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Tough Conversations:
Explaining the Islamic Prohibition of
Same-Sex Acts to a Western Audience

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“Our Lord, make us Muslims [in submission] to You and from our descendants a Muslim nation [in submission] to You. And show us our rites and accept our repentance. Indeed, You are the Accepting of repentance, the Merciful.”17

The Public Religion Research Institute recently reported that 42% of American Muslims have a favorable attitude towards same-sex marriage, while only 51% oppose.¹ Among the general American population, a 2015 poll showed that 57% of the population supports same-sex marriage and only 39% oppose.²

In the midst of these favorable attitudes, Muslim imams and religious leaders face an increasingly challenging environment in which to explain Islam's stance on this topic. Expressing any negative attitude toward homosexuality is now seen as hate speech, and the purveyors of that speech are sanctioned,³ boycotted,⁴ and can even face criminal charges⁵ in certain countries. It should not be underestimated how such steep consequences and strict policing have influenced the religious conversation on homosexuality. Imams and religious leaders often have to censor themselves in order to avoid backlash and even prevent criminal prosecution. This directly impacts how these leaders can teach the moral principles of Islam as well as the specific rulings and guidelines related to same-sex acts and sexual behavior in general. If our leaders cannot properly and fully convey these lessons of great moral and spiritual importance, not only will the Muslim community suffer, but so will the larger society in which same-sex practices are increasingly practiced and accepted.

Therefore, it is of utmost importance for us to find ways to communicate Islamic guidance in a language and manner of speaking that can be understood by a Western audience.

Furthermore, this communication should not be taken as hate speech. Rather, even those who disagree with the Islamic positions should see the issue as nothing more than an area of disagreement. In other words, detractors of Islam can simply "agree to disagree" instead of our situation today, where the detractors of Islam claim that Islam is bigoted, hateful, etc., and must be silenced. Last but certainly not least, we have to make sure that, in communicating our positions in this civil way, that we do not distort or compromise our principles and that we remain authentic to the Quran and Sunna as well as the spirit of the Islamic tradition writ large.

Towards this end, the following is an outline of strategies and methods for communicating the Islamic position on homosexuality to different types of people in the Western context. Two main groups are considered: Muslims Struggling with Same-Sex Desire and Activists Championing LGBT Rights.

What follows is not meant to be comprehensive. Furthermore – and I cannot emphasize this enough – what follows is by no means meant to replace the counseling or pastoral care that some within our community desperately need due to struggling with this issue. Rather, these are talking points and issues of concern that an imam or Muslim religious leader can raise in discussing the topic of homosexuality with community members, non-Muslim visitors to our mosques, interfaith leaders, Sunday school students, etc. The hope is that these points can be used by our leaders to communicate more effectively the guidance of Islam in our turbulent times, thereby illuminating the hearts and minds of people and bringing us collectively closer to our Creator. May Allah accept this humble effort.

I. Muslims Struggling With Same-Sex Desire

A sub-segment of the Muslim community finds itself attracted to the same sex. The precise nature of this attraction can take different forms and impact a person with varying levels of intensity. But we know that some of these Muslim brothers and sisters are sincerely struggling against these desires in order to remain obedient to Allah's commands. As a historical fact, we also know that there were Muslims of the past who had such desires and the scholars of the past wrote about this phenomenon.⁶ So the issue is not something new. As for Muslims who are engaged in this struggle today and are confused about what they feel and what that means for their relationship with Allah, imams and religious leaders can provide several points of clarity and context which can to some extent assuage that confusion.

Here again, I must emphasize that the following points cannot replace the kind of extended counseling and care that many of these brothers and sisters need. Some of our brothers and sisters are suffering from psychological trauma and other difficulties that require professional help. Ideally, our communities should have contact with Muslim professional service providers and counselors who can provide more "hands-on" care. For contact information on some of these resources, see the following citation.⁷

In the Islamic tradition, there is no analogous term for the concept of "homosexual," i.e., the notion of a person who experiences stable and exclusive erotic attraction to the same sex while *not* feeling such attractions towards the opposite sex. There is also no term for "heterosexual." Islamic scholars have employed terms like *luti* to describe a person who committed the action of *Qawm Lut*. However, this is not what Westerners mean when they use the word "homosexual."

In the Western context, a "gay" person is one whose identity is defined by his attraction to the same sex. According to modern Western conceptions, an important and immutable characteristic of a person is his "sexual orientation." Similar to popular notions of how a person can be born with a certain color of skin and, thus, belong to a certain race, a person can be born with a certain sexual orientation and, thus, belong to a sexual identity group, e.g., "gay," "straight," "bi," etc. The Islamic tradition, in contrast, has no such conception of a sexual identity. While it may be possible that a person be born with more of an affinity and attraction to the same sex (or even have the desire to be anally penetrated, as in the case of the "*ma'bun*," which the classical scholars discussed at length), nonetheless, as far as Islamic categories are concerned, this does not make that person a "homosexual" or "gay" in terms of one's essential identity, "who one is." This is because who a person ultimately *is* – internally and externally – is not based on what that person desires or what thoughts might occur to him. Islamic sexual categories having to do with identity all revolve around action, not mere desire, e.g., *luti*, *zani*, etc. Once an act has been committed and a person is convicted for that in a proper Islamic court, then that is the only time it is appropriate to use such terms in referring to specific persons. But this has nothing to do with being a "homosexual," which itself is only a modern Western term coined in the 19th century CE (13th century AH).

It is important for us to make this distinction because many Muslims today have the idea that a "gay person" cannot be a Muslim because, obviously, "Islam prohibits homosexuality." This

is wrong on multiple levels since, again, the concept of "being gay" as a state or condition that people can occupy as their identity is completely foreign to our religion. Islam *does* prohibit same-sex erotic acts, but it is possible for a Muslim to commit such an act and still be a Muslim. And it is also possible for a Muslim to desire to commit such an act and still be a Muslim. In the same vein, a Muslim might be tempted to commit adultery. So long as he abstains, he cannot be called an adulterer, i.e., a *zani*, let alone a non-Muslim. But it would be unheard of to call whoever simply desires to commit *zina* a *zani*. Similarly, those who simply have same-sex desires should not be essentialized into a unique category of human beings called "homosexuals."

The benefit of dispensing with this problematic terminology is that it also helps Muslims understand that they should treat same-sex desires like any other base desire (i.e., *shahwa*). Muslims should not believe that they are automatically lesser Muslims simply because they have been tested with this kind of desire. They should not see themselves as somehow different from other "normal" Muslims because they feel such attractions, and they should certainly not self-categorize themselves as "homosexuals." Rather, they are just like other "normal" Muslims, since *all* Muslims must struggle against base desires, some of which may be inborn tendencies and others not. And struggling against any such desire is a test that, if we successfully pass, will earn Allah's pleasure.

The other benefit of abandoning this essentializing notion of the "homosexual" is that it makes it easier for Muslims struggling with such desires to understand and manage their condition. Many within our community incorrectly think that "homosexuals need to be converted to heterosexuality." This is a mistake because, again, we do not have these categories in our understanding of human nature and many of the questions surrounding these desires, their origin, their mutability, etc., are not strictly known or defined by our Islamic worldview. For example, do we believe that Allah has tested some people by creating them with an innate and exclusive same-sex desire? Or are such desires the result of the environment of the person or some other set of developmental circumstances that have impacted the person beyond his own choosing? In either case, can this condition be changed? And should we seek such change, whether in the same way that many Christian groups have sought to address what they believe are environmental factors that influence a person having same-sex attraction, or in some other way?⁸

Ultimately, having answers to these questions is not something upon which our moral stance is predicated. We do not need to answer these questions as a pre-condition for holding same-sex acts to be forbidden. From the perspective of normative Islam, and depending on the situation, we *could* treat the issue like we treat any other *shahwa*. If a brother comes to an imam and tells him that he is constantly struggling with indecent thoughts about non-*mahram* women he sees, the imam would not try to "convert" this brother or to fundamentally change his identity. Rather, the imam would give tips on how this brother can train himself and discipline his heart and mind so as to avoid the danger of falling into sin. This could also be a basic approach for those Muslims who are struggling with indecent thoughts about same-sex acts (with the caveat, of course, that some Muslims may need much more extensive counseling from professionals, ideally Muslim professionals, who are also sensitive to the Islamic norms on same-sex acts). Our religion provides much guidance on controlling and mitigating evil desires, and same-sex desires need not be treated

as fundamentally different on this level. (Regarding the possibility of overcoming or otherwise addressing possible root causes of same-sex desires in a given individual, this is something that ought only to be addressed by trained professionals with relevant experience in dealing with such cases, not something that the imam, mosque, or religious community as such should take a position on or try to guide someone through in a haphazard manner.)

Related to this, it is not always best to advise Muslims with same-sex attraction to simply find a good Muslim of the opposite sex and marry him or her in an effort to control same-sex desires. This could lead to much grief and misery, especially if the spouse later discovers that his wife or her husband "is a homosexual." There are many painful examples of this happening in our communities. However, if a Muslim realizes that his same-sex desires are a test like any other and that those desires do not fundamentally change his identity as a Muslim, then it should not be out of the question for this person to get married so long as he can maintain the rights of his spouse. The same goes for sisters with same-sex desire. In fact, in some Muslim countries in the world, we already see this practice, where Muslim men have a desire to penetrate other men despite the fact that they are already married. Unfortunately, some of these men do commit *liwat*, usually with male sex workers in these countries.⁹ But even so, they do not consider themselves as "gay" or as "homosexuals." Some of them may even be married. None of this is to say that their actions are anything but major crimes. The point is simply that having same-sex desire is not *necessarily* antithetical to having a healthy marriage with someone of the opposite sex (though it may, indeed, constitute a significant risk factor for some, and the advisability of marriage can only be determined on a case-by-case basis). And there are examples of this in our community as well.

What if a spouse discovers that her husband has same-sex desires? For many Muslim women today, to discover this would be a disaster because, in their minds, this means that their husbands are "homosexuals" who do not have any sexual desire for women, including their own wives, which means that these husbands have been deceiving their wives. But, again, if we discard this notion of homosexuality, there is no irresolvable problem here. As long as the husband does not act on his desire and he works to mitigate and control that desire, then this is like any other case of *shahwa* in that it does not disqualify the possibility of him feeling sexual desire for his wife and, practically speaking, he does not reveal these *shahawat* to his wife or others. Neither husband nor wife is immune to *shahwa*, so why should this particular kind of desire or temptation be discussed openly or treated as an enormity or a cause for divorce? As long as a husband is able to maintain the rights of his wife and control his desires, then there is no technical reason for a wife to shun or separate from him if she discovers somehow that those desires exist, especially if it is a loving, healthy relationship. The point is, it is a fallacy to think that if this husband has feelings of same-sex attraction that automatically means he is "gay" and, therefore, has no sexual attraction to his wife. To think this way would be to accept the notion of exclusive, immutable sexual orientation that constitutes a person's identity. In actuality, human desires are far more complex, dynamic, and cannot be pigeonholed in such a simplistic fashion. The Islamic understanding of *shahwa* bears witness to this fact. We should not abandon this Islamic perspective in our rush to accept the categories and value systems of modern liberal culture.

For some Muslims with same-sex attraction that is so exclusive that they cannot envision themselves married to a member of the opposite sex, what options do they have? Should they spend the rest of their lives without experiencing intimacy simply because they desire someone of the same sex and Islam categorically prohibits same-sex erotic acts? Does this not seem like injustice? Does this not seem like a cruel and unfair punishment simply for "being different"?

How do we address this? One of the realities that we as Muslims accept is that the *dunya* is a place of hardship. For some people, Allah has written wealth, health, and prosperity. For others, Allah has decreed poverty, sickness, and misery. We know that, on the Last Day, Allah will treat each of us fairly and according to the trials and tribulations we faced in this life. The point is that Allah does not guarantee that we will live a life of ease and pleasure in the *dunya*. Such a blissful, comfortable existence is reserved for those whom Allah accepts into Paradise.

For most of human history, human beings did not have such rosy expectations and entitlements. Unfortunately, this is not the condition of people today, including Muslims. Today, many feel entitled to a wealthy and prosperous life of ease. Many have the presumption that they will "live the American dream" and enjoy a life of pleasure at the beach with one's "soul mate." This is what people are striving for in this materialistic age of capitalistic consumerism. Everyone is working to achieve "paradise on earth." The reality, however, is that we are not entitled to anything we may come across in this life. All things belong to Allah and, as such, we cannot demand an exception to His commands simply because we believe ourselves to deserve more than what we have been given.

The fact of the matter is, it is possible that Islam does require celibacy for a person with same-sex attraction who either cannot or who does not wish to marry someone of the opposite sex. This is, of course, a severe trial. But it is not unlike the trials that many believers and nonbelievers face in this *dunya*. For example, many in the world suffer from poverty. If these people could simply consume *riba* or commit theft or take advantage of orphans, etc., then perhaps they could significantly improve their condition and upgrade their livelihood to one of worldly riches. But Islam does not guarantee worldly riches for all, and hence we cannot amend or bypass the clear injunctions of Allah in order to achieve that. In the same way, Allah does not guarantee that all will be able to sexually gratify themselves with whomever they please, nor does He guarantee that all will end up with "soul mates" and life partners to love and grow old with. That is simply not the nature of this *dunya*, and though it may be a bitter realization for some, this is what our Creator has decreed. By patiently persevering in the face of such trials, we have the opportunity, by the Mercy of Allah, to enjoy everlasting bliss, happiness, and love in the *akhira*. The worst thing one can do, however, is to try to change or ignore the laws of one's Master in a futile pursuit of "paradise on earth."

Islam is not the only religion or ethical system that takes a strict position like this by requiring celibacy for people with certain types of desires. In fact, Western liberal ethics is equally strict regarding some of its own sexual principles. One example is pedophilia, the sexual attraction to young children, toddlers, infants, etc. Of course, this kind of attraction to small children is considered a deviance and perversion according to Western (and Islamic) norms. But, there are people who claim that they were born with such desires. Some of these people call themselves "virtuous pedophiles," meaning that they have this desire but they do not act on it, since doing so is

considered not only immoral, but also a serious criminal offense.¹⁰ So here we have a group of people who are born with a strong desire, yet they are commanded to refrain from acting on that desire and to remain celibate. And Westerners, Muslim and non-Muslim, do not see any problem with this because society at large accepts the fact that pedophilic desire cannot be acted upon.

Some might push back against this point by arguing that desiring young children and desiring the same sex are not analogous. This is because a sexual relationship with a child is inherently harmful and nonconsensual, whereas a same-sex relationship is neither of those things and therefore acceptable according to modern liberal ethics. As far as liberal ethics are concerned, all that is required for a sexual act to be permissible is that it does not cause harm and that it is consensual. But let's take a closer look at these two requirements.

For the sake of argument, imagine a secluded community consisting of dozens of otherwise "normal" families living their lives, pursuing life, liberty, happiness, etc. The only thing that distinguishes this community from others is that in this community it is acceptable for adults to openly date children. In fact, this is seen as a perfectly healthy, natural part of a child's development and parents, some of whom may also be "pedos," approve of such dating and make sure to prepare their children for such experiences. The outside world might look at this community with utter disgust and demand it be shut down, but the pedo community cries out for greater understanding and tolerance. Why can't they live according to their alternative sexuality, especially since all involved parties consent and no harm is caused? "But there is harm!" objects the outside world. "Children who haven't gone through puberty are not physically or psychologically ready for sex!" But the pedos disagree. Children may not be physically capable of certain sex acts, but they are still sexual beings, as the father of modern psychoanalysis, Sigmund Freud, explained all those years ago.¹¹ And sure, a child growing up in non-pedo society may be psychologically damaged by a sexual encounter, but children in the pedo community are more psychologically mature. They are raised to understand that, as long as their parents approve, it is perfectly normal to go on dates with adults and so on. (This is not unlike how when parents today object that it would be psychologically damaging for children to be exposed to the concept of same-sex relationships and to learn about homosexuality in sex ed class or to grow up with same-sex parents, etc., the indignant response from gay rights activists is that the only harm comes from heteronormative conditioning of children that fails to familiarize them with other orientations.)

In sum, an elaborate account can be given of conceivable scenarios where pedophilia and the pedophilic orientation are neither harmful nor nonconsensual (in the sense of "meaningful consent") and some of these scenarios do have historical and cross-cultural analogs. Nonetheless, the point of this exercise is to show that the psychology of a "pedophilic" orientation has parallels with what is described to be the case for homosexuals. The point is not to simplistically equate pedophilia and homosexuality. Rather, it is conceivable that a person be beset with desires not of his choosing or control but still *not* be ethically permitted to act on them (for one reason or another – harm only in the liberal view, divine command from the perspective of Islam, whether there is obvious or identifiable harm involved or not). Ultimately since, in these scenarios, consent and harm are non-issues, there is presumably nothing more liberal ethics can object with without risking inconsistency. Does this mean that liberals at large will accept that there is such a thing as

immutable “pedophilic orientation”? Will they then see the laws criminalizing pedophilia as inherently discriminatory against this sub-segment of the population? Will the question of legalizing pedophilic marriage go to the Supreme Court? Will the American Psychological Association take pedophilia off of its list of sexual disorders?

Of course not. Advocates of liberalism will never accept this. They will insist that such behavior is simply and categorically *wrong*. This demonstrates that their sexual ethics are, at their core, based on authority and are not rationally derived from a set of fundamental principles. For Muslims, our ethics, too, are based on authority, but that authority is Allah – we obey His commands because we recognize His *maqam* as our Master and ourselves as mere slaves. The denizens of modernity, in contrast, have only their whims and cultural biases as an authority to whom they devote themselves with utmost servility while fancying themselves fetterless and sexually autonomous. Nothing could be further from the truth.

II. LGBT Activists

How should Muslim leaders address and interact with “LGBT activists”? One major misconception on both sides is that conservative Muslims must have a rabid, unconditional hatred for anyone that identifies as gay. This needs to be reconsidered. This is because, over the past decade, numerous LGBT groups and individuals have bravely stood with Muslims in advocating for Muslim rights, whether protesting Guantanamo Bay or pushing back against anti-Muslim bigots who want to shut down mosques or opposing aggressive US foreign policy that has resulted in wars, occupation, and the loss of millions of innocent lives lost across numerous Muslim countries.¹² In all these examples and more, Muslims – whether conservative or liberal, orthodox or non-orthodox – have found stalwart allies among their LGBT neighbors. This should not be overlooked.

But does this mean that Muslims are obliged to return the favor, so to speak, and defend gay rights, gay marriage, etc.? This is what some Muslims and non-Muslims argue.¹³ If LGBT activists are willing to stand for Muslim rights, then shouldn't Muslims return the favor and stand for LGBT rights? Isn't it hypocritical for American Muslims to demand rights for themselves but remain silent when it comes to the rights of gays, lesbians, transgendered people, etc.?

First of all, there are important disanalogies between discrimination directed at Muslims versus discrimination directed at LGBT individuals and groups that must be pointed out. As an interesting parallel, another group deemed hypocritical for its reticence to fully embracing the gay rights movement has been the African American population, where opposition to gay marriage is higher compared to whites, Latinos, and other demographics.

Frank Bruni, the New York Times's first openly gay op-ed columnist, scoldingly wrote in 2011: “In some perfect world where human nature is less messy and history less fraught, any and all people who had ever suffered discrimination would find common cause, gathering together under one big anti-bigotry banner.”¹⁴ Other commentators go so far as to claim that “As a consequence of its painful heritage, black America has a special responsibility to be further ahead of the curve than whites on accepting gay people as full citizens.”¹⁵

But certain black voices have taken offense to the claim that "gay is the new black," arguing that the quantity and quality of black oppression in America vastly diverges from anything homosexuals have endured.¹⁶ Homosexuals never endured a slave trade, for example, or had to endure segregation. They were never barred from voting, and they never had entire communities burned to the ground.¹⁷ Nor have they been incarcerated at six times the rate of heterosexuals or any other group.¹⁸

By the same token, as we are currently in the thick of the gay rights movement in the US, many homosexuals are in positions of power and influence, whereas blacks were always in the margins of society, especially in the heat of the civil rights movement of the twentieth century. Any fair comparison should recognize that the black struggle for equal rights in American history is vastly different, qualitatively and in terms of intensity, from the gay rights movement of the past 40 or 50 years.

Muslim disenfranchisement in the US is also sui generis and cannot be meaningfully equated with black suffering or the challenges faced by gays (though there are important overlaps with the former since, for example, as much as one-third of African slaves brought to this country were Muslim and nearly one-fourth of all American Muslims today are black).¹⁹ When we compare bigotry directed at Muslims versus homosexuals, important distinctions ought to be noted as well.

Putting that aside, however, ultimately the question is, how can Muslims insist on fair treatment in the Western context while also opposing or, at least, not endorsing gay rights? This requires a nuanced response but, in the back of our minds, we should also ask ourselves why Muslims are required to compromise central parts of their faith – by accepting and normalizing something they have heretofore considered an enormity – in order to obtain basic rights in the West? Why are Muslims placed into this lose-lose situation? Is this something unique to Muslims or are other groups challenged with analogous requirements? Is this difficulty inescapable in Western liberal secular societies? We will return to these questions.

Despite all these caveats, as it turns out, as Muslims, we can stick to Islamic ethics while also defending certain things that are considered by Western society as "gay rights" but we consider "human rights" as understood in the Islamic ethical-legal tradition. According to Islamic law, a person cannot be bullied, harassed, prosecuted, detained, or harmed in any other way simply because that person is considered by people to be "gay." The scholars of Islam have discussed the rulings and *hadd* punishments for those who have committed the act of *liwat* and the requirements for prosecuting such individuals, who, if convicted, can only then be called *luti*. But, as we have discussed above, this is not equivalent to "being gay." There are undoubtedly many in our societies today who consider themselves "gay" but have not committed *liwat* or any other same-sex erotic act. In a sense, these are "celibate homosexuals," and from the perspective of Islamic law and *all else being equal*, there is no functional legal distinction between a "celibate homosexual" and anyone else. So if such people are being harassed, detained, killed, etc., either by private citizens or by state actors, Muslims should certainly object to this.

To put this point as clearly as possible and to avoid any confusion, consider this analogy. The US government has a history of discriminating against Muslims whether it is in terms of detaining Muslims without due process, spying on Muslims, tracking their activities, surveilling

mosques, invading and occupying Muslim countries, etc. They do this on the basis of their assumption that Muslims are terrorists, support terrorism, or are otherwise predisposed to becoming terrorists. But the US government cannot look into people's hearts and see who is in fact a terrorist and who is not. They conduct their programs primarily on the basis of outward appearances and other contingent factors. In the same way, if the US government or any other state power abused, oppressed, and committed slaughter and killing against what they defined as "homosexuals," again, based primarily on outward appearances, then as Muslims, we should object to this, and we would not be compromising our religious principles in doing so. This is because the Shari`a does not operate by way of inferring a person's culpability solely due to their outward appearance. This is especially true when it comes to sexual crimes. To assume someone is a true *luti* because of that person's mannerisms, clothing, who he associates with, and other outward, contingent traits is nothing other than *su' al-dhann*. One could even argue that it could possibly be *su' al-dhann* to consider someone a *luti* even if he makes explicit statements like "I am gay," "I am a homosexual," etc., because, again, from the perspective of Islamic law, these are ambiguous statements since these classifications – based as they are on inner inclinations and/or "identity," as opposed to discrete acts – are not recognized as such. Someone could consider himself "gay" because he believes himself to have a certain inborn sexual orientation, when, in reality, he has certain desires for the same-sex – which may or may not be inborn. In any case, by stating that he is gay, this person could simply be describing these desires, not confessing to committing *liwat*. Unless a person is explicit in stating actions he has committed or actions he approves of, then the most that we can assume about this person as far as Islamic law is concerned is merely that he is using confused or otherwise ambiguous terminology.

So, yes, Islam proscribes same-sex acts and aims to curtail the spread of *fahisha* in society at large. However, this is based on actual, verified acts and verified statements promoting those acts from people, not simply assumptions. And if the rights of people are being usurped on the basis of assumptions, as Muslims, we ought to stand against this. In the same way that LGBT activists defend Muslims in the face of governmental assumptions of Muslims being terrorists, Muslims ought to defend people against those same governmental abuses and not let assumptions about who is or is not a *luti* impede that. But there are further considerations here.

For example, what about pro-LGBT activists who are vocally advocating for what, from the perspective of our religion, is clear *fahisha*, namely same-sex marriage and same-sex erotic behavior? This scenario is distinct from the previous scenario because now people are making public, verifiable statements about actual acts, and, as such, there cannot be any question of what such people and groups are promoting. As Muslims, we cannot defend or in any other way support the promotion of what we maintain are severe crimes. If we truly understand the history of *Qawm Lut* and see what Allah decreed for them due to their actions, then we cannot in good conscience support such behavior.

In response to this, some may accuse us of hypocrisy. Consider discrimination in the workplace. Surely Muslims oppose discrimination against Muslim employees (and, in general, others) in the workplace, they will claim, so how can Muslims not oppose discrimination against homosexual employees?

Again, there is some nuance here. Normally, the sexual habits of a person are not explicitly discussed by employees in a professional environment. The workplace is not an appropriate place to discuss such personal matters. If an employer punishes or fires an employee simply on the *assumption* that this person is "gay" or has even committed *liwat*, then, as mentioned above, this is *su' al-dhann*, and Muslims should oppose this. But what if a person is very open about committing same-sex acts and promoting such behavior in the workplace? Then in this case, we should believe that an employer, whether Muslim or non-Muslim, has the right to dismiss such a person on the basis that, clearly, an employer has to be concerned with the workplace environment and morale. As such, he has the prerogative to dictate that environment and the standards of behavior of employees according to his beliefs about right and wrong. Of course, this reasoning would also work against Muslims. What if an employer is against Muslims such that, if he discovers that an employee is a Muslim based on that person's statements or actions in the workplace, he terminates his or her employment? Well, there is nothing that we can say from the perspective of Islamic ethics against this. If the employer is simply acting on the basis of *'asabiyya* (i.e., tribalism), then perhaps we can say that this is an action of *jahiliyya*. But what if this employer is Christian and he is worried that a Muslim employee might negatively influence his other Christian employees? In other words, what if he believes the Muslim will have a bad moral influence on the workplace environment? Then, we should consider this as his prerogative, and we would expect a Muslim employer to have the right to make similar decisions and not be restricted in this by certain "anti-discrimination" laws.

Now, I understand that this is controversial and it seems to go against Muslim economic interests in non-Muslim Western societies. But we should not be willing to sacrifice our principles regarding the acceptability of same-sex behavior simply because we want to improve or maintain a certain economic standard for the Muslim community in certain countries. Keep in mind, however, that here we are only speaking about discrimination with regards to employment. As far as government-based discrimination and violence that Muslims are experiencing today, as we mentioned above, this is something different, and we can – without compromising Islamic principles and, indeed, on the very basis of those principles – fully oppose such programs whether the victims are Muslims or others.

A final argument that is made is to compare discrimination against those who are considered "homosexuals" with discrimination against black people. We are told that to discriminate against people based on a condition they are born with or otherwise not in control of is wrong. And even Islamically, we believe that it is unjust to treat people poorly due to inborn traits like skin color or ethnicity. So, how is discrimination based on "sexual orientation" any different?

First of all, whether or not a person's same-sex desires are inborn or not is irrelevant to this issue. We believe these desires must be controlled and mitigated and that it is a crime for a person to *act* on those desires. This is no different from the example of "virtuous pedophiles," who even liberal modernists believe ought to control their pedophilic urges and not act on them simply because they deem such actions immoral.

But even beyond this, there are many examples from liberal secular society where it is acceptable and even necessary to discriminate on the basis of inborn traits. Consider human intelligence. We commonly believe that people are born with different levels of intelligence, yet we

subject our children to a uniform public education where they take standardized exams and then, based on their grades and scores, they are admitted to colleges of varying calibers. In college, they are subjected to more classes and grading and then, on the basis of their performance, they find jobs (hopefully), some more lucrative and attractive than others.

Depending on a person's intelligence, this entire process can have widely differing outcomes. *All else being equal*, less intelligent children will get lower grades, they will go to less prestigious schools and they will have more difficulty finding a high-paying career. And this is all because of inborn traits, e.g., intelligence, attention span, etc. But we hardly believe that less gifted children are the victims of discrimination. But they are – clearly so! It is the *very definition* of discrimination: a certain group is treated differently, afforded different opportunities, given certain advantages or dealt disadvantages due to no other reason than inborn, immutable traits. Our society certainly discriminates against people of lesser intellectual capacity, and most people today do not even recognize this as a case of discrimination, let alone object to it. Why? Or consider discrimination based on athleticism. Or attractiveness. Or introversion versus extroversion. How many competent, industrious white collar introverts wish the corporate "rat race" would stop rewarding extroversion? Don't introverts face rampant discrimination in the corporate world? Or consider the differential nature of US law when it comes to citizenship. Even the US Constitution divides people into citizens and noncitizens, where citizens are afforded all manner of privilege based on an inborn trait, namely country of origin. Presumably, none of these instances of discrimination are objectionable and many of them may be unavoidable features of any legal system and society. The question then becomes, what types of discrimination are legitimate and which are not?

Here one might argue that some of the kinds of discrimination mentioned above are based on practicality. Take intelligence. If employers cannot discriminate in order to hire more intelligent job candidates over less intelligent job candidates, then that will have a negative impact on businesses and could cumulatively cause economic problems, etc. The basic assumption here is that the very nature of certain careers and the structure of certain businesses, the economy, etc., fundamentally require the ability to discriminate on the basis of intelligence. Some roles require smarter people and companies compete to make sure they acquire and retain the best talent.

But what if we radically question these assumptions? What if we redefine what it means for companies to be successful in the first place? What if we maintain that it is more important not to discriminate against people than to maintain "outdated," "traditional" notions of business and corporate best practices? For example, perhaps this corporate concern with "profitability" is nothing more than capitalistic greed and we as a society need to forego such quaint, old-fashioned obsessions in our advanced, modern society? Furthermore, if we look at history, we see a large variety of different kinds of businesses, trades, and economies. So the modern notions of "business" and "corporate hiring practices," etc., we have today are not singular or essential for human prosperity. Why don't we just do away with these old prejudices completely? After all, what is important above all else is preventing discrimination and making sure everyone has the equal opportunity to pursue wealth and a prosperous life regardless of the kind of brain they happen to be born with.

Does any of that sound familiar? Today, proponents of gay marriage also make the same sorts of dismissals of traditional marriage. Against gay marriage, many social commentators, religious leaders, and public intellectuals have argued that the ideal situation for children is that they grow up with their biological parents, for example, something that is not possible in a same-sex household. The union of husband and wife has also been considered the most stable relationship that can serve as the building block of a healthy community and society at large. A long list of significant practical benefits and the practical superiority of opposite-sex marriage versus same-sex marriage can be and has been enumerated: children having both mother and father *is* important, lineage *is* important, gender *is* important and critically relevant to marriage and family relationships, etc. But the automatic response from advocates of same-sex marriage is that what the other side considers "practical" or "tried and tested" is irrelevant. According to them, there are different models of marriage and family, yet the principle of equality demands we choose the model that is most equitable and least discriminatory. Even if authoritative studies were to show that children do better with the parental influence of both a father and a mother, whatever that incremental benefit is, it is not significant enough to deprive same-sex couples the right to get married and raise children. This is not unlike our hypothetical egalitarians who scoff at traditional hiring practices and the aims of business.

A real-life example of institutionalized discrimination that is seen as acceptable is the distinction between the citizens and noncitizens of a country. Citizenship in most countries is primarily based on where a person is born and that immutable trait becomes the basis for all kinds of discrimination. If someone is born in Mexico, but all the good jobs, healthcare, living conditions, etc., are over the border in the US, then that is unfortunate. Without special permission, this person cannot pursue what he deems to be a better life. Certainly, this is discrimination, though we typically do not think of it in those terms. But again, why couldn't someone argue that the outmoded notions of "nation," "border," and "citizenship" need to be dissolved? After all, these are man-made ideas. Why couldn't we just redefine or discard these concepts in order to eliminate discrimination? Again, the other side could argue that such redefinitions would cause societal turmoil and unrest and ultimately be detrimental. In a word, such changes would be highly impractical. But, as we have seen from these examples, practicality is a concept that depends on dozens of different assumptions, assumptions that can be questioned, critiqued, and ultimately rejected.

When we look at gay marriage, this is exactly how pro-gay marriage activists make their case. Just like many other societal institutions and structures, traditional marriage can certainly be seen as discriminatory (especially if we were to grant the immutability and essential nature of sexual orientation). But traditional marriage also comes with numerous practical benefits, which is most likely the reason we see so many distinct cultures and religions throughout history independently adopting the same basic model (with some variations on the theme, of course). And while some same-sex marriage advocates do concede that these practical benefits exist, they argue that they are at best secondary concerns. What is important and what will ultimately bring about the most good for society at large is to put an end to discrimination against "homosexuals" and to make sure everyone has equal rights to marry.

To summarize, discrimination of some sort is an inherent part of virtually all societal institutions. If we were to eradicate all discrimination, these institutions could not exist and societal order would break down. Given the necessary and unavoidable existence of discrimination, what is important is determining which kinds of discrimination are acceptable and which are not and on what basis, and that determination has to be based on practical reasoning. Liberalism, as well as Islamic ethics before it, agrees that discrimination based on inborn traits like race or tribal affiliation (i.e., *ʿasabiyya*) has no practical purpose and is merely a function of bigotry or *jahiliyya*. In contrast, discrimination based on a person's age, for example, can have a practical benefit. As far as same-sex behavior, Islam sees such activity as damaging to the individual as well as having numerous residual effects that harm families and society as a whole. On this basis, it would be inconsistent and hypocritical for Western liberals to demand that Muslims cease discrimination on the basis of an action they deem morally wrong and pragmatically destructive, even if the tendency to commit that action is caused by an inborn or otherwise unchosen condition.

Ultimately, if liberal secular democracy is truly tolerant of a diversity of beliefs, then this Muslim stance ought to be allowed. If liberal secular democracy is what it claims to be, especially regarding its treatment of religious minorities, then it ought not force Muslims (and other religious groups) to accept something that is egregiously contrary to their faith. How can liberal secularism claim to tolerate religious belief if it requires certain groups essentially to abandon their faith? If tomorrow laws are passed that, for example, require Muslim institutions not to discriminate on the basis of sexual orientation, require Muslim leaders to refrain from calling same-sex behavior a sin, require Muslim businesses to serve same-sex weddings, require Islamic schools and mosques not to discriminate on the basis of sexual orientation in their hiring practices, etc., etc., then how can this be called tolerance when all of these things would, from our perspective, destroy the moral fabric of our communities and radically undermine our autonomy? And make no mistake: For Muslims to promote or facilitate same-sex acts and relationships, whether voluntarily or by force of law, would be nothing less than to destroy the moral fabric of our communities because, if the prohibition of same-sex acts is no longer maintained, then what other Islamic ethical value could be upheld? One of the clearest, most unequivocal sexual ethical requirements in Islam is to stay far away from and to denounce *liwat*. This has been *ma'lum min al-din bi-l-darura* for 1400 years. If even this can fall by the wayside, then what other aspect of our religion could be sustained?

The point is that, the issue of reconciling "freedom of faith" and "gay rights" is not a problem for Muslims to resolve. This is a problem for liberal secularism to figure out since it is the one that claims to be able to reconcile divergent religious communities under one legal system and one government. If such liberal secular states require Muslims to accept something antithetical to their religion, then this proves that the liberal secular vision of universal tolerance is a lie and that such states are not unlike any other authoritarian or theocratic regime that imposes beliefs on its populace by force of law.

These are some of the nuances that need to be carefully considered and further researched when it comes to operationalizing Islamic ethics in the context of the modern nation-state.

III. Conclusion

Most Western countries have by 2016 legalized same-sex marriage. This has put pressure on Muslim communities similarly to endorse this practice and even allow "same-sex *nikah*" to take place in our mosques.²⁰ Outside the mosque, some liberal Muslim commentators have been very vocal about the need for American Muslims to support "gay rights."²¹ Children in public schools are also being taught that it is perfectly normal for a person to "be gay" and have a romantic relationship with a person of the same sex.²² And, finally, there are many Muslims themselves who consider themselves gay, lesbian, etc., and increasingly many of them are demanding that their intimate relationships with those of the same sex be accepted and celebrated by the Muslim community at large.²³

These are all challenges that require a response that goes beyond simply a reiteration of Islam's prohibition of *liwat* and same-sex eroticism. The Muslim community needs to approach these issues in a thoughtful and strategic way if we are to maintain our normative beliefs in the face of the veritable tsunami of public pressure. If we fail in this, then what hope do we have that the next generation of Muslims, i.e., our children and our children's children, will maintain their commitment to Islamic sexual morality? And if they do not maintain such a commitment to the sexual ethics of our religion, then is there any hope that they will stick to any of the normative prescriptions or beliefs of Islam? This is a crucial juncture in our history as Muslims in and of the West. Our preparation and planning in this moment will reverberate for generations to come.

"Our Lord, make us Muslims [in submission] to You and from our descendants a Muslim nation [in submission] to You. And show us our rites and accept our repentance. Indeed, You are the Accepting of repentance, the Merciful."

Amin!

- 1 "Attitudes on Same-sex Marriage by Religious Affiliation and Denominational Family." *Public Religion Research Institute Attitudes on Same-sex Marriage by Religious Affiliation and Denominational Family Comments*. Web. 25 Feb. 2016. <<http://publicreligion.org/2015/04/attitudes-on-same-sex-marriage-by-religious-affiliation-and-denominational-family/#.VT5OmWR3myD>>.
- 2 "Changing Attitudes on Gay Marriage." *Pew Research Centers Religion Public Life Project RSS*. 2015. Web. 25 Feb. 2016. <<http://www.pewforum.org/2015/07/29/graphics-slideshow-changing-attitudes-on-gay-marriage/>>.
- 3 *The Independent*. Independent Digital News and Media. Web. 25 Feb. 2016. <<http://www.independent.co.uk/student/news/universities-cancel-muslim-cleric-s-speaking-tour-over-concernsabout-his-anti-gay-views-8927902.html>>.
- 4 "Mozilla CEO Resigns, Opposition to Gay Marriage Drew Fire." *Reuters*. Thomson Reuters, 2014. Web. 25 Feb. 2016. <<http://www.reuters.com/article/us-mozilla-ceo-resignation-idUSBREA321Y320140403>>.
- 5 "A Warning from Canada: Same-Sex Marriage Erodes Fundamental Rights." *CNS News*. 2015. Web. 25 Feb. 2016. <<http://www.cnsnews.com/commentary/dawn-stefanowicz/warning-canada-same-sex-marriage-erodesfundamental-rights>>.
- 6 El-Rouayheb, Khaled. *Before Homosexuality in the Arab-Islamic World: 1500-1800*. Chicago: U of Chicago, 2005. Print.
- 7 Cornerstone Counseling is a faith-based relational communication counseling center providing service to Muslim families and youth. <http://www.cornercounseling.com/about.html>. There is also a (non-professional) online support group called StraightStruggle for Muslims seeking support in managing their same-sex desires in conformity with Islamic teachings.
- 8 For examples of Christian groups addressing what they call "same-sex attraction" or SSA, see: <http://www.samesexattraction.org/support-groups.htm>, <http://loveintolight.com/q-a>. Mainstream, liberal discourse considers it bigoted and scientifically false to think that "homosexuality" can be changed through therapy or any other means. But many social welfare and religious groups disagree and some claim to have experienced such changes. Muslims can ultimately be agnostic on these questions, but we should be aware that there is a larger conversation and some points in that debate may be useful for helping Muslims in our communities.
- 9 Labi, Nadya. "The Kingdom in the Closet." *The Atlantic*. Atlantic Media Company. Web. 26 Feb. 2016. <<http://www.theatlantic.com/magazine/archive/2007/05/the-kingdom-in-the-closet/305774/>>.
- 10 Nickerson, Todd. "I'm a Pedophile, but Not a Monster." *Salon.com*. Web. 27 Feb. 2016. <http://www.salon.com/2015/09/21/im_a_pedophile_but_not_a_monster/>.
- 11 Sauerteig, Lutz D.H. "Loss of Innocence: Albert Moll, Sigmund Freud and the Invention of Childhood Sexuality Around 1900." *Medical History* 3.1 (2012): 156-83. Web.

- 12 "Fireworks: Bill Maher vs. Glenn Greenwald on Islam's History of Violence & US Aggression." *Real Clear Politics*. Web. 27 Feb. 2016. <http://www.realclearpolitics.com/video/2013/05/11/fireworks_bill_maher_vs_glenn_greenwald_on_islams_history_of_violence_.html>.
- 13 Abdul-Matin, Ibrahim. "A Muslim American's Thoughts on Gay Marriage." *The Huffington Post*. TheHuffingtonPost.com. Web. 27 Feb. 2016. <http://www.huffingtonpost.com/ibrahim-abdulmatin/muslimamericans-gay-marriage_b_884759.html>
- 14 Bruni, Frank. "Race, Religion and Same-Sex Marriage." *The New York Times*. The New York Times, 2011. Web. 27 Feb. 2016. <http://www.nytimes.com/2011/11/01/opinion/bruni-same-sex-marriage-and-blacks.html?_r=1>.
- 15 McWhorter, John. "Gay Really Is the New Black." *NY Daily News*. Jan. 2013. Web. 27 Feb. 2016. <<http://www.nydailynews.com/opinion/gay-new-black-article-1.1246187>>.
- 16 "The People's District: 5 Reasons Gay Is Not the New Black - Forth District." *Forth District*. 29 Jan. 2014. Web. 27 Feb. 2016. <<http://forthdistrict.com/5-reasons-gay-is-not-the-new-black/>>.
- 17 "Tulsa Race Riot." *Wikipedia*. Wikimedia. Web. 27 Feb. 2016. <https://en.wikipedia.org/wiki/Tulsa_race_riot>.
- 18 "Criminal Justice Fact Sheet." *Criminal Justice Fact Sheet*. Web. 27 Feb. 2016. <<http://www.naacp.org/pages/criminal-justice-fact-sheet>>.
- 19 Blumberg, Antonia. "Muslim-American Demographics Reveal A Diverse Group That Rejects Categorization." *The Huffington Post*. TheHuffingtonPost.com. Web. 27 Feb. 2016. <http://www.huffingtonpost.com/2014/03/26/muslim-american-demographics_n_5027866.html>.
- 20 Goldberg, Adrian. "British Gay Muslims Seek Islamic Weddings - BBC News." *BBC News*. Web. 27 Feb. 2016. <<http://www.bbc.com/news/uk-12486003>>.
- 21 Aslan, Reza. "An Open Letter to American Muslims on Same-Sex Marriage." *Religion Dispatches*. 2015. Web. 27 Feb. 2016. <<http://religiondispatches.org/an-open-letter-to-american-muslims-on-same-sex-marriage/>>.
- 22 Betz, Jenny. "Sex Ed Needs to Better Include the Issues of L.G.B.T. Students." *NYTimes.com*. The New York Times, 1 May 15. Web. <<http://www.nytimes.com/roomfordebate/2015/04/28/whats-the-best-way-to-teach-sex-edtoday/sex-ed-needs-to-better-include-the-issues-of-lgbt-students>>.
- 23 Nawa, Fariba. "American Muslims Supporting Gay Marriage Speak Up." *The Daily Beast*. Newsweek/Daily Beast. Web. 27 Feb. 2016. <<http://www.thedailybeast.com/articles/2015/06/27/american-muslims-supporting-gaymarriage-speak-up.html>>.