

SAME-SEX MARRIAGE AN ISLAMIC STANDPOINT

Ahmad Murtala

Department of Islamic Studies and Shari'ah

Bayero University Kano

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

INTRODUCTION

Before we get to the nitty-gritties of the topic, let us first introduce what can be considered as its gist, despite its importance, many people ignore discussing such a multi-dimensional topic. I mean the relationship between the human being and Satan.

From the Islamic religious point of view, Satan is the greatest enemy of mankind. The Qur'an is particular about that, to the extent that it has depicted a dialogue between Satan and the Almighty Allah in which he supplicated for two things; to have long life till the day of resurrection and opportunity to lead mankind astray. Both were, by Allah's eternal Wisdom, granted. On the first request: "He said My Lord, then reprieve me until the Day they are resurrected; (Allah) said, 'So indeed, you are of those reprieved. Until the Day of the time well-known'" (Q 15:36-38 and 7:15, 38 :80). In the second request, he became specific that with the exception of pious people, purified and chosen by Allah, the whole of mankind would not escape his tenacious tactics. The following could be seen as the satanic action plan, which he pronounced in a plain statement that: "I will mislead them, and I will arouse in them (sinful) desires, and I will command them so they will slit the ears of cattle, and I will command them so they will change the creation of Allah. And whoever takes Satan as an ally instead of Allah has certainly sustained a velar loss" (Q 4: 119 and 7:16-17, 38:82-3). In addition to this, he continued taking strong promises among which were: "I will come to them from before them and from behind them and on their right and on their left, and You will not find most of them grateful to you".

Gayness and lesbianism and, of course, same-sex marriage all are undoubtedly agitated by Satan. And our analysis of this topic will be built upon the Islamic viewpoint; though gays and lesbians agree, according to a report submitted by the Gay and Lesbian Humanist Association, with Karl Marx that "religion is the opium of the people"¹. This, undoubtedly, is self-evidently a false statement. Religiosity is an inevitable instinct in the whole mankind-life system. If someone doesn't bow to Almighty Allah, he will submit to another deity or the demon. If not, he will definitely worship his own whims and desires. The Qur'an has talked about such people in a convincing way saying: "Have you seen he who has taken as his god his own desire, and Allah has sent him astray due to knowledge and has set a seal upon his hearing and his heart and put over his vision a veil? So who will guide him after Allah? Then will you not be reminded" (Q45:23).

THE ESSENCE OF MARRIAGE

Satan and his multiple groups, indeed, are destructive in nature while human beings are originally constructive and pure. The Prophet (pbuh) reported from Allah as saying: "I created My servants pure, but Satans came and tempted them and overwhelmed them, and made unlawful what I made lawful for them, and ordered them to worship entities that I never ordered"².

The institution of marriage is among the early commitments blessed by Allah Himself. The Prophet Adam and his wife were divinely linked together for numerous purposes among which

was procreation, for which mankind would be a successive authority on the earth. The union also exposed physically, in the first place, how the relationship between the spouses should understandably be. A man should be bound to a woman only. Both are physically, emotionally and biologically prepared for such a magnitude performance.

As such, marriage is always defined by its natural constraint, which inclusively exposes its everlasting essentialities and constancy. Hence, it needs not be changed by the changing of time and culture, simply because it is not social construction invented by culture³. The only influence of culture on the institution of marriage manifests in describing and modifying the way of wedding and ceremonies not on the core and goals of the union.

THE QUR'ANIC HISTORICAL ACCOUNT OF HOMOSEXUALITY

The aforementioned rule has been the sacred practice until the time of the Prophet Lot (pbuh). His people, with the aid of Satan's designation, deemed it fashionable to deviate from the divine rule and shun the age-long popular sexual standards. They shamelessly became lustful for their fellow men, those who turned to be objects for arousal and satisfying sexual desire! They were known in human history as the people of 'Sodom and Gomorrah', who marked the beginning of homosexuality⁴. And since that time, the act and its performers have been tagged, throughout history, as sodomite, bearing the name of that cursed city. Until recently, all the extant literature contains no other clear description to the emulators of the people of Prophet Lot, not Lot himself, than the word sodomite, 'lewdness', 'unnatural acts', 'crimes against nature', 'buggery', et.c⁵. But by the effort of the western proponents of the act, the use of the actual name nowadays is partly discouraged together with all that might suggest hatred to homosexuality!

In the modern times, the word 'homosexuality', which was coined in the 19th century, in 1869 precisely, becomes more polite than sodomy⁶. Unfortunately enough, the modern sodomites have boldly and freely emerged and come out, for the second time after the people of Lot, forming groups and associations worldwide⁷. They even became pressure groups in some countries, making propaganda and presenting their activities as an 'alternative lifestyle' and 'another orientation'. The actual act is referred to nowadays as 'anal sex'. But its contemporary practitioners prefer fashionably to be called 'gays'; when males are attracted to other males. Females who are attracted to other females are called 'lesbians'. The one who derives pleasure from the back and front of both genders is called 'bi-sexual', while he/she who assumes the opposite sex personality whether in general lifestyle or transformed by surgery is called 'transgender'. All in essence are homosexuals; the change of name doesn't matter much and would not alter anything in terms of the actual Islamic ruling provided the essence still remains!

Prophet Lot, in the olden days, spent a good deal of time highlighting the right path for his blind people, but they naively failed to perceive it. He said: "Do you commit such immorality as no one has preceded you with from among the worlds?" (Q 7:80). They refused even to listen to him except with mockery and pride. His statement presented a clear truth that homosexuality is a learned behavior and not genetic, a scene of abnormality being created and spread by people.

This has been the absolute truth. It has been a point of agreement among the psychiatric scholars of the 19th century that homosexuality was a form of insanity, rather than a moral abomination⁸. But the groups of modern homosexuals in the 20th century seemingly connived with some medical researchers in order to change the face of history⁹. In 1973, a group of researchers led by

Dr. Robert L. Spitzer made a study and later announced the finding claiming homosexuality as genetic, i.e. people are inborn with the inclination to being excited by their same-sex, hence it is normal and cannot be changed. The study influenced the American Psychiatric Association (APA) to remove homosexuality totally from its list of deviant mental disorders¹⁰. The false result went through decades of being held as true among homosexuals and their sympathizers. It even got a concerted backing by another research attained at by a gay activist, Dr. Deen Hamer, who released an ironic position paper in 1993, asserting the existence of a 'gay gene' in every human being, though the environment also, according to him, plays a role in sexual orientation¹¹.

Despite the widespread of the two studies, in 1999, a group of researchers, including Dr. George Rice, Neil Risch, Carol Anderson and George Ebers, noticed that reality was cast aside, thereupon they deemed it imperative to reopen the file for further due consideration. More especially it had been *leaked* that the result of Dr. Hamer was conspired. The team came out with a third research, which purely replicated the former research of Dr. Hamer with ample evidences that conflict it¹². Dr. Hamer was later accused of scientific fraud for ignoring valid evidences against his conclusion. He then prepared another research in 2001 with the title "Some Gays CAN Change", asserting that "Like most psychiatrists, I thought that homosexual behavior could only be *resisted*, and that no one could really change their sexual orientation. I now believe that to be false. Some people *can* and *do* change"-said Spitzer¹³. It is quite clear now that 'despite ongoing efforts, researchers have not discovered a biological basis for same-sex attractions'¹⁴.

Whatever the result of psychologists may be, our Creator and Owner has described the general attitude of homosexuals as an intemperance situation, which signals mental disorder. He said about Lot's people: "By your life, indeed they were, in their *intoxication*, wandering blindly" (Q 15: 72). This is the binding decision.

Additionally, to refute the idea of a gay gene from anthropological account, there is a striking study which asserts the nonexistence of such an act totally among some people. The research was conducted by a husband-and-wife team of anthropologists at Washington State University named Barry and Bonnie Hewlett. The report said: "We conducted a study of sexual behavior that several years ago we asked Aka men -(the area study in the Central Africa)- about homosexuality and masturbation and were surprised that they were not aware of these practices, did not have terms for them and how difficult it was to explain both sexual practices. They laughed as we tried to explain and describe the sexual activities. We thought that maybe they were shy or embarrassed individuals, but this would have been uncharacteristic of the Aka we had known so long. All Aka and Ngandu indicated that homosexuality (gay or lesbian) was unknown or rare. The Aka, in particular, had a difficult time understanding the concept and the mechanics of same sex relationships. No word existed and it was necessary to repeatedly describe the sexual act"¹⁵. As such "there are other societies, too, in which some presumably universal behaviors, such as homosexuality and masturbation, are nonexistent at all levels of analysis". "Some researchers were surprised to discover that a particular region in China had no word for homosexuality. When the researchers explained to the locals what homosexuality was, they laughed in an embarrassed way, clearly not seeing any point to homosexuality"¹⁶.

THE ACTUAL CAUSES OF HOMOSEXUALITY

The whole idea, as it is clear, is connected to the satanic designation, as an emotional attraction between the same-gender of female or males. For this reason and much more Islam draws a bold line between the two genders in a number of things. Effeminate behavior (Daudu in Hausa), the one which is called in modern times a transgender orientation, is among the prohibited actions. For it opens the door and calls upon both homosexuality and the adultery. It was narrated by Ibn Abbas that: "The Prophet (pbuh) cursed effeminate men and those women who assume the similitude (manners) of men. He also said: "Turn them out of your houses". He turned such and such a person out, and Umar bn Kattab also turned out such and such person"¹⁷.

It is observed that Homosexuals cluster mostly in urban societies. However, there are two things which can be identified as its major causes in our communities, thus, the influence of others and getting materialistic benefits. As an unnatural activity, one, for sure, may not be naturally driven to it unless if he was taught and indulged by others. And like any other acquired behavior, a gay/lesbian lifestyle could be learnt or explored from home, friends, neighbors and school mates.

It is unfortunate enough that this wickedness could be learnt from one parent or both. Even brothers, sisters and domestic aids if they are wicked, will be more likely to be affected. While friends and school mates with the same-gender sexuality experience can encourage others and insinuate them slowly to practice the act.

Neighboring homosexuals are taking advantage of less privileged or abandoned children and luring them, reportedly, with some little amount of money or sweets or whatsoever as a token. If a child grows up with such abnormality, it would not be easy for him later to shun it and will be dangerous to the society in the future. Of course, there are some homosexuals who consider themselves prostitutes; doing it just as a means of livelihood and are available at a moment's notice.

In modern times, the availability of porn pictures, movies and clips ease for browsing and watching on the Internet, phones, Video cassettes and CDs all are among the snares that can entice some to acquire or promote that bad behavior.

THE CHARACTERISTICS OF HOMOSEXUALS IN THE QUR'AN

Allah, who knows what He has created, accounted for the mission of Prophet Lot and gave concise characteristics in the Qur'an that would precisely befit every gay and lesbian throughout the ages. The characteristics have come out from four different identities. From Allah himself, the Creator and the All-Knowing; the Angels, those who were sent to demolish the city; Prophet Lot, who had a bitter experience with them; and the people of Lot themselves, who performed the act. These drastic explanations are not to be clearly found elsewhere save in the Qur'an, the words of the ultimate Creator. It has been explained in seven different Qur'anic chapters, thus, Surat Al A'raf: Q 7: 80-84; Surat Hud: Q 11: 69-83; Surat Al Hijr: Q15: 51-84; Surat Al Anbiya': Q21: 71-75; Surat Shu'ara': Q26:160-175; Surat Al Naml: Q27: 54-59; Surat Al Ankabut: Q 29:26-30. It is pertinent to mention those verses along with some contemporary findings that, in one way or the other, scandalized such immorality from even the Western point of view:

- 1- Transgressing people. “Indeed, you approach men with desire, instead of women. Rather, you are a Transgressing people” (Q 7:81). Transgression depends on the nature of individuals’ acts. In the sexual context, no doubt, homosexuals transgress the limits of the nature by deriving sexual pleasure from an excretory opening, which is not originally created for that purpose even in the animal kingdom. Only mentally sick people, among whom homosexuals typically are, would find pleasurability in the anus!! An opening whose best and divine function is to release waste from the body¹⁸.
- 2- People behaving ignorantly. The Qur’an quotes Prophet Lot as saying: “Do you indeed approach men with desire, instead of women? Rather, you are a People behaving ignorantly” (Q 27:55). The feature of ignorance is vividly clear in the life style of gays and lesbians. They think of being wise while their life attitude exposes their shallowness in terms of comprehending the actual meaning of life. Love of a woman and having sexual pleasure are only drivers to the perfect goal of worshiping Allah and procreating for the development of the world. Lack of this knowledge blinds them from having foresight to at least recognize the danger of their act in even worldly affairs. Dr. Russ Rueger has figured out some problems that are associated with anal sex in which he said: “Another problem with anal sex is the loss of elasticity in the rectal tissues over a long period of time. I’ve heard of promiscuous gay men who had difficulty with rectal control in their later years...”¹⁹.
- 3- People of wicked deeds. Allah referring to Lot’s situation said: “We saved him from the city that was committing wicked deeds. Indeed, they are people of evil defiantly disobedient” (Q21: 74). Promiscuity is, no doubt, a facet of wickedness. The sexual impulse with homosexuals cannot decadently be extinguished with having normal sex. It always gears the performers towards being excessively passive or active in satisfying skin hunger only, while their souls would remain aching and dissatisfied.
- 4- People of evil, defiantly disobedient. For their wrongful attitude of turning away from the commandments of religion, it has become an undeniable fact nowadays that homosexuality is not the natural way for quenching that hungry skin, to the extent that “some male couples have agreements that extra-dyadic sex is acceptable”.
- 5- People who keep themselves desire impurity. Allah narrated that “But the answer of his people was not except that they said: expel the family of Lot from your city. Indeed, they are people who keep themselves pure” (27:56). Making sex, in any given marriage, indeed is among its pivotal purposes. In spite the contemporary delicate forms of having sex; anal sex is the ultimate desire of all homosexuals. Unlike a woman’s private part, the anus is not naturally supported with natural lubricants that may ease intercourse. To overcome this problem homosexuals resort to using saliva for lubrication purposes. Such impurity is not enough, but they also involve a number of other filthy acts like licking the rectum area, inserting the tongue inside the anus and much more that would ascertain beyond doubt the impurity of the performers.
- 6- Claiming rights of evil desire. The Qur’an detailed about the Angels who visited Prophet Lot as humans. By the time his people saw young men of beautiful countenances they rushed to him with wicked intentions towards the young guests. “He said: O my people, these are my daughters; they are purer for you. So fear Allah and do not disgrace me concerning my guests. Is there not among you a man of reason?” They said, ‘You have already known that we have no right to your daughters, and indeed, you know what we want” (Q11:79). Prophet Lot (pbuh) referred his people to the natural way in a matter of

quenching their lust, but reasonability, as it is seen, doesn't work with the deviant! Homosexuals of modern times have come out and shamelessly advocate gay rights, claiming that they have been segregated and criminalized for a trivial thing! They have gone far in some countries demanding a supportive act to be enacted in their favour!

- 7- Corrupting people. Prophet Lot said: "My Lord supports me against corrupting people" (Q 29: 30). The corruption of homosexuals is not a hidden matter. Even in the USA, the country of freedom, to "many Americans, opposition to same-sex marriage is strongly correlated with the belief that homosexuality is immoral"²⁰.
- 8- Wrongdoers. "They (Angels) said: 'Indeed, we will destroy the people of that city. Indeed, its people have been wrongdoers' (Q29:31). Homosexuals always get upset by people describing them as abnormal. If it is a natural thing they would not mind! It is like describing a prostitute as married, she would feel indifferent!

Undoubtedly, the aforementioned features are the typically overall description of all those who enjoy sexual intercourse from the anus, regardless of race, gender, age, time, location and with so-called marriage or without!

THE ISLAMIC PENALTY FOR HOMOSEXUALITY:

Muslims are urged in Islam to refrain from obscene acts or, in any way, indulge in their propagation. Fornication and adultery are, undoubtedly, prohibited in Islam and that has taken strong preventive measures that would halt human beings from being entrapped into the devil's snare. Allah, our Creator and Owner, has ordered the whole Muslims not to go near Zina, and urged all of them, males and females, to low down their sights (Q 24:30-31). The same was taken with regards to homosexuality. The Prophet (pbuh) said: "A man should not look at the private parts of another man, and a woman should not look at the private parts of another woman. A man should not lie with another man without wearing a lower garment under one cover; and a woman should not lie with another woman without wearing a lower garment under one cover"²¹. In another version: "A man should not look at the private parts of another man nor a woman of a woman, nor should a man go under one cloth with another man, nor a woman with another woman"²².

Penile penetration is not only the cause that leads to declaring Zina as prohibited, rather it involves all the forms that can be a source of deriving pleasure, which include gazing at, touching, kissing, rubbing, massaging and any other related act. In modern times, Zina has been simplified, and can be made even through fashion journals, Internet and phones. The Prophet (pbuh) had already talked about such acts, indicating to the variant degrees of Zina. He (pbuh) said: "Written on the son of Adam is his share of adultery that he inevitably commits; the adultery of the eye is the obscene look, the adultery of the hand is the unlawful touching, the adultery of the foot is the unlawful walking, the adultery of the tongue is the unlawful talk, the adultery of the mouth is the unlawful kiss. And the self would wish and desire to commit the actual adultery; the private part would be the instrument to commit the actual adultery if the self-drives the person to commit it"²³. - As such, homosexuality is akin to adultery. Both are negative ways of pleasing one's desire, and their penalty is resultant of full assurance of committing the act by confession or through eye-witnesses.

Upon the ruling of committing homosexuality, the unanimity of Muslim jurists, since the first generations till the present day, has strongly banned the act. No doubt about that. They all believe; despite some suggestions about the better way of executing the judgment on the culprits, however, they admit that homosexuals deserve the severest punishment. This is for, at least, two reasons. One because Allah has prescribed the blatant way he destroyed the people of Sodom. He said: "When our command came, We made the highest part of (the city) its lowest and rained upon them stones of layers of hard clay, (which were) marked from your Lord. And it is not from the wrongdoers very far" (Q 11:82). The verses are clear with certitude that homosexuals deserve punitive punishment. Second, the Prophet (pbuh) also has stipulated the kind of sentence which those sorts of people deserve. Ibn 'Abbas narrated that the Prophet (pbuh) said: "Whomever you find committing the sin of the people of Lot, kill them - both the one who does it and the one to whom it is done"²⁴. The hadith, though some scholars viewed its individual channels as weak, actually it is good looking at its collective channels. Therefore, its ruling is binding.

For both the aforementioned reasons, the majority of the jurists agreed upon killing (burning or stoning to death) of both the active and the passive²⁵. Imam Malik followed the position of Madinan scholars that both should be stoned. He further asked his master Ibn Shihab about someone who committed sodomy. Ibn Shihab said, 'He is to be stoned, whether or not he is legally married'²⁶. But the view of Abu Hanifa is slightly different. He left the form of executing an exemplary punishment regardless of the performer's marital status at the discretion of the judge and according to the circumstances of the crime. While Imam Ahmad bn Hanbal equalized sodomy with adultery that must incur the same penalty of stoning.

As for lesbians, they are not to be killed for their activity is confined to masturbating each other without penile penetration and no specific punishment for that in the Shari'a, but all jurist agree that they will be given a drastic punishment (*Ta'zir*) that may be fitting to the crime committed at the discretion of the judge²⁷.

All the penalties prescribed by the Sharia are for the betterment of the society. Abandoning it will cause unending chaos among the people. Recently in America, the country of freedom, "almost 300 of the state's worst sex offenders live in the Special Commitment Centre on MacNeil Island. They've already served prison terms but are locked up indefinitely to protect society"²⁸. It is true story and deserves no comment!

HOMOSEXUAL MARRIAGE

Marriage is a sacred institution being bond between a man and a woman that religiously or culturally agree upon and expect to beget children as its fruit. Allah, the Lawgiver, highlights on how the couple should enjoy each other. He said: "Your wives are a place of cultivation (i.e, sowing of seed) for you, so come to your place of cultivation however you wish and forth (righteousness) for yourselves" (Q 2:223). The anus is not totally a proper channel of deriving sexual pleasure even with one's wife. In spite of the Islamic allowance of deriving enjoyment from each part of one's wife or husband, that particular part is clearly excluded. Had it been something that could be softening about within the Islamic realm, the Prophet (pbuh) would have, of course, allowed the couples to enjoy it. But he (pbuh) pronounced a severe punishment for that, saying: "He is cursed who has anal intercourse with his wife"²⁹. He also said: "Whoever has intercourse with a menstruating woman, or with a woman in her rectum, or goes to a fortune-teller, has disbelieved in what was revealed to Muhammad"³⁰. On the authority of Khuzaima bn

Thabit who said: "A man asked the Prophet about entering women in the rear, or the entering by a man of his wife in her rear, and the Prophet answered: 'Halal (i.e. permissible).' When the man turned to leave, the Prophet called him or ordered for him to be called back and said: "What did you say? In which of the two openings did you mean? If what you meant was from her rear and in her vagina, then yes. But if what you meant was from her rear and in her anus, then no. Verily Allah is not ashamed of the truth - do not enter your wives in their anuses!"³¹.

The hadiths mentioned above and a host of others are individually sound and collectively authentic³² to the extent that it has been recorded among the multi-channel narrations (Mutawatir)³³. Imam At-Tahawi said: "The reports concerning that reach the level of tawatur (the multi-channel narrations)"³⁴. This, of course, refutes the view reported from some of hadith scholars like Al-Bukhari, Al-Zuhli, Al-Bazzar, An-Nasa'i and Abu Ali An-Naysaburi, who said that none of the hadiths that forbade anal sex with one's wife is authentic. Though these scholars are not suggesting allowance of anal sex with wives, but their analysis is somewhat right when looking at some individual chains. But still there other multiple chains free from serious defect asserting the prohibition³⁵. Hafiz Ibn Hajr himself has approved of their authenticity collectively³⁶. And before Ibn Hajr, two outstanding hadith scholars, namely, Imam Abdurrahman Ibn Al-Jauzi and Hafiz Az-Zahbi each had composed a book, in which he analyzed all the narrations on the matter and asserted its authenticity³⁷.

In view of the above, there is no need to depend on what is reported from, or ascribed to, some companions and scholars like Abdullah bn Umar, Abu Sa'id Al-khudri, Muhammad bn Ka'ab al-Qurazi, Zayd bn Aslam, Muhammad bn Munkadir, Sa'id bn Musayyib, Ibn Abi Mulaykah, Muhammad bn 'Ajlan, Abdulmalik bn Majishoon, Malik bn Anas, Shafi'i and some jurists from Maliki school of law³⁸. Actually, most of the sayings ascribed to these scholars, in addition to being their own personal view (Ijtihad), lack good and authenticated chain to them. It is mere ascription, which would not be considered as genuine channel until it is traced back authentically to each of them³⁹. Moreover, it contradicted the authentic narrations from the Prophet (pbuh) in which he explicitly prohibited such evil deed!

In addition to that, it has come through other sound channels that some of those people had preached vehemently against anal sex with one's wife; a situation that shows high degree of contradiction in what is narrated from them. The least that can be said is that they had changed their mind after getting correct view⁴⁰.

The permissibility was, of course, reported from Abdullah bn Umar and his attention was drawn to the correct view⁴¹. Abdullah bn Abbas said: "Ibn Umar misunderstood (the Qur'anic verse, "So come to your tilth however you will")- may Allah forgive him. The fact is that this clan of the Ansar, who were idolaters, lived in the company of the Jews who were the people of the Book. They (the Ansar) accepted their superiority over themselves in respect of knowledge, and they followed most of their actions. The people of the Book (i.e. the Jews) used to have intercourse with their women on one side alone (i.e. lying on their backs). This was the most concealing position for (the vagina of) the women. This clan of the Ansar adopted this practice from them. It was this tribe of the Quraysh used to uncover their women completely, and seek pleasure with them from front and behind and laying them on their backs. When the Muhajirun (the immigrants) came to Medina, a man married a woman of the Ansar. He began to do the same kind of action with her, but she disliked it, and said to him: We were approached on one side (i.e. lying on the back); do it so, otherwise keep away from me. This matter of theirs spread

widely, and it reached the Prophet (pbuh). So Allah, the Exalted, sent down the Qur'anic verse: "Your wives are a tilth to you, so come to your tilth however you will," i.e. from in front, from behind or lying on the back. But this verse meant the place of the delivery of the child, i.e. the vagina⁴². Ummu Salamah (R.A), the Prophet's wife, had reported the same interpretation from the Prophet (pbuh)⁴³.- Hence, Ibn Umar had, afterwards, rejected that view and was reported to have said: "Would a Muslim do that?!"⁴⁴.

It was also established beyond doubt, according to Ibn Hajr⁴⁵, that Imam Malik was reported, in his early Fatwa, to have allowed anal intercourse with one's wife⁴⁶, but never put it into practice himself⁴⁷. And his closed disciple, Abdullah bn Wahab, reported that Malik had changed his mind later⁴⁸. Al-Qurtubi, the great exegete, has said: "If that were reported from Malik it would, undoubtedly, be among the grave mistakes, which any Mujtahid can commit"⁴⁹. Hence, all the Maliki School of jurisprudence's books reported the prohibition from him. And some scholars have reported unanimity of the later jurists and Hadith scholars on its prohibition⁵⁰. It is obvious, indeed, to consider such an act as repulsive. This is because Allah has made it forbidden for men to have sexual intercourse during menstruation of the wives, for the simple reason of impurity of the place at that time. So, it is, analogically clear that having intercourse in anus, a place, which is constantly impure from within, is similar to that of having it during menstruation or even worst⁵¹.

For those who crossed the limit, the Jurists have issued a fatwa that any couple is caught of satisfying themselves by this evil act deserved to be punished with a drastic punishment (Ta'azir). And if they insisted in doing it they should be separated by a divorce⁵². And interestingly enough, this Fatwa was reported from Imam Malik himself⁵³.

Anyway, in the Qur'an, Allah, however, has mentioned some requirements of nature that would accompany any proper Islamic marriage, which include love, contention, mercy, protection and procreation, without which the marriage becomes void. It is in the Qur'an that: "And of His signs is that He created for you from yourselves mates that you may find tranquility in them; and He placed between you affection and mercy. Indeed in that are signs for a people who give thought" (Q 30:21). It also said: 'And Allah has made for you from yourselves mates and has made for you from your mates sons and grandchildren and has provided for you the good things. Then in falsehood do they believe and in the favor of Allah they disbelieved?' (Q 16:72). It is clear that none of these descriptions exists in same-sex marriage for being an unnatural union. Such marriage is Islamically considered as a double jeopardy. First it holds in contempt the divine law, which restricts marriage between a man and a woman, by adding two other new forms, that of woman to woman and man to man. Second it holds in contempt the prohibition of satisfying sexual desire from the same-gender. Each deserves harsh punishment.

DEFYING THE MARITAL GOALS

It is observable that homosexuals are self-centered people; they think only of their own limited pleasure being driven from whatever available rectum! Because of this highly evil egoism, they have not given the betterment of the entire humanity an iota of due consideration. Henceforth, their activities are not only in sharp contrast to the religious values but they are also diametrically in conflict with the whole humanitarian values like having sexual pleasure and procreation.

As for sexual pleasure, Islam as a religion legalizes instinct and inborn natural inclination (*Fitrah*) has thus legalized for Muslims every good and drawn their attention to be extra-careful in satisfying such an instinct. The Prophet (pbuh) said: "In the sexual act of each of you, there is a charity. The companions said: 'O, Messenger of Allah, when one of us fulfills his sexual desire, will he have some reward for that?' He said: 'Do you not think that were he to act upon it unlawfully he would be sinning? Likewise, if he has acted upon it lawfully he will have a reward'"⁵⁴. The prohibition, of course, includes all homosexual emotions and acts. It would be even worse, for Jabir bin Zaid, one of the companions' disciples, used to say: "The prohibitive decree of the anus is far more serious than the prohibitive decree of the vagina"⁵⁵.

Procreation is by no means a natural built-in instinct in human beings. Everybody, including barren people by choice or by design, all in one time or the other, intuitively wish they could beget. Even when someone, in the western lifestyle, chooses to live without child, the rule still works. Such people would only be an exception, and it has been logically said: "The exception proves the rule".

Thus the normal relations of a father and mother dwelling together and bringing up a family is essentially purposive, to borrow the 20th century great philosopher, Bertrand Russell's words: "The main purpose of marriage is to replenish the human population of the globe"⁵⁶. A Muslim is guided to find a fertile woman beloved to him in order to beget more beneficial children to the Muslim Ummah. But homosexuality, apart from inviting Allah's curse, is not meant for enriching humanity. Ma'qal bn Yasar said: "I found a beautiful woman from a noble family but she cannot bear children, should I marry her? The Prophet (pbuh) replied, "Nay". The man came back and asked a third time and asked the same question, the Prophet (pbuh) turned to his companions and said: "Choose in your wives the fertile and the affectionate, for I shall take pride in your number on the Day of Judgment"⁵⁷.

For this reason, one would not be far from the truth if he viewed same-sex marriage as anti-civilization. For the civilized people always resort to the marriage institution in order to build the next generation. Analogically, same-sex marriage is tantamount to childless one that is the more it increases the more civilization, whatsoever, diminishes. It is clear from the Qur'an that Allah has created mankind on the earth for the task of furnishing their environment with all what can make it beautiful⁵⁸. The marriage institution, more especially, from the Islamic perspective, involves several obligations, like child-rearing, schooling, feeding, inheritance and many other rights clustering round the family and siblings. If the homosexual marriage is allowed, the legal rulings concerning those things would have been useless. But Allah will not legalize emptiness. It has meaning and should be practiced by the faithful.

Not surprisingly, there is a well-established report conducted in America which asserted the insistence of the procreative instinct not only in the minds of straight-sex people, but it continuously rings even in the minds of most American same-sex so-called 'couples'! The report reads: "Growing numbers of lesbians and gay men are choosing to have children within the context of a same-sex relationship. In a national poll, 49% of gay men and lesbians who were not parents said they would like to have or adopt children of their own... Given the obstacles to parenthood faced by self-identified gay men and lesbians, there is a high likelihood that their children are strongly desired and planned"⁵⁹. What is true there remains true everywhere for being the human beings' inseparable instinct.

Homosexuality is, of course, a grievous sin in Islam. Its performers would bitterly account for it on the day of resurrection. But before that day, additionally, the psyche of a homosexual would not be free from psychological damage resulting directly from his activities. The free-minded psychologists have reached a consensus that the way of conducting sex through homosexuality brings about a strong stress and much tiredness that wreck the performers' physical stature. Experiencing such stresses puts both parties consigned to it at greater risk to both mental and physical health problems. Thence, simultaneous use of hard drugs, marijuana and excessive alcohol intake all and much more become inevitably a common affair among the gays and lesbians, just for seeking relief and somewhat illusionary contention. From here, it also turns to the problems of drug abuse and alcoholism, which, the homosexuals, reportedly, have been contributing considerably in its worldwide spread⁶⁰. This of course asserts the wickedness of the homosexuals, as declared by the Qur'an.

Natural marriage, according to the sacred statement of the Qur'an, brings about full tranquility and rest in terms of quenching sexual desire and acquiring social respect. A man or woman is respected because he/she is normally married, while homosexuals are regarded as bad friends, antisocial personalities and evil advocates in the society.

Indeed, religiously married people believe with certitude that marriage provides to them much more of temporal and Hereafter's benefits. However, the sodomitical practices, with so-called marriage or without, are anti-civilization and a great source of generating many psychological disorders in the society.

Feelings of depression, suicide attempts and different self-harm behaviors, in general, are but a few of the symptoms of perversion and mental illness being suffered worldwide by homosexuals. Sinful activities, without doubt, are all coupled with, and never disengaged from, mental irregularities, for the Qur'an says: "The stain has covered their hearts of that which they were earning" (Q 83:14). Ibn Qayyim, a great Muslim jurist and a psychologist, has once talked about the human inclination to the unlawful desire and enumerated its bad impacts on personality among which he said "It causes worry, grief, sadness and fear that is far more than the pleasure of fulfilling the desire"⁶¹.

This happens always with contemporaneous homosexuals; they refuse to label the blame on their mischievous acts. Rather they lay the blame on the society for showing them hateful discrimination, just because of their sex orientation⁶²! While in actual sense, the depression that they experience is owing to the lack of self-tranquility and constant mental dissatisfaction due to their ill activities. The problem evidently is not an outer one, but is exclusively inner; stemming from their decaying hearts!

With rare exception, not all homosexuals are courageous to disclose their identity or, to use their favorite word, sexual orientation for a number of reasons. The first and foremost among other reasons, even before harassment against and mockery of the society, the act goes against the epithet and naturalness of the heart. Until being fully rotten, the heart usually resists intrusion of any bad behavior into its pure domain. The Prophet (pbuh) had clearly portrayed such a state of mind in his hadith saying that: "Righteousness is good morality, and wrongdoing is that which wavers in your soul and which you dislike people finding out about". In another version: "Righteousness is that about which the souls feels tranquil, and wrongdoing is that which wavers in the soul and moves to and fro in the breast"⁶³. There are some people who blacken their hearts

with sinful acts and would not care to proudly publicize their grimy activities. On these and the like, Allah has said: “When it said to him, fear Allah, pride in the sin takes hold of him...” (Q 2:206).

As for deteriorating physical health, homosexual intercourse, indeed, causes innumerable damage that might end up with very delicate and risky treatments. Those include tearing of anus tissues and spreading communicable diseases, etc. Dr. Alice is a popular American medical doctor at Columbia University. He was asked about anal sex risks and he answered: “Anal sex may make a person more susceptible to bacterial infection around the anus and rectum. This is because the lining of the rectum is not as heavy as the lining of the vagina, so it is more susceptible to tears. If the anus or rectum does get torn, it does not heal as quickly. Because feces that pass through the rectum contain bacteria, any tear in the lining is at risk of getting infected. Lining tears may lead to other problems such as an anal abscess, which can make transmission of sexually transmitted infections (STIs) and HIV more likely..’

In extreme cases, a tear in the lining can develop into a fissure (a larger tear or crack) and may extend outside of the bowel. This is called a fistula and it is a significant medical issue because it allows feces to pass outside of the bowel, and requires major surgery to repair. Additionally, there is some suggestion that anal sex may worsen existing hemorrhoids”⁶⁴.

Ironically, the Western powers are at the fore in advocating for gay rights and at the same time they do fight against HIV/AIDS. It is, of course, a double standard. Because it has been proved beyond doubt that homosexuality is the major debilitating cause of HIV/AIDS. Why then not fighting against homosexuality? Perilous

THE ISLAMIC SOLUTION

It is pertinent before rounding up to mention some solutions that could help in curving one’s self from the ill-advised or wrongful choice of committing homosexuality practices. After identifying the problem that homosexuality is a disease of desire not naturally needed nor instinctively inclined to as the Qur’an stated (Q 7:81), one has to be strongly determined that he wants to wholly get rid of it at once. This will be by distancing him/herself from all avenues of evil! It is reported that “pious people in the past would even dislike looking at handsome young boys”⁶⁵. If it was influenced by friends let him/her boycott the friendship and any device that would remind him about the act. Instead, pious friends have to be his/her immediate company. And above all, he/she must remember they are seen and carefully watched by Allah and their deeds accordingly, especially those that of homosexuality are all recorded and will be accounted for in a coming day.

Fearing Allah, sincere repentance and constant remembrance of Allah combined with strong invocation specifically for curtailing desire towards this evil act are all helpful. In addition to that, he has to change the company from the ones who indulged him into the evil to the pious ones, who will help each other in the course of Allah. The Prophet (pbuh) had said: “A person is on the religion of his close friend, so let him carefully examine who he befriends”⁶⁶. The same has been said in an English proverb: “Birds of a feather flock together”.

CONCLUSION:

Homosexuality is, of course, a self-choice and an abominable practice that has no single iota of a relationship with the genes. The view of being genetically inherited is self-evidently false; henceforth, it is neither natural nor normal; rather it is described psychologically as a self-acquiring destructive behaviour among most of the persisting mentally ill. In spite of the resistance and straggle for relevance being actively shown by homosexuals worldwide, there are still a handful number of homosexuals in each society and their movements can be easily banned by governments.

So, on this ground, it is pertinent also to appeal to the Islamic scholars at their sessions and preachers in their lessons that they would have to continuously draw the attention of individuals and the community at large to the grave danger of gay liberation and its related activities. Parents and school officials have to put extraordinary carefully watching the movements of their children and the relationships of the students. People in general and elected representatives and legislators in particular, though politics, as it is popularly said, is 'a dirty game', sometimes it has no stable relationships, it only privileges relationships that contribute to its interests, but they have still to join efforts to cast away any bill that may disrupt people's values and good culture, including the bills for homosexuals' rights. The people have to mind the wisdom that George Orwell, a Western philosopher, has wryly spoken: "During times of universal deceit, telling the truth becomes a revolutionary act". Not telling alone; action must be combined with it. But we Muslims, in particular, have to recite Allah's saying: "Allah will not change what is with the people unless the people change what is with them" (Q 13:11).

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It is also pertinent to read Jamie Doward's report on "Gay men and lesbians are putting their health at risk by abusing drugs: Homosexuals are more than three times more likely to use illicit substances, study reveals", in which he reported about 'findings from the British Crime Survey which estimate that 10% of heterosexuals took drugs last year, compared with 33% of gay or bisexual people. Explanations vary as to why these groups appear to be heavier drug users than heterosexuals'. @ <http://www.guardian.co.uk/society/2010/jul/25/gay-lesbians-drug-use-report>

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