Sexuality, Gender & Islam

Introduction

This section of the Safra Project web site provides information on Gender, Sexuality and Islam. It focuses on studies undertaken by reformist and feminist Muslim scholars challenging gender bias, homophobia and transphobia that exist in Muslim laws and in Muslim societies.

This resource is important for lesbian, gay, bisexual and transgender (LGBT) Muslims as well as for our families, friends and supporters, as it can empower us to grapple with religious and personal questions. The Safra Project hopes that this resource will help to dispel misconceptions that cause stigmatisation and discrimination faced by (Muslim) LGBT people as a result of their sexuality, sexual orientation, gender and/or gender identity.

As the Safra Project is a resource project working on issues relating to Muslim LBT women, the focus of this section of our website is same-sex relationships between women and women's gender identity in Islam. This information should be understood within the context of 'Gender (roles) and Islam, 'Women's Sexuality and Islam' and '(Male) Homosexuality and Islam' as all these issues are very much interrelated.

This section of our website also contains a list of resources including a bibliography and links to online information. The 'Glossary of Key Terms' is also an important resource in itself with detailed explanations as well as definitions for terms used by the Safra Project.

Despite some scholars or religious leaders claiming that their opinions are exclusively authoritative, it is important to remember that there is no one definitive opinion on issues relating to gender, sexuality and Islam. In fact, there are a number of scholarly opinions and even *shari'ah* is made up of a number of diverse opinions. This section of the Safra Project website merely provides information by scholars that challenge gender bias, homophobia and/or transphobia. The Safra Project can not - and does not - provide any one answer or position on gender, sexuality and Islam.

Before discussing gender, sexuality and Islam, it is important to first clarify what we mean and understand by these words.

What do we mean by Gender?

Gender refers to the social and cultural codes used to distinguish between what a particular society considers 'masculine' or 'feminine' qualities, characteristics, attributes or behaviours. The definition of gender varies widely although most agree that gender is largely socially and culturally determined. This means that people are attributed a social and cultural gender that usually corresponds to their (assumed) biological sex. They are then expected to behave in accordance with gender roles as defined

by what is considered the norm in their social and cultural context. Gender can be expressed in physical appearance, dress, mannerisms, speech patterns, and social behaviours and interactions. The attribution of gender to a person by others is a (unconscious) categorisation of a person as being a man or a woman. A person's own gender identity, i.e. their deeply felt (or psychological) sense of being male or female (or both, neither or other i.e. intersex), usually - but not always - corresponds to their biological sex and to how they express their gender. (See also transgender, transsexual and gender dysphoria)

What do we mean by Sexuality?

Sexuality refers in its broadest sense to the quality of being sexual. The term sexuality is also used in plural, i.e. 'sexualities', to reflect the diversity of sexuality.

The main aspects of sexuality are sex, biological or physiological sex, gender, gender identity, gender roles and sexual orientation. Sexual orientation refers to emotional, romantic, sexual and/or affectional attraction from one person to another person or persons. Someone's sexual orientation is categorised according to the gender(s) or biological sex of the people he/she has these feelings for, that is, it describes whether a person is attracted primarily toward people of the same or the opposite sex, or to both. Sexual orientation exists along a scale that ranges from exclusive homosexuality to exclusive heterosexuality and includes various forms of bisexuality. Sexual orientation is an important part of a person's total self-identity: how we see ourselves and how others see us. A person's experience and understanding of her/his sexual orientation can vary during their life. Sexual orientation is different from sexual behaviour because it refers to feelings and to self-identity, rather than only actions. Persons may or may not express their sexual orientation in their behaviours.

What do we mean by Islam?

Islam can mean many different things to different people. Sometimes people talk about 'Islam' when referring to the culture or traditions from a particular country or from a specific group of people. Sometimes people use the word 'Islam' to refer to the practice of religious rituals and / or to spirituality. People also use the term 'Islam' to talk about a political viewpoint and sometimes they are referring to what is known as 'Islamic law' or *shari'ah*. This body of rules, norms and laws is itself made up of several schools of thought and differing individual opinions of Muslim scholars. The Safra Project uses the term 'Muslim laws' to refer to both *shari'ah* as well as to modern state laws claiming to be based on it.

This variety in understandings and meanings of the word 'Islam' and what can be said to 'be Islamic' or 'according to Islam' demonstrates the diversity in how Muslims experience and view Islam. When discussing, researching and informing ourselves about the issue of gender, sexuality and Islam, we

need to be aware of the various understandings people may have of the term 'Islam'. It is also important to clarify to ourselves, and others, what exactly we mean when we refer to 'Islam': Are we talking about Muslim laws, a particular culture, religious dogma, a particular spirituality or a combination of these.

In this section of the Safra Project website, we refer to the work of scholars focussing mostly on the Quran working towards frameworks for progressive Islam, rather than on *shari'ah* or any other understanding of what might constitute Islam.

Frameworks for Progressive Islam

It is important to look at the work of (reformist and feminist) scholars who have explored the issues of gender and sexuality in Islam. They have developed viewpoints that challenge traditional ideas relating to women's roles and sexuality that are embodied in the *shari'ah*. For example, the idea that men are superior and therefore should be privileged over women (gender bias) has been challenged and new interpretations of the verses that gave rise to these opinions have been made. This movement by scholars, activists and others to challenge the injustice and inequality that exists in Muslim laws and societies has been called 'progressive Islam', 'reformist Islam' as well as by other names. The Safra Project will use the term 'progressive Islam' and we will use the term 'frameworks' to refer to the various structures, techniques and methods used in the progressive Islam movement. These frameworks also provide us with a context in which to look at the issue of same-sex sexuality (and gender identity) and Islam.

Reformists and feminists have proposed to move away from the *shari'ah*. They have formulated several reasons for this and developed various methodologies to formulate frameworks for progressive Islam. Some scholars believe that *shari'ah,* unlike the Quran, does not directly reflect God's will but is actually a collection of interpretations of the Quran developed over time. According to this reformist viewpoint *shari'ah* is merely an understanding of Islam that has been influenced by traditional customs and social values of the historical time in which it was formulated. These reformists believe that challenging *shari'ah* is therefore only challenging a particular understanding of Islam, rather than challenging Islam itself (An-Na'im and Rahman)

Feminist scholars have also pointed out that interpretations of the Quran and formulation of *shari'ah* have been carried out mostly by men, and therefore reflect a male understanding of Islam based on a male experience of life. This has led to the existence of gender bias in Muslim laws and to patriarchal practices in Muslim societies (Wadud, Mernissi, An-Na'im,). This gender bias towards men to the detriment of women is reflected in commentaries of the *Quran,* which, feminists argue, have become more and more restrictive of women's rights over time (Stowasser).

In addition, the formulation of Muslim laws that enforce male superiority over women has been particularly influenced by the spread and use of *hadith* that refer to women negatively. However, the reliability of *hadith,* particularly, *hadith* relating to gender (roles) and sexuality, has been questioned by a number of scholars. Muslims individually and collectively have very different opinions on which *hadith* can be relied on and which cannot. Even so-called *'true hadith'* have been found to contain authors whose characters do not hold up to careful scrutiny. The Qur'an is the only text that is agreed upon by Muslims as a trustworthy source. This has been discussed in detail by a number of scholars (see Mernissi, Hassan, Wadud for more information). As a result of this debate over the (un)reliability of *hadith,* we will not currently discuss *hadith* here in detail.

Reformists and feminist scholars argue that more progressive interpretations of the *Quran* on issues relating to gender and sexuality become possible, once *shari'ah* is placed in it's socio-political and historical context. This requires acknowledging *shari'ah* as a product of human (largely male) interpretations, particularly when combined with questioning the reliability of *hadith* relating to gender (roles) and sexuality. They therefore believe that, Muslims are not bound to one set of historical and exclusive interpretations of the *Quran*. In this way Muslims can themselves participate in the development of frameworks for progressive Islam.

In order to develop these frameworks feminists have used various techniques. These include the re-interpretation of Quranic verses by women themselves, conducted in the light of the socio-historical context in which they were revealed. This method aims to ensure that the interpretation reflects women's perspectives and understanding of the Quran. (Wadud, Hassan, Ali, Mernissi, An-Na'im). Many Muslim feminist scholars believe that Islam began a new era envisaging equality for all, including gender equality. These feminists believe that the Quran formed the basis on which women could achieve full empowerment. However, this development, they argue, was and continues to be impeded by the privileged position of men over women (patriarchy) leading to gender bias in Muslim societies and Muslim laws (Mernissi).

A number of scholars have developed approaches that go beyond the re-interpretation of the Quran. Some believe that it is possible to view the *Quran* as two types of documents in one: the first relating to the socio-economic issues at the time of the *Quran's* revelation and the second embodying the spiritual or ethical message of Islam (Karmi, El Fadl, Khaled Abou, Wadud,). They believe that the spiritual message of Islam and principles of justice underlying the Quran should form the basis of a modern Muslim ethical framework (An-Nai'm, Anwar, Kugle, Wadud, Ali). This has provided some scholars with a context in which to explore issues such as gender (identity) and same-sex sexuality (Anwar, Kugle, Wadud).

Gender (roles) and Islam

In Muslim societies women and men are expected to behave in accordance with social, cultural or religious codes (gender roles). These are created to distinguish between what is considered to be 'masculine' or 'feminine' (gender). These gender roles are learned within a particular social and cultural context and are affected by factors such as education and economics. In practice gender roles often affect women adversely impeding their self determination in areas such as their socio-economic status, status within the family, health, life expectation, independence, freedom and rights (gender bias).

Although the *Quran* views women and men to be equal in human dignity, this spiritual or ethical equality has not been reflected in most Muslim laws. For example, women do not have equal rights to make independent decisions in relation to choice of (marriage) partner, obtaining a divorce and custody of their children. Reformists and feminists have challenged women's lack of rights and lack of control over their own lives in Muslim laws through the various techniques discussed in the section 'Framework for Progressive Islam'.

Central to this challenge has been the reinterpretation of Quranic verses which seemingly privilege men over women and reinforce gender roles. Quran verse 4.34, which refers to men as 'guardians' (*qawamun*) (over women), has been used to justify gender roles and male privilege over women. (For detailed discussion of this and other verses see Wadud, Hassan & Mernissi). Reformist and feminist scholars have argued that the concept of guardianship has formed the basis of particular 'gendered' roles in Muslim societies. Women are often expected to be obedient wives and mothers remaining within the family environment, whereas men are expected to be protectors and caretakers of the family (Hassan, Wadud, Barlas).

These scholars have explored how verse 4.34 has been interpreted and used to limit women's autonomy, freedom of movement and access to economic opportunities and independence. They believe that the concept of 'guardianship' actually only meant to ensure that a woman who is bearing and nurturing children, is provided for (by her husband) whilst undertaking this task. Feminist scholars believe that this economic safeguard has been extended through the concept of guardianship to create a rigid division of gender roles and social control of men over women (Hassan, Wadud, Yamani). This extension of male 'guardianship' over women has become embodied in Muslim laws and is embedded in Muslim societies.

One of the key reasons put forward for justifying male guardianship over women within the family and in society at large, is the idea that female sexuality needs to be controlled (Mernissi, Dunne, Stowasser - see the section on 'Women's Sexuality and Islam'). The concept of guardianship, rigid gender roles and male control over women's sexuality are also tools to impose and enforce heterosexuality.

Gender Identity and Islam

A person's gender identity is usually - but not always - in line with her/his biological sex. A person is usually also attributed a gender identity by others on the basis of their (physical) appearance and behaviour. In Muslim societies and cultures people are usually expected to behave in accordance with their biological sex (and/or attributed gender identity) and they are allocated a gender role in line with this: either male or female. For transgender people, as well as for people who are content with their gender identity but not with their gender role, these distinguished gender roles (constructed according to biological sex), are problematic.

There has been little scholarly work done in this area that is accessible. Some Muslim scholars have written about the division of gender in Islam in four groups: male, female, hermaphrodites (*khunsa*) and *mukhannis* or *mukhannas*. *Mukhannis* are biological males who identify as female and desire a change of their biological sex. *Mukhannas* are biological males who (would like to) assume a female gender role but do not desire a change of their biological sex (Teh). The terms *khunsa*, *mukhannis* or *mukhannas* are not mentioned in the Quran

There are hadith referring to men and women who do not behave in accordance with their prescribed gender role (e.g. a hadith in Sunan Abu-Dawud, (Bk. 32, No. 4087) referring to men who dress like women being cursed and a hadith instructing people to turn out of their houses effeminate men and women who assume the manners of men) (Suhagi). However, as mentioned in the section on 'Frameworks for Progressive Islam' a number of scholars have exposed the problematic nature of *hadith* as a source of Muslim laws. (Wadud, Hassan, Mernissi)

According to some authors the Qur'an explicitly recognises that there are some people who are neither male nor female. Verses 42:49-42:50 are translated by these authors as: "To God belongs the dominion over the heavens and the earth. It creates what it wills. It prepares for whom it wills females, and it prepares for whom it wills males. Or it marries together the males and the females, and it makes those whom it wills to be ineffectual (barren)". According to these authors the usual English translation of these verses which refer to God 'giving daughters or sons to whom it wills and gives some people both sons and daughters', is problematic. They argue that the verses in fact describe varieties of sexual orientation and gender (http://www.well.com/user/aquarius/Qurannotes.htm). One scholar has noted that commentaries on Surah 13.3 which refers to 'every kind of fruit being made in pairs' have also acknowledged that there is a third sex in plants. This scholar believes that it is possible to conclude that as there is a third sex in plants there may also be a third sex 'unisex' in animals and humans (unpublished paper).

In most Muslim laws and societies, transgender people who's bodies have both male and female characteristics (hermaphrodites or intersex people), are allowed, or even encouraged, to undergo surgery to make their bodies in line with the sex and gender division into male or female. However, for transgender people who's biological sex is female but who's gender identity is male (and vice versa) and for those who do not identify as either male or female or as both, this is usually more complicated.

For example, in 1983 the Conference of Rulers in Malaysia decided that a prohibition of 'sex change operations' should be imposed on all Muslims, except for hermaphrodites. Moreover, 'cross-dressing' was also prohibited. (Teh) In 1988 Al Azhar, the highest Sunni Islamic authority in Egypt, issued a religious (legal) decision (*fatwa*) regarding surgical treatment of intersexuals stating that 'it is permissible to perform the operation in order to reveal what was hidden of male or female organs. Indeed, it is obligatory to do so on the grounds that it must be considered a treatment'. However, in Iran a decision by Ayatullah Imam Khomeini (within the context of *Shi'a* Islam) allowed for the sex reassignment surgery for transsexuals.

As with the issues of gender (roles) and sexuality in Islam there are diverse viewpoints on the issue of gender identity and Islam. As of yet there are not many scholars who have explored this area particularly within the frameworks for progressive Islam.

Women's Sexuality and Islam

The subject of 'Same-Sex Relationships between Women and Islam' should be explored and understood in the context of women's sexuality and Islam in general, which in turn should be understood in the context of 'Gender (roles) and Islam'.

Although sex and sexuality is a taboo subject in many (Muslim) societies and often strictly regulated in Muslim laws, some scholars have argued that the Quran and early Muslim scholars actually dealt with sex and sexuality quite openly and positively. They have argued that the Quran recognises human beings as sexual beings and that although procreation is one of the functions of (heterosexual) sex, sexuality is also recognised as a intrinsic part of being human. They also point out that the Quran and early Muslim scholars do not see sexuality as being opposite to spirituality. In short, these scholars believe that Islam is a religion that views sex and sexuality positively (Kugle, Yousef Foundation, Hassan, Esack, Anwar)

Some feminist scholars have pointed out that this so-called 'positive' or 'affirmative' Islamic approach to sexuality, is mostly (or only) affirming masculine (heterosexual) sexual experience (Wadud). For example, they point out that the Quran seemingly talks about male sexuality and fantasies, without mentioning women and women's sexuality in an equivalent manner. For example verses affirming

men's rights to sexual satisfaction, verses allowing polygamy and verses allowing temporary marriage, as well as certain supposedly sexual references to the pleasures in paradise. This emphasis on male (hetero-)sexuality is reflected in Muslim laws and their implementation in society (Wadud).

Women's sexuality in Muslim laws and societies is limited to monogamous heterosexual marriage. This prescribed form of sexuality is believed to be preserving a 'sexual purity' that is heterosexual and requires male control over women's sexuality. In some cases where a woman is considered to have violated the codes that preserve her or her family's 'sexual purity', her identity or behaviour can and has led to so-called honour crimes including being subjected to violence, forced marriage and even killed. (See: Honour Crimes Project, Afsaruddin, WLUML, WWHR)

The supposed need for male control of women's sexuality has also been used as a justification for male guardianship over women in the family as well as in Muslim laws and in society in general. (See also 'Gender (roles) and Islam'). Many feminist scholars have written extensively about how male notions of female sexuality lead to the creation of gender-biased Muslim laws. Some scholars believe that these male notions include the idea that female sexuality, if not controlled, could result in social chaos and social disorder (*fitna*) (Dunne, Mernissi, Wadud). Some scholars also point out that this male fear of 'uncontrolled women' stems from the time of the newly formed Muslim community, when men feared that the Prophet Muhammad was encouraging a women's rebellion (*nushuz*) by prohibiting violence against women (Mernissi (1996)). *Nushuz* has also been translated as 'recalcitrance' for example when a wife refuses to have sex with her husband (Wadud, Mernissi).

Many reformist and feminist scholars have argued that male control of women's sexuality is not envisaged by the Quran. They have sought to challenge the idea that Islam requires prescribed gender roles and impedes women from controlling their own sexuality. (Hassan, Wadud, Asma Barlas, Yamani, WLUML). Within frameworks for progressive Islam, they have explored the different standpoints on sexuality, for example in relation to issues such as women's rights in family laws (An-Naim, WLUML) women's control over their own reproduction (WWHR), violence against women including honour crimes (WWHR, WLUML,SOAS and Interights websites) and HIV/AIDS (Wadud, Farid Esack,).

Although this work challenges gender-bias it is still assuming that heterosexuality is the norm for everyone. Some scholars have extended these studies to uncover a heterosexual bias, in the same way that feminist scholars have uncovered a male bias in Muslim laws (see 'Frameworks for Progressive Islam'). These scholars question the assumption that same-sex sexuality is always an un-Islamic expression of sexuality (see '(Male) Homosexuality' and 'Same-Sex Relationships between Women'.) These explorations are still in the initial phases. They could also be extended to look at bisexuality and polyamory and other forms of sexual and gender diversity on which currently little work has been done.

(Male) Homosexuality and Islam

This section should be read with the sections on 'Women's Sexuality and Islam' and 'Frameworks for Progressive Islam'. Some of the techniques used to develop new interpretations of Quranic verses relating to women and women's rights in Islam have also been used to develop new interpretations of verses supposedly referring to homosexuality. This has been done mostly by male scholars looking specifically at male homosexuality in Surah Lut. (Jamal, Nahas, Yoesuf website, Kugle)

It is widely believed in Muslim societies that homosexuality is forbidden in Islam. This perception is also embodied in Muslim laws to the extent that in some countries homosexuality is a crime punishable by death (by stoning). (For a more detailed discussion of the prohibition on homosexuality in Muslim laws see Kugle)

The word 'homosexuality' does not actually exist in the Quran. The assumptions made about homosexuality and Islam are often based on references to the story of Lut in the Quran. Recent scholars (Jamal, Nahas, Kugle) have analysed the verses[1] that are thought to refer to homosexuality and come up with new interpretations based on techniques of interpretation used by reformist scholars and feminist scholars working on gender issues. In doing so they have tried to challenge the heterosexual bias of former interpretations in order to clarify and dissolve the widely held misconceptions and assumptions underlying Muslim laws and existing within Muslim societies about same-sex sexuality and same-sex relationships.

The words that are often translated or taken to be referring to (male) homosexuality include:

Al Fahisha (e.g. in 7:80 & 27:54)	Atrocity or gruesome deeds
Al Khabaidh (e.g. in 21:74)	Improper or unseemly things
Al Munkar (e.g. in 29:29)	That which is reprehensable
As Sayyi'aat (e.g. in 11:78)	Bad or evil deeds

(For more detailed analysis of these words see Jamal).

The word *fahisha* is most often quoted as referring to homosexuality. Although some scholars reinterpreting these verses have acknowledged that this term includes homosexual behaviour they also explain that it does not refer explicitly or only to homosexuality but to all kinds of 'illicit sexual behaviour' being carried out on a large scale (Nahas, Kugle).

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[1] 7:80-84, 11:69-83, 15:51-77, 21:71&74-75, 22:42-43, 25:40, 26:159-175, 27:54-58, 29:28-35, 37:133-138, 50:12-13, 54:32-40, 66:10

They argue that the story of Lut is not specifically about same-sex sexuality and/or same-sex relationships. They believe that the story is about a people who are punished for committing several forms of unlawful (sexual) behaviour, including widespread promiscuity, bestiality, paedophillia, inhospitality towards guests as well as abuse of power, rape and intimidation. Another argument is that in the story of Lut, similar to other stories about the rejection of a prophet (Noah, Ibrahim, Musa), the people are punished not just for a particular sin or sins but for rejecting their prophet (Jamal). From these analyses it can be concluded that the verses in the story of Lut are not referring to homosexuality in the sense of same-sex sexuality or relationships as we understand them in the West today. (For more detailed analysis of the Quranic verses and the story of Lut see Yoesuf Foundation, Nahas, Kugle, Jamal)

It should also be noted that there is a similar but not identical Biblical story of Lot in which homosexuality is more explicitly mentioned. It has been argued that the biblical story and the Christian interpretations of it have significantly influenced Muslim interpretations of the story of Lut in the Quran (Kugle). The detrimental influence of biblical interpretations on similar Quranic stories has also been discussed in relation to the status of women. (See a discussion of how the biblical perception of Eve has influenced the male Muslim notion of women in Hassan)

Interpretations of the Quranic verses in the story of Lut supposedly referring to homosexuality seem to concentrate on male homosexuality only. For more information on female homosexuality see the section on 'Same-sex relationships between women and Islam'.

Same-Sex Relationships between Women and Islam

Many scholars who have concluded that male homosexuality is forbidden in Islam on the basis of the Quranic story of Lut, have extended this conclusion to female homosexuality by analogy (*qiyas*). They have, therefore, said that same-sex relationships between women are also prohibited in Islam. Although analogy is a method used in *shariah* to formulate rules for situations which are not explicitly mentioned in the Quran or in *hadith*, it is not primary source of law. Moreover, as discussed in the section on '(Male) Homosexuality and Islam', the interpretations of the story of Lut are ambiguous even in referring to male homosexuality.

Verse 15 of Surah An-Nisa'a has also been cited by traditional scholars as a verse condemning female homosexuality. In this verse, reference is made to women committing 'indecency' or 'lewdness' (*fāhishah*), although it is argued that there is no clear indication of what exactly this indecency is. One scholar believes it that, because four witnesses are mentioned in this verse, it could suggest some form of sexual indiscretion like adultery and/or fornication (*zinā'*), or even quite possibly female homosexuality (Jamal). However, other scholars have interpreted the word 'lewdness' in this verse as

referring to prostitution rather than to same-sex sexuality (WLUML) and they believe that the Quran is actually silent on same-sex relationships between women (Anwar & Wadud).

Some hadith supposedly refer to same-sex relationships between women. However, as with hadith referring to women and women's sexuality in general, their reliability is contested. (See Wadud, Mernissi and Hassan and the sections on '(Women's) Sexuality and Islam' and 'Frameworks for Progressive Islam'.)

A small number of scholars have attempted to look at the subject of same-sex sexuality and Islam using techniques similar to those developed by reformist and feminist scholars. (See section on 'Frameworks for progressive Islam', 'Gender (roles) and Islam, Women's sexuality and Islam on techniques used to develop progressive rules, norms and laws on issues relating to women and women's sexuality in general.) An even smaller number have looked at same-sex relationships between women and Islam.

Some (male) scholars have looked at the subject of (male) homosexuality and Islam by reinterpreting the verses from the Quranic story of Lut that supposedly refer to homosexuality. However, these studies tend to be dealing primarily with male homosexuality and either do not mention female homosexuality at all or also refer to it by analogy (Nahas, Kugle).

Other scholars also working within the framework of *shari'ah*, argue that as *shari'ah* is itself an evolving entity, the prohibition on same-sex sexuality could move from the classification of 'forbidden' (*haram*) to 'permissible' (*mubah*) (Anwar). This point is in line with the feminist and reformist argument that *shar'iah* should be placed in its historical and social context, as this would make alternative and more progressive interpretations of the Quran possible. (See also the section on 'Frameworks for Progressive Islam'.)

Another technique used, is to develop frameworks for progressive Islam based on ethical principles (e.g. social justice) underlying the Quran. Using this framework, scholars have argued that it is possible to view same-sex relationships that embody Quranic visions of love and companionship positively. (Anwar, Nahas, Kugle). Some scholars have even argued that such relationships could even be affirmed through a form of a Muslim 'marriage' or 'union'. (Anwar)

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Link: http://www.brandeis.edu/projects/fse/Pages/femalehomosexuality.html

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Sex – The Awkward Gift from God

By: Farid Esack - Paper presented at 2nd International Muslim Leaders Consultation on HIV and Aids (2003)

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Glossary of key terms

Biological sex / Physiological sex: the biological classification of physiological bodies as male or female usually determined by external sex organs, internal sex and reproductive organs, chromosomes, hormones and secondary sexual development at puberty. Bodies with an ambiguous biological sex, i.e. with both male and female characteristics are sometimes characterised as hermaphrodite or intersex. A person's biological sex usually – but not always - corresponds with her/his gender identity. (See also transgender and gender dysphoria).

Bisexual(ity): a category of sexual orientation, referring to person who can experience emotional, romantic, sexual and/or affectional attraction to persons of both their own sex and the opposite sex. There are various forms of bisexuality, varying from being primarily attracted to persons of the same-sex and only occasionally to persons of the opposite sex (and vica versa) to being equally attracted to persons from the same sex and the opposite sex.

Feminists (Feminism): the Safra Project defines feminists as scholars and activists challenging gender bias and/or working towards gender equality.

Gay: A term used as a synonym to homosexual. The term 'gay' is usually preferred to the term 'homosexual' when describing a person's sexual orientation, i.e. she or he "is gay". Sometimes the term gay is used to describe only male 'homosexuals' (see also gay man).

Gay man: a man who experiences emotional, romantic, sexual and/or affectional attraction only, or primarily, to another man or other men. His sexual orientation is categorised as homosexual.

Gender: refers to the social and cultural codes used to distinguish between what a particular society considers 'masculine' or 'feminine' qualities, characteristics, attributes or behaviours. The definition of gender varies widely and is often the subject of exhaustive debates, although most agree that gender is largely socially and culturally determined. People are attributed a social and cultural gender that usually corresponds to their (assumed) biological sex and they are then expected to behave in accordance with gender roles as defined by their social and cultural context. Gender can be expressed in physical appearance, dress, mannerisms, speech patterns, and social behaviours and interactions. The attribution of gender to a person by others is a (unconscious) categorisation of a person as being a man or a woman. A person's own gender identity, i.e. their deeply felt (or psychological) sense of being male or female (or both, neither or other), usually - but not always - corresponds to their biological sex and to how they express their gender. (See also transgender, transsexual and gender dysphoria)

Gender dysphoria: a medical term referring to people who have a compelling sense that their gender identity is not in conformity with the physiological or biological sex they are born with. In other words, persons who feel that they are born in the 'wrong body', i.e. biological women who feel they should have been born as men and vice versa. These persons are generally referred to as transsexual or transgender.

Gender equality: refers to people receiving equal opportunities to realise their full human potential according to their wish, irrespective of gender. This can for example include equality in opportunities to take part in social, economic, cultural and political developments and benefiting equally from the results. It can also refer to the equality in protection of (human) rights. Gender equality does not necessarily mean 'identical conditions' or 'identical rights' as these conditions and rights may in themselves already be gendered. To achieve gender equality, recognition is needed that current social, economic, cultural, and political systems are gendered (i.e. constructed according to gender roles) which lead to women being disadvantaged in all areas of life (gender bias). This pattern is further affected by other factors of oppression and inequality such as race, ethnicity, culture, immigration status, class, age, disability, sexuality, gender identity and/or other status. Gender equality requires the empowerment of women in their particular contexts, taking their experiences and perspectives into account.

Gender identity: is a person's deeply felt (or psychological) sense of being male or female (or both, neither or other). A person's gender identity is the gender to which a person feels she/he belongs. This usually corresponds to a person's biological sex and to how they express their gender. However, some people have a compelling sense that their gender identity is not in conformity with their physiological or biological sex or feel and/or express a gender identity that is other than simply 'male' or 'female'. These people are usually referred to as transsexual or transgender (see also gender dysphoria). Gay men, lesbians and bisexual people are usually content with their gender identity and/or their biological sex, including those who are not content with their gender roles. For example those who dress or behave similar to what is socially and culturally perceived as the opposite gender, such as a woman who behaves or dresses according to what is perceived to be a 'masculine' manner.

Gender roles: Gender affects how people perceive themselves and others and how they expect themselves and others to behave, that is, either in a 'masculine' or 'feminine' manner. These gender roles are learned and culturally and socially determined. They are also affected by factors such as education and economics. Therefore, gender roles can evolve over time. Gender roles and expectations are often identified as factors hindering gender equality. In practice gender roles usually affect women adversely in relation to many aspects of their life, such as family, socio-economic status, health, life expectation, independence, freedom and rights (gender bias).

Heterosexual(ity): a category of sexual orientation, referring to a person who experiences emotional, romantic, sexual and/or affectional attraction only, or primarily, to (a) person(s) of the opposite sex. This is also called 'being straight'.

Homophobia: an irrational fear of, or hatred against, lesbian, gay and bisexual people and homosexuality.

Homosexual(ity): a category of sexual orientation, referring to a person who experiences emotional, romantic, sexual and/or affectional attraction only, or primarily, to (a) person(s) of the same sex. Persons with a homosexual orientation are also referred to as gay (both men and women) or as lesbian (women only). Referring to a person as (a) 'homosexual' is usually avoided as this can be considered inappropriate or even offensive. The reasons for this are diverse and include the previous derogatory usage of the term, its medical association and the fact that 'homosexual' and 'homosexuality' in most Muslim societies and cultures refers to certain specific sexual behaviour not resembling the contemporary 'Western' understanding of homosexuality as a category of sexual orientation. Instead the Safra Project prefers using the term 'same-sex sexuality'. In addition, the term homosexual does not express the diversity of sexualities as it ignores bisexuality nor is it gender specific. When referring to

persons, preference is given to the statement that someone is 'lesbian', 'gay' or 'bisexual' or that someone is 'a lesbian', 'a gay man' or 'a bisexual person'. (In plural - LGB people).

Islam: Islam can mean many different things to different people. Sometimes people talk about 'Islam' when referring to the culture or traditions from a particular country or from a specific group of people. Sometimes people use the word 'Islam' to refer to the practice of religious rituals and / or to spirituality. People also use the term 'Islam' to talk about a political viewpoint and sometimes they are referring to what is known as 'Islamic law' or *shari'ah*. This body of rules, norms and laws is itself made up of several schools of thought and differing individual opinions of Muslim scholars. The Safra Project uses the term 'Muslim laws' to refer to both *shari'ah* as well as to modern state laws said to be based on it.

Lesbian: a woman who experiences emotional, romantic, sexual and/or affectional attraction only, or primarily, to another woman or other women. Her sexual orientation is categorised as homosexual.

LGBT(Q) (people): is the acronym of lesbian, gay, bisexual and/or transgender (and/or queer) (people). It is an inclusive term for identities sometimes also associated together as 'sexual minorities'.

Polyamory: This is a new term that has emerged in the debates about non-monogamy in recent years. It literally translates into 'many loves'. Polyamory circumscribes a particular relationship philosophy that assumes that it is possible (and indeed desirable) to love many people and to maintain multiple relationships. Within polyamory there is a strong emphasis on love, intimacy, commitment and honesty. Some have defined polyamory as 'responsible non-monogamy'. Polyfidelity is a concept closely related to polyamory. Polyfidelity is based on the understanding that the partners in a multiple relationship will be faithful towards each other, an assumption that is not clearly spelled out or implied in polyamory. While for some polyfidelity marks a very specific approach to polyamory (or even one distinct from it), others tend to equate both concepts.

Reformists: scholars who have sought to challenge classical or fundamentalist interpretations of the Quran and other sources of Muslim law.

Same-sex sexuality (& Same-sex relationships): a category of sexual orientation, referring to a person who experiences emotional, romantic, sexual and/or affectional attraction only, or primarily, to (a) person(s) of the same sex. Same-sex relationships are emotional, romantic, sexual and/or affectional consenting relationship(s) between people of the same sex, that is, between two women or two men. Same-sex sexuality is sometimes used as a synonym for homosexuality. However, the Safra Project normally uses the term 'same-sex sexuality' instead of, and/or distinguished from,

'homosexuality' as the notions of homosexuality that exist within most Muslim societies and cultures do not resemble the contemporary 'Western' understanding of homosexuality. In most Muslim societies and cultures, 'homosexuality' refers to certain specific sexual behaviour rather than to a category of sexual orientation that includes a wider scope of (sexual) behaviours, feelings and self-identity.

Sex: can refer to certain forms of sexual behaviour, i.e. 'having sex'. It can also refer to a person's biological sex, i.e. someone is from the male sex or the female sex. The term sex is sometimes confused with the term gender, just like the term biological sex is sometimes confused with gender identity. The term sex can be distinguished from sexuality and sexual orientation.

Sexual behaviour: the factual behaviour of a person in relation to her/his sexuality, either publicly or privately, including - but not limited to – having intercourse. Sexual behaviour is different to sexual orientation as sexual behaviour refers to actions whereas sexual orientation (also) refers to feelings and to self-identity. Persons may or may not express their sexual orientation in their sexual behaviours.

Sexual orientation: refers to emotional, romantic, sexual and/or affectional attraction from one person to another person or persons. Someone's sexual orientation is categorised according to the gender(s) or biological sex of the people he/she has these feelings for, that is, it describes whether a person is attracted primarily toward people of the same or the opposite sex, or to both. Sexual orientation exists along a continuum that ranges from exclusive homosexuality to exclusive heterosexuality and includes various forms of bisexuality. Sexual orientation is an important part of a person's total self-identity: how we see ourselves and how others see us. A person's experience and understanding of her/his sexual orientation can vary during their life. Sexual orientation is different from sexual behaviour because it refers to feelings and to self-identity, rather than mere actions. Persons may or may not express their sexual orientation in their behaviours. Sexual orientation can be distinguished from other aspects of sexuality such as biological sex, gender identity and gender roles.

Sexuality (Sexualities, Sexual diversity): Sexuality refers in its broadest sense to the quality of being sexual. The term sexuality is also used in plural, i.e. 'sexualities', to reflect the diversity of sexuality, also known as 'sexual diversity'. The main aspects of sexuality are sex, biological or physiological sex, gender, gender identity, gender roles and sexual orientation.

Shari'ah: A body of rules, norms and laws according to which Muslims (are supposed to) live their lives. These rules, norms and laws are found in, and derived from two main sources: the Quran and practices and sayings of the Prophet Muhammad (*hadith*). The Quran and *hadith* are known as the primary sources of Muslim law.

Shar'iah was formulated between the eighth and the fourteenth century AD. In the eight and ninth century AD several Muslim schools of thought (*madahibs*) emerged in different geographical locations, deriving legal and religious rules from the Quran and *hadith*. These schools also formulated (legal) opinions known as jurisprudence (*fiqh*), including the assessment of the reliability of *hadith*. For situations that were not explicitly mentioned in the Quran or *hadith*, the schools used certain methods of legal reasoning to formulate rules. These methods include the formulation of a consensus opinion (*ijma*), drawing an analogy (*qiyas*) from an existing rule or law or making a decision on the basis of (principles of) social justice (*maslaha*). Differing opinions between the schools as well as between individual scholars, combined with influences of local customs and regional differences, caused variations in the rules, norms and laws within *and* between the schools. This body of rules, opinions and laws, is referred to as 'classical Muslim law' or *shari'ah*. Four *Sunni* schools (*Hanafi*, *Hanbali*, *Maliki* and *Shafi'i*) and one *Shi'a* (*Jafari*) school remain dominant today.

The process of understanding and formulating legal and religious opinions from the Quran and *hadith* is known as interpretation (*ijtihad*).It is believed by traditional Muslim scholars that somewhere between the tenth and the fourteenth century 'the gate of *ijtihad*' was closed, preventing new interpretations of the Quran being recognised as *shari'ah*. *Ijtihad* was then replaced by the doctrine of *taqlid* or imitation of the rules, norms and laws that already existed. The idea of *taqlid* has made it difficult for reformists to challenge the *shari'ah* and formulate new interpretations of the Quran.

Many countries with significant Muslim populations have developed so-called '*shari'ah* laws' as state law, particularly in the area of 'personal status' or family laws. These are either based on, or are variations of, the jurisprudence of one or more of the five schools of thought.

The Safra Project uses the term 'Muslim laws' to refer to both *shari'ah* as well as current state laws that are said to be based on *shari'ah*.

Transgender (Transgender people): Some use transgender / transgender people as a synonym for transsexual(s) or to refer to persons medically diagnosed with gender dysphoria. Others use the term 'transgender' more widely to refer to all expressions of gender identity other than simply 'male' or 'female'. Transgender can vary from a surgical change to someone's biological sex (transsexual(ity)) to occasionally dressing in the clothing of the 'opposite' gender (transvestite). A transgender person can also transition - sometimes with the help of hormone therapy and / or cosmetic surgery - to live in the gender role of choice, without undergoing or wishing to undergo (complete) surgery. The term transgender can also include those who identify and/or express themselves as neither male nor female and/or those born with an ambiguous biological sex. The International Foundation for Gender Education defines a transgender person as "someone whose gender display at least sometimes runs contrary to

what other people from the same culture would normally expect" (www.ifge.org). Female to male (FTM) transgender people are born with female bodies but have a predominantly male gender identity, male to female (MTF) transgender people were born with male bodies but have a predominantly female gender identity. The Safra Project uses the widest possible definition of transgender and includes those who feel not able to express or display the gender identity of their choice, for example for fear of negative reactions.

Transphobia: an irrational fear of, or hatred against, transgender people.

Transsexual(ity): refers to people who have a compelling sense that their gender identity is not in conformity with the physiological or biological sex they are born with (see also: gender dysphoria). This may lead some to seek gender (or sex) reassignment surgery to make her/his biological or physiological sex correspond to her/his gender identity. Some people include under the term transsexual only persons who have already undergone (complete) gender (or sex) reassignment surgery, others include those who wish to undergo gender (or sex) reassignment surgery. Some also define the term more widely and use it partially or completely as a synonym for transgender. As the Safra Project uses the term transgender in the widest possible sense, it usually refers only to those having undergone gender (or sex) reassignment surgery when using the term transsexual but respects the rights of others to self-identify as transsexual.

Transvestite ('Crossdresser'): a person who dresses in the clothing of the 'opposite' gender, either occasionally or always. Generally, these persons do not wish to alter the biological (or psysiological) sex of their body.

Queer: a term often used as a slur in English to refer to lesbian, gay, bisexual, transgender and queer (LGBTQ) persons. The term has been reclaimed by many LGBTQ people, often in a activist or political context, as an expression of pride in sexual diversity and variations of gender identity.