-gender sex. AbuKhalil records a *hadith* insisting, “He whom you find doing the deed of Lot’s people, kill … the doer and the one being done unto” (33). According to Wafer, caliph Abu Bakr is supposed to have had a man engaged in same-gender sex burned alive, while Ibn ‘Abbās argued that such men should be thrown from the highest building in town and then stoned (90). Focusing exclusively on men, these *hadith* and punishments assume same-gender coitus as the cause for destruction of Lot’s people, a claim this exegesis
finds not so unambiguous. These assumptions operate either through linguistics – as mentioned, Arabic lūti derives from Lot\textsuperscript{22} – or through the manner of the punishment – hurling a man from a tower replicates the method of Sodom’s destruction. The lawmakers, eager to satisfy their own fears and prejudices, almost lay entitlement to punishments God has reserved for Godself. Wafer thus observes the dispute over authenticity, due to a lack of Qur’anic sanction for death penalty for any sexual act,\textsuperscript{23} as well as their unusual severity running counter to traditional Islamic punishments. The new Qur’anic exegesis offered here further jeopardizes the validity of such severely negative hadith, viewing them as products of human biases.

Overall, the passages concerning Lot may indeed speak of same-gender sex, but always as a non-reciprocal exploitation of bodies, whether as sacred prostitution, adultery or rape. In an essay \textit{Let Us Bless Our Angels}, Robin Gorsline suggests a contemporary reinterpretation of the account of Sodom, as a categorical imperative of liberation theologies that sacred texts should be living words offering hope and strength. Though not necessarily endorsing her interpretation, as the language assumes a contemporary understanding of same-gender sexuality originating in the West, Gorsline’s narrative exemplifies how the same text can produce radically different meanings. In Gorsline’s scenario, Lot’s two visitors are a gay\textsuperscript{24} couple whom Lot immediately offers shelter. The crowd, recognizing the visitors’ sexual orientation from their “effeminate” behavior (which Gorsline fails to discuss as an overgeneralization), demands that Lot give his queer guests over so that they can be given “a taste of their own medicine” and realize

\textsuperscript{22} Ironically, Lot is the messenger of God who remains pure in this story, and has himself no connection to same-gender sex.

\textsuperscript{23} Though the Qur’an suggests flogging for zina’, the law sometimes asks for the extreme punishment by death.

\textsuperscript{24} Again, assuming a self-identified same-gender couple in a reciprocal union.
“how disgusting they are” (54). The narrative reemphasizes the need to understand the Qur’an as prohibiting contempt for fellow human beings, not Bouhdiba’s “loving fusion of bodies and spirits” (97). Current interpretation, on the other hand, requests that queer people “see their deepest and sincere human love as cutting themselves and their loved ones off from God” (McNeill 1993: 33). If words thought to be unambiguous are proved to be quite vague, and if someone like Gorsline could read Lot’s story in a pro- rather than anti-queer light, we must next analyze the causes and mechanisms for this paradigm shift from respect to restriction.

Men on Top?: Law vs. Religion

That the Qur’an and hadith invoke a plethora of meanings, rather than a monolithic prohibition against same-gender sexuality, advances the central argument that Islam as a religion is not inherently homophobic, but could, on the contrary, be explicitly recognizing and regulating same-gender desire. The task at hand now is to understand how human-deduced law adapts an overwhelmingly positive message of liberation into one demanding capital punishment for expressions of love.25 In Islam (but certainly not unique to it), same-gender sex exists in a larger context concerning male dominancy and phallogocentric mechanisms that place masculinity “on top.” Societal disgust at same-gender coitus takes highly gendered tones, whereby queer people disregard the “natural” order that man be an “active,” and woman a “passive” partner. Phallogocentrism establishes a clear binary between taking pleasure and submitting to someone, commanding that a man not play “the role of woman” with another man, or use another

25 Recall that the Shar’ia specifies death by stoning for adultery (though punishment for non-married individuals is only lashing) – same-gender couples automatically fall into this category because they are not allowed to marry.
man like a woman. Jim Wafer notes that the Arabic poet Abū Nuwās (ca. 815) is said to have claimed “that he slept with Christian, Jewish and Zoroastrian boys, because he regarded it as ‘the duty of every Muslim to sleep with them’” and thus presumably degrade them (qtd. Wafer 92).26 Judith Tucker claims that Islamic “maps of desire are male maps” (156), whereby vectors of desire must always flow from the “active” male to its binary opposite, the “passive” female. In these examples, and many that follow, gender and sexuality are condensed to basic assumptions of active and passive, inconsistent with Qur’anic calls for reciprocity.

Everett Rowson notes that, though legal pronouncements remain the same, the society regards “active” and “passive” sex as “essentially two different, albeit complementary, phenomena” (1991: 685). So long as he projects his desire toward a young man not in full virility, lūṭī, the “active” partner, is never considered as controversial as an adult “passive” partner. Rowson writes:

the lūṭī’s partner was not assumed himself necessarily to be acting from motives of sexual desire, and no single term refers simply to such a person, without reference to his motives: if he is paid, for instance, he is a muʿājir; if he agrees to be the passive [sic] partner in exchange for a turn as the active [sic] partner, he is a mubādīl; if he is indeed acting out of sexual desire for the passive [sic] role, he is most commonly called a maʿbūn. The word maʿbūn carries strong connotations of pathology, and ubna is in fact frequently called a “disease” (dāʾ) (685).

Preoccupied with preserving the image of masculine virility, phallogocentrism invents a plethora of terms that excuse the so-called “passive” male partner from performing in acts reserved for women. Analogous concern with active masculinity exists in the societal lack of concern for lesbians, who, as two passive principles, consume little to no

26 Alternatively, J. W. Wright (together with other essayists in Homoeroticism in Classical Arabic Literature) suggests that Abū Nuwās’ declaration shows an imposition of homoerotic anti-text onto the religious text, not a description of his own tendencies. Regardless of actual reality, Abū Nuwās’ and other poetry still implies a power hierarchy between old and young, Muslim and non-Muslim which supports the main argument.
space in jurists’ writings. In his 11th century work, Iraqi judge al-Jurjânî27 does mention lesbians but remains preoccupied with the idea that their sexual act involves no penetration, as if 1) only a penis has the power to penetrate and 2) sex implies only penetration. Dismissing lesbians as two passive principles, al-Jurjânî never considers that erotic energy could be potently concentrated in body parts other than the phallus.

Rowson’s analysis finds no “suggestion that women involved in same-sex [sic] relations take any of the nonsexual gender attributes of men” (1991a: 68), though parallel assumptions do operate in male-male relations. Thus, while lesbians, and all women for that matter, must be denied as active forces and never masculinized, male “receptors” of anal sex are effectively effeminized and considered “passive.”

Despite legal condemnations, expressions of same-gender sexuality abound in the medieval period, though not quite on reciprocal terms demanded by Bouhdiba and the nafs theory. Murray reasons that “before the twentieth century, the region of the world with the most visible and diverse homosexualities was not northwestern Europe but northern Africa and southwestern Asia” (6). Tucker reasons, “There is no sense here, however, that heterosexual and homosexual desire are distinct impulses” (154). Rowson writes that the lūṭi’s “desires, if not his acts, were widely considered normal from at least the fourth/tenth century” (1991: 685), and concludes that liwāt and zinā, in both societal and legal consciousness, result from failure to suppress equally natural impulses. From the time of Yahyā ibn Akham [9th century] the entire Arabic literary tradition assumes that the ‘lust in the heart’ to which all men are susceptible is as likely to be stimulated by boys as by women” (1991a: 61).

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27 See Everett Rowson’s “The Categorization of Gender and Sexual Irregularity in Medieval Arabic Vice Lists.”
Yet, while claiming that “an attractive male youth may arouse a man’s desire as easily as a woman might,” Tucker also admits that “his attractiveness, in fact, derives from his feminine appearance … his seductive qualities are not inherent … [while a] woman’s sexual attractions, to the contrary, are an essential part of her being” (154). Though desire may be projected toward a member of the same gender, it remains unreciprocal, because the youth’s (stereotypically) feminine features, and the corresponding binary visions of passivity and submission, are thought to be attractive. A young man, due to his feminine features, remains a normative object of desire; a desire toward a grown man, though controversial, was not considered as reprehensible as the desire for a “passive” role (Rowson 1991: 685).

Murray finds the practice following strict age and gender-stratifications, where adolescents are expected to provide pleasure for older men, but eventually “grow out of it,” settle with a family and assume the privileged position of a penetrator (18). Bassem Nathan recognizes the medieval Arabic physicians’ interest in the “passive” rather than the “active” male partner as “the discreet acceptance of homosexuality as an alternative to heterosexual behaviour as long as the person concerned is the active [sic] partner” (38). Rowson thus talks about the concept of mubādala, or taking turns as “active” and “passive” partners in anal intercourse (1991a: 66). One of the poems he analyzes implies that a young man (unable to pay a prostitute) must sometimes “submit” to penetration so that he can subsequently penetrate his partner. The concept implies that the “passive” partner experiences no pleasure, as well as that his “shame” must be cancelled by a subsequent display of power.
The power hierarchy in same-gender relations leads to striking conclusions on Arabic gender definitions. While literary discussions should not necessarily be taken for descriptions of reality, they still offer valuable insight into centrality of power definitions, and can assist in opening the space for a gender and sexuality continuum. On the one hand, the tradition seems preoccupied with genital penetration, and the active, powerful phallus. In contrast, since many reports indicate that most males in medieval societies appear to have been involved in male-male sex, genitals relinquish their primary position in favor of visual gender projections powerfully focused in the beard. The beard acts as a seal of virility, needed for full recognition of masculinity despite all the “necessary” primary sexual characteristics. Recall that a desire for a young man is not as controversial as a desire for an adult one, but that an adult (bearded) man is considered pathological if he desires to be penetrated. Furthermore, the young man can subsequently become an “active” partner himself. Beardless boys thus occupy a liminal, third-gender space whereby they can be used like women without losing their manliness.\(^\text{28}\) Rowson writes that “the quasi-femininity of their appearance, a condition for their desirability as penetratees, was a natural but temporary condition whose end marked their entry into the world of the dominant adult male” (1991a: 66). There seems to be an evolution of gender implied here, where boys progress from being asexual as children,\(^\text{29}\) through a period where their sexual role equals women’s, to finally emerging as full men. Wright importantly notes that sexual references or even sexual acts with boys did not imply a loss of personal and family honor as they would for women (9). A boy’s journey through

\(^{28}\) As stated before, they were not supposed to experience pleasure in the act, less the “diseased affinity” should extend into adulthood. Importantly, parallels to women’s role in the sexual act imply that they too should not necessarily experience pleasure.

\(^{29}\) For example, children are excluded from strict male/female segregation youth and adults must obey.
this liminal stage offers him (and his lovers) a “clean slate,” the appearance of the beard and subsequent gender conversion erasing any problematic issues of honor and reputation.

The beard satisfies the specular binary fetish, performing as an unmistakable symbol of virility in the social arena. The beard, in fact, speaks more of respectability as a socially reinforced masculine role; the masculine role, in turn, is by definition one of virility and power. In a series of overdeterminations, the relationship between the signifier and the signified is fictional, reified (and deified) in order to benefit the phallus. Echoing my argument of the binary tension between men and not-men, Rowson claims that men, symbolized by their beards, find sexual partners in “beardless non-men – women and boys” (1991a: 65). He consequently notices that mukhannathūn – cross-dressing men, who, among other things, plucked their beards – are rarely associated with the disease-implying term ubna, concluding that “the gender inversion of the [mukhannathūn] rationalized a sexual behavior pattern that in conventionally gendered males … was considered pathological” (1991a: 71). These examples indicate secondary, not primary sexual characteristics as establishing gender, a dictum clashing with gender-determination for hermaphrodites, discussed in the following chapter. Steven Oberhelman sees this disregard for genitals as male “penetration of non-gender-specific objects” (61). In opposition, I argue that the beardless boy’s appeals not due to lacking gender, but owning both male and female qualities. He is female (or rather not-man), since the presence/absence of the beard clearly establishes the male/female binary. On the other hand, sex is possible precisely because they are not female in terms of social restrictions and punishments, assuming that Islamic societies were more vigilant in

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30 Of course, this statement works only for the current system.
punishing male-female rather than male-male sexual transgressions. The beardless boy thus opens a position on the gender spectrum. Nonetheless, through visual projections, phallogocentrism still manages to establish the above-mentioned reduction of gender to active and passive, with clear indications who must remain “on top” so that his bodily boundaries remain intact.

Though negative attitudes toward same-gender sex prevailed, affection between members of the same gender, in part inspired by hadith, creates far less problems in Muslim countries than some fairly liberal Western ones. For instance, Crompton writes that Ibn Hazm, a writer in the early 11th century, makes no distinction between the love for either of the genders “morally or socially. To him all love is psychologically one and the same” (147). Ibn Hazm’s treatise on love originates in a hadith asserting, in Crompton’s translation, that “He who loves, and controls himself, and so dies, the same is a martyr” (148), or in Bouhdiba’s variant “he who … observes chastity …” (121). Ibn Hazm applies the hadith to any love regardless of gender. Similarly, Muhammad’s love for Mu’adh is thus supposed to represent honorable love between men (Wright 7). If the love in question is understood as projected toward those of the same gender, some may, by extension, be capable of loving (particularly in a sexual sense) only those of the same gender. Tradition sees this hadith sanctioning same-gender love devoid of sexual contact, so that “loving, without touching (let alone penetrating) remains the ideal” (Murray and Roscoe 307). Acknowledging love, but barring sexual contact, deviates from Bouhdiba’s accent on sexuality’s central position in expressing love toward one’s partner as well as God. “Chastity” and “control” in the above hadith must be understood as a call for a respectful moral behavior, not abstinence, just as “indecency” does not
apply to all same-gender sex. According to a hadith, there should be no celibacy in Islam (qtd. Farah 26), but queer people unable of coitus with members of other genders are summoned to a life either of pretend heterosexuality or celibate chastity.

Current Islamic attitudes unfortunately clash with the medieval, if reserved and male-centered nonetheless fairly radical, acceptance of same-gender sexuality and openness to sexuality in general. AbuKhalil perceives the sharp change to be the product of colonial and post-colonial attempts to “conform sexual and moral mores to western (primarily Christian) codes of behavior” (34). He contends that

what passes in present-day Saudi Arabia, for example, as sexual conservatism is due more to the Victorian puritanism than to Islamic mores. It is quite inaccurate to attribute prevailing sexual mores in present-day Arab society to Islam. Originally, Islam did not have the same harsh judgment about homosexuality as Christianity. Homophobia, as an ideology of hostility toward people who are homosexual, was produced by the Christian West (32).

Whereas AbuKhalil’s argument condemns homophobic and sex-phobic attitudes as an import from the West, Murray argues that Western homophobia developed as a recoil from sexual openness in medieval Muslim societies. Strictly regulated sexuality thus becomes a symbol of distinctiveness from the immoral colonial West, much the same way as questions of women’s veiling and seclusion have come to signify Islamic resistance to Westernization.31 Consequently, Bouhdiba finds Islamic opinions on sexuality following a general trend of

a degradation … of an ideal model. The open sexuality, practiced in joy with a view to the fulfillment of being, gradually gave way to a closed, morose, repressed sexuality. The discovery of one’s own body and that of another, turned in the end into male selfishness (231).

Though cultural changes seem to have navigated a full circle, stopping on bigotry, the inquiry into medieval mores indicates intolerance, not same-gender sexuality as originating in the West, despite the conservatives’ wishes to paint any non-normative

31 See, for example, Leila Ahmed’s Women and Gender in Islam, particularly Part Three: New Discourses.
gender and sexual expressions as Western imports. Clearly, same-gender sexual acts, whether open or concealed, condemned or accepted, role-stratified or reciprocated, have always existed within Islam.

*Intersexed Boxes: Hermaphrodites in Islamic Law*

Despite the jurists’ claims that an ordered human society depends on maintaining boundaries, ordained by God, between male and female, previous examples indicate that the law, interested in symbolic gender representations rather than anatomy, has already allowed a gender continuum. Continuing the same theme of exposing legal inconsistencies, this chapter deals with intersexed individuals whose anatomy refuses the oversimplified logocentrism. The binary again functions through specular rather than biological mechanisms, forcing a gender onto a body that defies it. According to Marjorie Garber, the specular requirements extend into the “ideal scenario … one in which a person’s social station, social role, gender and other indicators of identity in the world could be read, without ambiguity or uncertainty” (26). In “Gendering the Ungendered Body: Hermaphrodites in Medieval Islamic Law,” Paula Sanders examines this unattainable wish to “read” people based on visual cues, in a world where clothing determines not only the proper gender “box,” but all other boxes as well. The “boxes” inevitably emerge as a societal, rather than biological necessity. Moreover, they contrast the concept of the primordial, unified soul whose division need not imply polar opposites, but complementarity. I see intersexed and transgendered individuals – whom I discuss later – as physical embodiments of the idea that the division between male and female within the primordial *nafs* need not have proceeded in a perfect split, but allowed parts of
one to remain in the other. Ironically, the space where these individuals can claim a continuum has been constructed by the same juridical system that insists on binaries.

Sanders analyzes a process of social “gendering” dissociated from anatomical “sex.” Here, she indirectly opposes recent claims by theorists such as Judith Butler that “the distinction between sex and gender turns out to be no distinction at all … [since] gender must also designate the very apparatus of production whereby the sexes themselves are established” (11). Sanders’ analysis starts with the assumption that Islamic law

socialized [men and women] into this world of relations, which assumed that men and women must interact, that they must interact in prescribed ways, and that interaction in other ways threatened the social order and had to be guarded against all costs (75).

Presumably, one of the prescribed interactions Sanders’ alludes to demands that adult men always play an “active” role in sexual intercourse. In this world which defines itself according to gender vectors, a khuntha or hermaphrodite, exists as an “unsexed, ungendered and therefore unsocialized being” (79). A khuntha’s gender liminality severely threatens the social order, as his/her gender is inevitably tied to the status of others. In another binary tension, that between private and public, the force of public conventions forces a khuntha into one of the two proscribed gender roles. Otherwise, the unclear gender vectors he/she projects toward others may interrupt the social order. To be gendered is to be social, and vice versa. More importantly, to be social implies belonging into a hierarchy privileging men.

Like the young man whose gender liminality (and corresponding “passive” sexual position) can remain until an onset of the beard, Islamic law allows a khuntha’s
ambiguousness, a kind of third gender, to remain until puberty. Sanders summarizes the legal opinions:

If the sex [sic] of the child could not be determined by these conventional methods [i.e. examination of the urinary orifice], it remained in a state of dubiousness (ishlibah) or ambiguity (ishkal) until the onset of puberty … Since children are not considered to be sexual beings in Islam, the rules of modesty or other precautions aimed at preventing illicit sex between adults do not apply to them. Their sex [sic] is known, but they are not part of the social-sexual world of adults (78).

Gender here is not only a social but also a sexual identity, crystallizing only at puberty, when hormonal changes usher in a powerful force of sexuality. Since khunthas do not belong to the “social-sexual world of adults,” they initially occupy an asexual third gender. Beardless boys, in contrast, take on a sexually charged position, which brings them closer to the women’s sexual role. Regardless of differences, both types of liminality end at puberty. Since ambiguousness through gender liminality can remain until emergence of puberty, sexuality surfaces as the definitive Ambiguous, which must be placed into carefully constructed language to maintain order. Removing the fear of sexuality could allow adults as well to choose a state of gender ambiguity, or at least a position away from the polar extremes. Sex-affirmative reinterpretations once more work in pair with gender redefinitions.

Though the “gendering” process commences with genital examinations, the jurists unknowingly reason that gender could contrast with anatomy. As Sanders reports, the conventional method of “sex”-determination requires visual and functional examinations of the urinary orifice, that is genitals. However, “once the sex [sic] of the person had been established, that judgment was irreversible, regardless of any evidence that might be

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32 This allowance contrasts Western demands for “sex”-determination at the moment of birth. Butler, for example, finds that prior to successfully answering the question “Is it a boy or a girl?” the baby exists as “it,” as somehow less than human. An unsuccessful answer invokes many punishments, starting with compulsory genital surgery done to tailor the genitals to normative standards.
produced to the contrary” (79). If a *khuntha* is pronounced male, for example, based on urination patterns, but in puberty starts to develop breasts, the judgment could not be reversed. In this case, a jurist’s perception of the genitals overpowers all other signs of sexuality. The genital anatomy becomes the only bodily identifier in a decision that determines an intersexed person’s course of life. In contrast, when speaking of the choice of sexual objects, the beard, not genitals, determines gender. The same jurists demanding that gender be fixed and immutable simultaneously allow for gender fluidity. In some instances primary sexual characteristics – the genitalia – are the only determining force, in others, secondary characteristics, such as facial hair or breasts, take precedence.

As I have argued before, the allowance for gender fluidity arises not from the jurists’ recognition of ambiguities as the prevailing state of affairs, but from their need to preserve phallocentrism. Even when effectively assigning a *khuntha* the third gender, regardless of his/her nominal position at one of binary’s poles, the law still insures that masculinity preserves its superior status. For example, a *khuntha* should pray between rows of men and women, so that he/she “neither threatened the superior status of men nor was it threatened with an inferior position. Should it turn out to be a man, he would simply constitute the last row of men; should it turn out to be a woman, she would be the first row of women” (Sanders 81). The hermaphrodite, even if socialized into a particular gender, exists somewhere in the middle, in a space that is both acknowledged and denied. He/she is a Half whose anatomy is not quite “defective” to be considered vagina-Zero, but not quite “real” to benefit as the penis-One. In contrast to this allowance for
liminality, a *khuntha* was almost always gendered as female when regarding cases like inheritance.\(^{33}\) Sanders suggests:

> When in doubt, the rule seemed to be to accord the inferior status to hermaphrodites. What was important was that access to the higher status of men be successfully protected. The rules assured that no hermaphrodite would attain the status accorded to men unless it could be demonstrated that he was, indeed, a man (81).

Here, the binary serves only to protect “the higher status of men.” The passage resonates with Flax’s thesis whereby logocentrism inexorably privileges the phallus. Additionally, the system insists on ontologically interchanging categories of *man* and *fully functional penis*. A jurist’s phallic gaze must see a fully functional penis to pronounce someone a “real man.” I must clarify here that “real man” does not necessarily correlate with the concept of a legally accepted man. There exists a plethora of texts discussing men who are eunuchs (with either testicles or testicles and penis removed for a variety of reasons) and who have not lost their *legal* status as men. However, eunuchs could never rise to the top of the power hierarchy: while enjoying many other privileges, they would nonetheless be considered somewhat secondary to “real men.” That there may be gradations amongst organs considered not-penis does not take away its privileges as the primary signifier.

Similar prejudices are likewise evident in the contemporary medical discourse on intersexed individuals. In an article published in *Saudi Medical Journal*, Taha and Magbool attempt to establish the pattern of intersex “disorders” in Saudi Arabia. The authors write that “the single most important factor for female gender assignment [is] phallic inadequacy” (18), but unfortunately do not pause to ponder what heterosexual

\(^{33}\) Islamic law stipulates that a woman inherits half as much as a man. Excuses for this inequality place the woman as a home-maker and man as a family’s breadwinner.
norms resolve whether a phallus is “adequate” or not. Because feminine gender serves as a default at forced gender assignments, most of the patients studied expressed conflict with the assigned gender and demanded a male gender reassignment. Again showing clear heterosexist norms, the doctors strongly counseled against the reassignment due to “complexity of surgical operations involved, the associated psychosocial problems to patients and parents of a late gender reassignment, and the cosmetically and functionally unsatisfactory nature of the resulting small penis” (21, emphasis added). One would presume that the patient’s existing psychological problems, caused by the surgeon’s mutilation of their genitals and consequent brainwashing by the society, would far outweigh potential problems resulting from returning to a body they feel they belong to. Male body here furthermore invokes images of an active, forceful heterosexuality for which a small penis would not be “adequate.”

The system’s phallic focus invites reexamining whether Sanders’ gendering is truly independent of “sexing.” “Sex”-determination turns out to be masculinity-determination, based on a visual presence or absence of the only important factor: a fully functional penis. Again, functionality itself need not be tested, but is assumed based on visual confirmation of size and appearance. Gender-determination, alternatively, depends on similar visual presence of virility, potency and power in the penis’s symbolic counterpart, the beard. While equating gender and genital anatomy (or rather the jurist/doctor’s visual perception of that anatomy), the law concurrently allows feminine

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34 Clearly, unquestioned acceptance of heterosexual norms is not confined to Islam only. Leslie Feinberg disputes the Western surgeon’s highly subjective decision whether a clitoris of the intersexed infant is “too big,” or conversely a penis “too small,” exclaiming: “And what is the criterion for a penis being ‘too small’? Too small for successful heterosexual intercourse. Intersexual infants are already being tailored for their sexuality as well as their sex. Clearly the struggle against genital mutilation must begin here, within the borders of the United States” (86).
qualities in a young man. The dichotomy, however, results from the need to preserve “men on top,” whether in the social hierarchy (as is the case with *khunthas*), or in sexual pleasure (as with young men). Though the jurists seemingly create a space where gender can exist independently from, even contrasting “sex,” a fully functional penis – and a corresponding symbolic beard – remains a criterion for enjoying the privileged position.

Though the penis in Islamic law reigns much in the same way as Lacan’s privileged signifier, we must not forget that the signification process is a construct of the law designed to keep the law in place. Rules demanding narrow roles for men and women, which then demand inequality and heteronormativity, are “true” only for this particular schematics. The law, however, already shows that its maintenance of “boundaries ordained by God,” to borrow from Sanders, or the “natural” order of things are simply human impulses serving phallocentrism. In an unmistakable dichotomy, the law at times validates Freud’s famous claims that anatomy is destiny, simultaneously leaving wide spaces where gender and anatomy can be thoroughly independent. While the jurists, knowingly or not, invoke this separation between gender and biology to successfully socialize hermaphrodites, I propose to make this separation equally available to transgendered individuals, and give each subject the power to name him/herself.

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Transgendered Bodies in Islam

Sheikh Tantawi’s legalizing of Sally’s genital reassignment surgery which I briefly discussed above, marks a revolutionary event for transgendered Muslims and suggests that one should affirm one’s non-normative gender identity. The Sheikh issued his *fatwa* – a legal opinion – after Sally’s case received much publicity in Egypt. Recall
that Sally was denied enrollment in the prestigious al-Azhar’s school after undergoing the surgery: al-Azhar maintained that Sally was neither male nor female, and that she “mutilated” her body only to have “legitimate” sexual intercourse with men. Tantawi’s *fatwa*, here translated by Skovgaard-Petersen, counters this opinion:

To sum up: It is permissible to perform the [genital reassignment] operation in order to reveal what was hidden of male or female organs. Indeed, it is obligatory to do so on the grounds that it must be considered a treatment, when a trustworthy doctor advises it. It is, however, not permissible to do it at the mere wish to change sex from woman to man, or vice versa (qtd. Skovgaard-Petersen 331).

A radically welcomed legal precedent, the *fatwa* nonetheless suffers from the same logocentric assumptions found in the cases on hermaphrodites, as Tantawi still requires one of binary’s poles as the end point of transexual surgery. He certainly does not seem willing to grant that an individual can permanently choose to remain somewhere in the middle of the gender continuum, though his conflicting legal opinions at least briefly allow the continuum’s existence.

Considering transgdenderism as a “corporeal disease which cannot be removed, except by this operation” (qtd. Skovgaard-Petersen 330), Tantawi speaks of the surgery as a cure that discloses “buried or covered” sexual organs. The opinion thus, according to Skovgaard-Petersen, “makes a distinction between an outward appearance (*zahir*), which may be deceptive, and an inward essence (*batin*), which is always true” (332). This “essence” can be hidden by clothing, or even external genitals, but, once discovered, should conform itself to societal expectations, realigning clothing and/or genitals as needed. Even if not automatically visible, since *seeing* stands for *knowing*, the inward essence corresponds to one true “sex,” of which there are two, for each human being. Contrasting children and youth who may be allowed liminality, adults must conform to clear binary expectations where “sex” and gender perfectly match. Elaborating on *zahir*
and *batin*, the mufti’s schematics searches for truth – *ta’wil* – so that “[t]he search for true sex [sic] [becomes] a search for the truth about a human being” (ibid. 331).

Tantawi’s rhetoric illustrates a practical example of identity politics’ underlying principles: that “the truth” about a human being should be discerned from observing their outward markers, further implying that all human characteristics can be neatly divided into two diametrically opposed poles.

Continuing Sanders’ discussion on gendering as well as Tantawi’s ideas on an individual’s “true,” though sometimes hidden nature, Skovgaard-Petersen sees the surgery as a re-gendering of a body which nonetheless accomplishes no gender change. He maintains that “one might say that far from legalizing a sex-change [sic] operation, Tantawi’s fatwa denied the possibility of performing one altogether” (334). The mufti thus matches contemporary transgendered individuals who use the term genital reassignment rather than “sex”-change, convinced that they were born into a wrong body. Nonetheless, if no change is accomplished, we must ask why Sally’s body becomes ambiguous and threatening to al-Azhar only after the surgery? If Sally were a female all along, her life in the male sphere was at best full of unsettling questions in the society that demands rigid separation between its men and women. In a *fatwa* on inheritance, reported by Baudouin Dupret, the same mufti claims that “a transsexual or a man who has changed sex [sic] prior to the death of his parents inherits as a female” and that “if, at the time of the death, the man has still not changed his sex [sic], he inherits as a male” (qtd. Dupret 53). A misogynist assumption of transsexual surgery as always leading from male to female – I analyze this particular trend later – the statement contradicts Sheikh’s other claims that no “sex” change is accomplished. Unless the surgery is viewed as a
definitive moment of transition, the new identity should be retroactively projected and inheritance hence adjusted. The mufti, on the one hand, tries to claim that no “sex” change occurred, while, on the other, he must recognize the transition or face the consequences of treating pre-operative transsexuals as persons of both genders. A ruling in favor of retroactive projections would have applied laws meant for women onto a male body complete with a fully functional penis.

Tantawi’s denial of the transition, its admission elsewhere notwithstanding, agrees with Garber’s tracing of the necessity to erase the problematic “third term.” She posits a “fairly consistent critical desire to look away from the transvestite as transvestite … as an underestimation of the object” (10). Tantawi’s desire to rationalize transgendered persons as a liminal stage toward the normative gender duality exposes the need to look away from the third term rather than interrogate the binary matrix. Garber’s thesis, investigating cross-dressing, is infinitely complicated by the possibility of actually altering the body. Contemporary medical procedures allow for the aforementioned combinations of breasts and penis or beard and vagina, freeing individuals to travel along the gender continuum. The need to look away from the “sex” change must be reconciled with the need to clearly demarcate the transition, so that all the different rules meant for men can be applied to male bodies, and vice versa for women.

Sally’s certificate formally declaring her a woman, received at the end of the trial and almost two years after the surgery, raises important questions about male and female definitions. Sally does not have a uterus, ovaries, nor the ability to menstruate or bear children; presumably, her chromosomes are also XY, that of a normative man. Sally’s “sex” was decided – again as with khunthas, not by the subject, but via a legal certificate
– based on the visual perception of her genitals. Al-Azhar, in contrast, professes that Sally

had been a man, and was still a man, but now less so, because she had been bereft of her male sexual organs and been attributed with artificial (and “imperfect”) female ones. She was not a full man, definitely not a woman, and not a true hermaphrodite (Skovgaard-Petersen 326).

Al-Azhar recognizes that “sex”-determination can consider only biological, unaltered genitals, and further repeats the argument that a “true man” is defined via a fully functioning penis. One wonders whether Azhar would apply the same logic to a man castrated in an accident and, his newly-compromised social status aside, would deprive him of his legal status as a man. Regarding Sally’s surgery as a castration, and further unable to process why Sally willingly relinquishes her privileged status, al-Azhar has only one option that places Sally in the realm of the third gender, “not a full man and definitely not a woman.”

Al-Azhar’s conception of Sally’s surgery suggests that that the privileged may already be aware of their unstable status. Phalloplasty can create a flesh and blood penis that may de-privilege the originality of a biological one, while testosterone treatments can similarly grow a beard on an otherwise feminine body. Although threatening the order, vaginoplasty (i.e. castration) still creates a nothing-Zero, while phalloplasty would create a potent-One. The supposition that gender transition travels a male-to-female trajectory exposes the necessity to deny the reverse process. The resistance to transmen, in part through misogynistic erasure under the male terminology, lies in, Garber believes, “a sneaking belief that it should not be so easy to ‘construct’ a ‘man’ – which is to say, a male body” (102), which is to say, a penis. While creating a vagina does not preserve the

35 Skovgaard-Petersen too gives Sally little agency in his article. He quotes only one sentence from an interview with a local newspaper: “it is strange that they still want to punish me, now that I have actually become a woman, - as if I committed a crime at the moment I entered the operating room” (320).
penis, there seems to be an impulse to indulge men’s desires, as long as the liminal period is denied and transwomen live a heterosexual life. Similar gratification of men’s desires have already been discussed in attitudes toward a young man, who can provide pleasure until he himself becomes an adult man and take pleasure. Creating a *penis*, on the other hand, even if artificial and “imperfect,” seriously questions what defines a “real man.”

Maintaining that the “true sex” remains constant, albeit hidden, Tantawi fails to contemplate situations where this “true sex” cannot be revealed through a surgery. Projecting the mufti’s arguments into the not-so-distant past when medicine was not so advanced, or onto a person unable to afford surgery, logic dictates that these people be allowed to live their lives in the gender they belong to. Considering that the mufti never questions the oppressive binary matrix, Tantawi’s siding with transexual surgery does not ask whether those “diagnosed,” whose “cure” is nowhere in sight, should be left to suffer, trapped in a wrongly gendered body. If, as Tantawi claims, no “sex” change is accomplished, these people should be allowed to travel a gender space contrary to the current state of their genitals – an even easier solution, were it not for mufti’s ontological interchange between genitals and the gender/power status.

Everett Rowson’s article *The Effeminates of Early Medina* (1991) depicts a number of transgendered persons whose genitals were not surgically altered, but who nonetheless associated, in one way or another, with the complementary half of the gender spectrum. In what I see as a potential theoretical model for transgendered Muslims, Rowson paints the Prophet’s world as allocating room for the third gender, whose occupants freely crossed the barriers surrounding each of the normative gender spaces. Unlike Sheikh Tantawi’s subjects who must be subjected to an investigation by “a
reliable doctor,” or medieval *khunthas* whose gender is decided by a jurist’s gaze, transgendered persons in the Prophet’s time freely elected non-conformance to gender expectations. The privilege, nonetheless, belonged to men only, invoking anew undertones of a power hierarchy.36 Furthermore, gaining the barrier-crossing privileges necessitates giving away the phallic privilege and hence exile into lower social strata. Inequality notwithstanding, the analysis stands as another useful tool to separate gender from anatomy and allow subjects to define their own bodies.

The origin of the word *mukhannath* – effeminate man – offers an interesting platform for a liberation theology shunning rigidity. Although Rowson acknowledges that the word could originate from *khuntha* – hermaphrodite, he favors *khanatha* – implying concepts of folding back, bending, in the direction of pliability, tenderness and delicacy (Rowson 1991: 672-3). The word origin, moreover, does not imply clothing in a way that *transvestite* or *cross-dresser* do today in US, offering an escape from the specular binarism vested in clothing. *Mukhannathün*, therefore, do not simply *cross* gender, they *bend* and *rework* the *entire* system into a more flexible one, by carving a space in the middle of the continuum. This concept is post-modern sexuality at its earliest, evolving into *PoMoSexuals’* maxim of no identity but that of fluidity.

Although the *hadith* Rowson analyzes include a curse or a banishment of a *mukhannath*, he finds causes for punishment not in gender expression but in divulging secrets that should have remained contained within Prophet’s household. Rather than focusing on banishment, Rowson asks us to focus on the existence of many *mukhannathün* within the Prophet’s circle, having been shown no animosity until private

36 Rowson pauses briefly to have us ask in what way exactly these men were effeminate and what their effeminacy states about the “essential” natures of men and women.
matters were revealed to the outside. The Prophet’s exclamation: “Oho! I think this one knows what goes on here!” (qtd. ibid. 674), implies knowledge, not gender expression, as a cause for chastisement. That *mukhannathün* violated the gender binary pales in comparison to violations of the tension between private and public. Resembling the discussion on same-gender sex, these important qualifiers remove the issue from the natural/essentialist context and re-situate it in the moral sphere. The Prophet seems to have found nothing *intrinsically* wrong with this group of people, though *moral* transgressions (again, separate from their gender expression) of a few individuals had to be punished.

Rowson’s analysis leaves *mukhannathün*’s sexuality somewhat ambiguous. He explains that the *mukhannathün* were allowed to traverse male and female spheres because they presumably had no sexual interest in women. He takes the idea from the Qur’an 24:31 where “a list of persons to whom women are permitted to reveal their charms includes … male retainers who lack desire” (ibid. 675). Out of this concept evolves the institution of eunuchs, whose “desire” was forcibly removed through castration.\(^\text{37}\) Tension arises when Rowson claims that, at least early on in the Islamic history, the *mukhannathün* were not assumed to have had sexual relations with men either.\(^\text{38}\) According to Rowson, one of the *hadith* implies that a *mukhannath*’s awareness of what men found desirable proves his own sexual interest in women (ibid. 676). Yet, the tension exists only if we take for granted fears of sexuality, which commands total separation between gender spheres. Due to their third-gender status, these cross-dressing

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\(^\text{37}\) In contemporary queer Muslim circles, the eunuch concept is gaining some acceptance as a potential liberating symbol, but I find the term problematic since it implies a forcible de-sexualizing by the society. Interestingly, many spectators of Sally’s trial identified her as a eunuch, as someone whose surgery retained her as a biological male but still allowed for travel between gender spheres.\(^\text{38}\) Rowson finds this concept changed in the ’Abbasid and later periods.
men seem not to have expressed an overtly sexual interest in women, possibly not in spite but because they were allowed access to women’s quarters. Thus, usually surrounded by women, the mukhannathūn’s interaction with women did not take sexual overtones a normative interaction between an unrelated man and woman might. The vagueness of their sexual identity equals that of modern day transgenderists whose gender fluidity erases boundaries between straight and gay just as it does between male and female.

The mukhannathūn thus present a societal model, sanctioned by the Prophet, of a gender and sexuality continuum. Allowed liminality, mukhannathūn can freely travel between male and female poles, likewise maintaining an ambiguous sexual identity. More importantly, social order is maintained, if not enriched by these individuals who can act as messengers between otherwise separated communities. Unfortunately, they still remain a paradox in a legal system that methodically denies subjects’ liminality under guises of preserving divinely inspired order, while simultaneously recognizing a continuum when phallic privilege needs protection. The current system, however, is only one of many possibilities, and human societies, despite our wishes to “box” people, can indeed function even with flexible, fluid identities. The mukhannathūn of Medina, who bend and rework the gender system toward pliability and flexibility, give us some useful theoretical and practical guidance for accomplishing this change.
Conclusion

My analysis here has attempted to show 1) that the gender and sexuality continuum can indeed find supporting arguments within Islam’s sacred texts, 2) that the laws finding fundamental differences between men and women, as well as fundamental incompatibility in same-gender relationships, are products of human biases, and 3) that Islamic jurists’ frequently abandon their own demands for binary tensions whenever phallic privilege is threatened. Contrary to the dominant discourse which finds that the separation between genders is the fundamental difference upon which society is founded, I argue that a society allowing fluidity can better explore its potential for individual and personal growth. Most importantly, though theories presented here will probably seem radical to most readers, I do not introduce new concepts, but only explore inconsistencies already present in religious and legal opinions.

Unfortunately, though I cautiously operate within Islamic methods, envisioning a queer Islam automatically makes this project suspect as a Western exercise on neocolonialism. A recent article by Joseph Massad accuses gay organizations in the United States, including those identifying with Islam, of forcefully imposing a gay identity onto Muslims in the Arab world and “transforming them from practitioners of same-sex [sic] contact into subjects who identify as homosexual and gay” (362). Massad charges both theorists and activists with turning contemporary identities into transhistorical phenomena (369), thus producing homosexuals “where they do not exist” (363). Although he wants to argue against any sexual categorizations (past, present and future), Massad ignores a rich history where individuals have been categorized by their sexual behavior (recall Rowson’s list of names for the “passive” partner). The author
furthermore links what he identifies as the Gay International with US anti-Arab foreign policy, somehow forgetting that the LGBT movement unfortunately has had little power to influence domestic laws, let alone foreign policy. Overall, Massad claims that the United States’ LGBT movement wants to re-orient desire in the Arab world and conform it to Western expectations, but he writes as if same-gender desire never existed. Khalid Duran also pessimistically prophesizes that “a movement for gay rights will not be viewed as indigenous. Rather, it would be considered objectionable as yet another symptom of ‘Westernization,’ or what Khomeinists have come to label as ‘Westoxication’” (194).

Rather than violating the binary tension between male and female, something Islamic jurists frequently do themselves, the “problem” with this and similar projects is the violation of the tension between public and private, and between Islam and the West. Rowson makes a key point distinguishing sexual behavior as a private matter with gender as a public one:

In a society where public power was a monopoly of those marked for gender as (adult) men, those not so marked were, as such, no threat, nor was their gender identity a focus of great concern… More problematic was the case of men who maintained a public image as men, yet in their private sexual behavior assumed a submissive role (ibid. 72).

Oberhelman echoes this sentiment by claiming that “a penetrated male citizen was a sexual but not a social possibility” (58). Massad resonates with these claims when speaking of the contemporary Cairo 52 case, where 52 men were arrested on a boat in Egypt for charges of unlawful sodomy. Their case not yet closed, Massad finds “that it is not same-sex sexual practices that are being repressed by the Egyptian police but rather the sociopolitical identification of these practices with the Western identity of

39 Though Sanders would argue that a gender did have to be established.
gayness and publicness that these gay men seek” (382). The images of castration
Skovgaard-Petersen exposes in public views on Sally’s transexual surgery, operate in a
larger concept of the Western-led “castration” of the entire Muslim society and culture.
The prosecution in the Cairo 52 case “pledged to defend the ‘manhood’ of Egypt against
attempts to ‘violate’ it, and wondered what would become of a nation who sits by idly as
its ‘men become like its women’ through ‘deviance’” (Massad 383). Upset at the public
exposure of its secret “vices,” branded as Western-led emasculation, the Egyptian state
elects masculine virility, and its partner feminine seclusion, as identifiers of national
identity.

Contrary to these binary tensions, I have argued that the sacred texts relentlessly
speak of equality and complementarity between men and women, which must, first and
foremost, be reflected in sexual acts as a window into God’s Unity. T.C. DeKruijf
argues: “If one does not acknowledge the only true personal God, it follows unavoidably
that one will also not acknowledge one’s fellow man [sic] as a person who has a value of
his [sic] own” (qtd. McNeill 62). This dictum certainly rings true for Lot’s people who
(ab)used human bodies, their own and others’, in worship of false gods. The opposite –
that devaluing others translates to disrespecting God – bears a valuable lesson for those
eager to view women (and other not-men) as simply passive vessels for male sexual
pleasures. Reshaping the male maps of desire, to borrow again from Tucker, toward an
egalitarian, reciprocated flow necessitates reshaping of gender maps; in turn,
rearticulations of gender would influence an open-flowing sexuality. Bouhdiba argues
that “[a]uthentic female emancipation requires male emancipation” (239), noting that
men will benefit from this project as well, able to explore their full potential rather than
be pigeon-holed into a small number of roles. Instead of an oppressive system, queer visions of Islam invite a fluid matrix that brings about the Qur’anic demand for human equality and sexual celebration.


Bornstein, Kate. (1998). My Gender Workbook: how to become a real man, a real woman, the real you, or something else entirely. New York: Routledge.


