

Islamic Feminism and the Challenges of Gender and Sexuality in Contemporary Islam

I. Introduction.

This paper originates from what Amina Wadud calls “neotraditionalist” approaches and the “secular” one within Islam.¹ According to Wadud in both neotraditionalist approaches² women are analyzed in terms of their relationship with men, and these ideas have remained powerful lenses through which Muslim women are viewed both in the academia³ and in pop culture. Whereas these approaches often offer a distorted and homogenizing version of what Muslim women are, and have been,⁴ alternative secular approaches tend to deal with Muslim women’s issues through a pro-Western and pro-Modern lens. These lenses endorse two main ideas; first, that Islam can never offer Muslim women gender equality; and second, that Muslim women’s call for Islamic rights leads to a flawed sense of equality where women just want to be like men.⁵

In addition, this paper aims to counter these same approaches in relation to Lesbian Gay Bisexual Transsexual/Transgender Queer (LGBTQ) rights. Neotraditionalist views are frequently inclined to claim that Islam prohibits homosexuality, closing up any possibility for exegetical and legal discussions.⁶ Likewise, the secular approach may suggest that in Western settings LGBTQs are always accepted and their rights are completely protected, when in fact they are, in many instances, just tolerated.⁷ In some cases liberal democracy is equated with acceptance of queerness more for political reasons than as a matter of human rights.⁸ By denying Islam’s ability to accommodate a part of one’s identity, secular approaches may call for one’s rejection of Muslim identity for the sake of liberating one’s self from the neotraditionalists.

Thus, I would like to propose that neither neotraditionalist approaches nor secular ones are accurate in their representation of Muslim women and Muslim LGBTQs. In addition, I argue that these lenses are not necessarily useful in offering the so-called “minority groups”⁹ an opportunity to advocate for reformation within the Muslim context. Instead, I suggest that Islamic feminism

¹ Amina Wadud, “Alternative Qur’anic Interpretation and the Status of Muslim Women,” in *Windows of Faith: Muslim Women Scholar-Activists in North America*, ed. Gisela Webb (New York: Syracuse University Press, 2000), 6–8.

² In the first approach neotraditionalist advocate for the exclusion and seclusion of Muslim women. In the second one, they entrust women with a symbolic and traditionalist responsibility (i.e. clothing) without physical seclusion. Ibid, 6–7.

³ Ibid, 6.

⁴ Ibid, 6.

⁵ Ibid, 9.

⁶ Barbara Zollner, “Mithliyyun or Litiyuun? Neo-Orthodoxy and the debate on the unlawfulness of same-sex relations in Islam,” in *Islam and Homosexuality Volume I*, ed. Sammar Habib (California: Praeger, 2010), 198.

⁷ Jasbir Puar, “Citation and Censorship: The Politics of talking About the Sexual politics of Israel,” *Feminist Legal Studies* 19, no. 2 (2011): 138.

⁸ Puar argues that this is the case of Israel. She argues that Israel uses gay-friendly propaganda to detract attention from the human rights resulting from the conflict with Palestine. Ibid, 139.

⁹ Kugle suggests that dealing with women’s issues as if they were a “minority” group shows the degree to which Islamic scholarship may be reluctant to look beyond patriarchal approaches. Scott Siraj Al-Haqq Kugle, “Homosexuality in Islam: Critical Reflection on Gay, Lesbian, and Transgender Muslims,” (Oxford: Oneworld, 2010), 5.

may be a useful approach for the empowerment of Muslim women and Muslim LGBTQ communities in three ways. First, Islamic feminism can offer alternatives in reconciling Muslim identities and gender identities. Next, it provides women and Muslim LGBTQs with the opportunity to reinterpret and reform traditional understandings of gender and sexuality within Islam. Finally, it allows Muslim women and Muslim LGBTQs to reclaim a part of their identity which, sometimes, tends to be denied by conservative Muslim groups or secular ones.

II. The Issue at Hand: Depictions of Muslim Women and LGBTQs

Being a Muslim in today's polarized world may be a challenge in terms of one's identity. In some instances, Samuel Huntington's dichotomy depicting Islam vs. the West¹⁰ seems to permeate the media, policy making and even modern Islamic exegesis. Nowadays, Islamism, or "Islamicism"¹¹ as Canadian Prime Minister Steven Harper calls it, is portrayed as the "factual" representation of Islam while the West is depicted as the ultimate source of human rights and equality.¹²

Although many of the myths perpetrated by *The Clash of Civilizations?*¹³ have been dismissed in both media and the academy, media depictions of Muslims, and particularly Muslim women and Muslim LGBTQs, align with the Islam vs. West dichotomy. In Western settings, for example, Muslim women are often said to be oppressed by their niqabs (as bans have been imposed in France¹⁴ and Holland,¹⁵ and restrictions exist in Canada¹⁶); they are depicted as sub-humans mistreated by an overarching patriarchy that often permeates their marriages;¹⁷ and they are pictured as creatures that are sexually mistreated by Islamic scholars who "prohibit" them to touch bananas or cucumbers, as incorrectly reported by Yahoo! News¹⁸ and other news outlets.¹⁹

¹⁰ Samuel Huntington, "The Clash of Civilizations?" *Foreigner Affairs* 72, no. 3 (1993).

¹¹ "Harper says 'Islamicism' biggest threat to Canada," *cbc.ca*, last modified September 6, 2011. <http://www.cbc.ca/news/canada/story/2011/09/06/harper-911-terrorism-islamic-interview.html>

¹² Huntington, 40.

¹³ Samuel Huntington, "The Clash of Civilizations?" *Foreigner Affairs* 72, no. 3 (1993): 22–49.

¹⁴ "Burqa ban passes French lower house overwhelmingly," *CNN.com*, last modified July 13, 2010 (12:24 pm EDT), <http://www.cnn.com/2010/WORLD/europe/07/13/france.burqa.ban/>

¹⁵ Abigail R. Esmen, "Burqa Ban Comes to the Netherlands. Finally," *Forbes*, last modified January 27, 2012, <http://www.forbes.com/sites/abigailsman/2012/01/27/burqa-ban-comes-to-the-netherlands-finally/>

¹⁶ "Niqab bans in Canada," *Rabble.ca* (blog), n.d., <http://rabble.ca/toolkit/niqab-bans-canada>

¹⁷ Claudia Ricci, "Divorce by Text Message? That's Just One Abomination...," *Huffingtonpost.com*, last modified on December 2, 2009, http://www.huffingtonpost.com/claudia-ricci/divorce-by-text-message-t_b_376690.html

¹⁸ Whittington, M., "Islamic Cleric Weighs in on Bananas and Cucumber, Report says," *news.yahoo.com* (news), last modified on December 7, 2011, <http://news.yahoo.com/islamic-cleric-weighs-bananas-cucumbers-report-says-213800477.html>

¹⁹ This was posted in Bikya Masr, and it has been reported to be a hoax. Sana, "The Faux Phallic Fatwa," *muslim-ahmediawatch.com* (blog), last modified on December 27, 2011, <http://www.patheos.com/blogs/mmw/2011/12/the-faux-phallic-fatwa/>

Muslim LGBTQs, on the other hand, seem sometimes invisible. Even when media coverage of LGBTQ issues in Muslim settings is becoming more common,²⁰ the issue of LGBTQ rights is often discussed within a political environment where the West accuses Islam of being “backwards” and Islam denounces the West as “immoral.” Often times Muslim LGBTQs are shown at risk from “big bearded fundamentalist guys” who oppose homosexuality and call for death penalties.²¹ They are also shown as living on the fence between Islam and their particular sexual orientation as if one was directly dependent on the other.²² This is not to say that Muslim LGBTQs are not oppressed by members of their communities, or that they do not struggle to reconcile their Muslim identity with their sexual orientation. However, Muslim LGBTQs are not only oppressed by Muslim patriarchal figures. Women and other LGBTQs can be just as exclusive or dangerous. Moreover, Western political elites may also use LGBTQs’ image for their own political purposes. Yet, despite these agents, some of them have found ways to advocate for the acceptance of LGBTQ rights within the framework of Islam.

When it comes to Muslim women, conservative Islamic scholars have attempted to discredit accusations of gender discrimination and violence within Islam and their religious communities by countering Western media depictions. Countering accusations of gender discrimination within Islam often calls for proof that Islam provides women with rights. Nonetheless, traditionalist scholars still advocate for neoconservative ideas on womanhood and femininity. For instance, scholars like Yusuf Al-Qaradawi are broadly quoted on their opinions regarding what an “ideal” Muslim woman looks like, and they portray Western women as Muslim women’s antithesis.²³ Others, like Muhammad Akram Nadwi, have attempted to recover the legacy of female scholars in Islam while claiming that neither Westernized nor feminist approaches have a place in Islamic scholarship since Islam already gives women all they need to be happy and successful.²⁴

Conversely, issues of homosexuality are frequently undermined within traditionalist Muslim contexts. The assumption of Islam condemning homosexuality, bisexuality and transsexualism remains largely unquestioned in orthodox Islamic circles, and these views have been legitimized by Muslim scholars like Al-Qaradawi himself.²⁵ Even if one does not agree with orthodox interpretations of Islamic sources, opinions like Al-Qaradawi’s are important in two regards. First, some of these scholars are internationally recognized Muslim authorities in issues of Fiqh and Shari’ah. Second, Al-Qaradawi himself is a good example of how personal biases may

²⁰ Eren, “Discussing LGBTQ Issues in Islam: Shifts, or More of the Same?,” *muslimahmediawatch.com* (blog), last modified on February 15, 2012, <http://www.patheos.com/blogs/mmw/2012/02/discussing-lgbtq-issues-in-islam-shifts-or-more-of-the-same/>

²¹ “Muslim trio jailed over gay-hate leaflet which encouraged death of homosexuals,” *Mirror News*, last modified February 10, 2012 (15:27), <http://www.mirror.co.uk/news/uk-news/muslim-trio-jailed-over-gay-hate-680695>

²² “Mom, dad, I’m not Muslim and I’m gay: Iranian American recalls the heart stopping moment she came out to her parents,” *Daily Mail Reporter*, last modified on February 13, 2012 (5:52 PM), <http://www.dailymail.co.uk/news/article-2100590/Gay-Iranian-American-Najva-Sol-recalls-moment-came-parents.html>

²³ Yusuf Al-Qaradawi, *The Lawful and the Prohibited in Islam*. (Indianapolis: American Trust Publications, 1999). 164–168.

²⁴ Muhammad Akram Nadwi, *Al-Muhaddithat: the Women Scholars in Islam*. (Oxford: Interface Publications, 2007). XI–XIX.

²⁵ Zollner, 200–203.

influence the exegetical process.²⁶ In his book *The Lawful and the Prohibited in Islam*, Al-Qaradawi provides short and simple legal opinions on topics that concern Muslim practice and faith. The book speaks to appropriate practice (i.e. daily prayers), liturgy (i.e. congregational prayer) and “righteousness.” He offers detailed opinions in matters of food and drink, clothing, work, homemaking, sexuality and marriage, among others. Being a traditional scholar, Al-Qaradawi’s opinions are always backed up by Qur’anic verses interpreted through his own exegetical process, ahadith²⁷ or parts of the Prophet’s sunnah. He is also a diligent scholar when explaining different opinions and interpretations on a particular issue.

Nonetheless, just as he has particular views on women and their status in relation to Muslim men, when it comes to homosexuality Al-Qaradawi defines it as a “sexual perversion” and a “major sin.”²⁸ He focuses on the Qur’anic verses that refer to the story of Prophet Lot in order to dismiss any possible discussion. By presenting the issue in this manner, Al-Qaradawi implies that all “righteous” Islamic scholars (past and present) agree that homosexuality is a major sin. He finalizes the section by saying that the only point of disagreement among the scholars lays on the nature of the punishments imposed to those guilty of homosexual acts. Among the commonly suggested punishments are lashing and capital death. At the end of his exegesis Al-Qaradawi explains, “While such punishments may seem cruel, they have been suggested to maintain the purity of the Islamic society.”²⁹

Between these two overarching approaches, the Western-secular and the Islamic orthodox one, it would seem that Muslim women and the Muslim LGBTQ community are silent and passive observers. Nonetheless, Muslim women and men in various different communities have developed alternative approaches on issues of leadership, liturgy and identity in order to challenge mainstream patriarchal discourses whether orthodox or secular.

III. Islamic Feminism and LGBTQ Reclamation

Feminism, nowadays, has many connotations. In many instances, feminism is equated with the struggle of middle class white women who highlight “womanhood” above any other type of identity.³⁰ Yet, feminism is not monolithic. Feminism has found expressions within Islam despite the fact that it may seem as an oxymoron for some.³¹ In some contexts, it is said that Islamic feminism is capable of freeing Muslim women from Western models of liberation³² and Islamic orthodox views on gender.³³ The idea in here is that Muslim women, through this movement, can

²⁶ This is not unique on orthodox scholarship. Islamic feminism and LGBTQs approaches can be criticized for applying “personal” preferences to the exegetical process as well.

²⁷ Hadith is singular. Ahadith is plural.

²⁸ Al-Qaradawi, 169.

²⁹ Ibid, 170.

³⁰ Fadwa El Guindi, “Gendered Resistance, Feminist Veiling, Islamic Feminism,” *The Ahfad Journal* 22, no.1 (2005):

53–54.

³¹ Eréndira Cervantes-Altamirano, “Recovering the Progressive Spirit of Islam: Ijtihad and Its Transformative Possibilities in Islamic Feminism,” *Axis Mundi*, 2010–2011: 3.

³² In some instances, this “liberation” can mean just changing from one patriarchy to another.

³³ Haideh Moghissi, *Feminism and Islamic Fundamentalism*, (New York: Zed Books, 1999), 41.

advocate for an indigenous interpretation of the scriptures while promoting what some Islamic feminists see as the “true” Islamic values.³⁴

The movement, which is not monolithic either, attempts to counter patriarchy not only in its Muslim expressions, but in any other forms that may affect Muslim women and men. Scott Siraj Al-Haqq Kugle defines patriarchy as “the ideology instituting dominance of elder heterosexual males over others, specifically women of all ages, younger men and minority males who do not accept patriarchal roles that reinforce masculine power.”³⁵ He suggests that Islamic feminism can be Muslim LGBTQs’ liberation theology because it acknowledges that one’s personal positioning³⁶ affects how one interprets particular sources.³⁷

Nonetheless, Islamic feminism has been criticized for being exclusive when it comes to the LGBTQ agenda. The fact that some Islamic feminists are silent on LGBTQ issues, or address them only in passing, is, for some, a sign of exclusion.³⁸ To some degree Islamic feminism has failed to include, and perhaps even support, the Muslim LGBTQ community in its discourse,³⁹ something that is both perplexing and complex at the same time. This is not necessarily because Islamic feminists do not acknowledge the LGBTQ struggle (although some Islamic feminist might), but in some instances it may be a matter of convenience. Some Islamic feminists “pick and choose” only issues that they conceive of general interest to all Muslim women (i.e. marriage laws, veiling, and mosque spaces among others). The assumption being that “women’s issues” can be more easily conveyed to traditional sectors within Muslim communities and therefore can be straightforwardly addressed.

The failure to include LGBTQs is a problem, first because it denies the input of homosexual scholars and activist in countering patriarchal oppressions. Next, because LGBTQ communities are composed by Muslim women and men that have a vested interest in opening up the floor to discussions of gender and sexuality in Islam; and finally, because Islamic feminism has prided itself in being more inclusive than mainstream Western feminism, and by denying the LGBTQ agenda, it fails to follow this mandate.

The methods used by Islamic feminism allow for alternative understandings of sexual orientation and homosexuality. Islamic feminism greatly relies on *ijtihad*,⁴⁰ which means “struggle to understand.”⁴¹ Al-Qaradawi defines the term as “deduction from analogy” and explains that despite their expertise, many orthodox Islamic scholars avoid giving out rulings based on *ijtihad*

³⁴ Ibid.

³⁵ Scott Siraj Al-Haqq Kugle, “Homosexuality in Islam: Critical Reflection on Gay, Lesbian, and Transgender Muslims,” (Oxford: Oneworld, 2010), 42.

³⁶ Nira Yuval-Davis proposes the term to identify the various backgrounds and experiences of women. She calls for transversal politics, which would be a liberating approach from the constraints and oppression of nationalism. Nira Yuval-Davis, *Gender and Nation* (London: Sage, 1997).

³⁷ Kugle, 37.

³⁸ Ibid.

³⁹ Alicia, “Do Muslim Feminists Have too Much to Worry About Already to Think About Homophobia?,” *Muslimah Media Watch* (blog), December 2, 2009, <http://www.patheos.com/blogs/mmw/2009/12/do-muslim-feminists-have-too-much-to-worry-about-already-to-think-about-homophobia/>

⁴⁰ Elizabeth Leo, “Islamic Female Sexuality and Gender in modern feminist interpretation,” *Islam & Christian Muslim Relations* 16, no. 2 (2005): 139.

⁴¹ Scott Siraj Al-Haqq Kugle, “Homosexuality in Islam: Critical Reflection on Gay, Lesbian, and Transgender Muslims,” (Oxford: Oneworld, 2010), 42.

due to their fear to make mistakes.⁴² This is important because *ijtihad* has also a legal connotation. The practice of *ijtihad* may allow Muslim believers to analyze the Qur'an, sunnah and the ahadith and apply rulings to their private life.⁴³ More orthodox opinions, however, see *ijtihad* as an almost scientific method that requires expertise of Arabic and Qur'anic literature. One of the most authoritative Islamic scholars of all times, imam Al-Bukhari,⁴⁴ and his own exegetical method, assert that *ijtihad* is part of the scholarly process and that its practice must be in compliance not only with the basic requirements (Arabic and knowledge of Qur'an), but also with scholarly consensus.⁴⁵ He suggested that *ijtihad* must be based on real-life cases that enable us to draw precedents and, therefore, consistent rulings.⁴⁶ Nonetheless, *ijtihad* allow Islamic feminists to deconstruct patriarchal interpretations and to engage with the Qur'anic revelation to identify the overarching themes within the sacred text.⁴⁷

Examples of the use of *ijtihad* among Islamic feminists are broadly available. For instance, *ijtihad* has allowed some Islamic feminists to reclaim hijab as a symbol of political opposition to Western Orientalist views on Muslim women⁴⁸ and as a source of empowerment⁴⁹ within the Muslim context.⁵⁰ Another notorious example are feminist exegeses of verse 4:34 of the Qur'an.

The verse has been problematic for few reasons. At the basic level, it is considered to give men permission to beat their wives when they "disobey." It also indicates men's responsibility to provide for women due to their "excellence" in comparison to them. Finally, the verse could seem to suggest that men acquire physical control and ownership of their spouses because of their economic responsibility to them. This is often emphasized in traditionalist English translations. For instance, M.M. Pickthall translates the verse in the following manner:

"Men are in charge of women, because Allah hath made the one of them to excel the other, and because they spend their property (for the support of women). So good women are the obedient, guarding in secret that which Allah hath guarded. As for those from whom ye fear rebellion, admonish them and banish them to

⁴² Al-Qaradawi, 20.

⁴³ M.A. Muqtedar Khan,—"Two Theories of Ijtihad, Ijtihad: A Return to Enlightenment, Muqtedar Khan's Column on Islam and Global Affairs, March 21, 2006, available from <http://www.ijtihad.org/ijtihad.htm>, accessed on January 20, 2011.

⁴⁴ Al-Bukhari is better known for compiling the largest, and possibly most important, collection of ahadith the *Sahih Al-Bukhari*. To this day, Al-Bukhari's collection is one of the most authoritative Islamic sources.

⁴⁵ Scott C. Lucas, "Legal Principles of Muhammad B. Isma'il Al-Bukhari," *Islamic Law and Society* 13, no. 3 (2006): 296.

⁴⁶ *Ibid.*

⁴⁷ Some of the suggested themes are peace, love, compassion, acceptance, inclusion, equality, etc. Amina Wadud, *Qur'an and Woman*, (New York: Oxford University Press, 1999).

⁴⁸ Moghissi, 34.

⁴⁹ *Ibid.*, 41.

⁵⁰ This is not a universal view. Traditional scholars like Al-Qaradawi view hijab as an "Islamic duty." Al-Qaradawi, 163–165. Fatima Mernissi challenge the use of the hijab (headscarf and face veil) arguing that it was meant to create a separation between Prophet Muhammad and his community in terms of his private life, not as a tool for the seclusion of women. She proposes that veiling was one of the compromises Prophet Muhammad had to accept due to pressure from his companions especially 'Ummar Ibn Al-Kattab. Fatima Mernissi, *The Veil and the Male Elite*, (New York: Basic Books, 1992), 85–86.

beds apart, and scourge them. Then if they obey you, seek not a way against them. Lo! Allah is ever High, Exalted, Great.”⁵¹

While there have been few alternative exegetical and historical interpretations of this verse,⁵² Laleh Bakhtiar, considered to be a feminist translator, suggests an unconventional reading of the Qur’an that challenges those of scholars like Pickthall. Bakhtiar translates verse 4:34 in the following manner:

“Men are supporters of wives because God has given some of them an advantage over others and because they spend of their wealth. So the ones who are in accord with morality are the ones who are morally obligated, the ones who guard the unseen of what God has kept safe. But those whose resistance you fear, then admonish them and abandon them in their sleeping place and go away from them; truly God is Lofty, Great.”⁵³

In this translation Bakhtiar suggests that men’s protection over women does not necessarily apply to every man or every woman, as “excellence” or “advantage” are attributes that are independent from gender. Yet, the main difference in this translation is the way in which Bakhtiar has translated the word *idribuhunna*.⁵⁴ The word in Arabic has over twenty meanings including beating, separating, turning away, leaving and going away.⁵⁵ Therefore, she implies that word selection in the translation of sacred texts may be also influenced by the scholars’ personal biases.

Following a similar path, inclusion of the Muslim LGBTQ discourse within the Islamic framework has had to challenge particular Qur’anic verses and stories. Exclusion of Muslim LGBTQs and condemnation of homosexuality are mostly based on the story of Prophet Lot and the destruction of Sodom and Gomorrah.⁵⁶ The story has also be interpreted and reinterpreted in view of particular hadiths, whether authentic or not,⁵⁷ and based on heteronormative assumptions. In order to tackle this, progressive exegetical works have to address the Qur’anic verses using *ijtihad* while also challenging cultural and historical homophobic attitudes. Thus, these interpretations first look at the fact that there is no Qur’anic term corresponding to homosexuality.⁵⁸ Then, they take into account historical discussions pertaining to the nature, issues and consequences of homosexuality within Islam. While most recorded opinions are those that condemn homosexuality, there were attempts, by classical scholars, to reinterpret Prophet

⁵¹ The Meaning of the Glorious Qur’an, trans. Pickthall, M.M. (Beirut: Dar Al-Kitab Allubnani, 1970), 4:34

⁵² Such as Mernissi’s in which she claims that while the Prophet preached the respectful treatment of women, ‘Umar ibn Al-Kattab felt strongly about what he perceived as female disobedience. Mernissi’s conclusion is that despite the Prophet’s opinion on the issue of beating, “God had decided otherwise.” Mernissi, 154–155. Wadud’s interpretation is based on her exegetical work. In relation to the issue of beating, Wadud explains that the verse should be studied contextually and considering other Qur’anic passages that call for peace and harmony within marriage. Wadud, *Qur’an and Woman*, 69–72.

⁵³ The Sublime Qur’an, trans. L. Bakhtiar. (Chicago: www.sublimequran.com, 2009), 4:34.

⁵⁴ From the root ضرب “ضرب,” in *Arabic-English Dictionary*, ed. J.W. Cowan, 4 ed. (Illinois: Spoken Language Services Inc, 1994), 629–630.

⁵⁵ Ibid, 629.

⁵⁶ Important verses in regards to the story are: Qur’an 7:80–84, 11:77–82, 15:60–77, 20:161, 26: 160–175, 27:54–58, 29:28–32. Zollner, 205.

⁵⁷ Kugle challenges the accuracy of some reports and also questions the appropriateness of interpretations based on context. Kugle, 93–115.

⁵⁸ Later on scholars created the term “Luti” to mean “sodomite.” Kugle, 50.

Lot's story. Kugle asserts that scholars like Ibn Hazm⁵⁹ acknowledged that the nature of love could legitimately be hetero or homosexual.⁶⁰ Whereas he did not accept the legality of homosexuality, he did not agree with capital death⁶¹ due to lack of Qur'anic evidence on the legality of the punishment.⁶² Likewise, the classical scholar Al-Tabari⁶³ acknowledged that although for him homosexuality was a major sin, the crimes committed by Lot's people were not restricted to same-sex acts.⁶⁴ Therefore, alternative readings of the story suggest that perhaps the story of Lot does not condemn homosexuality, but rather sexual violence, rape and exploitation.⁶⁵ Further, Muslim LGBTQ-friendly raise the issue of abrogation acknowledged by Ibn Hazm. He pointed out that even if Prophet Lot's story condemned homosexuality, these rulings would not be legally binding for Muslims since Qur'an abrogates previous revelations such as the Gospel or the Torah.⁶⁶

Although some neotraditional scholars claim that homosexuality is a Western import,⁶⁷ homosexuality has been a matter of study for centuries within Islamic scholarship.⁶⁸ Nowadays, few Islamic scholars define homosexuality as a lifestyle that one chooses rather than a disposition. In doing this, they are not only normalizing heterosexuality and legitimizing homophobia, but also closing down any path for discussion on LGBTQ rights.⁶⁹ Part of this attitude may be that scholars are aware of the consequences of opening up discussions on sexual orientation, gender and sexuality. Such topics are often accompanied by discussions on marriage.⁷⁰ Resistance to look into the rules of marriage and the power relationships developed within are another way to control intellectual and political outcomes. At the end of the day, Puar is right when she says that sexual politics and national politics are closely intertwined.⁷¹

IV. Moving Forward

Even when some scholars dismiss progressive interpretations by saying that the Qur'an and the sunnah have been misinterpreted and misused, exegetical works, whether feminist, progressive or orthodox, rely on their own correctness and should be enabled to interact with each other.

⁵⁹ Ibn Hazm died in 1064. He was a controversial Islamic scholar in Islamic Spain. He has been recognized for providing dimensions of human relationships to many of his works. His works were burned in public during his time and until this day he remains a controversial figure. "Ibn Hazm," *Encyclopedia Britannica*, n.d., <http://www.britannica.com/EBchecked/topic/280763/Ibn-Hazm>

⁶⁰ Ibn Hamz also distinguished between homosexual love and homosexual acts. Homosexual acts were considered illegal and sinful by him. Kugle, 26–27.

⁶¹ Shari'ah determines a punishment of death by stoning for those caught performing homosexual acts. Ibid, 60.

⁶² Ibid.

⁶³ "Al-Tabari (Muslim Scholar)," *Encyclopedia Britannica*, n.d., <http://www.britannica.com/EBchecked/topic/579654/al-Tabari>

⁶⁴ Among the crimes that he recognized were robbery, kidnapping, violence, abuse of hostages and rape. Zollner, 206.

⁶⁵ Kugle, 2.

⁶⁶ Kugle, 62.

⁶⁷ Zollner, 203.

⁶⁸ Kugle also raises the question of those ahadith that refer to "mukhannath" or "feminine men" having contact with the Muslim ummah and particularly with wives of Prophet Muhammad. Kugle, 93–94.

⁶⁹ Zollner, 202.

⁷⁰ Zollner, 194.

⁷¹ Puar, 141.

Views of homosexuality, gender equality and pictures of an ideal, “all-inclusive” Islam are a matter of interpretation. Looking at the ways in which LGBTQ rights can be incorporated require new readings of the sacred texts; however, as Kugle explains, ignoring that women and LGBTQs have equal place in Islam also requires specific analysis of the texts.⁷² Islamic exegeses and scholarship have been heavily male dominated until this day. Today there are female and LGBTQ scholars that challenge these constraints; yet, it is still the opinions of male, cissexual, conservative scholars that remain strong. Although women were some of the most important sources of oral traditions (i.e. Prophet Muhammad’s wives), which were essential for the development of Islamic jurisprudence and interpretative methods, men are authoritative when it comes to textual works.⁷³ This has had an impact in the way sources are used today to deal with women’s issues and minority rights.

Moving forward, there is a need to acknowledge the works of Islamic feminist and LGBTQ scholars. As mentioned before, neither the neotraditionalists neither approaches nor the secular ones have been successful in addressing Muslim’s sexual and gender identities. Alternative approaches must come from within and should find healthy ways to interact with traditionalist views, secularism and history. Reading the scriptures through lenses that highlight the values endorsed in the Qur’an and the overarching themes of the scriptures may be a more effective way of empowering women and LGBTQ communities.

Discussions on women’s equality and LGBTQ rights come down to a broader conflict on the issue of shari’ah. While Islamic law has traditionally being considered “divine” law, therefore unchangeable, legal thinking is not a source of reality.⁷⁴ Law is extracted from the process of ijtihad, which allows for the application of multiplicity of lenses and even personal biases.⁷⁵ Although schools of thought seem to have set in stone the principles of shari’ah,⁷⁶ there are few examples of things that have changed within Muslim communities in spite the legal opinions endorsed through Islamic law. For instance, slavery has been abandoned; monarchies, in most cases, have been abolished and democracy is the preferred type of government for the majority of Muslims.⁷⁷ Similarly, despite the challenges, Muslim women and LGBTQ’s issues are being discussed and it is a conversation that will not be shut down easily. Therefore, although challenging, shari’ah can change,⁷⁸ and room for women and LGBTQs must be made.

Conclusion

All in all, Muslim women, men and LGTBQs may find an empowering tool within the framework of Islamic feminism through the practice of ijtihad. Ijtihad can make room for discussions on equality, identity and sexual orientation while maintaining the believer’s connection to the sacred texts.

⁷² Kugle, 68.

⁷³ Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate* (New Haven: Yale University Press, 1992), 47.

⁷⁴ Zollner, 197.

⁷⁵ Ibid, 197.

⁷⁶ Ibid, 198.

⁷⁷ Kugle, 233.

⁷⁸ Zollner proposes to either look for the possibility of LGTBQ marriage within the Hanafi School, which may have a more flexible legal framework, or dismiss the legal framework and focus on Qur’anic interpretation. Zollner, 214.

Despite claims that Islam is oppressive to women or that it condemns homosexuality, a number of scholars have found that reinterpretation of Qur'anic verses and contextualization of sunnah and ahadith may lead to empowering forms of Islam. Since Islam does not speak for itself, it is important to get as many voices as possible to discuss the sacred texts and the principles and values of the revelation.

As Abu Hanifa said: “We know this [position] is one opinion, and it is the best we can arrive at; [if] someone arrives at a different view, then [s]he adopts what [s]he believes [is best] and we adopt what we believe [is best].”⁷⁹

⁷⁹ Italics, my additions in order to make the quote gender neutral. Kugle, 71.

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