protect the consecrated camel, the arrogant nobles of their community hamstrung her, tied her up, and slaughtered her. As a consequence, their city with all its inhabitants was destroyed by Allah (with an earthquake and choking clouds from what appears to be a volcanic eruption). Why did they kill the camel? To repudiate their Prophet, lower his dignity in the eyes of their fellows, and reject the belief in the One God which was the foundation of his ethical message.

Nobody would take seriously a commentator who presents the people of Thamud as being obsessed by a hatred of camels or a perverted lust for camel blood that corrupted their innermost dispositions. Nobody would take seriously a jurist who argued that slaughtering another's camel is a capital crime, based on the example of the people of Thamud who were destroyed after killing a camel. Nobody would argue that anyone who slaughters an animal that does not belong to him should be punished by asphyxiation, in a rough human approximation of how Allah razed the people of Thamud by a volcanic eruption. Anyone suggesting these interpretations would be laughed out of the mosque, and would be gently reminded that he or she had missed the basic point of Salih's story.

The same is true for those who miss the point of Lut's story. The Qur'an tells these stories in a series; they are always grouped together. Further, they are told in specific contexts that encouraged Muhammad to have patience and perseverance in the face of rejection, repudiation, and oppression at the hands of the rich and powerful of the pre-Islamic Quraish nobles in Mecca.[72]

So what can the Muslim community deduce as ethical principles from the story of Lut, once the story is freed from the jurists' narrow and obsessive attention to anal sex? Lut was exemplary in revealing the challenge of hospitality, generosity, and protection of the vulnerable. He struggled with his community to get them to support the needy, the poor, and those who appeared as strangers. He challenged their arrogance, their inhuman exertion of power over vulnerable people, and their creation of a coercive system out of trade and economic relations. These are certainly challenges that Muslims face in their personal lives and collective societies. We have not lived up to Lut's basic challenge yet.

As part of this fundamental ethical challenge, it is clear that Lut also confronted his society's exploitative use of sex. He condemned its use of sexual acts as a form of coercion. This is the prohibitive side of his message. The positive side would enjoin upholding consensual agreement, reciprocity, mutuality, and care in sexual acts and relationships. For Muslims to live up to Lut's challenge would mean categorically opposing rape, whether it be men raping men or men raping women. Lut's story clearly shows that rape is only sexual on the most crass level (in that it has to do with sexual organs). It reality, rape is motivated by desire for domination, not by sexual desire or the desire for pleasure. It is a form of coercion, control, and punishment that can have no place in a society that respects the message of the Prophets.

This is important to keep in mind when we confront contemporary fundamentalist movements, like that fostered in Pakistan under General Zia ul-Haqq. The clever General declared himself ruler in a military coup and executed the democratically elected Prime Minister. To court the support of Islamist parties, like the Jama'at-i Islami, among others, General Zia ul-Haqq justified his military coup by claiming to institute *Shari'ah law* through the "Hudud Ordinances." These ordinances allowed legal prosecution and punishment for gay and lesbian consensual sex acts, while erasing any punishment for male rapes of women. In Zia ul-Haqq's Hudud Ordinances there is no term for "rape," which is simply conflated with adultery, leading to the blatantly unjust situation of a women who is raped not only finding no protection under the law but actually being prosecuted for adultery with a possible punishment of execution.[73]

Lest the reader consider such blatant hypocrisy to be concentrated in only one nation state, consider recent developments in Egypt. In 2001, police there arrested fifty-two allegedly "gay men" at a nightclub and tried them in Cairo's State Security Court, not under the national legal code but under emergency executive courts that had been set up to try "fundamentalist terrorism."[74] In order to justify trial in extra-constitutional courts (that were designed to try fundamentalists and terrorists) and to completely avoid discussing the issue of sexuality, sexual diversity, and ethics, the Egyptian government charged the men for "contempt for religion," "false interpretation of the Qur'an," and "obscene behavior." Almost half of the fifty-two men convicted were sentenced to five years of hard labor; some of those incarcerated subsequently reported having been tortured or raped. On the educational and legal levels, many Muslim communities vociferously denounce homosexuals or acts associated with them (regardless of whether these are consensual), while maintaining a silence around men who coerce others (women, men, or children) through sexual acts in homes, schools, or work places. This silence, coupled with homosexual scapegoats, actually protects men who engage in rape and sexual abuse, guarding their patriarchal privilege to use sex as a weapon to maintain their position of power over others.

What kind of society would denounce consensual sexual activity while protecting violent sexual abuse? Such a society could never be considered to uphold high ideals of justice. Will Muslims allow their societies to be counted among such as this? Will progressive Muslims allow such injustice to be legitimized through simplistic interpretation of scriptural sources? This problem highlights the interconnectedness of social ethics with sexual ethics. Muslims with a keen sense of justice should not let sexual relations be judged by the surface component of the gender of the partners, but should look rather to the content of the relationship. We judge any sexual relationship by examining its ethics and intent, in accord with the Prophet Muhammad's teaching that "Acts are according to the intentions behind them."[75]

CONCLUSION: SEXUAL ETHICS BEYOND PATRIARCHAL POWER

We must be honest in acknowledging that patriarchy existed before the Qur'anic revelation, persisted in the early Islamic community, and continued to exist centuries later during the formative period of Islamic law. The Qur'anic revelation and the Prophet Muhammad's creation of a new community seriously challenged many of the patriarchal practices that were routine in Arab societies. The young community, especially after the death of Muhammad, often did not live up to the initial challenge. It fell back on patriarchal norms in hopes of social stability and in the creation of a new Islamic elite ruling class.[76] With the advent of modernity (for all its newly introduced forms of violence and imbalance), perceptions of human nature and social organization change, and the practice of religion changes with it. This is not just a reality; it is an ethical challenge and is also potentially a blessing. Modernity gives us the chance of thinking differently and freeing ourselves from the shackles of patriarchal power.

For most of the history of Islam, Muslims assumed that the Qur'an demanded the political rule of a monarch, whether conceived as a khalifa, sultan, or king. This was true despite plenty of evidence of dissent in the earliest community, since many early followers of the Prophet rejected authoritarian rule.[77] Monarchal rule by an all-powerful male is one facet of patriarchy that is deeply woven into Islamic society and religion. This is so even though monarchy is not explicitly sanctioned by the Qur'an. In previous centuries, to be a Muslim who questioned the right of monarchs to rule was largely unthinkable. If one acted upon a critique of monarchs, one would be branded an apostate. Today, most Muslims do not live under monarchies, and most Muslims think this is a good thing. Their Islam is not less faithful because they live without monarchies; in fact it might be stronger for that reason.

For most of the history of Islam, Muslims have taken for granted that slavery was a legal and useful social institution. Islamic law adapted to the practice of owning human beings as slaves, a practice that existed before Islam and continued after Islam's advent. Rights of ownership by a wealthy male is one facet of patriarchy that is deeply woven into Islamic society and religion. This was true despite the Qur'an's clear emphasis on freeing slaves and the Prophet's example in this matter. Yet today, most Muslims do not own and sell fellow human beings. Most Muslims would consider this a good thing, and consider slavery a clear form of oppression.

For most of the history of Islam, Muslims have assumed that women were inferior to men. Some might limit this inferiority to realms of physical constitution and legal privilege, while others would extend the inferiority to piety and even rationality. The superiority of gendered males is one facet of patriarchy that is deeply woven into Islamic society and religion. This was true despite the Qur'ran's empowerment of women in many fields. Islamic law adapted to this basic assumption of patriarchy, and encoded it in all manner of

legal norms and authoritative interpretations. Yet many Muslims today assert the fundamental equality of women and men in economic, social, religious, educational, and political spheres of life. Their Islam is not less faithful because they live without gender segregation and tribal honor codes; in fact their Islam might be stronger with their commitment to gender justice.

Many Muslims today cannot imagine that Islam could be a religious practice that acknowledges and respects diversity in sexuality and sexual practices. They may not even recognize the aspects of patriarchy that oppress people characterized by same-sex desire and erotic longing. This is no different from other forms of oppressive prejudice in the past that, with struggle (that is, with *jihad* and *ijtihad*), Muslims have managed to overcome with positive results for our understanding of our faith. As progressive Muslims, we have focused our sense of justice demanded by radical *tawhid* on the fields of political organization, economic ownership, or gender norms. Why stop there? Why not continue to extend this challenging focus on justice into the more intimate spaces of our sexual lives, in order to think more clearly about how our erotic lives intersect with our spiritual lives?

Many lesbian and gay Muslims who read this study will support the challenge articulated above. However, many will wonder whether any purpose is served by focusing on classical jurists and Qur'an commentators. Can there be any rapprochement with the *Shari'ah* and the authorities that support it? Or is any discussion of the *Shari'ah* a capitulation to authority that is hopelessly prejudiced against the very possibility of thinking that homosexuality is about anything beyond misplaced lust? This is a crucial question. The Islamic legal scholar Abdullahi Ahmed an-Na'im has addressed this question directly in its widest form by asking whether there is any possibility of "reforming" the *Shari'ah* in contemporary times to revive its underlying principles so that it protects civil liberties and human rights rather than suppressing them. He concludes that this is possible, but is complicated by the neo-colonial struggles of nations inhabited by Muslims for the long-deferred promises of political and cultural "self-determination."

> We have Muslim demands for self-determination by the application of Islamic law in public life. Yet such Islamic law cannot possibly be Shari'a as historically established. The only way to reconcile these competing imperatives for change in the public law of Muslim countries is to develop a version of public law which is compatible with modern standards of constitutionalism, criminal justice, international law, and human rights ... We can then proceed to resolve the conflict and tension within the framework of Islam as a whole, albeit not necessarily within the framework of the historical Shari'a.[78]

An-Na'im is arguing for the disengagement of the *Shari'ah* as historically formed from Islam as a whole. The *Shari'ah* in its historical development is not Divinely

ordained: it is the creation of many generations of commentators, jurists, and *hadith* scholars who lived long after the Prophet Muhammad died and in a completely different political and cultural milieu. Radical *tawhid* demands that Muslims let nothing created by human beings stand in for Allah, the Single and the Unique.[79] From a critical point of view, it is a kind of icon worship to imagine the *Shari'ah* to be infallible, unchanging, or somehow Divine. Just as building the *Shari'ah* was a historical process, the creation of human (and fallible) minds, hands, and hearts, so the *Shari'ah* should be open to continual reform and re-creation.

A new and evolving *Shari'ah* is a politically and religiously necessary project. It would offer Muslim-majority national states in post-colonial situations a way of resolving many of the contradictions created by European colonialism's imposition of modernity through violence and domination, without having to destroy the nation state or reject some of the more valuable innovations of modernism. It would offer immigrant or indigenous Muslim communities in North America and Europe a way to reconcile their religious faith and community aspirations with the reality of living as minorities in states that enshrine secular legal traditions and cultural values. The new South Africa will be an important test case, since it has recently emerged from the apartheid regime with a politically active Muslim community. South Africa now has one of the most progressive constitutions in the world (which explicitly protects the civil liberties and human rights of women, lesbians, and gays).[80] It will be instructive to observe how Muslims there, many of whom sacrificed their lives in opposing apartheid, will come to accept and embrace the new constitution and the values it enshrines.

An-Na'im has pointed out that the central questions to be addressed in this reformation of the *Shari'ah* are those of international law, human rights, and civil liberties. Under this last rubric come concerns about women and their rights. However, as argued in this study, asserting women's rights will never be limited to the realm of women. It will necessarily change the way men behave and the way both women and men perceive sexuality. As feminism opens up sexuality as a topic for discussion, homosexuality will inevitably come up as a challenge to all Muslims with a keen sense of justice.

ENDNOTES

1. The author would like to acknowledge two friends and colleagues who helped in the revision of this text, Daayiee Abdullah and Nicholas Heer.
2. Hamid Nastoh was a fourteen-year-old in Vancouver from an Afghan family who was driven to suicide on March 11, 2000. Schoolmates persistently bullied him with accusations of being gay and he found no consolation or protection in his religious tradition as it had been presented to him. Since Hamid's death, his mother has become a local advocate for sexuality education and "gay–straight alliance clubs" in Canadian high schools.

3. Madelain Farah, *Marriage and Sexuality in Islam: A Translation of al-Ghazali's Book on the Etiquette of Marriage from The Revival of the Religious Sciences* (Salt Lake City: University of Utah Press, 1984), 45. Creation "from water" (as found in Q. 21:30) is often interpreted as sexual union and the meeting of ejaculatory fluids, while the term "sexual intercourse" is understood metaphorically from the Qur'an's use of "tillage" (*hirth*) in Qur'an 2:223.
4. Momin Rahman, *Sexuality and Democracy: Identities and Strategies in Lesbian and Gay Politics* (Edinburgh: Edinburgh University Press, 2000), 172.
5. Ibid., 21.
6. Some ascetic-minded Sufis were the exception, and saw sexual desire as a distraction from worshipful contemplation of God.
7. Abdelwahab Bouhdiba, *Sexuality in Islam* (London: Saqi, 1998), 159. This is the best study in English illustrating the continuity between Muslim sexual practices in this world and how Muslims imagine the sacred world of paradise to come. In Arabic, there are many full studies of this theme, like Ibrahim Mahmud, *Jaghrafiyat al-Muladhat: al-Jins wa'l-Janna* [*Geography of Rapture: Sex and Paradise*] (Beirut: Riyad el-Rais, 1998).
8. This frequently cited hadith is referred to by a number of authorities, such as al-Ghazali who records it in his *Ihya 'ulum al-Din* (Beirut: Dar al-Hadi, 1992), vol. 2, p. 48. See Sachiko Murata and William C. Chittick, *Vision of Islam* (St Paul: Paragon Press, 1994) 228, 350. For discussion of this *hadith*, see R.W.J. Austin (trans.), *Ibn al-Arabi: the Bezels of Wisdom*, (Mahwah, NJ: Paulist Press, 1980), 269–78, and Sachiko Murata, *The Tao of Islam: A Sourcebook on Gender Relationships in Islamic Thought* (Albany: SUNY Press, 1992), 186–7.
9. 'Ali ibn Husam al-Din al-Hindi Muttaqi, *Jarr al-Thaqil fi Suluk al-Ma'il*, [Bearing the Heavy Burden on Soul Training of Men Considering Marriage], manuscript in Lahore: Punjab University Library 4950/1937 folios 22–9, and Islamabad: Ganj Bakhsh Library (Iranian Cultural Institute) 3745.
10. Surat al-Ahzab 33:50–2 directly addresses the question of sexual relationships outside of marriage with slaves and concubines, explicitly allowing this for the Prophet (and implicitly allowing it for other believers) while contrasting such women to those formally married.
11. Basim Musallam, *Sex and Society in Islam: Birth-Control before the Nineteenth Century* (Cambridge: Cambridge University Press, 1983), supplemented by Munawar Ahmad Anees, *Islam and Biological Futures: Ethics, Gender and Technology* (London: Mansell, 1989).
12. Scholars argue whether this verse refers to anal sex between men and women, or to vaginal sex from behind, or to whether the control of timing and frequency of sexual relations should be in the hands of men or women. Fatima Mernissi, *The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam* (Reading, MA: Addison-Wesley, 1991) discusses the importance of this verse and its context of revelation for a feminist critique of Islamic patriarchy.
13. Athar Hussain and Mark Cousins, *Michel Foucault: Theoretical Traditions in the Social Sciences* (New York: St Martin's Press, 1984) is a good introduction to Michel Foucault, one of the most influential historians of sexuality. Foucault argued that the term "homosexuality" (as well as "sexuality") is completely modern, and cannot be justifiably applied to ideas, practices or people before European modernity and its uneven spread to the wider world. Many historians of sexuality have questioned this assertion and are suspicious of accepting Foucault's glib Eurocentric conclusions about the uniqueness of modernity.
14. John Boswell, "Concepts, Experience and Sexuality," in *Forms of Desire*, ed. E. Stein (New York: Routledge, 1992) provides an overview of the concept of sexuality, from a scholar who has wrestled, as a historian and committed Christian, with the traditional Christian denunciation of homosexuality.
15. The Qur'an is very clear here that no ethnic group is racially or cultural inferior to another, but Islamic culture has often slipped into justifying slavery in terms that approach racial chauvinism.

16. Amina Wadud, *Qur'an and Woman* (Kuala Lumpur: Penerbit Fajar Bakti, 1992; 2nd edn, Oxford: Oxford University Press, 1999).
17. 'Ali Muttaqi, *Jarr al-Thaqil*, which was a Persian commentary on al-Ghazali's book quoted at the beginning of this study.
18. In other passages the Qur'an uses *alwan* to describe different types of honey, different types of beasts, and different types of agricultural produce.
19. "Lawn," *Encyclopedia of Islam, New Edition* (Leiden: E.J. Brill, 1954–2002), vol. 5, 699.
20. The Qur'an comes closer to discussing gender than it does to discussing sexuality. The Qur'an uses the term *zawj* to mean "one of a pair of people or things." Sometimes, *zawj* is used in an abstract sense and sometimes concretely as applied to human beings or objects. At least once, the Qur'an uses the term to indicate a binary relationship of male to female: "We have made them pairs, male and female" (42:49). But the term is not used constantly in this way; at times *zawj* refers not to clearly gendered pairs, and often to non-living entities. At one point the pair is not male and female persons, but the soul and body of each person regardless of anatomical or social gender: "We made the souls joined to their pair" (Q. 81:7).
21. The phrase is *al-Tabi'in ghayr ulu al-Irbat min al-Rijal*. The phrase might also be translated as "those men among your followers who have no guile with women."
22. Muslim theologians have not yet considered the fascinating case of the Prophet *Dhu al-Qarnayn* as described in Surat al-Kahf. Qur'an commentators have traditionally identified him as the historical figure of Alexander the Great, and Yusuf Ali has recently argued very persuasively for the authenticity of this identification. Historical record clearly reveals that Alexander's major erotic attachments were to a series of men (though he did marry as his political role required). Could it be that *Dhu al-Qarnayn* as Alexander may have been a gay man who acted as a Divinely appointed Prophet? Islamic theologians have not even begun to grapple with this question.
23. Everrett Rowson, "The Effeminates of Early Medina" in *Que(e)rying Religion: a Critical Anthology*, ed. G. Comstock and Henking (New York: Continuum, 1997). Rowson has clearly shown that some of these "effeminate" men acted in ways that we would identify as "gay" but that many of them did not; what characterized them was their breaking norms of gendered behavior rather than their sexual orientation.
24. Najman Yasin, *Al-Islam wa'l-Jins fi al-Qarn al-Awwal al-Hijri* [*Islam and Sex in the First Century Hijri*] (Beirut: Dar al-Atiya li'l-Nashr, 1997), 111 uses a phrase (in Arabic) that can be translated as "unusual sexual practices that are unnatural." Islamic jurists never used "nature" to denounce same-sex sexual practices; these practices may have been forbidden, but were not "unnatural." This is a subtle but crucial distinction that reveals how much modern Muslim intellectuals (even those who write in Arabic) have been shaped by Euro-American discourses of modernity.
25. No list will be offered here, since it would be very long. Let us highlight one personality, on whom more research must be done. That is the medieval writer Ibn Dawud al-Zahiri, who was the leading jurist of the Zahiri legal school. He was also well known for having fallen into a deeply romantic love with a school friend, Ibn Jami', to whom he dedicated his book in praise of love, *Kitab al-Zahra*. Ibn Dawud al-Zahiri held that a man's love for another man is noble as long as it is "chaste" ['*udhri*] and made no effort to conceal his erotic orientation. See Massignon, *The Passion of Hallaj*, 1:80 and 338–68.
26. Norman Daniel, *Islam and the West: The Making of an Image* (Edinburgh: University Press, 1960) and Nabil Matar, *Turks, Moors and Englishmen in the Age of Discovery* (New York: Columbia University Press, 1999) document the scope and persistence of this pre-modern European condemnation of Muslims as "sodomites." Though driven by the European need to make Muslims alien, inferior, and worthy of conquest, this theme was based on a substantial contrast between medieval Christendom (which seemed obsessed with punishing "sodomites") and a medieval Islamdom (which seemed far more relaxed and accepting of same-sex eroticism, despite the jurists' condemnations depicted in this study).
27. Byrne Fone, *Homo-Phobia: A History* (New York: Metropolitan, 2000), 294. There are many examples of Western scholars who ignore or repress the presence of homoerotic practices among Muslims in their specific subjects of study. Let one example suffice. Madelain Farah's comments in the introduction to *Marriage and Sexuality in Islam*, 37 can only be called "bad faith." She errs in stating that "The Koran addressed the subject of sodomy. It is a reference in over seventy Koranic verses." She demonstrates a lack of understanding Arabic when she writes that *liwata* in Arabic means "homosexuality" while *Lut* means sodomy (in fact *liwata* means sodomy or anal intercourse while "*Lut*" is the name of a Prophet). Farah blithely ignores the fact that Imam al-Ghazali's own brother, Shaykh Ahmad al-Ghazali, who was a respected religious scholar and Islamic leader, was well known for homoerotic sentiments in his poetry and devotional practices, like *shahid-bazi* or "gazing at beautiful men" in order to contemplate the beauty of God. Examples of Western scholars working out their own prejudices by supposedly "representing" the Islamic tradition are legion.
28. Asadullah Khan Ghalib, *Divan-i Ghalib, Urdu* (New Delhi: Ghalib Institute, 1998), 104. Translation is by the author. Ghalib repeats al-Ghazali's insight with sarcasm because Ghalib was no theologian or ascetic; rather he was a highly intellectual and aesthetically refined poet in Urdu and Persian, who is known for writing verses of love and longing for beloved men.
29. Stephen O. Murray and Will Roscoe. *Islamic Homosexualities: Culture History and Literature* (New York: New York University Press, 1997) asserts a universal gay identity that underlies any variation in history and culture. This contrasts with the careful avoidance of asserting any gay identity in Everett Rowson and J.W. Wright (eds), *Homoeroticism in Classical Arabic Literature* (New York: Columbia University Press, 1997).
30. Farid Esack, *Qur'an, Liberation and Pluralism: An Islamic Perspective of Interreligious Solidarity against Oppression* (Oxford: Oneworld, 1997), 75.
31. This study is very limited in its focus on homosexual men and anal sex. This is not ideal and will certainly not satisfy lesbian or women readers (nor should it satisfy them). However, there is a purpose to this limitation. What follows in this study is in dialogue with the Islamic legal tradition, which addresses homosexuality through condemning anal sex between men. The condemnation was the platform for a more general cultural rhetoric against homosexuality in general, including same-sex relations between women. Though anal sex (and penetrative sex in general) is not necessarily relevant to lesbian sexuality, it was the dominant theme used by jurists to condemn both men and women. Therefore, it is the starting point of this article, though future investigation of this topic should not and cannot focus solely on men. This article is also driven by a critique of capital punishment that is inflicted on homosexual men in certain countries, and this punishment seems to be directed primarily (in the knowledge of this writer, only) against men. Lesbians, by virtue of being women first, tend not to suffer publicly under these laws, though they suffer differently under other laws and under pressure to marry and procreate.
32. The term *hassas* is used this way, in a clever *double entendre*, in Morocco. Though it is a North African term for "homosexual" (which may not be used in eastern Arabic-speaking regions or in the wider Islamic world) it is conceptually understandable anywhere.
33. Al-Tabari, *Tafsir al-Tabari min Jami' al-Bayan 'an Ta'wil Ayi al-Qur'an*, ed. Bashar 'Awwad (Beirut: Mu'assasat al-Risala, 1994), 3:463.
34. Ibid., 3:464.
35. The Qur'an's Arabic makes no reference to "nature" or "laws of nature" in this passage. As noted earlier, the Qur'an has no term that can be explicitly equated with "homosexuality," and it is not clear that "lewdness" means homosexuality in particular. Yusuf Ali interprets away the reference to other crimes that are actually described in the Qur'anic narrative about Lut's community, like highway robbery and fighting in public assemblies. This last item Yusuf Ali interprets as only committing their "special horrible crime" (meaning anal sex between men) in public places. This disregards the more straightforward and literal reading of the Qur'an, and is a speculative "interpretation" rather than a linguistic "translation." Abdullah Yusuf Ali is not unusual in this regard. He is only more explicit in his footnotes than other translators who make similar reductionist moves.

36. Toshihiko Izutsu, *God and Man in the Qur'an: Semantics of the Koranic Weltanschauung* (Tokyo: Keio Institute of Cultural and Linguistic Studies, 1964).
37. Amreen Jamel, "The Story of Lut and the Qur'an's Perception of the Morality of Same-Sex Sexuality," *Journal of Homosexuality*, 41(1), 2001, 1–88.
38. The people to whom Lut was sent are commonly associated with Sodom and its satellite cities, the Cities of the Plain. The names Sodom and Gomorrah do not occur in the Qur'an, though they do in classical commentaries. How earlier Near Eastern names, interpretations and folk-tales entered classical commentaries is a deep topic, addressed later in this study.
39. Jamel, op. cit., 5.
40. Ibid., 64. Note that the Arabic triliteral root *sh-h-y* gives rise to a host of words meaning "to lust after" or "to desire" while the root *f-h-sh* gives rise to words meaning "to transgress" or "to exceed appropriate bounds."
41. In this crucial concluding paragraph, Jamel's use of the term "abominations" to qualify the description of same-sex acts seems to slip back into the traditional rhetoric that denounces homosexuality without critical examination, despite the overall thrust of the argument.
42. Esack, op. cit., 60.
43. Hajji Khalifa, *Kashf al-Zunun* (Istanbul: Maarif matbaası, 1943) 2:1324, argues for the authentic pedigree of this genre of "telling the stories of the Prophets" as opposed to "giving the detail of the words," which is what *tafsir* literally means. Hajji Khalifa notes that the earliest traditionists and commentators, Ibn 'Abbas and Abu Hurayra, both studied with Ka'b al-Ahbar, a Yemeni Jew who joined the Muslim community and was famed for his knowledge of "sacred history" and his retelling the stories of the Prophets. Along with Ka'b al-Ahbar, Wahb ibn Munabbih was a specialist in this kind of knowledge, and was reputed to be the first to write a book in the genre. Wahb lived from 34 to 110 Hijri (654–728 CE) and was famous for his vast knowledge of religious texts and stories relating to the pre-Islamic prophets and past nations (*Isra'iliyat*). His name is attached to many reports about stories that have entered the Islamic tradition as part of sacred history.
44. 'Ali ibn Hamza al-Kisa'i, *Bad' al-Khalq wa Qisas al-Anbiya'*, ed. Al-Tahir ibn Salama (Tunis: Dar Nuqush Arabiyya, 1998).
45. Al-Kisa'i relies on the names of al-Munabbih and al-Ahbar as his sources, though it is difficult to ascertain whether he attributes reports to them in an authentic or accurate way. Al-Kisa'i claimed in the introduction to his book to have studied *hadith* criticism and mastered its complexities.
46. The two earliest Stories of the Prophets written in Persian are by Muhammad ibn Hasan Al-Dadormi or al-Dirumi (who has preserved textual remnants of an older original text by al-Tha'albi) and Ibrahim or Ishaq ibn Khalaf al-Nishapuri, whose Persian text I refer to as: al-Nishapuri, *Qisas al-Anbiya*, ed. Habib Yaghma'i (Tehran: Bngah-yi Tarjama o Nashr, 1965).
47. Al-Kisa'i, op. cit. 219–20.
48. This final phrase, "preaching to them about the destruction of former nations who were oppressive," is found in some copies of the text and omitted in others.
49. Al-Kisa'i, op. cit., 220.
50. Ibid., 221.
51. Ibid., 222.
52. Al-Rawandi, Qutb al-Din Sa'id ibn Hibbat Allah (d. 573 *hijri*), *Qisas al-Anbiya*, ed. Ghulam Riza-yi 'Irfaniyan al-Yazdi (Beirut: Mu'assasat al-Mufid, 1989), 117–25.
53. Al-Rawandi, op. cit., 117. He quotes this *hadith* on the authority of Abu Ja'far.
54. Ibid., 118.
55. The Islamic tradition is not unique in this way, but rather all patriarchal moral systems see same-sex desire as exclusively "anal."
56. Al-Qurtubi, Muhammad ibn Ahmad (d. 1273 CE), *Tafsir al-Jami' fi Ahkam al-Qur'an* (Cairo: Dar al-Qalam, 1967), 7:243.
57. Ibid., 7:248.

58. Since they reject legal reasoning and analogy, one can question whether the Hanbalis actually qualify as a "legal school" with a *bona fide* juridical method (despite the fact that they are commonly accepted as "the fourth Sunni legal school").
59. Al-Qurtubi, op. cit., 244.
60. Abu Bakr Ahmad ibn Ali al-Razi Al-Jassas (d. 981 CE), *Ahkam al-Qur'an* (Beirut: Dar al-Kitab al-'Arabi, 1978), 2:363, under the discussion of adulterers in commentary on Surat al-Nur.
61. Ibid., 2:363.
62. Al-Qurtubi, op. cit., 7:243.
63. Richard Bulliet, *Islam: A View from the Edge* (New York: Columbia University Press, 1993).
64. Salih Ahmad Al-Shami (ed.), *al-Jami' bayn al-Sahihayn* (Damascus: Dar al-Qalam, 1995), 3:505–20 is an invaluable tool for such research.
65. Al-Nuwayri, op. cit., 206 relates the text of a report in which 'Ali ibn Abi Talib reportedly used the terms *Luti* and *Mulawwat bihi* to mean "inserting partner in anal sex" and "receptive partner." These terms are not found in the majority of reports about the Prophet and the earliest Companions, and were undoubtedly projected retrospectively back into the early community from a much later date. Most *hadith* use the term "the act of the people of Lut" (*af'al qawm Lut*).
66. This *hadith* is found in the collections of Ibn Maja and Abu Dawud and, in a slightly different wording, in the collection of al-Tirmidhi.
67. Al-Jassas, op. cit., 2:363.
68. Forged *hadith* report condemning same-sex sexual relations began to circulate in earnest during the Abbasid period, when it became aristocratic and courtly fashion to own young male slaves, employ handsome wine-bearers, and flaunt same-sex romances. Many *hadiths* circulated in the name of the Prophet to address these practices, as part of the traditionalist cultural war on the cosmopolitan elite of Abbasid-era cities.
69. Al-Qurtubi also relays that men were burned to death for this act in the time of Abu Bakr and 'Umar and while Ibn al-Zubayr was ruling. Ahmad ibn Abd al-Wahab Al-Nuwayri, *Nihayat al-Arab fi Funun al-'Arab* (Cairo: Dar al-Kutub al-Misriyya, 1923), 206 preserves the text of this report. It is narrated on the authority of Muhammad ibn al-Munkadar, but without full *isnad* to verify its authenticity. The governor in question is Khalid ibn al-Walid. Some critics hold that this report is of doubtful authenticity because there is not corroborating evidence that burning was ever a criminal punishment among Muslims.
70. See al-Qurtubi, op. cit., 7:244.
71. Salah al-Din Munajjad, *Al-Hayat al-Jinsiyya 'and al-'arab min al-Jahiliyya ila Awakhir al-Qarn al-Rabi'a al-Hijri* [*Sexual Life among the Arabs from Pre-Islamic Age to the Fourth Century Hijri*] (Beirut: Dar al-Kitab al-Jadid, 1975).
72. Al-Tabari, op. cit. 3:465 makes clear in his commentary that Lut's story always comes in a series of references to other Prophets, including Salih.
73. Shahla Haeri, "Woman's Body, Nation's Honor: Rape in Pakistan," in *Hermeneutics and Honor: Negotiating Female "Public" Space in Islamic/ate Societies*, ed. Asma Afsaruddin (Cambridge, MA: Harvard University Press, 1999), 55–69.
74. Joshua Hammer, "Gay Egypt in the Dock: The Big Crackdown Might Reflect Cairo's Own Insecurities," *Newsweek International*, February 11, 2002, and Kate Garsombke, "Gay Life – and Death – in the Arab World: Persecution of Homosexuals Increases in the Middle East," *Utne Reader*, February 5, 2002.
75. Al-Bukhari hadith number 6953 and Muslim hadith number 1907. *Hadith* scholars considered this to be the key *hadith* (of all the thousands attributed to the Prophet) and it comes first in al-Bukhari's collection before thousands of other *hadith*.
76. Fatima Mernissi's research is the strongest statement of this idea from a feminist perspective, linking the emerging rule of elite men to the suppression of democratic values and women's authority in the generation after the Prophet Muhammad's death.
77. Hamid Dabashi, *Authority in Islam: From the Rise of Muhammad to the Establishment of the Umayyads* (New Brunswick, NJ: Transaction, 1989) documents varieties of resistance to Arab kingship from positions that came to be called Shi'i or Khariji.

78. Abdullahi Ahmed An-Na'im, *Toward an Islamic Reformation: Civil Liberties, Human Rights and International Law* (Syracuse, NY: Syracuse University Press, 1990), 9.
79. The central ethical and religious teaching of Islam is *tawhid*. This could be narrowly defined through theology, or more radically conceived. In talk about God, *tawhid* means radical monotheism and insisting that God is singular and unique with no partners or associates. In theology, *tawhid* means perceiving radical monotheism as the single teaching of many Prophets, not just Muhammad, and the religious communities they founded. In social life, *tawhid* means urging a plurality of people to join in a harmonious unity. In personal life, *tawhid* means struggling with alienation and fragmentation from each other person, urging them and oneself through honesty and sincerity toward a more unified whole. *Tawhid* in general means assessing honestly the alienation, violence, egotism, and hypocrisy that are the major obstacles that keep people fragmented and keep societies unjust.
80. Farid Esack, *On Being a Muslim: Finding a Religious Path in the World Today* (Oxford: Oneworld, 1999) is one of the first writings of an Islamic theologian to couple women's rights to the rights of homosexuals (both female and male) in Muslim communities. Not surprisingly Esack writes as a South African.

9

ARE WE UP TO THE CHALLENGE? THE NEED FOR A RADICAL RE-ORDERING OF THE ISLAMIC DISCOURSE ON WOMEN

Gwendolyn Zoharah Simmons

"One of the major powers of the muted is to think against the current," writes Rachel Blau DuPlessis in her book: *Writing Beyond the Ending: Narrative Strategies of Twentieth-Century Women Writers.*[1] Questioning the inherited wisdom passed down by patriarchal authorities in the Islamic tradition has been my wont just as it was forty years ago when I began to question the racist paradigms that attempted to confine me inside the narrow *Jim Crow* ghetto created by American white supremacy. There was danger then; there is danger now. In fact I find it harrowing to even think about addressing a Muslim audience of people unknown to myself on the topic of "women and human rights" in Islam or "Islam and feminism." It is a bit like what I imagine it would have felt like addressing the white community in Memphis (where I was born and raised) in the 1960s on "why white racism was wrong" or "why the Jim Crow system of apartheid in Memphis needed to be dismantled."

I must confess that any attempt to write about "women and human rights" in an Islamic context for me is extremely difficult. It is difficult because of all of my experiences with the Islamic tradition to date both in the Middle East[2] and here in the U.S.A.[3] No matter the level of rationalizations (apologetic or explanatory), what I have seen and heard regarding the status of women in Islam has been, for the most part, discriminatory to women. Frankly, I am tired of the contortions, the bending over backwards, and the justifications for the oppressive, repressive, and exclusionary treatment of women in majority Islamic societies as well as in minority Muslim communities in the U.S.A.[4] I for one cannot and do not accept the justifications or rationalizations for this current reality. To me, these practices are morally wrong. Just as slavery cannot be morally justified today, neither can the contemporary suppression of or discrimination against women be justified.