

## The Homosexual Challenge to Muslim Ethics

By Abdullah bin Hamid Ali

*And We sent Lot who said to his people: “Do you commit lewdness such as no people in creation (ever) committed before you? For you practice your lusts on men in preference to women; you are indeed a people transgressing beyond bounds.”*

Qur’an 7:81-82

*“But the men of Sodom were wicked and sinners before the Lord exceedingly.”*

Genesis 13:13

Although the fight for the right to marriage between homosexuals started in the early 1970’s, it wasn’t until May 17, 2004 that the state of Massachusetts began marrying same-sex couples. Today in the US, there are numerous states that have passed laws legalizing same-sex marriages. Opposition to gay practices and the view that it is an inordinately perverse passion that runs contrary to human nature has a long history as evinced by Judeo-Christian sources. Classical views in all the Abrahamic faiths, generally, consider sodomy and gay behavior to be unnatural; a disposition that defies practical reason. Consequently, religious groups committed to a belief that God created a natural order for both biological and non-biological life continue to be the most vehement opponents to homosexuality in all its forms. Despite that opposition which spans millennia, the sin of sodomy and homosexual acts have repetitively resurfaced time and again until the present day with gays achieving the most significant political victories in the twentieth century. Religions, like Islam, have attempted to outlaw the practice by

prescribing punishments like, flogging and stoning, for people who either confess to or are caught committing acts of sodomy.<sup>1</sup> Medieval Muslim scholars, in an attempt to remedy increased occurrences of homosexual sex between males, prohibited men from being in seclusion with beardless boys.<sup>2</sup> Attitudes have changed very much today in both the “West” and the “East” perhaps due to neocolonial hegemonic pressures, although there is still significant opposition among non-Muslim factions also.

There are a number of pertinent questions whose answers could be researched which all relate to why more and more people today are questioning pre-modern religious assumptions on the topic of homosexual sex and gay behavior. One of those questions relate to the extent that powerful political lobbies have on the powers of government. Another concerns whether or not the debate about gay rights would even be newsworthy had it not been that a significant number of whites with their prevailing cultural capital and political influence were not part of the debate.

Although there are many questions of interest, this particular study ventures to answer the following questions. Is there a biological explanation or justification for homosexual tendencies? If so, what does this mean for Islamic teachings on morality? In particular, how would such a realization affect virtue ethics and the rationalistic assumptions of Natural Law? Catholic naturalists, their Muslim counterparts, and others who cling to a belief in a natural order for human behavior are under significant pressure to reassess their rationale for declaring sodomy and other homosexual mores to be vices. Many members of the gay community allege biological and genetic justifications for their conditions thereby implying that homosexual behavior is not a choice; rather that it is an inborn disposition. This claim poses a major challenge to the naturalistic champions

of the male-female binary in their conclusions that typify homosexuality as an inordinate lust over which one must gain mastery through discipline and self-restraint. If the problem is biological, many assume that this condition demands corrective biological manipulation [if within reach] to order the person according to right reason, while others push for broad acceptance of homosexuals and transgendered people as alternative categories to the normative human binary.

Since Catholics share so much with Muslims concerning the homosexual challenge to ethical reflection, I have chosen to first speak about natural law theory in the Christian tradition, since it represents one of the key foundations for pre-modern conceptions of the moral life in the Western world even though Muslims can lay claim to their own rationalistic ethical tradition. This is also due to the fact that the philosophical point of departure of the gay opposition to normative naturalism is the deconstruction of primarily Christian reasoning on the subject under discussion. I will follow that up with a discussion of the views of some ethicists who claim that sexuality is culturally constructed; who, consequently, deny the notion of natural sexual orientation. Following that, I will venture into some studies that aim at the discovery of genetic, biological, and physiological explanations for homosexuality.

Finally, as the Catechism of the Catholic Church says of homosexuality that “Its psychological genesis, is largely unexplained,” I will conclude this essay declaring in a similar fashion that homosexuality’s biological, genetic, and physiological geneses are, likewise, unexplained. Unless more genetic and biological studies are conducted, such claims will remain too flimsy to convince heterosexual members of society that the

homosexual passion is no less perverse than others that are directed toward an “undue sex.”<sup>3</sup> This is the case even though gay men and people of obscure gender have occupied space amongst their heterosexual and differentiated gendered brethren since the dawn of Islam.

## Natured Sex

Quite often in post-modern debates, arguments are made that undermine efforts to reassert claims to an original or normative biological and behavioral human nature. Many of the same people, influenced by modernity’s bifurcation between the unquantifiable and quantifiable science (the latter which divided things into primary and secondary characteristics) are at ease in assigning the designation of ‘nature’ to the spatio-temporal qualities of substances, and designating the non-measurable qualities like perception, smell, color, sound, and emotions to the ‘unnatural.’ In doing so, such people seek to and appear at times to be successful at denaturalizing gender.<sup>4</sup>

Before responding to claims of the preeminence of culture in the structure of sexual orientation, let us first try to grasp something of the traditional arguments about natured sex in the Catholic tradition. In doing so, we believe it to be appropriate to start by explaining the fundamentals of the natural law theory as expressed in the words of Saint Thomas Aquinas. According to Aquinas, practical reason is the aspect of the human being which directs one to act. The first reality that one apprehends is one’s being, while the first notion apprehended by the practical reason is one’s desire for satisfaction, gratification, and self-preservation. The subject of one’s gratification—though it may

often contain unforeseen long-term detriment—is apprehended by the practical reason as one’s ‘good.’ In other words, good is “that which all things seek after.” Defined this way, “good” is ontological, non-moralized, and, therefore, subjective. Accordingly, the first precept of the natural law is that "good is to be done and pursued, and evil is to be avoided." This inclination to one’s “good” is in accordance with three different things.

Firstly, one inclines toward good in accordance with a nature he/she shares in common with all other life forms (viz. self-preservation). Secondly, one inclines toward good in accordance with qualities that are specific to the human species that they share with other animals (viz. sexual gratification, education of offspring). Thirdly, one inclines to one’s good in accordance with the nature of reason (e.g. to know truth about God, to live in society with people).<sup>5</sup>

Since the natural law is inscribed on the heart, all men share knowledge of their general principles according to this theory. Similarly, the Prophet Muhammad said, “Every child is born upon the primordial disposition (fitra).”<sup>6</sup> Even in the majority of its detailed conclusions, all share knowledge of these moral details and their correctness, except that some are prevented from discerning their rectitude due to being perverted by passion, evil habit, or an evil disposition of nature.<sup>7</sup> This mirrors Islamic teachings about vice in that it becomes a barrier between people and truth: “They have hearts that avail them naught toward understanding, and eyes that avail them naught toward seeing” (Q 7:179); “O you who believe! If you are dutiful to God, He will give you a criterion for judgment” (Q 8:29). What this means for sodomites, according to Thomist thought, is that they are involved in a species of unnatural vice since they *choose* to copulate with

an “undue sex, male with male, or female with female.”<sup>8</sup> Thomas’ and others’ inclusion of human passions and emotions within the realm of the “natural” has much to do with how their Hellenistic predecessors viewed nature. The modern era ushered in a new bifurcation that expelled emotions and preferences from the sphere of the natural. In light of the post-modern insistence on maintaining this modern dichotomous conception of nature, let us now turn to a discussion of cultural constructions of sexual identity: a topic whose importance is crucial for understanding the gay response, since it questions whether or not heterosexuality is more nurture than nature as presumed by most people.

## When Humans Create Humans

Christianity and Catholicism more specifically, has borne most of the brunt of the vicious onslaught of post-modern liberal critique being that it is the most prominent and most organized church in the world today. It is also because of its ability to claim Christian normativeness, originality, and theological orthodoxy due to the historical splits from and reformations of the dominant Roman Catholic Church. Add to these factors its preservation of religious, papal, and moral theological patriarchy that has earned for the Church the stigma of liturgical misogyny. Whether it is feminists, liberation theologians, or gay rights activists, the Church is assailed from all sides. However, what is blatantly consistent in every critique is that all of its opponents are intent on removing notions of normalcy and nature as espoused by the historical patriarchs of the Church.

Liberation theologians accuse the Church of formulating a normative theology that disqualifies the theological and existential concerns of non-European peoples; or that this formulation, at the least, reinforces European political and psychological hegemony over non-European peoples. Feminists accuse the Church of unfairly excluding the voices of women from the theological enterprise, and reinforcing patriarchal interpretations of scripture that promote the natural perfection of men and natural imperfection of women. Such interpretations, according to feminists, have influenced society's administrative and political structures and strictures in such a way that they have historically favored the efforts of men, while restricting the options of social ascendancy for women. Gays, likewise, assail the Church for continuing to uphold the traditional values of the Bible that prohibit homosexual intercourse. Paragraph 2357 of *The Catechism of the Catholic Church* reads,

“...Basing itself on Sacred Scripture, which presents homosexual acts as acts of grave depravity, tradition has always declared that "homosexual acts are intrinsically disordered." They are contrary to the natural law. They close the sexual act to the gift of life. They do not proceed from a genuine affective and sexual complementarity.<sup>9</sup> Under no circumstances can they be approved.”

Gays question the fundamental bases of the “natural law” promoted by the Catholic Church. They argue that human behavior has no fundamentally ordered nature. Rather, culture has historically influenced sexual normalcy, not nature. Some go so far

as claiming that there is in fact a biological and/or genetic basis for homosexuality, and that people are “born” gay.

Whether or not it is true that some people are born with an attraction to a person of like gender, the socialization into maleness and femaleness are definitely important areas of reflection. This is because it is, in fact, easy for people to confuse “normativeness” for “naturalness” in the same way that many Muslims might confuse the “culture” of Islam in their country of birth with the “reality” and “totality” of the religion. In the next two sections, I will deal with the matter of gay cultures followed by some of the biological theories advanced for explaining homosexual behavior.

## Homosexual Cultures

If heterosexuality is the mere result of acculturation it would seem that homosexuality could have a similar explanation. Homosexuals exist in practically every society; just as they have lived beside heterosexuals for a significant part of human history. Many believe that male homosexuality was a normal occurrence in late Antiquity, and was even defended by both Plato and Aristotle though the former retracted his earlier defense and called for its abolition being that it was “unnatural.” Similar stories have been reported about the Azonde warriors of the Congo, the pre-conquest civilizations of the Aztecs and Mayans, China as far back as 600 BCE, Arabia, and Persia. In the South Pacific, however, prior to the introduction of Christianity and its European invaders, it is believed that in some Melanesian societies, like Papua New Guinea, same-sex relationships were an integral part of the cultures of tribes like the

Etoro and the Marind-anim. It is alleged also that heterosexuality among these two tribes was considered to be sinful.

This last example speaks strongly in support of contemporary gay activist claims that culture is the greatest contributor to sexual orientation, not nature. That being the case, the contrasting assumption must be that heterosexuality is constructed by nurture, not nature. Or if one is a cultural Darwinian who believes that cultural evolution is an inborn trait of the human disposition, perhaps an argument could be made that the progression from heterosexuality to homosexuality is nothing more than the next stage in human psycho-social evolution. The only problem with such an argument is that since homosexuality has appeared throughout much of human history in the midst of and alongside heterosexual cultures it becomes difficult to defend it against the notion that it is nothing more than a departure from “natured sex.” In addition, any claim that a progression into homosexuality falls in line with natural patterns of evolutionary change after acknowledging the preeminence of culture in structuring sexual orientation, likewise, suffers from incoherence since if culture is the cause for heterosexuality it would also be the cause for homosexuality, not nature. Consequently, if nature is not the cause of heterosexuality, it can also not be the cause of homosexuality. This leads us back to the question of whether or not there is a normative sexuality. If so, how does one determine it? Natural law theorists have a clear answer. It is nature. And nature can be established by observing the shared norms between humans and all other biological life. Gay activists have a bit more trouble in answering this question. Since culture seems to be too dynamic of a basis upon which to rest one’s claims, normative cross-cultural behavior measured along a bell-curve appears for the moment to be the most stable for

reliance. For this reason, it may be deemed prudent to take a closer look at plausible physiological explanations for homosexuality, since if it is possible to establish scientifically that a particular lust is innate to a particular human being even with individualistic particularity, it serves as the greatest proof of that individual person's "normative" humanity. Otherwise, all the claims of biological/genetic homosexuality unsupported by science do is present an alternative form of behavioral naturalism despite gay resistance to claims of "natured sex."

## Scientific Theories of Homosexuality

The very fact that we are not discussing the scientific, genetic, or biological causes for heterosexual activity gives heterosexuality a marked advantage and authenticity over its obverse reality. This, of course, is not to suggest that such studies have not been done. As a matter of fact, it can be argued that were it not for how well we do understand heterosexuality, it would be very difficult to locate any point of departure in our study of homosexuality.

There are many theories about the causes of homosexuality. Some attribute it to the existence of a putative homosexual gene. Some attribute it to sexual abuse and other trauma.<sup>10</sup> Others say it is a result of hormonal imbalance.<sup>11</sup> One particular study suggests that sexual orientation may be influenced by prenatal levels of testosterone and oestrogen. In light of this theory, another study suggests that negative testosterone levels and positive oestrogen levels are directly related to the ratio of the length of the 2<sup>nd</sup> and 4<sup>th</sup> digits of the hand (i.e. between the ring and index finger).<sup>12</sup> In other words,

the implications are that there may be a physiognomical basis for determining one's sexual preference at birth. In spite of the theory, findings have been largely inconclusive.

Another interesting study has to do with the phenomenon of hermaphroditism. While true hermaphroditism, where a person is born sharing internally and externally both male and female gonads (testes and ovaries), is rare, pseudohermaphroditism is more common.<sup>13</sup> Not only is it still common today, pseudohermaphroditism was a common occurrence during the time of the Prophet Muhammad. Their prevalence led Islamic jurists to dedicate special discussions in their law books about the ways to determine the true gender of hermaphrodites,<sup>14</sup> their designated prayer locations in cases when the gender remains obscured,<sup>15</sup> the dangers involved in allowing a recovering sodomite to lead the congregational prayers,<sup>16</sup> and the appropriate percentages to be allocated to them upon the demise of their family members.<sup>17</sup>

In addition to hermaphrodites, there was also the occasional birth of effeminate boys. Some of these boys were assumed to be asexual but were accepted as a regular part of the community. The Qur'an 24:31 underscores the existence of such people. And according to one report, an effeminate man named Hīt (or Hanab),<sup>18</sup> presumed to be asexual, regularly visited the homes of the Prophet's wives but was, eventually, barred visitation after commenting about a certain woman's voluptuousness.<sup>19</sup>

This is extremely revealing, because it has become a common understanding among non-Muslims and many Muslims alike that Islam never envisioned accommodating people of obscured gender or those who outwardly appear to be gay in their mannerisms. The very existence of such discussions, however, manifests the

dynamism of both Muslim jurists and Islamic jurisprudence to deal with new social challenges and find workable solutions for them.

There is no doubt that the Islamic law deems sodomy and other sexual acts between people of the same gender to be unlawful and utterly depraved—for Islam recommended the severest of punishments for public indecency of all sorts, including bestiality, fornication, and adultery. That did not mean, however, that jurists did not look for ways to integrate obscured gendered people and repentant sodomites into the community. An example that magnifies this concern is that in certain legal schools, it is merely disliked (*makruh*) for effeminate men and those who were formerly known to engage in acts of sodomy (*ma'bun*) to regularly lead congregational prayers out of concern that people would engage in gossip about past behavior, thereby plunging themselves into sin.<sup>20</sup>

The Islamic law is clear that it seeks not to regulate emotion or thought in people. Consequently, while it encourages people to fight destructive urges within them by promising reward for resisting impulses,<sup>21</sup> it still does not offer any punitive provisions against urges that are considered unnatural. That notwithstanding, the Prophet Muhammad invoked the curse of God on men who take on the mannerisms of women and women who take on the mannerisms of men.

Another study reveals that early exposure to androgen in XX fetuses (i.e. female) has been found to masculinize the brain, while too little early exposure to androgen in XY fetuses (i.e. males) could lead to brains that are masculinized incompletely, if at all. Consequently, XX fetuses are “...more likely to have homosexual fantasies and exhibit masculine characteristics of enhanced aggression and visuospatial ability, even while typically retaining core female gender identity.” In the case of XY fetuses (born with

clitoris-like micropenises, therefore assumed to be female and raised as girls), “Male gender behaviors and sexual attraction to females may emerge at puberty.”<sup>22</sup> If this is so, such a study could serve as a powerful starting point for a biological explanation for homosexuality. Amassing such information, though, would require full disclosure on the part of medical professionals who birthed such children. It would also demand from those in the gay community a kind of forthrightness and exposure to scientific scrutiny that many would unlikely find comfort in doing so out of fear that it be discovered that such a condition does not exist.

Another related question is what would become of such people were it to be confirmed that they are genetically and physiologically the opposite gender than they have come to acknowledge? Would the cultural pressures of normalizing single gendered persons induce such people to seek corrective surgery? Similarly, could society overcome discomfort about the perceived dysmorphia concerning such people, or should it consider this nothing more than one of nature’s mistakes that require man’s corrective intervention? The famous case of David Reimer (known publicly as the John/Joan case) puts a damper on claims of the cultural construction of sexual orientation.

In 1967, after a circumcision accident left an 8 month old baby David (referred to as John) mutilated, the parents agreed upon the advice of doctors at Johns Hopkins Hospital of Baltimore, Maryland to have the little boy’s sex changed, and later undergo years of social, mental, and hormonal conditioning to make the transformation hold in his psyche. This case for a long time was reported as a medical success proving that the

psychosexual make-up of the human being is largely determined by acculturation. Twenty years later, however, independent researchers able to establish contact with the subject and his family brought to light that Joan (the sexually restructured and reoriented John) had in fact shown serious signs of rejection of the experiment from the very outset. She refused to take on normalized feminine behaviors, preferred boy toys and games, wanted to imitate her father's shaving rather than his mother's use of makeup, and even at times refused to take a regime of estrogen offered to her beginning at the age of 12 to make her look physically more feminine. Later in life, once Joan was finally told of the botched circumcision and offered a choice to have restorative penile surgery, she chose this restorative option. Eventually, John (formerly Joan) would marry, but later committed suicide in 2004 after a troubled marriage and numerous financial troubles.<sup>23</sup>

Though none of the popular theories have been decisively proven, those that are most popular consider two major factors: biology and environment. Gays along with secular society typically argue that homosexuality is the result of biological factors, while opponents typically argue that it is a choice. Julie C. Harren of the National Association for Research and Therapy of Homosexuality (NARTH) is of the view that homosexuality is the result of both biological and environmental factors. Such a view seems to be most reasonable since the desire for sex is a sensate passion, while the decision to gratify that passion with the same sex contains a semblance of choice. What complicates the claim of choice is that gays develop an attraction for the same sex, so even when one has not decided to seek sexual gratification, the base impulse is ordered toward a particular type of person.<sup>24</sup> Due to this, Harren emphasizes the importance of

acknowledging a number of developmental factors in the formation of the homosexual identity which include the possibility of sexual abuse among other things. She further points out that research on the causes of homosexuality remains incomplete due to her belief that many homosexuals may be choosing not to disclose such private and personal information that would aid in such studies. She says,

“These developmental factors, combined with genetic temperament, which impacts perceptions, all go into the development of homosexuality. Other factors such as sexual abuse or traumatic experiences may also contribute to the formation of same-sex attractions. Since this information is largely unknown to the general public, it is very important that we begin to share it in order to generate a more widespread understanding of this issue.”<sup>25</sup>

## Homosexual Behavior in Muslim Society

As already stated, the Islamic tradition is no stranger to sexually obscured members in its society being that the pioneer community confronted this phenomenon, and even accommodated the presence of those members viewing them as tolerable profusions of the Creator’s divine will even if lacking in some basic elements of perfect physiological humanity. The Prophet Muhammad himself allowed for Hīt, the effeminate man, to spend time in the presence of his wives. One canonical report reads,

“According to Umm Salama (the Prophet’s wife): She was entertaining an effeminate man while the Messenger of Allah was present at home. He (the effeminate) said to Umm Salama’s brother: “O ‘Abd Allah b. Abī Umayya! If Allah gives you victory in Ṭā’if tomorrow, I will point you to the daughter of Ghaylān. From the front she has four (folds of fat) but from behind she has eight (folds).” The Prophet—Allah’s blessing and peace on him—heard it say that and then said: “*These* are not to be in your presence.””

“These” in “These are not to be in your presence” is clearly an allusion to the normative occurrence of obscure gendered people during the period of Islam’s sacred history. But, of course, the existence and tolerance for effeminate men is different from creating space for openly gay Muslims. Rather, Islam not only offers a condemnatory remark against sodomy. It also takes a harsh stance against behaviors that are suggestive of the adoption of a homosexual lifestyle, like cross-dressing and the imitation of the opposite gender. In one of the soundest canonical collections, the Prophet Muhammad is quoted as having cursed men who behave like women and women who behave like men.<sup>26</sup> And in another report, he is quoted as having cursed the man who wears the attire of a woman, and the woman who wears the attire of a man.<sup>27</sup>

That notwithstanding, scholars have been keen to differentiate between those people who do such things due to tendencies which are “innate” and those who do so by “choice.” Take for example that the famous Muslim scholar, Yaḥyā b. Sharaf al-Nawāwī

(676 AH/1277 CE), has the following to say about the hadith of the aforementioned obscure gendered person who behaves like a woman,

“The scholars said: Effeminate men (mukhannath) are of two types: One of them is created that way. So his womanly behavior, dress, speech, and movements are not pretentious. It is, rather, a natural disposition according to which Allah—high is He—has created him. There is therefore no blame, censure, sin, or punishment on this type, because he is excused by virtue of having no hand in that condition. For this reason, the Prophet—God’s blessing and peace on him—did not have any objection at first to him entering upon the women nor to his being created this way since it was how he was originally created. He merely objected to his acquaintance with the physical descriptions of the women. He objected neither to his attributes nor his being an effeminate man. The second type of effeminate man is the one who becomes that way, not as a result of creation. He, on the other hand, pretentiously exhibits feminine conduct, mannerisms, speech, and he adorns himself with their specific attire. Such is the one who is deemed blameworthy of which the sound hadiths have mentioned as having being cursed. And it is what is meant by the other hadith: “Allah has cursed the women who imitate men and the men who imitate women.” As for the first type, he is not cursed. And had he been cursed, he (the Prophet) would have not affirmed him from the start. And Allah knows best.”<sup>28</sup>

Similar to Imam al-Nawāwī in this acknowledgement of naturally born effeminate males is the celebrated commentator, Ḥāfiẓ Ibn Ḥajar al-‘Asqalānī (852 AH/1448 CE), who said after concurring with Imam Ibn Jarīr al-Ṭabarī’s (310 AH/922 CE) declaration that it is unlawful for men to adorn themselves with the same attire and ornaments of beautification as women,

“The same goes for speaking and walking [as they do]. As for imitating them in their style of dress, this is something that differs according to the custom of the town. For often the attire of women does not differ much from the attire of their men. The women, however, are distinguished by their veils and screens. As for condemnations for speaking and walking, this applies only to those who do so willfully. As for those among whom this is innate to their created disposition, they are simply to be ordered to burden themselves to unlearn it and overcome its addiction in a gradual fashion. If they do not but persist upon it, then they can rightfully be criticized especially if something issues from them indicating that they are pleased with doing it.”<sup>1</sup>

These citations indicate a very “progressive” and high level of sophistication among classical Muslim scholars as relates to the roles that obscure gendered people could play in a Muslim society. It reveals that medieval Muslim thinkers, though not operating under an openly secular civil administration, through their functionally

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<sup>1</sup> ‘Awn al-Ma’bud p. 1759

secular approach to the social life and science already possessed the necessary dynamism to find ways to incorporate every living soul into life in Muslim society.

That being so, would this then mean that Muslims today who have come to accept the principles of secular thought should rally side by side with gays in order to achieve the civil rights they believe they are guaranteed under secular law? Or is it more logical for Muslims to focus on legal entitlements more affinitive to their own moral teachings such as polygyny? In either case, the answer isn't easy. And, it will likely remain uneasy as long as Muslims (and others for that matter) believe that "secular" republics are justified in regulating the private space of its citizens. There is a real and looming threat of the loss of civil liberties once guaranteed by secular law and administration today, and getting out of the private lives of citizens might curtail the influence of powerful socio-economic lobbies who impose their will on conglomerations threatened with prosecution for not compromising on things they deem to be crucial to the survival of their individual convictions. My saying this is not to suggest that there should not be a dialectic concerning what is moral, right, and just. I am also not interested in the promotion of moral relativism. Rather, the implications of these reflections are that when the epistemological bases of one's morality differs with another's and neither side is successful at persuading the other over to his/her point of view, it is a much more enlightened approach to tolerate those differences, rather, than bringing the full brunt of executive and legislative force to compel others to act against the demands of their conscience. A disagreement over the substance of morality does not always necessitate that the humanity of one's opponent is considered of less or no value. I, personally, have members of my family who are gay. On the other hand, to ask the government to stay

out of our private space might also necessitate calling for the unconstitutionality of providing incentives for heterosexual couples on a governmental level. This is because as a matter of consistency, if the government should not grant legal and financial benefits to the marriages or civil unions between homosexual couples, then perhaps they should also not do so for those that are heterosexual. But, how else would this affect the system overall? What would this mean for adoption, for childhood education, or for affirmative action policies? For now, we can only ponder over these questions.

## Conclusion

In light of findings connected to androgen levels and pseudohermaphroditism, it would seem that further comparisons between the XX/XY genes and the form of both external and internal gonads in gays would provide the most definitive answers to the question of whether or not there is a genetic and biological explanation for homosexuality. To procure that information would require greater disclosure from members of the gay community. That, however, may be difficult in light of fears of discoveries of no biological connection. It may also be difficult due to the humiliation involved in surrendering one's self knowingly to be treated similar to non-human specimens with the risk of becoming a victim of ostensibly neo-eugenic policies. On the other hand, it will be hard to remove the stigma of perversion from homosexuality if such studies are not undertaken. If a genetic and/or biological connection can be established, perhaps the most significant risk involved is the reinforcement of typified notions of homosexuality as a dysmorphia which may potentially result in many opting for corrective and reconstructive surgery to fit in with other normatively gendered

human beings. On the other hand, there is the possibility that society will evolve (as has apparently begun in some states) in such a way that obscure-sexed persons may be viewed merely as a different kind of human being. With such a possibility, progression in this area would be both promising and frightening at one and the same time for gays; promising because it will establish the biological link between homosexuality and genetics; frightening because it will solidify the otherness of homosexuals in the psyche of the heterosexual community.

While this study does raise a number of important issues, it undoubtedly remains incomplete and insufficient for drawing any definitive conclusions. This study has centered mainly upon homosexuality in men, although the conclusions related to androgen and XX/XY genotypes can also be applied in female homosexual studies. Another important consideration before a decision is made to naturalize homosexuality through biological theory is the effect of the ecology on genetic development, degeneration, and dysmorphia. How much do the chemicals and hormone displacements in our water supply influence brain functions, emotions, and sexual appetites? How much of human sexual behavioral norms and abnormalities can be attributed to effects of genetic mutation brought on by toxic waste, radiation, and other forms of pollution? If such a connection exists, would changes in attitudes about gender and sexuality be a result of natural selection or from human tampering with the natural order? It seems that only if we consider the habit of corrupting the environment to go part and parcel with social, cultural, and biological evolution (an innate inseparable part of the human existence) that one could claim for a surety that physiological and behavioral aberrations occur, without human mediation, through nature. These factors considered, it becomes

evident that as the psychological factors leading to homosexuality are by far unexplained, likewise are the genetic, biological, and physiological factors.

The Prophet Muhammad foretold as one of the signs of the end of times that, “Men would restrict their sexual appetites to other men and women to other women.”<sup>29</sup> That being so, as a Muslim who has and will continue to encounter other Muslims struggling with homosexual thoughts and urges, it is important for the Muslim community to approach this topic with much more empathy and less prejudice. Our children are now growing up in a culture where homosexual encounters and public discourse about gay acceptance is more normative. Though we try our best to insulate them from what we deem to be corruptive forces, there is no doubt that we won’t be able to protect them all the time. For that reason, it is important for us to understand homosexual psychology and the theories surrounding its genesis. It is also important to know this information because many of us are expected to pastor to very diverse populations. Imams, scholars, and jurists alike have and will continue to be visited by Muslims who seek to become whole and/or to at least figure out ways to understand their predicament. Just as harshness with alcoholics and drug addicts can alienate and send them deeper into their addiction, it is important that those who know we have the capacity for an uncustomary amount of compassion to be available for our brethren, listen with an empathetic ear, and guard their secrets so they are able to achieve a sense of fulfillment and fullness in their lives. Yes! There are many extrinsic causes to the problems that plague the Muslim community, but there are so many of them that originate from inside of us as well. So, let us not delude ourselves anymore.

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<sup>1</sup> Muslim legal schools (Sunni and Shiite) are split on the prescribed punishment for sodomy. Some prescribe scourging of 100 lashes as is the case with the punishment for fornication. Others prescribe the punishment of stoning as is the

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recommendation for the sin of adultery (Ibn Juzayy). More severe alternative penalties suggested by some jurists include burning alive, tossing from a tower with hands and feet bound, execution with a sword, etc. (Maghniya). The Hanafi School has no particular penalty prescribed for sodomy, although selective punishment can be meted out by a judge as long as it doesn't take the form of execution (Quduri). While one can never be punished for illicit sexual intercourse without proper substantiation (e.g. willful voluntary confession or the testimony of four upright male witnesses), prohibition in the Islamic legal tradition has focused mainly on the crime of sodomy regardless of the gender of the person the act is done to. Homosexual sodomy historically has been outlawed and considered an unnatural perversion by all Muslim scholastics of every faction and sect. Female homosexual practices, on the other hand, is regarded as less severe, though, still inordinate and unnatural. Consequently, there is no scripturally prescribed punishment for it even though all schools allow for punishment to discourage the practice.

<sup>2</sup> The thirteenth century scholar, Yaḥyā b. Sharaf al-Nawāwī (d. 1277 CE/676 AH) says in commenting on the prophetic tradition that says, "A man is not to be in seclusion with a woman without one of her male relatives being present."

"The preferred view is that seclusion with an attractive unrelated beardless boy is like being in seclusion with a woman. Seclusion with one is therefore prohibited."

Al-Nawāwī, Yaḥyā b. Sharaf. *Sharḥ Saḥīḥ Muslim*. Beirut: Dār al-Fikr, 1995, 5/1:92, hadith #424

<sup>3</sup> An example of an "undue sex" would be a non-human animal as in the case of bestiality.

<sup>4</sup> Laurel Kearns, Catherine Keller. *Ecospirit: Religions and Philosophies for the Earth*. Fordham University Press: Bronx, NY, 2007, pp. 165-166

<sup>5</sup> Thomas Aquinas. *Summa Theologica*. Christian Classic Ethereal Books. II-I 94.2.

<http://www.ccel.org/ccel/aquinas/summa.toc.html>

<sup>6</sup> Al-Nawawī, Yahya b. Sharaf. *Saḥīḥ Muslim bi Sharḥ al-Nawawī*. Beirut: Dar al-Fikr, 1995, 9/2:177 Chapter 6

<sup>7</sup> Thomas Aquinas. *Summa Theologica*. Christian Classic Ethereal Books. II-I 94.4.

<http://www.ccel.org/ccel/aquinas/summa.toc.html>

<sup>8</sup> Thomas Aquinas. *Summa Theologica*. Christian Classic Ethereal Books. II-II.154.11.

<http://www.ccel.org/ccel/aquinas/summa.toc.html>

<sup>9</sup> It would seem that considering the physical harms related to anal sex (hemorrhoids, anal fissures, rectal prolapse, and generalized anal-rectal trauma), an additional basis for arguing the inappropriateness of sodomy can be established, especially where such harm is intended. The fact the rectum does not secrete a natural lubricant as in vaginal intercourse leaves room for strong insistence that anal intercourse is unnatural. That notwithstanding, rational and scientific arguments for the inappropriateness of homosexual relations are not always the most consistent. For this reason, I believe that for Muslims a better way of confronting the challenge of homosexuality and its illicitness is to merely reinforce the Qur'anic teachings on faith. In other words, instead of hyper-rationalizing the unethical nature of sodomy and other forms of homosexual intimacy as Catholics do, I believe it is more consistent with Islamic teachings and more effective in public discourse to simply highlight that one's own perspective is influenced by one's personal convictions and religious teachings, and less by rationalistic considerations.

<sup>10</sup> In *Ethology and Sociobiology*, Volume 16, Issue 1, January 1995, Gordon G. Gallup Jr. states,

"...work by Van Wyk and Geist (1984) shows that boys whose initial experience with masturbation occurred directly or indirectly in the presence of other males are more likely to become homosexual as adults than are those who learn about masturbation in other ways."

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(“Have Attitudes Toward Homosexuals Been Shaped by Natural Selection?” p. 67)

<sup>11</sup> Included among the theories are reincarnation, prenatal hormone defect, and the lack of bonding with a same-sex parent.

All About World View. “Causes of Homosexuality.” <http://www.allaboutworldview.org/causes-of-homosexuality-faq.htm>

<sup>12</sup> S.J. Robinson, J.T. Manning. “The ratio of 2<sup>nd</sup> to 4<sup>th</sup> digit length and male homosexuality.” *Evolution and Human Behavior*: Elsevier, Liverpool, UK, 21 (2000) p. 333.

<sup>13</sup> Pseudohermaphroditism differs from hermaphroditism in that in the former case a child is born with both external genitalia while internally preserving the gonads of only one particular gender, male or female. A true hermaphrodite has both male and female gonads and the external genitalia of both genders.

<sup>14</sup> The general way the early jurists determined the gender of a hermaphrodite child was to observe from which reproductive organ the child urinated. If it urinated from its penis, it was considered to be male, and if from the vagina, it was deemed to be female.

<sup>15</sup> In formal Islamic congregational prayers, men and women have designated prayer spaces. Men stand in the front rows while women stand in rows behind the men. For hermaphrodites whose genders were still considered obscure, a special area for them was made between the rows of men and women.

<sup>16</sup> Many scholars discouraged allowing men known in the community as recovering sodomites to regularly lead formal congregational prayers. The aim was to prevent backbiting and negative conversation about them, so as to protect members of the community from committing sin.

<sup>17</sup> The Islamic teachings are in most cases clear regarding the specific portions of inheritance that should be allotted to male and female heirs of a deceased person. As for hermaphrodites, jurists were led to develop a special form of computation in light of the difficulty of knowing precisely what gender they belong to.

<sup>18</sup> Some also conjecture that its name was Māti', the client of Fātikha.

<sup>19</sup> Aisha said, “There was an effeminate man who used to visit the Prophet’s wives—God’s mercy and peace on him. And they used to consider it to be among those who were free of sexual desire. One day the Prophet—God’s mercy and peace on him—entered while it was in the presence of one of his wives while it was describing a woman saying: “When she approaches, she approaches with four (folds) and when she turns her back, she turns away with eight.” The Prophet—God’s mercy and peace on him—then said: “Do I not see that this one recognizes what is here? They are not to be in your presence.” So they barred him (from entering from that day).” (*Al-Nawāwī, Yaḥyā b. Sharaf. Sharḥ Ṣaḥīḥ Muslim*, Beirut: Dār al-Fikr, 1995, 7/2/134, Hadith #2181)

<sup>20</sup> Mayyara, Muhammad b. Ahmad. *Al-Durr Al-Thamin wa Al-Mawrid Al-Ma'in Sharh al-Murshid al-Mu'in 'ala al-Daruri min 'Ulum al-Din li Ibn 'Ashir*. Beirut: Dar al-Fikr, 1998, p. 270

<sup>21</sup> “Whoever gets the urge to do something wrong and then does not do it, God records it with himself as one good deed.”

Al-Nawawi, Yahya b. Sharaf. *Sahih Muslim bi Sharh al-Nawawi*. Beirut: Dar al-Fikr, 1995, 1/2:122, hadith #206.

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<sup>22</sup> J. Michael Bostwick, M.D., and Kari A. Martin, M.D. “A Man’s Brain in an Ambiguous Body: A Case of Mistaken Gender Identity”. *American Journal of Psychiatry* 2007 Oct;164(10):1499-505

<sup>23</sup> Milton Diamond, PhD; H. Keith Sigmundson, MD. “Sex Reassignment at Birth: Long-term Review and Clinical Implications.” *Archives of Pediatrics and Adolescent Medicine*. Mar 1997; 151: 298 - 304.

<sup>24</sup> For a Thomist moralist, before surrendering to claims of nature in this case, one needs to be sure that the primordial and initial attraction was directed toward the same sex from puberty, rather than being developed over a period of time. If developmental, this would point to the development of the vicious disposition typically referred to as ‘vice.’ Such a fact would point to homosexuality being rooted in volition and choice that formed into a vicious habit/disposition.

<sup>25</sup> Julie C. Harren. “Educating the Public on the Causes of Homosexuality.” *Narth Collected Papers*. 2004. <http://www.narth.com/docs/coll-harren.html>

<sup>26</sup> Al-Bukhari, Muhammad b. Ibrahim. *Al-Jami’ Al-Musnad Al-Sahih Al-Mukhtasar min Umur Rasul Allah wa Ayyamihi*. Dar Tawq al-Najah, 1422 AH.

<sup>27</sup> Ibn Hanbal, Ahmad. *Musnad al-Imam Ahmad b. Hanbal*. Beirut: Dar al-Kutub al-‘Ilmiya, 2008.

<sup>28</sup> Al-Nawawi, Yahya b. Sharaf. *Sharh Sahih Muslim*. Beirut: Dar al-Fikr, 1995, 7/2/134, Hadith #2181

<sup>28</sup> Al-Haythami, Ali b. Abi Bakr. *Majma’ al-Zawa’id wa Manba’ al-Fawa’id*. Kitab al-Fitan, Bab ma ja’a fi al-maskh wa al-qadhif wa irsal al-shayatin wa al-sawa’iq. The hadith is also reported by Tabarani in his *Al-Mu’jam Al-Awsat*.

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