# Homosexuality in the Middle East:

## An analysis of dominant and competitive discourses

*by*

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Abstract: The applicability of the category "homosexuality" in the Middle East has recently been widely questioned: some scholars (e.g. Kugle and Habib) do not hesitate to talk of "homosexuality in the Middle East", or "homosexuality in Islam". Others, like el-Rouayheb, Schmitt, Dunne, Najmabadi and Massad, are more careful in applying this category to non-European contexts.Indeed, when we speak of homosexuality, but also of heterosexuality, we are commonly referring to two categories which are the results of social and historical developments and which refer to what Foucault has defined as the "psychiatrization of perverse pleasure", which contributed to the definition and the creation of the category of the homosexual. A theoretical part of my paper will be devoted to a critical reflection on what analytical categories we could use when dealing with "homosexuality" in the Middle East. In the second part of the article I will look at the contemporary discourses on homosexuality, looking both at the dominant perspective, where the "classical" approach seems to prevail, and at the competitive perspective, where the "new" approach is appearing.

### Introduction. Constructivist and essentialist approaches to homosexuality

When dealing with studies on sexuality the question of universality or relativism of categories is inevitable. Early studies on sexuality focused on forms of "sexuality" and "sexual identities" as innate in the human being and similar in any context and any historical period. However, the important scientific impact of Foucault on the study of sexuality (especially his *History of Sexuality*) and the constructivist approach inspired scholars to question this concept: it soon became evident that it is necessary to evaluate sexuality as a historical product and a social construction. It is necessary to contextualize sexuality and sexual identity, and to consider that different histories lead to different approaches and epistemologies of sexuality.[1]

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[1] As an example of an essentialist approach to sexuality and homosexuality, see the controversial book by John Boswell, *Christianity, social tolerance, and homosexuality* (University of Chicago Press, Chicago 1980) and, regarding the Middle East, Samar Habib, *Female homosexuality in the Middle East: histories and representations* (Routledge, London 2007) and Scott Kugle, *Homosexuali-*

Nevertheless, a particularly important aspect to consider when looking at the construction of contemporary sexuality is the impact of globalization. During recent decades, media and migration have caused an incredible process of contacts and influences, which have also had an impact on sexual identities. Globalization caused a certain homogenization of ideas, life-styles, and sexual identities. As underlined by Dennis Altman: "If by globalization we understand the range of shifts in the social, economic, and cultural spheres which are part of the growing movement of peoples, ideas, trade and money across the world (Held and McGrew 2002; Soros 2000), then globalization affects sexuality in a number of interconnected ways" (2004: 23).

This does not mean that globalization simply exported a "Western" model of sexual life into the "East", whatever we mean by this expression. There is a continuous tension between what we can call the global and the local. As pointed out by Corboz, "particular subjects in particular localities appropriate and negotiate global, regional and local 'circuits of knowledge' in order to construct their sexual identities" (Julienne Corboz 2009: 4). A passive "other", simply absorbing from the West, does not exist in the present, as it did not exist in the past. The construction of a sexual identity is a process, a continuous negotiation between local values, which are embedded in the cultural, familiar and social background of the individual and global values that reach individuals through the cinema, Internet, satellite TV, social networks, and media in general and the movement of people. Local and global values sometimes offer radically different models of sexuality. From the encounter between these two models emerges a third one, which is especially embodied in the younger generations, who are most exposed to this clash and who cannot but represent new forms of identities.

In her compelling study on sexuality in Morocco, Carla Makhlouf Obermeyer (2000) has demonstrated how globalization affects the field of sexuality, pointing out that the impact of culture, tradition and religion never disappears, but there is a continuous tension between the local and the global, which are endlessly negotiated.[2] In this article, I argue that this also happens with regard to homosexuality. Therefore, I will attempt to consider what analytical categories we could use when dealing with "homosexuality" in the Middle East, looking at the local contemporary discourses on homosexuality, analyzing both the dominant and the competitive perspective. My thesis is grounded on a close analysis of a set of diverse primary sources, such as on-line *fatwās*, published by the leading Islamic websites, like Islam on-line, OnIslam, Islam Questions and Answers, Islam-net, religious magazines and booklets, personal interviews to activists for human rights and documents of Lebanese and Egyptian organizations. Through the analysis of these sources, I argue that there are two competing discourses: the mainstream official, propelled

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*ty in Islam: Islamic Reflection on Gay, Lesbian, and Transgender Muslims* (Oxford: Oneworld Publications 2010). For a constructivist approach to homosexuality, see Michel Foucault, *The History of Sexuality,* Volume 1, ed. trans. Robert Hurley (New York: Random House 1978, or ed. *La Volonté de savoir* 1976); David Halperin, *One hundred years of Homosexuality* (New York: Routledge 1990) and Joseph Massad, *Desiring Arabs* (Chicago: The University of Chicago Press 2007).

[2] On sexuality in Morocco, see also Abdessamad Dialmy. 1988. *Sexualité et discours au Maroc*. Casablanca: Afrique Orient.

by religious scholars, and the competitive one, propelled by LGBT organizations. I am building on the Foucauldian notion of discourse, which refers not only to a linguistic tool, or to linguistic signs, but which intends discourses "as practices that systematically form the objects of which they speak. Of course, discourses are composed of signs; but what they do is more than use these signs to designate things" (Foucault 1971, 49). Rather than the Foucauldian "dominated discourse", in this essay I use the phrase "competitive discourse", which shows the capacity of agency of the subjects embodying these ideas, shedding light on how they are not dominated, but are active in challenging the dominant discourse and in contributing to changing it.

Obviously in addition to globalization, other factors need to be taken into account: the transformation that the Middle East has undergone over the last century, with a dramatic acceleration in the last decades of the twentieth century, especially in urban contexts, has had an important impact.[3] Urbanization and modernity in a general sense have resulted in a challenge to traditional family ties and structures, and this has probably helped individuals to feel free from social and family pressure and to live sexuality more freely. Therefore, this, too, should also be taken into account when looking at sexual identities in the Middle East.

### Homosexuality: a short history of the concept

When looking at "homosexuality" in the Middle East, as pointed out by Najmabadi, "some scholars have emphasized the utility of the concept of homosexuality. Others have argued that we would be better in tune with the 'Islamicate cultures' own sensibilities if we focused on sexual practices" (Afsaneh Najmabadi 2008: 276). For example Scott Kugle and Samar Habib do not hesitate to talk of "homosexuality in the Middle East" (Samar Habib 2007) or "homosexuality in Islam" (Scott Kugle 2010). Other scholars, like Khaled el-Rouayheb (2005), Arno Schmitt (2001-2002), Bruce Dunne (1990), and Joseph Massad (2008), who take a constructivist approach to homosexuality, are more careful in applying this category to the Middle East.

Common approaches to both homosexuality and heterosexuality refer, indeed, to sexual orientation, as it is defined, for example, in this document by the American Psychological Association as:

> an enduring pattern of or disposition to experience sexual, affectional, or romantic attractions primarily to men, to women, or to both sexes. It also refers to an individual's sense of personal and social identity based on those attractions, behaviors expressing them, and membership in a community of others who share them.[4]

This definition of sexual orientation, and also that of the two categories of homosexuality and heterosexuality, are the results of social and historical developments which mainly happened within Western Europe and the United States be-

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[3] See also Fatema Mernissi, *Islam and Democracy: Fear of the Modern World* (New York: Basic Books 2002.

[4]     American     Psychological     Association:     *Sexual     orientation*,     in http://www.apa.org/topics/sexuality/orientation.aspx (accessed March 2014).

tween the end of the 18th and the 19th century, and which refers to what Foucault defined as the "psychiatrization of perverse pleasure" (Michel Foucault 1978: 105). In this period, "the sexual instinct was isolated as a separate biological and psychical instinct; a clinical analysis was made of all the forms of anomalies by which it could be afflicted; it was assigned a role of normalization or pathologization with respect to all behavior; and finally, a corrective technology was sought for these anomalies" (Foucault 1978: 105).

In those years Ulrichs published his *Forschungen über das Rätsel der mann-männlichen Liebe*, in which he considered the attraction of a man towards other men as coming from a feminine instinct, embedded in his theory of the *anima muliebris virile corpore inclusa*. The man attracted by other men was the so-called "uranian". In the same period Károly Mária Kertbeny wrote on article 143 of the Prussian Penal Code, which criminalized homoerotic intercourses, *§ 143 Des Preussischen Strafgesetzbuchs und seine Aufrechterhaltung als § 152 des Entwurfs eines Strafgesetzbuchs für den Norddeutschen Bund* and *Das Gemeinschädliche des § 143 des Preussischen Strafgesetzbuches,* (Volkmar Sigush 2008: 554) where for the first time the words *Homosexualisten* and *Homosexualistinnen* appeared. Westphal published a booklet on *Die conträre Sexualempfindung*, which according to Foucault can be considered the official birth of the category of homosexuality: "We must not forget that the psychological, psychiatric, medical category of homosexuality was constituted from the moment it was characterized – Westphal's famous article of 1870 on "contrary sexual sensations" can stand as its date of birth – less by a type of sexual relations than by a certain quality of sexual sensibility, a certain way of inverting the masculine and the feminine in oneself" (Foucault 1978: 43). A few years later Hirschfeld wrote the famous *Psychopathia Sexualis*, published in German in 1886 and in English in 1892. In this work the author attempted to describe in a systematic way all it was defined as perversion, which included sexual inversion, masochism, bestiality, and incest. Again in the same period in England a series of *Studies in the Psychology of Sex* (1897-1928) was published, with the first volume devoted to sexual inversion.

One of the consequences of this scientific interest was a broader understanding of "sexual inversion", which moved from the medical and psychiatric sphere to include also the legal field. Indeed, Magnus Hirschfeld in 1896, under the pseudonym of Th. Ramien, published a booklet entitled *Sappho und Sokrates*, in which he analysed the argument and then founded the *Wissenschaftlich-Humanitäres Komitee*, the first movement in the world for homosexuals' rights, which aimed at abolishing article 175 of the German Criminal Code of 1871, which penalised with a minimum of two years of imprisonment those who practiced "obscene acts or had unnatural conduct among men".

To conclude, what is important for the purposes of this article is that this scientific and later advocacy movement was limited to Western Europe. To apply the categories of homosexuality and heterosexuality to the Middle East, without taking into consideration the specificity of the historical and cultural context, fails to produce a critical analysis. Indeed, as beautifully stated by Grewal and Kaplan:

> If we can argue that historical analysis shows us that concepts of gender difference in medieval China were quite different from those in medieval Islamic cultures, we will begin to un-

derstand that the legacies of these traditions with attendant identities and practices produce new kinds of subjects in the present moment, (Inderpal Grewal and Caren Kaplan 2001: 667).

This is particularly true for Medieval and pre-modern times, where the main criteria of distinction was not sexual orientation, the binarism hetero/homo sexuality, but the type of role each person was supposed to play in a sexual relation. For example, on the social level, the main alternatives were the active or the passive role. To simplify, we can state that the man was considered to be the active partner, while the passive partner should have been a woman, either wife or a concubine, or even a young boy or a slave. This last option was completely reprehensible from a moral and a religious standpoint. In fact, according to religion, the important distinction is between licit (*ḥalāl*) and illicit sexual acts (*ḥarām*): the licit sexual acts are intercourse with a wife or a concubine. Other kinds of sexual relations are considered to be illicit and, obviously, homoerotic intercourse (*liwāṭ* for males, *siḥāq* for females) are also considered forbidden. (Schmitt 2001-2002; Sara Omar 2012; Serena Tolino 2013: 87-110). It is important to notice that these binary distinctions (active/passive; licit/illicit) pertained only to the sexual act and in no way did they refer to the sexual identity of the subject. This is why *liwāṭ* and *siḥāq* cannot be considered as equivalent to homosexuality. To confirm this point it is useful to mention that there are two kinds of *liwāṭ*, the major and the minor: the first one is anal intercourse between two men, the second is anal intercourse with a woman. They were usually treated by jurists under the same category, and this confirms that the main point was here concerned the illicitness of a sexual act, not the sexual identity of the one who commits it.

In any case, *liwāṭ* and *siḥāq* were (and, according to Islamic law, still are) prohibited. Nevertheless, law differs from social practices and both literary and historical sources show that, although prohibited by law and regrettable from a moral standpoint, these same-sex practices were quite widespread and socially accepted. For example, the *Kitāb Mufāḫarat al-ǧawārī wa'l-ġilmān*, written by al-Ǧāḥiẓ in the ninth century (al-Ǧāḥiẓ 2007), discusses a controversy between a man having sexual intercourses with concubines and a man having sexual relations with young boys, analyzing both the pros and the cons of the two kinds of sexual preferences. This book contributes to confirm what we have said: even in this case it was not homosexuality as a sexual orientation to be discussed, but the anal penetration and the sexual possession of young boys, which, moreover, were not always and not necessarily consenting to the intercourse. This is quite different from homosexuality as a sexual orientation, which also involves emotional and affective aspects. Moreover, the passive partner was usually a young boy; if an adult man desired to be penetrated he was considered to have a medical pathology, which was called *ubna* (Franz Rosenthal 1978, Ibn Sīnā 1973, vol. II: 549, Hans Peter Pökel 2009).

These few remarks contribute to show that the use of the term homosexuality in reference to the Medieval Islamic world is, to quote el-Rouayheb, "anachronistic and unhelpful" (el-Rouayheb 2005: 3). When dealing with the past, the most effective way of dealing with non-normative sexualities in the Arabic and Islamic world is probably the use of the indigenous categories, namely *liwāṭ* and *siḥāq*. This would enable the researcher to avoid cultural essentialism and the generalization of concepts that developed over many centuries.

Nevertheless, the question still arises with regard to the contemporary world and it becomes fundamental when approaching studies related with the topic of sexuality and homosexuality in the Middle East: Is homosexuality a useful and even a possible category of analysis in the Middle East or should the old *li-wāṭ/siḥāq* dichotomy still be used even today?

### Can we speak of homosexuality in the Middle East?

As I already mentioned, scholars like Habib and Kugle do not hesitate to apply the category of "homosexuality" to the Middle East, both in contemporary and in medieval times. On the contrary, the much debated and controversial book by Joseph Massad, *Desiring Arabs*, suggests that homosexuals were somehow "produced" in the Middle East by what he calls the International Gay, the LGBT movement, which incited a discourse on homosexuality. Indeed, he states that: "It is the very discourse of the Gay International, which both produces homosexuals, as well as gays and lesbians, where they do not exist, and represses same-sex desires and practices that refuse to be assimilated into its sexual epistemology" (Massad 2007: 162-163).

Massad's contribution to contextualizing the concept of homosexuality is certainly valuable. However, by depicting the Middle East as passive and unable to change and, moreover, depicting the definition of sexuality as stable, he nevertheless is himself risking a radical essentialism. On the contrary, identities, like the discourses which give rise to them, tend to change and are highly unstable (William Swann and Jennifer Bosson 2008).

Several factors confirm the emergence, today, of a homosexual community in the Middle East. In Egypt in 2000 a website for homosexuals was created (*www.GayEgypt.com*), and a movement, which is active in Egypt and Sudan was established (*Bedaaya*) in 2010. Even more recently, in 2012, a magazine entitled *Iḥnā. Maǧallat ṣawt al-miṯliyya fī Miṣr* (We, the magazine of the voice of homosexuality in Egypt) was published[5] and then closed down for "security reasons" (Eman el-Shenawi 2012). We can also mention *Aṣwāt*, an organisation of Palestinian lesbians, based in Haifa, or *al-Qaws*, a group of LGBTQ Palestinian activists, *Union des Gays et Lesbiennes en Algérie* and *Abū Nuwās*, in Algeria, the group *Kifkif*, in Morocco, which also publishes a magazine, *Mithly*, or the most structured organization for LGBT rights in the Middle East, *Ḥelem*, which is based in Lebanon, like MEEM, an organization for lesbians.

On the one hand, these are all important elements of innovation which should make it possible to speak about homosexuality in the contemporary Middle East. On the other hand, the traditional categorization of homosexuality as an issue of sexual acts has not disappeared. In many sources homosexuality is represented as an "act" which is committed by a free-willing person, as a "sin" which reasonable people should avoid committing: this happens for example in the religious literature, where we find an articulated anti-homosexuality rhetoric, as we will see.

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[5] The first issue was originally published at *http://www.iglhrc.org/binary-data/ATTACHMENTfile/000/000/5712.pdf* (accessed 20th June 2012), but has now been removed.

These two different epistemological approaches were necessarily going to en-counter and influence each other. The space where this happens quite often is *fat-wās*. A *fatwā* is a juridical opinion on a topic given by an expert in Islamic law (the *muftī*) on request of someone who is technically called the *mustaftī*, the one who asks for a *fatwā*. *Fatwās*, and today especially on-line *fatwās*, are a good source for observing the transformations of Islamic jurisprudence, as *muftīs* are forced to re-ply to issues that are interesting for people in a given historical moment.

In the past, *fatwās* were mainly requested by actors in the legal field, like judg-es, who needed an opinion based on Islamic law, or by people who wanted to have an authoritative opinion in a legal proceeding in order to strengthen their position (Haim Gerber 1994: 81). In some cases *fatwās* were even "invented' with the aim to give a comprehensive account of Islamic law to students and people interested in law, (Jakob Skovgaard-Petersen 1997: 4-5) while today the possibility of request-ing a *fatwā* is open practically to everyone, as this service is being offered through the internet, fax, phone, even television.[6] Therefore, as homosexuality became an issue in the Middle East between the late 1990s and early 2000s, *fatwās* on this top-ic also appeared. Indeed, it is striking that prior to this period there had been practi-cally no *fatwās* on this topic.[7] However, since that time there has been a flourishing of these kinds of documents as if the emergence of a homosexual identity "needed" a strong reaction from religious actors in order to clearly state that this could not be accepted by Islam.

In fact, in the same period, LGBT movements became active in the Middle East and what could roughly be called a homosexual identity began to emerge. People started to define themselves as homosexuals, rather than simply "having sex" with a same-sex partner. The emergence of an anti-homosexuality discourse was partial-ly a response to this phenomenon. Nevertheless, homosexual activism should not be understood as isolated: it is part of a broader social activism in the Middle East, which became particularly strong at the end of the 90s and which situates peoples' subjectivity at the edge of the social experience (Asef Bayat 2009).

### The contemporary anti-homosexuality discourse

*Fatwās* on homosexuality created a homophobic discourse that was embedded not only in religious sources, but became a dominant discourse, in the sense that it was created by religious actors that are influential and have the power to spread

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[6] See: Gary Bunt, *Islam in the Digital Age. E-Jihad, Online Fatwas and Cyber Islamic Environments*. (London: Pluto Press, 2003).

[7] Just to give few examples, I could not find any reference to homosexuality in the collections of *fat-wās* of Šaltūt (Šaltūt, Maḥmūd. 2004. *al-Fatāwā*. al-Qāhira: Dār al-Šurūq), al-Šaʿrāwī (al-Šaʿrāwī, Muḥammad Mutawallī. 1998 *al-Fatāwā*. al-Qāhira: Maktaba al-Tawfīqiyya), and Ṭanṭāwī (Ṭanṭāwī, Muḥammad Sayyid ʿAtiyya. 1989. *Fatāwā šarʿiyya*. al-Qāhira: Muʾassasat Aḫbār al-Yawm), three very important Egyptian scholars and muftīs who respectively died in 1963, 1998 and 2010. I also did not find references to homosexuality in the *fatwās* published by *Dār al-Iftāʾ al-Miṣriyya*, an Egyptian Institution founded in 1895 and financed by the Ministry of Justice, which published a 20-volume collection of *fatwās* given by *muftīs* of the Institution, whose last volume was published in 1998 (Dār al-Iftāʾ al-Miṣriyya. 1980-1998. *al-Fatāwā al-Islāmiyya*. al-Qāhira: Wizārat al-Awqāf).

this discourse even to different fields other than the religious one. Indeed, a similar discourse can be observed in newspapers, books, TV broadcasts and even legal verdicts and became particularly widespread from the end of the 20th and the beginning of the 21st centuries. This discourse includes several arguments, but the general idea is that homosexuality is incompatible with Islam and is, first of all, a serious sin, which will be punished in this world and in the Hereafter.

One of the arguments used to strengthen this message is for example the reference to the story of the Prophet Lot, a story that is common to the Judaic, the Christian and the Islamic tradition. According to this story, God sent Lot to the people of Sodoma to warn them about committing illicit acts, and especially sodomy, but they did not obey him and therefore were destroyed.[8]

In the classical Islamic exegesis of the Qur'ānic verses it is believed that the people of Lot committed several illicit acts, including sodomy of course, but also aggression to travelers and flatulence in public. In contrast, in the contemporary discourse on homosexuality, only sodomy is mentioned as a sin and as the reason the people of Lot were destroyed (Islam Online 2004a). A *fatwā* states, for example, that "Prophet Lut's people were addicted to this shameless depravity, abandoning natural, pure, lawful relations with women in the pursuit of this unnatural, foul and illicit practice" (*Ibid.*). They were condemned "for their homosexual behavior; as they were addicted to this shameless depravity (sodomy), abandoning natural, pure, and lawful relations with women in the pursuit of this unnatural, foul and illicit practice" (*Ibid.*). The famous *muftī* al-Qaraḍāwī, who became famous for his use of television channels,[9] also maintains that "the people of Lot committed the worse of moral perversions, homosexuality (*al-šuḏūḏ al-ğinsī*)".[10] Aḥmad al-Sayyid Taqī says that: "Lot warned his people from committing the turpitude that no one had practiced before, namely intercourse between men" (Aḥmad al-Sayyid Taqī al-Dīn 2004: 1167). Two elements are striking: the treatment of homosexuality as something to be "practiced", to be "done", and not as an identity, and the disappearance of any of the other sins committed by the people of Lot, which are not even mentioned. On the one hand this is clearly a consequence of the topic of the *fatwās*, which are on homosexuality; on the other hand, this is a strategic choice that is used to reinforce the prohibition of homosexuality. This discourse is not lim-

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[8] For the Qur'ānic version, see especially XI: 74-83; XV: 61-71; VII: 80-84. For the Biblical version, see Genesis, XI–XIV and XIX.

[9] Al-Qaraḍāwī is a theologian born in Egypt in 1926. He studied at the University of al-Azhar, from which he also obtained a doctorate. After that, he moved to Qatar. He is very active from a media point of view: he founded several internet websites and he conducts the famous broadcast on Al-ğazīra, *al-Šarī'a wa'l-ḥayāt*. He published several books and he is also the president of the European Council for Fatwa and Research. See Bettina Gräf, *Medien-Fatwas@Yusuf al-Qaradawi. Die Popularisierung des islamischen Rechts.* (Berlin: Zentrum Moderner Orient, 2010) and Bettina Gräf, Jacob Skovgaard-Petersen, (eds.), *Global mufti: The Phenomenon of Yusuf al-Qaradawi* (London: Hurst & Co., 2000).

[10] Yūsuf al-Qaraḍāwī, *Fasād al-muğtamaʿ.* www.qaradawi.net/site/topics/article.asp?cu_no=2&item_no=3515&version=1&template_id=216&parent_id=196 (accessed March 2013).

ited to the religious sources. During the very famous Queen Boat case,[11] several newspapers referred to the defendants as "the people of Lot",[12] and even the verdict makes mention of the story of the Prophet Lot (Maḥkamat ǧunaḥ amn al-dawla ṭawāri' Qaṣr al-Nīl 2001, 55).[13]

When looking at the *sunna*,[14] all the sayings of the Prophet Muḥammad on homosexuality are deemed non-authentic by experts of *ḥadīṯs*[15] due to the unreliability of their transmitters. Today, there is no longer any discussion in the anti-homosexuality discourse on the authenticity of the different traditions attributed to the Prophet. They are simply reported as historical truths because they constitute a powerful means for deterrence, as their moral value is unquestionable for Muslims.

Another argument that is used in *fatwās* is the description of this act as an act against innate nature, against the *fiṭra*, a complex concept which is also to be found in the Qur'ān[16] and which refers to the nature according to which God created man. According to this *fiṭra*, men should be attracted to women and vice versa. Homosexuality is depicted as a "deviation from one's natural disposition and a departure from the natural order" (OnIslam 2002a), a "dirty act against natural order" (*Ibid.* 2004a) or "a deviation from natural order and nature" (*Ibid.* 2002b). Anyone who practices homosexual acts is described as "an animal responding only to his sexual desires" ('Abd al-Raḥmān al-Quḍā 2007: 71).[17] Therefore, he is also implicitly being accused of renouncing the divine gift of intellect, which should be used to restrain animal instincts.

This "against nature" concept was also used by Yūsuf al-Qaraḍāwī, who in his famous broadcast *al-šarī'a wa'l-ḥayāt* stated that "the man tends toward the woman and the woman towards the man. It is a natural fact".[18] In his *Al-ḥalāl wa'l-ḥarām fī'l-Islām*, he also stated that homosexuality is a "subversion of the natural order" (Yūsuf al-Qaraḍāwī 2004: 152).

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[11] A famous case in 2001 in which 52 alleged homosexuals were arrested and prosecuted. See: Serena Tolino, *Omosessualità e atti omosessuali fra diritto islamico e diritto positivo: il caso egiziano con alcuni cenni all'esperienza libanese*. (Naples: Edizioni Scientifiche Italiane, 2013, pp. 218-233).

[12] See for example "Qaḍiyyat 'abadat al-šayṭān". *Aḫbār al-ḥawādiṯ*, 15th May 2001.

[13] As regards the repression of homosexuals, it is important to point out that this was not an isolated case, but that the repression of social movements was quite generalized under the former President Mubārak.

[14] The concept of *sunna*, which literally means "the beaten path", acquired several meanings during the first centuries of Islamic history. Linguistically it refers to the tradition, the local custom. During the second century of Islam it came to mean in a more specific way what the Prophet Muḥammad said, did or approved, even with his silence.

[15] A saying of the Prophet Muḥammad. It consists of two parts: an *isnād*, a chain of transmitters, which usually leads to the Prophet Muḥammad and the *matn*, the content of the saying.

[16] Especially XXX: 30. So direct your face toward the religion, inclining to truth. [Adhere to] the *fiṭra* of Allah upon which He has created [all] people. No change should there be in the creation of Allah . That is the correct religion, but most of the people do not know.

[17] See also Islamqa. No date. *Limāḏā ḥarrama al-Islām al-siḥāq wa'l-liwāṭ.* www.islamqa.com/ar/ref/10050 (English translation *Why does Islam forbid lesbianism and homosexuality?* www.islamqa.com/en/ref/10050) (accessed March 2014).

[18] A transcription of the broadcast can be found at: *www.aljazeera.net/channel/archive/archive?ArchiveId=336983#L2* (accessed March 2014).

The alleged unnaturalness of homosexual relationships is confirmed by their sterility, which is an attack on one of the most fundamental *maqāṣīd al-šarī'a*, the purposes of the *šarī'a*, which require the protection of five elements: *al-dīn*, *al-nafs*, *al-nasl*, *al-māl* and *al-'aql* (religion, soul, progeny, ownership and intellect). The third point, *al-nasl*, would be threatened by homosexuality, which, being unable to guarantee reproduction, would be "destructive for the progeny". According to the authors, in fact, it is the duty of man "to populate and cultivate the earth", and homosexuality prevents the achievement of this goal, "adversely affecting the birth rate".[19] Although Islam does not conceive of the sexual act as exclusively tied to reproduction, it is man's duty to reproduce and populate the earth. For this reason homosexuals are accused of selfishness, because, in order to satisfy pleasure, they renounce reproduction. Because of this, the possibility of homosexual marriage is also strongly opposed and considered only as a way to "suit the unnatural and immoral desire of defiant and lost people" (Islam Online 2004b). It is also refused because "marriage in Islam, as in all divine religions, does not only mean sexual enjoyment but also the establishment of a family on hygienic and safe foundations" (*Ibid.* 2004c). Even attending one of these marriages would be forbidden because "By 'marrying' so, those people are waging an open war against Allah Almighty" (*Ibid.* 2004d).

The theory that homosexuals have been "created" in this way by God, and therefore cannot do anything against their sexual orientation, is completely rejected, as it is believed that God creates men perfect. Homosexuality is an act, as we have said, or at the most an "attitude", which is considered reversible (Islamweb 2009 and 2010a).

Another argument that is pervasive in contemporary *fatwās* is the idea that the devil might have corrupted homosexuals in order to make them practice homosexual acts. In a *fatwā* requested by a man who had recently discovered his grandfather's attraction to males, the *muftī* claimed that "Satan dominates him and manages His inclinations and attitudes to be in the way lewd that Satan wishes" (OnIslam 2010). In response to a young Egyptian who feels attracted by men, a group of *muftīs* of Islam OnLine highlights that "There are many teenagers that have been tempted by Shaytan [Satan]. Unfortunately, they did not have the will power to resist and followed the suggestions of Shaytan" (*Ibid.* 2004b). For this reason it is deemed necessary not to give to Satan any opportunity to introduce himself into one's life.

Sexually transmitted diseases, and especially AIDS/HIV, are also frequently mentioned and are considered as divine punishments for non-Islamic sexual behaviours. According to one author for example aids isn't even a disease, but a punishment (Muntaṣir Maẓhar 2006: 186), the "divine punishment for homosexuality" (*Ibid.* 2006: 191), "God's answer to the violation of divine law" (*Ibid.* 2006: 190). On the other hand, homosexuality itself is depicted as an illness. Indeed, according to one author for example, the desire to be penetrated is due to the presence of bacteria in the anal conduct, which at some point will also infect the active partner.

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[19] Islamqa. No date. *Muslim attitude towards the sin of homosexuality*. http://islamqa.info/en/ref/2104 (accessed March 2014).

Though, no piety should be shown towards those afflicted by this illness, as it is easily avoidable by not "practicing" unlawful sexual acts (*Ibid.* 2006: 126).

Various reasons are mentioned to "explain" homosexuality, as the need for an explanation is felt, but also a number of suggestions on how to "recover", like praying, reading the Qur'ān, thinking about the punishment of the people of Lot, avoiding people who do not leave according to Islam, marrying when this does not harm anyone and so on. (OnIslam 2007).

Moreover, homosexuality is described as coming mostly from the Western world, which is depicted as "immoral", compared to the Islamic world, whose purity is assumed. Indeed, when looking at the past, the Graeco-Roman world was considered responsible for the spread of homoerotic relations, while nowadays the United States and Western Europe are considered to be the cause for the "spread" of homosexuality. In an article on the *Maǧallat al-Azhar*, the magazine of the most important religious institution in the Sunni world, entitled "Waraṯat Qawm Lūṭ" (the heirs of the people of Lot), the author claims that "after many centuries the heirs of the people of Lot have appeared, and they heavily influence American politics" (Taqī al-Dīn 2007: 1168) and also that "homosexuals represent an electoral force in the American society" (*Ibid.*: 1167). One *muftī* also states that homosexuality "finds a great resort and refuge in Western countries where it is accepted and legalized by the laws of these countries that put man in a position even worse than animals under the pretext of protecting human rights"(OnIslam 2004a). This human rights argument is quite interesting, as it recalls what 'Umar Šalabī, the Egyptian representative at the United Nations Council on Human Rights recently declared: "Finally, concerning the highly controversial notion of sexual orientation, we can only reiterate that it is not part of the universally recognized human rights. We call on Mr Kiai [UN Special Rapporteur on freedom of peaceful assembly and association] not to undermine the credibility and legitimacy of his important work in the eyes of real people who actually need it, especially in regions where such concepts are rejected by both its Christian and Muslim inhabitants like the Middle East".[20] This confirms that anti-homosexuality rhetoric is not confined to religious sources but is represented also in other kind of cultural productions, including state institutional discourse.

To summarize, we can state that in the religious discourse homosexuality is approached as a behavioral issue that is depicted as being contrary to Islamic principles. Nevertheless, even though this discourse is dominant, this does not mean that there are no other competitive discourses which are emerging, which depict homosexuality as an issue of sexual identity and which base their activities on the idea that homosexuals should be protected from social and legal discrimination in the broader field of human rights, something which is in contrast refused in the religious discourse.

### The new approach to homosexuality: competitive discourses emerging

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[20]    A    registration    of    his    position    can    be    found    here: http://www.unmultimedia.org/tv/webcast/2012/06/egypt-clustered-id-on-freedom-of-assembly-and-countering-terrorism-7th-meeting.html.

Just to give an example of how the "new" approach to homosexuality, based on sexual identities, and the "old", based on sexual acts, meet, it is useful to mention a *fatwā* of Ibn al-Munaǧǧid, an important Saudi scholar. This *fatwā* has been published in his website *Islam Question and Answers,* which is well known all over the Islamic world.

A homosexual *mustaftī* asked: "We homosexuals are disgraced in Islam and have very limited options, we cannot marry like normal people, what is our fault? And what should we do? What is the wisdom behind us being created homosexuals? If you care about our matter and suffering tell us what shall we do?" The *mufti* replied: "What we are really shocked by is what you say after that: "Is it our fault that we are like that? What is the wisdom behind a man being created like this?" Yes, O slave of Allaah, the blame and consequences, the threat and punishment, all befall the one who *commits* the sin; he deserves it because of the *evil acts* that *he has done* and what his hands have earned"[Italics are mine].[21]

It is clear that here we see these two different approaches coming into contact: the *mustaftī* is speaking about homosexuality as a sexual identity; the *muftī* is speaking of *liwāṭ*, of a sexual act, a "sin", that a person "commits". Clearly, this approach represents an element of continuity with a traditional epistemology of sexuality based on acts. The "new" approach to homosexuality, which is represented by the *mustaftī* and the "old" approach, which is represented by the *mufti* are not isolated, but they influence each other. The *mustaftī* is asking questions on homosexuality, so he is forcing the *muftī* to reply to these questions. In this sense he is spreading a competitive discourse, which is not only "dominated", to quote Foucault, but which has also a certain amount of agency, as long as it is anyway challenging the dominant discourse. The *muftī* is therefore forced to deal with the argument, but he has to look at sources that do not deal with homosexuality. He is forcing a revision of the Qur'an, the Sayings of the Prophet Muhammad, the books of former Muslims jurists that only deal with homosexual acts. The *mustaftīs* must also be influenced by the religious discourse: on a personal level, we can infer the disappointment of the *mustaftī* who asked for this *fatwā*. On a more general level, the presence of a dominant anti-homosexuality discourse has made the LGBT community look for more underground yet still effective means of resistance.

The emergence of these means of resistance is demonstrated by the appearance of LGBT communities, like the recent case of Bedayaa in Egypt shows. Bedayaa is an organization established on July 14th 2010 in order to "promote acceptance of homosexuality in Egypt and Sudan and to help LGBTQI[22] community members to live a life free of discrimination or stigma".[23] The organization has a board and two executive committees, one in Sudan and one in Egypt, and many volunteers. It has five objectives: "1 – To provide psychological support & counselling services to Gay, Lesbian, Bisexual, Queer, and Transgender people in the Nile Valley Area, Egypt and Sudan. 2 – To provide sex and health education 3 – To provide outreach

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[21] Ibn al-Munaǧǧid. No date. *He is homosexual and is afraid to get married.* http://islamqa.info/en/ref/101169 (accessed March 2014).

[22] Lesbian, gay, bisexual, transsexual, queer, intersexual.

[23] e-mail message to author by a member of the organization, March 3, 2014.

services and legal advice. 4 – To promote acceptance and normalization of homo-sexuality in our society and advocate the abolition of laws that criminalize it – di-rectly or indirectly –  in Egypt and Sudan. 5 – To communicate with other Individ-uals, organizations and associations to support the rights of Gay, Lesbians, Bisexu-als, Transgender, Queer, and Intersex people worldwide".[24] This organization is trying to create awareness and aims to enforce social acceptance and personal secu-rity through education, training and capacity building.

Bedayaa organizes several activities, such as support group meetings, movie nights, training and capacity building workshops. Moreover, it distributes ques-tionnaires and surveys to assist the community's needs and to document human rights violations against LGBT community members, and performs sexual aware-ness campaigns. The organization does not have headquarters, it mostly works un-derground, and it is especially active on social networks, with a website (www.bedayaa.webs.com), an account on facebook (www.facebook.com/Bedayaa) and one on Twitter (www.twitter.com/bedayaa), where articles, caricatures, regular news, radio programs are published. Moreover, the organization has published many statements on different events such as the World AIDS Day, the International Day of Human Rights, the anniversary of the Egyptian revolution of January 25th. It annually celebrates International Women's Day, the International Day against Homophobia and Transphobia on May 17th[25] the anniversary of the Queen Boat case on May 11th, the anniversary of the establishment of Bedayaa on July 14th.[26]

Obviously its discourse is radically different from the religious one. The first difference is in the idea that being homosexual is a state of sexual identity, not a case of simply committing homosexual acts. Moreover, the association is strug-gling to ensure the abolishment of article 9c of law 10/1961, which criminalizes habitual masculine prostitution, and which is used to criminalize consensual homo-sexual intercourse between males,[27] something which in the religious discourse would appear as an attempt to legitimize something that God forbids. Moreover, as reported by Bedayya, their members are in regular contact and networking with many local LGBT organizations such as *Ḥelem*, *Meem*, *Aswāt*, *Al-Qaws*, *KifKif*, *Abū Nuwās*.

This approach is also present in other organizations like, for example *Ḥelem*, which is

> a non-governmental organization (NGO) that is dedicated to the LGBT (Lesbian, Gay, Bisex-ual and Transgender) community in Lebanon. It is the first, and only, above-ground NGO, with a legally existing status that is devoted to this population in the MENA region (Lara Dabaghi, Alena Mack, and Doris Jaalouk 2008: 6).

The organization strives to raise awareness among the general population in Lebanon about the situation of the LGBT community, and seeks to abolish Article 534 of the Lebanese Penal Code, which criminalizes "any sexual act against na-

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[24] *Ibidem.*

[25] The International Day against Homophobia is celebrated on May 17th to recall the date the World Health Organization decided to declassify homosexuality as a mental disorder on May17[th] 1990.

[26] Personal e-mail message to author by a member of the organization March 3rd, 2014.

[27] To read more on the law and its history, see Tolino 2013: 167-212.

ture" (*ḥilāf al- ṭabī'a*) with imprisonment for a term not exceeding one year".[28] This organization clearly approaches homosexuality as a sexual identity. As reported by one of its founders: "It's not only about lifestyle". He also continues affirming that: "People do not choose to identify with a criminal identity. Declaring a sexual preference that does not conform to imposed norms is an act of defiance against existing structures of oppression. We criminalize ourselves and reject the crime at the same time" (Makarem 2011: 101).

Lebanon is certainly the Arab country where the LGBT movement is strongest. The gay community made its first steps on the internet, as occurred in Egypt, with the creation of discussion lists and websites for online dating at the end of the 1990s. Later that "virtual" community started organizing events, like film clubs, visual performances and exhibitions that allowed the LGBT community to have their first meetings. In 1999 Club Free was founded: it was a small movement of activists, originally formed with the aim of organizing social and cultural events that allowed the homosexual community to gather. Some members of Club Free founded *Ḥelem* (Ghassan Makarem 2011: 102) in 2004 whose headquarters has been located in the Zico House cultural centre since then. The organization created a social centre, publishes a monthly newsletter and a trimestral magazine, distributes educational material and supports research in legal, social and medical fields, and organizes events on the International Day against Homophobia. It has continuous contacts with a number of other organizations, such as Meem, "a community of lesbian, bisexual, queer women and transgender people (including both male-to-female and female-to- male), in addition to women questioning their sexual orientation or gender identity in Lebanon", or Nasawiya, a women's collective. This movement is deeply rooted in Lebanon, as the organization of local activities shows. A part from the social aspect, its local political activism is also strong. Just to give one example, Lebanese refugees used its headquarters during the Israeli-Lebanon war in 2006 (Makarem 2011: 108). On the other hand, the organization strives to represent itself as a member of the international LGBT community. For example in July 2006, "HELEM addressed a section of the international LGBT community via video at the opening of a conference that kicked off the OutGames in Montreal" (Makarem 2011: 109).

On the local level, this organization is also having a strong impact on Lebanese society: the competitive discourse it contributed in spreading has had an influence even on the judicial sphere, with two verdicts maintaining that article 534 does not refer to homosexuality. In the first case a judge said that consensual homosexual relations were not against nature and could therefore not be prosecuted under Arti-

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[28] 1997. *Qānūn al-ʿuqūbāt al-muʿaddal*, Bayrūt: al-Muʾassasa al-ḥadīṯa li'l-kitāb. Article 534 is a consequence of the promulgation of a law passed in France August 6th, 1942, during the Vichy regime, at the time of the French protectorate in Lebanon, which changed art. 334 of the French Criminal Code and was then also adopted in Lebanon. The article was modified as follows: "Sera puni d'un emprisonnement de six mois à trois ans et d'une amende de 2000 francs à 6000 francs quiconque aura soit pour satisfaire les passions d'autrui, excité, favorisé ou facilité habituellement la débauche ou la corruption de la jeunesse de l'un ou de l'autre sexe au-dessous de vingt et un ans, soit pour satisfaire ses propres passions, commis un ou plusieurs actes impudiques ou contre nature avec un mineur de son sexe âgé de moins de vingt et un ans". It was intended to protect the minors, but its application was then extended to all categories of "unnatural" intercourse.

cle 534, as "Man is part of nature and is one of its elements, so it cannot be said that any one of his practices or any one of his behaviours goes against nature, even if it is criminal behaviour" (Maḥkamat al-Batrūn 2009: 1). In a more recent case, the defendant, born with incomplete genitalia, and described as male on her personal status registry, was persecuted for having sex with a male. The judge ruled that article 534 did not provide a clear interpretation of what was considered unnatural and cleared the defendant (Rainey Venetia 2014).

Ḥelem and the other LGBT movements are mostly secular, even though in some cases they offer a different kind of support to religious people, in order to make it easier to reconcile their homosexuality with their Muslim identity. We can infer that this movement does not have a direct impact on religious discourse, but the contrary is the case: the emergence of an anti-homosexuality rhetoric is also a counter-reaction to the emergence of homosexual identities. When groups claim that LGBT rights are human rights, and that being homosexual is an issue of identity and not of sexual acts, they contributes to a backlash which creates a dominant discourse that describes them as perverse. The need to state that homosexuality is incompatible with Islam started being felt only after the emergence of a homosexual identity in the Middle East.

Indeed, these groups confirm the emergence of a "homosexual" identity in the Middle East. Obviously the local differences between the groups, but also between the sexual identities, should not be underestimated, like their variability, because as Makarem points out: "Social identities are not fixed" (Ghassan Makarem 2011: 101). For example the gay community in Lebanon is much more visible and organized than in Egypt, where it is mostly underground. This is due to several reasons, like the fact that Lebanon, given its history and its being composed by several religious and cultural minorities, is more ready to deal with minorities. Another reason could be that the country is much more liberal for what regards sexuality, but also the fact that in Lebanon the LGBT movement advanced from the virtual sphere to the real sphere in the same period in which in Egypt the gay community was experiencing the Queen Boat case and similar cases of repression.

On the other hand, the religious, cultural and linguistic spheres have many elements in common, which is confirmed by the attempt to create a network of Middle Eastern associations. In any case, what is striking is that something is changing in the Middle East in this field, and the emergence of new sexual identities cannot be denied. Therefore, it is undeniably possible to speak about homosexuality in the Middle East, at least in the contemporary world.


### Conclusion

In conclusion, we can say that in the Middle East two representations of homosexuality currently coexist: one representation, which is more traditional, approaches homosexuality as an issue of homosexual acts, while the other defines homosexuality as a sexual identity and stresses emotional components.

Consequently, when we look at the contemporary Middle East we can use the category of homosexuality provided that we are careful and avoid any risk of es-

sentialism. Within this category there are, of course, different nuances and definitions, as the Egyptian and Lebanese cases show.

According to the religious discourse, homosexuality is not an issue of sexual identity, but still an issue of sexual acts that the believer should not practice in order not to be punished by God in this life (with sexually transmitted diseases) or in the Hereafter. This discourse is dominant and it is represented not only in religious sources, but also in other kinds of sources, like newspapers, other media and even in the legal and institutional field. However, other forms of discourses are also emerging, and we could define them as competitive discourses. In *fatwās* they arise each time a *mustaftī* asks a question about homosexuality and the *muftī* replies speaking about homosexual acts. They also meet indirectly because the emergence of a homosexual identity has had the consequence of creating and spreading an anti-homosexuality discourse which is especially represented in the religious literature. Therefore we can state that competitive discourses are not only "dominated" discourses, to quote Foucault (Foucault 1979: 100), but they have the potential to challenge and therefore change the dominant discourse.

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