Sexuality, and Development in the Maghreb:

*Origins of Institutionalized Homophobia, and the Disruption of Development*

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ABSTRACT

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This paper explores the context of institutionalized homophobia by exploring encounters with sexuality through culture, sexuality and Western expansionism. With a focus on the changing perceptions of sexuality throughout time, evidence exploring the increased sensitivity of the LGBT community in Morocco and North Africa to poverty and inequality will be expounded upon. The goal is to provide development practitioners context for expanding efforts and becoming inclusive of LGBT communities.
Acronyms and Abbreviations

GDP- Gross Domestic Product
GII- Gender Inequality Index
GNI- Gross National Income
HDI- Human Development Index
LGBT- Lesbian, Gay, Bisexual and Transgender
PPP- Purchasing Power Parity
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Introduction

When compared to fellow African nations, Morocco seems to have marked improvement over many of its continental neighbors. Morocco has a population of 32.27 million, and a Gross Domestic Product of $100.2 billion, making it a lower middle income country. The Gross National Product in terms of Purchasing Power Parity is $4,196, below the medium human development marker of $5, 276. Morocco’s Human Development Index ranking is 130 out of 187 countries, meaning it still has a considerable amount of work to do when human development is considered. While life expectancy at birth is nearly on par with higher income countries at 72.2, the average adult only has a mean of 4.4 years of schooling. Morocco also faces many equality challenges, with an inequality adjusted HDI value of 0.409, a Gender Inequality Index of 0.543, and Gini Coefficient, a measurement of income equality among a nation’s citizens, of 40.9. Despite improvements that have moved Morocco into the Middle Income group, inequality is still rampant throughout the country. Women, youth, ethnic Amazigh and non-Muslims are at risk, but the group which faces the most danger may in fact be Lesbian, Gay, Bisexual and Transgender Moroccans.

In the last decade, the queering of poverty has become increasingly obvious, leading to high levels of poverty among LGBT communities as compared to other groups. Several recent studies have focused on the disadvantages LGBT peoples which have led to poverty. Social marginalization leads to limited access to employment,

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housing, education, health and services. Violence, discrimination, and prejudice are major factors behind the queering of poverty, and these factors are not only present within the developed world, but also throughout developing nations.

The developing world presents especially dangerous circumstances for LGBT peoples, and creates higher risk within this community for poverty and inequality. The cause of this heightened risk is the criminalization of homosexuality, prevalent throughout Africa. North Africa, due to influences from Sharia law, is rampant with homophobic laws and social marginalization. Morocco was among the first in 1962, condemning “anyone who ‘commits a lewd or unnatural act with an adult of the same sex.” Punishments range from 6 months to 3 years, and include fines of 120-1000 Dirhams (US $14-$120). Where homosexuality is criminalized, LGBT peoples face exceptional risk of violence and discrimination leading to poverty. As the discrimination is institutionalized, it becomes more prevalent and goes underreported.

Institutionalization leads to even further diminishing of access to services. A 2012 documentary on Morocco gay men exposes tales of police abuse, homelessness, societal

rejection, and prostitutions as the only means for survival\textsuperscript{9}. With youth unemployment at 21.9\% and 15\% of the population below the poverty rate\textsuperscript{10}, LGBT peoples, especially youth, are at elevated risk for poverty and guaranteed inequality due to the criminalization of their sexual identity.

The danger presented to LGBT peoples in the developing world, specifically North Africa, is an enormous challenge to development practitioners and human rights globally. Without effort to improve the status of LGBT people within the developing world, practitioners are ignoring entire communities at high risk of poverty, violence and even death. In 80 countries across the world, including 53 in Africa\textsuperscript{11}, the violation of human rights is institutionalized by criminalizing homosexuality and creating ongoing inequality. Development and the end of poverty cannot be achieved until all people within a society are brought out of oppression and given equal rights. In order to address the present problems, it is necessary to understand the roots of homophobia in the region.

\textsuperscript{9} I am Gay and Muslim. Directed by Chris Belloni. 2012
Chapter One

Ancient & Pre-Colonial Sexuality in the Maghreb

In what is perhaps one of the most comprehensive explorations of the history of homosexuality, Donaldson and Dynes provide a volume exploring ancient homosexuality. There is a great focus on ancient Greece, and Rome, as well as discussion of ancient Egypt. Other empires do receive much attention, due to the lack of information and record keeping by many ancient empires about sexual practices. All considered, it is understandable why the Greeks and Romans dominate homosexual history. As Morocco was once under Roman rule, Roman influence becomes important to note.

Morocco came under Roman rule during the Punic War in 264-243 BCE\(^\text{12}\). How much influence the Romans had on Moroccan culture cannot really be known, however we can assume that Romans and Moroccans did have some degree of cultural exchange. Pedastery, sexual relationships between young men and older men, was common and integrated with elite social status in Ancient Rome. It was common for men of high status to own boy slaves whom they purchased for sexual purposes\(^\text{13}\). Lesbianism was also mentioned and discussed at length in many Latin texts, however it did not receive as much acceptance as male/male or man/boy relationships\(^\text{14}\). One striking similarity between Ancient Roman and modern Moroccan attitudes is the stress on shame for the

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\(^{14}\) Donaldson, S. & Dynes, W., P. 181
passive role, called a zamel in Morocco\textsuperscript{15}. Whether this is a legacy of Roman rule is undeterminable, but it is nonetheless a commonality the two share.

Outside of Roman rule, Morocco’s remote location, surrounded by vast desert and mountainous regions, allowed it to retain independence for much of its history. After Roman rule, Morocco was subject to local tribal authorities and sultans. Morocco even resisted Ottoman rule far longer than other regions, and only some parts of the country were eventually taken. Up through the establishment of the French Protectorate, Morocco retained a high degree of independence.

Left comparing modern attitudes to those held by former occupiers, speculation is all we have when making conclusions about pre-colonial homosexuality in Morocco. As will be discussed more at length later, Moroccan society has a strict policy of silence regarding sexuality, especially homosexuality. This could help account for limited historical accounts of homosexuality before the Protectorate was established. In the absence of evidence before the Protectorate, it is important to turn to the available texts which defined the region before French influence. Islam is responsible for defining the region, and its impact must be considered.

**Homosexuality and the Sacred Text**

**The Qu’ran**

Islam’s foundation, like other Abrahamic religions, is found in sacred texts. The Qu’ran and the Sunna are the basis for Islamic life, acting a guide for Muslims. Thus, it is impossible to discuss the lives of any community in an Islamic society with looking to the texts that define everyday reality.

\textsuperscript{15} Donaldson, S. & Dynes, W., P. 58
The Qu’ran makes no direct mention of homosexuality; however passages referring to the story of Lut are often cited as outlawing homosexuality. Several citations are commonly used from the story of Lut and the destruction of Sodom and Gomorrah\textsuperscript{16}\textsuperscript{17}. The story of Lut, also known as Lot, arches across Judaism, Christianity and Islam. As Old Testament Prophet, Lut is commanded by God to end the lustful ways of his people in the ancient cities of Sodom and Gomorrah. The story clearly prohibits lust and violence, and is interpreted to prohibit homosexuality as well. Several Suras, Qu’ranic passages, reflect this interpretation:

We Sent Lut and he said to his people; “How can you practice this outrage? No other people had done so before. You lust after men rather than women: you transgress all bounds. The only response his people gave was to say [to one another], ‘Drive the out of your town! These men want to keep themselves chaste!’ We saved him and his kinfolk- apart from his wife who stayed behind-and We showered upon [the rest of] them a rain [or destruction]. See the fate of the evil doers. Sura 7:80-84\textsuperscript{18}

Suras 7:80-84 are found in an early chapter, The Heights (Al-A’raf), of the Qu’ran. This section is devoted to creation stories and stories of judgment day prophecy. The story of Lot is used by the Prophet Shuaib to warn his people of the coming destruction they would face if they continued to act as Lut’s people. The retelling of Lut’s story, and the focus on lusting after men as a transgression worthy of heavenly destruction makes a clear point about homosexual intercourse. Interpretations vary, and some claim this only refers to raping another man while others claim this section outlaws

\textsuperscript{17} Habib, S. \textit{Female Homosexuality in the Middle East}. New York: Routledge, 2007.  
any and all homosexual contact. This sura is followed by several other stemming from later chapters. In The Poets (Al-Shu’ara’), recounts stories of punishments dealt out to non-believers. As in the story of Shuaib, it recounts the destruction of Sodom and Gomorrah.

    Must you, unlike [other] people, lust after males and abandon the wives that God has created you? You are exceeding all bounds. Sura 26:165-166

The Ants, Al-Naml, also recounts past prophets and punishment for non-belief and transgression;

    We also sent Lut to his people. He said to them, ‘How can you commit this outrage with your eyes wide open? How can you lust after men instead of women? You are foolish people!’ Sura 27:54-55

Additionally, The Spider (Al-‘Ankabut) tells believers of the tests they will face as well as misconceptions held by non-believers;

    And [We sent] Lot: He said to his people, ‘You practice outrageous acts that no people before you have ever committed. How can you lust after men, waylay travelers, and commit evil in your gatherings? Sura 29:28-29

    Over and over the story of Lut is recounted as a warning. As made clear earlier, the story is never clear as to whether the punishment refers to male raping of other males, the raping of guests (the waylay travelers) or consensual homosexual intercourse. When looking at classical and modern jurisprudence, the variation of this interpretation will play an essential role.

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19 Haleem, A., 2004
20 Haleem, A., 2004
21 Haleem, A., 2004
There is one Qur’anic passage not from the story of Lut which is used regarding homosexuality, “If two among you are guilty of lewdness, punish them both. If they repent and amend, Leave them alone; for Allah is Oft-returning, Most Merciful”\(^{22}\). This sura is from Al Nisa’ (Women) 4:16 among prescriptions regarding legal sexual contact. This passage shows a leniency toward homosexuality by allowing the act to be forgiven through repentance alone. However, as death is an option here without repentance the passage can be interpreted by Islamists as more evidence of the immorality of homosexuality.

**Hadith & Sunna**

The Sunna is a collection of Hadiths. Hadiths are statements or practices attributed to the prophet Muhammed relayed orally and eventually transcribed into the Sunna and rated by the reliability of the source. The Sunna has thus become an integral part of jurisprudence when answers are not clear in the Qur’an. In Sunni Islam, there are six major collections of Hadiths, three of which are regarded as the most trusted. Since this collection is second to the Qur’an, hadiths should be a focus when discussing jurisprudence.

The Sahih Bukhari is one of the most highly regarded collections of hadiths, and seen as the most authentic after the Qur’an. Regarding homosexuality, Sahih Bukhari contains two notable narrations from Ibn’ Abbas. He is a highly regarded source as the paternal cousin of Muhammed, and is found in throughout the Sunna. Ibn’ Abbas has a great deal of influence over jurisprudence in Islam as a highly reliable and prolific source, and his two contributions in Sahih Bukhari regarding homosexuality are;

\(^{22}\) Haleem, A., 2004
The Prophet cursed effeminate men; those men who are in the similitude (assume the manners of women) and those women who assume the manners of men and he said, “Turn them out of your houses.” The Prophet turned out such-and-such man, and ‘Umar turned out such-and-such woman. 7:72:774\textsuperscript{23}

Sura 8:82:82\textsuperscript{24} provides a nearly identical prescription as 7:72:774. These hadith can be interpreted as the casting out of homosexuals. Especially men in the passive role, but take literally it seems to apply more to those who engage in non-heteronormative gender identities. These hadith seem contradictory in light of stories which claim Muhammed allowed ‘effeminate men’ in the presence of his unveiled wives\textsuperscript{25}.

A second highly regarded collection is the Muwatta, collected by Imam Malik ibn Anas. It was the first book of the hadith focused on Muslim law, the Sharia. It is considered the second of the hadiths, and third to the Qu’ran. This book is highly important to a discussion of homosexuality in sacred Islamic text as it contains three narratives prescribing punishment for homosexual intercourse;

Malik related to me that he asked Ibn Shihab about someone who committed sodomy. Ibn Shihab said, “He is to be stoned, whether or not he is muhsan.”\textsuperscript{26}

It was narrated that Ibn Abbaas said: “The Prophet Muhammed (peace and blessings of Allah be upon him) said: “… cursed is the one who has intercourse with an animal, cursed is the one who does the action of the people of Loot.”

\textsuperscript{23} Center for Muslim-Jewish Engagement. 

\textsuperscript{24} Center for Muslim-Jewish Engagement, n.d.

\textsuperscript{25} Habib, S., 2010

\textsuperscript{26} Center for Muslim-Jewish Engagement, n.d.
Narrated by Ahmad, 1878: Classed as saheeh by Shaykh al-Albaani in Saheeh al-Jaami’, no. 5891

Ibn Abbas and Abu Huraira reported God’s messenger as saying, ‘Accursed is he who does what Lot’s people did.’ In a version… on the authority of Ibn Abbas says that Ali had two people “burned” and that Abu Baker had a wall thrown down on them” Mishkat, vol. 1, p. 765, Prescribed Punishments

We can see that the act of sodomy is prescribed death clearly in the first narrative. The other two are much less clear, referring to the acts of Lut’s peoples. Homosexuality is inferred to be among the sins of Lut’s people and this interpretation becomes an important split between conservative and progressive contemporary jurists.

Abu Dawud is another of the six books, and it is not considered among the three most highly regarded. It is still important to jurisprudence despite controversy over some of his hadith’s reliability. This book contains seven references to homosexuality, the most of any hadith. Similar to Muwatta, some narratives are more clear admonishments of homosexuality while others are not;

Narrated by Abdullah ibn Abbas: The Prophet (peace be upon him) said: If you find anyone doing as Lot’s people did, kill the one who does it, and the one to whom it is done. 38:4447

This is the only mention of Lut’s people in the related hadith of Abu Dawud. I have already established the debate surrounding mentions of Lut’s people. It is one of several unclear hadith, similar to the others here;

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27 Center for Muslim-Jewish Engagement, n.d.
28 Center for Muslim-Jewish Engagement, n.d.
29 Center for Muslim-Jewish Engagement, n.d.
Narrated by Abu Hurayrah: The Apostle of Allah (peace be upon him) cursed the man who dressed like a woman and the woman who dressed like a man. 32:4087

Narrated by Aisha, Ummul Mu’minin: Ibn Abu Mulaykah told that when someone remarked to Aisha that a woman was wearing sandals, she replied: The Apostle of Allah (peace be upon him) cursed mannish women. 32:4088

Similar to the narratives of Sahih Bukhari, these hadith are unclear in their intention. They can be used to rebuke homosexuality, but appear to focus more on gender identity and dress.

Narrated by Abu Sa’id al-Khudri: The Prophet (peace be upon him) 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 woman without wearing her lower garment under one cover. 31:4007

Narrated by Abu Hurayrah: The Prophet (peace be upon him) said: A man should not lie with another man and a woman should not lie with another woman without covering their private parts except a child or father. 31:4008

Abu Dawud said: From here I remembered this tradition from Mu’ammil and Musa: Beware! No man should lie with another man, no woman should lie with another woman except for one’s child or father. 11:2169

The three narratives above can be seen as clear interpretations of unlawful homosexuality. However, they can also be seen as regarding modesty and extramarital

30 Center for Muslim-Jewish Engagement, n.d.  
31 Center for Muslim-Jewish Engagement, n.d.  
32 Center for Muslim-Jewish Engagement, n.d.  
33 Center for Muslim-Jewish Engagement, n.d.  
34 Center for Muslim-Jewish Engagement, n.d.
affairs, matters that are of the highest concern in Islam. There is one last narrative in Abu Dawud important to our discussion;

Narrated by Abdullah ibn Abbas: If a man who is not married is seized committing sodomy, he will be stoned to death. 38:4448

This last hadith appears to be a clear admonishment of homosexuality; however it is as subjective as the others. This hadith can also be interpreted as punishment for extramarital affairs, applying the same punishment for homosexual affairs that is used for heterosexual affairs.

Jami’at-Tirmidhi is the last hadith containing information regarding homosexuality. While it contains two narratives relevant to this case, it is regarded as only the fifth most reliable book of hadith. It explicitly refers to the people of Lut, and is reliant on interpretation when it comes to the punishment of homosexuals;

Whoever is found conducting himself in the manner of the people of Lot, kill the doer and the receiver. 1:152

It was narrated by Jaabir (may Allah be pleased with him): “The Prophet (peace and blessings of Allah be upon him) said: ‘There is nothing I fear for my ummah more than the deed of the people of Loot.’” 1:457

The Sunna provide us some of the most important arguments in jurisprudence regarding homosexuality. Having reviewed some of the most important Sura and Hadith, it is now possible to begin to understand classical and modern jurisprudence regarding homosexuality and how this effects the LGBT Muslim community.

35 Center for Muslim-Jewish Engagement, n.d.
36 Center for Muslim-Jewish Engagement, n.d.
37 Center for Muslim-Jewish Engagement, n.d.
Classical Jurisprudence

Classical jurisprudence primarily concerns the work of scholars who established schools of thought that are still defining Islam. Four influential schools of Sunni Islam are the Hanafi, Shafi’I, Maliki and Hanbali. Shi’ite Islam also has four schools, Ja’fari – the most prevalent-, Ismaili, Zaidi and Ibadhi. As Sunni Muslims constitute a large majority of Muslims\(^\text{38}\), the focus here remains on the Sunni schools as the most influential.

Hanafi, the largest and oldest school of jurisprudence, was the official school of the Ottoman Empire. It recognizes homosexuality in both legal terms and the example of its founder, Abu Hanifa an-Nu’man. As a teacher, he was known for seating young, handsome students behind him “for fear of betrayal of the eye.”\(^\text{39}\) Logically, it would follow that the school recognizes that no one is immune from the lure of homosexual attraction. While the school recognizes the natural occurrence of homosexual attraction, it is pivotal that Muslims must resist the temptation to take action. Notably, the Hanafi School does not recognize homosexual intercourse as a form of Zina – illegal fornication- and there for it is not punishable by hadd- severe punishments for serious crimes. The Hanafi School defines zina strictly as vaginal intercourse and because of this punishments varied for anal intercourse. The school prescribes perpetrators of anal intercourse to be punished by chastisement and the form of this was decided by judge. This punishment usually took the form of whipping or imprisonment. In the cases of repeat offenders, death was suggested by Hanafi jurists, though a fine most likely given in practice with the

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amount dependent on marital status for the active partner, while the passive partner usually got a whipping and a fine. Further in line with the acceptance of attraction, the Hanafi School allowed the composing of homosexual poetry, a highly debated activity between schools. In cases of rape, Hanafi jurists believed that duress removes sinful nature of zina and anal intercourse, but does not absolve the crime of fornication.\footnote{El-Rouayheb, K. \textit{Before Homosexuality in the Arab-Islamic World, 1500- 1800}. Chicago: University of Chicago Press, 2005.}

The Shafi’i School, founded by Abu ‘Abdullah Muhammad ibn Idris al-Shafi‘i, differed greatly from the Hanafi School in that it recognizes anal intercourse as a form of zina. However, punishments also varied greatly. For vaginal zina, a married partner would receive death and an unmarried partner would receive a hadd punishment- 100 lashes and one year of banishment. In the case of anal intercourse, the active partner would receive these same punishments but the passive partner would be spared death. The school did note that penetration was vital for zina, meaning that sexual contact without penetration, such as many forms of lesbian intercourse, would not constitute zina. Like the Hanafi School, the Shafi’i jurists also recognized repeated action; however they held that punishments should not be greater than hadd, meaning death was not an acceptable punishment. Another important factor was the recognition and acceptance of lust. Involuntary lust, as long as it is not acted upon, a man could retain his good character. Like the Hanafi School, this required an acceptance of homosexual poetry and art in lieu of taking action on attraction. Al-Rafi of Shafi’i school “held that looking at youths was permitted in the absence of lust”. Also notable, in the Shafi’i School rape is
still considered illicit sex unless the victim can prove innocence, which would remove legal liability but is very difficult to do 41.

The Maliki School, which is approximately the third most prevalent school in Sunni Islam follows the work of Malik Ibn Anas. Like the Shafi’i school, the Maliki school considers anal intercourse a form of zina. Unlike the other schools, the jurists do distinguish between male/female zina and male/male zina. Female/Female is not recognized because, like the Shafi’i School, zina requires penetration. Male/Female zina is recognized and punished equally for vaginal or anal intercourse; however male/male intercourse is punishable by stoning for both partners regardless of marital status. This punishment is the most severe of all the schools. Also unlike the other schools, lust is recognized as natural but lusting after a same sex partner multiple times, even without action, does damage your character. In regards to rape, the Maliki School requires consent in order to be liable for a crime. Accusations of homosexuality placed on rape victims, especially male, were highly punishable if made without evidence 42.

The Hanbali School of Ahmad ibn Hanbal also offers us a personal example of the jurists’ behavior. It is said ibn Hanbal advised friends not to walk the streets with young men in order to avoid rumors about homosexual relationships. The Hanbali School defines zina as vaginal penetration and overall regards it similarly to the Shafi’i school. Homosexual activity is punished the same as illicit vaginal intercourse, if the actors are married they would be sentenced death by stoning, and if unmarried they would receive 100 lashes. What makes the Hanbali School different from the Shafi’i School is that punishments do not change for the passive partner. Also like the other schools, because

41 El-Rouayheb, K., 2005
42 El-Rouayheb, K., 2005
zina is dependent on penetration, lesbians are exempt from zina punishments. What sets the Hanbali school apart is that it does not accept lust as natural or acceptable. Hanbali jurists even prohibit composing homosexual poetry as it is a sign of lust. The Hanbali School is even severe in the case of rape, punishing both the active and passive partner, only prohibiting the passive partner- the victim- from receiving a hadd punishment.

Common across all of the schools is the lack of homosexuality as a concept. All of the schools are merely discussing sexual acts, never the idea of being a homosexual. This makes liwat, homosexual acts, much narrower than homosexuality as an identity and only pertaining to homosexual penetration. All of the schools also followed common procedures. Excluding the Hanafi school which requires two, all of the schools require four witnesses that are male, Muslim, free and of good character. In the cases of liwat, the accuser and the other witnesses must have witnessed penetration, either vaginally or anally. If the actual act of penetration was not witnessed, for instance if the accused were only seen laying in bed together, the accusation would be deemed as false and the accuser would be punished. This belief reinforces beliefs that silence and concealment are best practice, especially in regard to homosexual conduct.

This practice of silence and concealment lasted for quite some time, until a major challenge manifested. Colonialism developed a dependence on the sexual identity of the Maghreb, and this outing created a very precarious situation surrounding sexuality and homosexuality in particular. The mark left by colonialism will not only change the perceptions of the people, but also force reinterpretation of Islam.
Chapter Two

Sexuality and Orientalism

During European exploration of Africa through the establishment of the Protectorate under the Treaty of Fez and through modern times, literature on Maghrebian sexuality and homosexuality becomes plentiful. As will be discussed throughout this chapter, Europeans made great effort to display the sexuality and create a sexual identity of and for the Maghreb. Through literature and art, Europeans disseminated an image of the Orient that served as an opposite to their morally superior homelands.

Key to understanding the Western imposed identities on the Maghreb is one of the most important theoretical constructs of Western interaction with the Islamic world: Orientalism. Palestinian-born Edward Said, of Columbia University, the Palestinian National Council and the Council on Foreign Relations in New York, is one of the most influential writers on the Middle East, worldwide. Orientalism, a term coined by Said in his work of the same name is defined as the “false assumptions underlying Western attitudes towards the Islamic World” based on Eurocentric prejudice.

Using 19th century Western literature, in addition to images of the East, Said built his case for Orientalism. He recognizes that Western discussion of the East was meant for the justification of colonialism, and “for dominating, resurrecting, and having authority over the Orient.”

43 This idea of Orientalism came out of colonialism, mainly by Britain and France, in order to legitimize their actions. It provided the West with the validation it

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needed to intrude in the East, including countries from Morocco to China, encompassing North Africa, the Middle East and the Far East. Orientalism was created as a method to better understand the Orient, and the first colonial structures built were often academic centers. Orientalism grew to be a type of racism allowing the West to act upon their White Man’s Burden - which to them meant they must bring their advanced and better culture to those who are less civilized. Thus Orientalism developed as a mirror for the West. It did not come from the Orient itself, but was the result of;

...the whole complex series of knowledgeable manipulations by which the Orient was identified by the West. Thus the two features of cultural relationship I have been discussing come together. Knowledge of the Orient, because generated out of strength, in a sense creates the Orient, the Oriental, and his world. In Cromer’s and Balfour’s language the Oriental is depicted as something one judges (as in a court of law), something one studies and depicts (as in curriculum), something one disciplines (as in school or prison), something one illustrates (as in a zoological manual)\[44\]

The sexuality of the Orient was common topic in this field of study. Said recognized the importance of sexuality in his discussion on the works of Nerval and Flaubert. In their writings on the Orient, “they sought the invigoration provided by the fabulously antique and the exotic.”\[45\] For many Orientalist writers, the Orient served as an exotic location where they could explore possibilities unavailable in “Europe, with its increasing embourgeoisement, sex had been institutionalized to a very considerable

\[44\] Said, E.W., P. 40
\[45\] Said, E.W., P. 140
degree… There was no such thing as ‘free sex.’°⁴⁶ They often were exploring sexuality, and the Orient became a land of both hetero and homoerotic experiences which were seen as morally suspect in Europe. The Orient was a land of “luxuriant and seemingly unbounded sexuality.”°⁴⁷ An association between sex, particularly sex considered deviant by European standards, and the Orient is commonplace in the period’s works. Said notes that Flaubert’s works particularly tie together “the Orient with the escapism of sexual fantasy”°⁴⁸, and that Oriental sexuality was free and unburdened by the obligations of Western sexuality.

Robert Aldrich also writes on the importance of Oriental sexuality to colonialists in his work *Colonialism and Homosexuality*. Aldrich explores the writings of Andre Gide, Francois Augieras, and Jean Genet, among many other writers. These writings range from the early 20th century, mid-century and to the era of North African revolution respectively. Describing their writings, Aldrich notes that “they picture North Africa as a place of vice, and repeat racial stereotypes about Arabs as handsome and virile young men who appeal to rather effete European homosexuals.”°⁴⁹

Andre Gide, whose writing was based in the early 20th century, was an openly homosexual Frenchman. In his travel journals, he notes the openness of homosexual proposition by young North African men, “sexual opportunities abounded… he was ‘satiated’ with propositions.”°⁵⁰ Gide describes the willingness of youthful men to provide European men with sexual favors, and their active engagement in homosexual prostitution. Gide also saw North Africa as a place of sexual liberation, such as the

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°⁴⁶ Said, E.W., P. 190
°⁴⁷ Said, E.W., P. 187
°⁴⁸ Said, E.W., P. 190
°⁵⁰ Aldrich, R. P. 333
writers Said referenced. In *L’Immoraliste*, Gide provides a narrative of a man who struggles with his sexuality, and travels to North Africa to explore it. “Sexual initiation and homosexual liberation could only take place among the irresistible youths of the… exotic North Africa.”51 Gide was obsessed with the homosexual culture of North Africa and he promoted homosexual tourism, as well as the eroticization of North Africa. Much like Nerval and Flaubert, Gide lauded the “erotic luxuriance of the ‘Orient’.”52

François Augieras’ writings took place towards the end of Gide’s career during the mid-20th century. Augieras makes connections between the Orient and homosexuality is apparent from his earlier works, such as *Le Viellard et l’Enfant* which describes an incestuous and sadomasochistic relationship between young man and a man much his senior in Morocco. Throughout his writing, he references to Arab men seducing him and easy sexual contact with young men in the years leading up to independence. His writing is reliant on “scenes of sadism and masochism, episodic sexual trysts, passages of yearning and love.”53 Similar to Gide and Said’s examples, Augieras discusses a “sense of physical and mental exhilaration”54 while exploring the sexuality of the Orient. In its freedom from Western sexual values,

“It suggests a sexuality that remained largely ‘untheorised’ by the participants, men and youths not concerned with limiting their desires to one gender, identifying with a homophile community, or ‘setting up house’ with long

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51 Aldrich, R., P. 335
52 Aldrich, R., P. 339
53 Aldrich, R. P. 349
54 Aldrich, R., P. 349
term partners- a ludic and very physical sexuality untrammeled (for better or worse) by question of psychology, identity or politics”

Jean Genet writings were the latest, occurring during independence and nationalist movements. Like Gide and Augieras, he also traveled in North Africa where he had many affairs with much younger men. Unlike the other writers discussed so far by Said and Aldrich, Genet was enticed by the nationalistic movements of Arabs, and in Les Paravents “comments on whether the Arabs have the ‘balls’ to defeat their colonial oppressors”. Genet provides the “link between eroticism and revolution, sex and the liberation struggle” in writings on Fedayeen nationalists.

These colonialist writers found that “North Africa provided sexual passion that often eluded these men in France…sexual encounters formed a part, a crucial one, of the colourful fragrant, sonorous luxuriance that the Maghreb offered.” As noted earlier, North Africa provided a place of sexual escapism, even for those who could not themselves travel. Hayes, in Queer Nations, notes that “Western readings of ‘Oriental’ texts can constitute acts of sexual tourism with colonial implications.” This point is also made in Sexual Antipodes, when Cheek acknowledges that “when their desires fell outside the acceptable contours of respectable domestic writing, men and women of letters identified with foreign places and past times”, forming an audience for these writers.

55 Aldrich, R., P. 352
56 Aldrich, R., P. 356
57 Aldrich, R., P 361
It would be misleading to only discuss those authors who nostalgically wrote about homosexual encounters in the Orient. In *Islamic Homosexualities*, Stephen Murray also exposes writers who used sexuality as a means of degrading the Orient. One of his examples notes that, “For James Silk Buckingham… recording the ‘unspeakable’ lifeways of the debauched orient was a ‘duty’.“ Murray’s writing focused on homosexual behavior towards young men as, “this was only the result of another inferiority of Muslim societies.” Murray shows another aspect of the sexualization of the Orient. However now the Orient is not a means for escaping the rigid sexual structures of Europe but rather is a means of providing Europe a sexual identity in opposition to that of Arabs.

Murray also gives us the example of Captain Sir Richard F. Burton’s Sotadic Zone in his 1885 Terminal Essay. Burton set out to explain pedastyry through his theory of the Sotadic Zone. “Burton held the ‘Sotadic Zone’ which he bounded with northern latitudes 30 and 43 degrees… was ‘geographical and climactic, not racial’. “ However as Murray points out, this zone contains a diversity of climates and geographic features from landlocked to archipelago. The map shown to the right visualizes the Zone. Considering these facts, non-Christian seems to be the defining factor of the Sotadic Zone. The Terminal Essay is ripe with Orientalist language.

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61 Murray, S., P. 208
62 Murray, S., P. 212
Murray quotes Burton, “the Moors proper… are notable sodomites.” Just as with Buckingham’s writing, the essay was meant to provide an Orient (the colonized) to the Occident (the colonizer).

A third example from Murray is of the anthropologist Edward Westermark who sought to “offer a rare glimpse into homosexual roles and practices in North Africa.” Westermark noted that such activity was much less stigmatized than in Europe, and his observations seemed to “indicate acceptance of sexual intercourse with boys.” The dissemination of Westermark’s writings, just as that of the other writers discussed here, provided colonizing peoples a means of justifying their Orientalism. “A major part of colonial discourse was to trope Africans as sexually uncontrollable and polymorphously perverse” and by creating an immoral orient, the occident was able to create an identity of superiority.

Literature is clearly an important factor in the creation of oriental sexual identities. However, writers were not the only colonialists exploring the sexuality of North Africa. Artists also played their part in stirring the colonial sexual imagination. Depictions of homosexuality can also be found in the paintings and photos of orientalist artists such as Gérôme, Béra, Ingres and others. The painting played a role just as important literature, bringing news of the Arab’s immorality and sexual deviancy to those who did not or could not partake in reading.

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64 Murray, S., P. 212
65 Murray, S., P. 217
66 Murray, S., P. 217
67 Hayes, J., P. 34
One of the most famous paintings has achieved its status due to the image’s use on the cover of Said’s *Orientalism*. Painted c. 1870, Jean-Léon Gérôme’s *The Snake Charmer* encompasses many of themes seen in orientalist writings, pedophilia and homoeroticism. In Tate’s *Lure of the East, The Snake Charmer* is described; “The architectural details that Gérôme recorded are in fact an incoherent jumble, supposedly like Middle Eastern culture from which they were drawn; insidious compositional devices such as crumbling walls and peeling paint are used to convey a sense of cultural and social decay; a snake and a naked boy intertwine in a fantastic dance that can only be meant to suggest the homoerotic tendencies and moral decadence of the religion.”

1804’s *Dominique Vivant Denon in Egypt* by Armand-Philippe-Joesph Béra is another example of orientalist, homoerotic art. The painting depicts Denon, a famous French archaeologist, being courted by an Arab man. Denon, in full European regalia, is in stark contrast to the near naked Arab man, clothed

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68 The painting is pictured here, courtesy of the Sterling and Francine Clark Art Institute.
in a turban and wrapped in what appears to be a blanket.\textsuperscript{71}

In \textit{Colonialism and Homosexuality}, the author also shares examples from his personal art collection. A series of photos of teenage boys come from a post card collection by Lehnert and Landrock. Aldrich describes these photos as “soft-core Orientalist porn.” He also shares drawings of European soldiers having intercourse with Africans from 1950’s Tunisia.\textsuperscript{72}

Art, like writing, did not only focus on male homosexuality. Lesbianism was perhaps even common, given preoccupation with harems and bath houses. \textit{Turkish Bath} painted by Jean Auguste Dominique Ingres between 1859-1863 is described as “Orientalism pushed to its limit by an artist who rejected all its premises, for Ingres, Orientalism was a means of exploring the limits of an aesthetic of eroticism.”\textsuperscript{73} The painter of \textit{The Snake Charmer} also explored female same sex relationships in his work. Jean-Léon Gérôme, known for a fascination with the erotic, and is known for several works depicting the sexual atmosphere of bath houses including \textit{Moorish Bath} in 1870.\textsuperscript{74}

Sexual contact between Arab women is not found exclusively in painting. Like those from Aldrich’s private collection, there are many staged photos of women which allude to or make obvious same sex physical relationships. Portier’s \textit{Two Algerian Women},

\begin{footnotesize}
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\item[\textsuperscript{71}] Lemaire, G. \textit{The Orient in Western Art}. Paris: Edition Menges, 2000. P. 93
\item[\textsuperscript{72}] Aldrich, R. P., P. 214-216
\item[\textsuperscript{73}] Tate, P. 41
\item[\textsuperscript{74}] Lemaire, G. P. 242
\end{itemize}
\end{footnotesize}
Schier & Schoefft’s *Two Women, one showing bare leg* and *Two women with arms around each other*. The most risqué of the photos discussed is Félix Jacques-Antoine and Moulin’s 1802 *Two women embracing*.

Having explored the sexual identity created by colonialists through literature and art, we can further explore the importance of this identity to the colonial power and its effects on the budding nation-states of North Africa. It has become clear that sexuality became a significant factor in orientalist thought. Pamela Cheek perhaps describes it best;

> Sexual order and disorder became a primary tool in British and French print culture for imagining globalization and defining modern national and racial identity… by the late enlightenment the idea of sex had begun to play an important role in organizing an emerging Western European sense of being placed on the globe… locating the individual’s sexuality comparatively within a range of exotic possibilities… the composition of an individual’s sexual identity depended on the sense that the world presented other known possibilities.”

Sexuality identity clearly carried great significance for colonialists, but what effect does this work have on their North African counterparts?

**The Nationalist Movement**

Before we can delve into the sexually driven motives intertwined with the nationalist movement, it is important to have a brief overview of the movement itself. Understanding the historical aspects of the movement will allow us to contextualize discussions on sexuality.

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76 Cheek, P., P. 2-3
In Voices of Resistance, Baker argues that nationalism existed well before the French Protectorate was formed in the Maghreb. Baker claims that “The roots of Moroccan nationalism- and of the Moroccan nation- go back to the seventeenth century, when Arabs started arriving in Morocco.”\textsuperscript{77} Morocco, unlike many other countries in the region, remained fiercely independent and resisted Ottoman rule in the 14\textsuperscript{th} through early 19\textsuperscript{th} centuries. Due to this period of independence, the Protectorate faced challenges unlike those in other countries like Algeria. European pressure on the Sultan eventually led to the Treaty of Fez in 1912. Baker notes that much of this weakening occurred because “increasingly conservative and xenophobic Moroccan public opinion resisted any efforts by the sultan to reform and modernize the country.”\textsuperscript{78} The Treaty of Fez fully turned over Morocco to French, who later gave the less inhabitable regions to the Spanish.

Under the French, the protectorate became a playground of Europeans and the mirror for Europeans to establish their identity. As we have discussed at length already, they also took this opportunity to exploit their sexual identity. Baker also notes that French reforms “blocked social change, and at the same time promoted a process of rapid economic change”, they were purely aimed at natural resource extraction\textsuperscript{79}. Both Baker and Pennell, in his historical overview of Morocco, note the French’s policy of separating the Arab and Berber Moroccans through the Berber Dahir of May 16, 1930 \textsuperscript{80}. In a point which I think really connects the independence movement, with our discussion on sexual identity, Baker describes the reaction to the Dahir; “Arab and Berber populations both

\textsuperscript{78} Ibid., 14
\textsuperscript{79} Ibid. 15
\textsuperscript{80} Pennell, C. R., P. 151
rose up to protest the Dahir and the French encroachment on the authority of the sultan, recognizing it as an attack on Islam, the very soul of the Moroccan nation.”

Connections between the independence movement and religion are strong, and result in conflict with sexual identities imposed by the colonialists. The religious component of the nationalist uprising was the Salafiya movement. Since Salafis consider themselves to follow directly from the leadership of Muhammed, it can be difficult to point to the exact moment when Salafiyyah was conceived. Muhammed ibn Abd-al-Wahhab, thus the term Wahhabism, is credited with the contemporary revival of Islamist Salafiyyah. He worked alongside Muhammed bin Saud to unite the tribes of the Arab peninsula, creating the modern day Saudi Arabia and establishing the power of the House of Saud. While unifying the population of the future Saudi Arabian state in the 18th century, he traveled throughout preaching his strict and literal interpretation of Islam, and it was especially well received by the masses adversely affected by colonial rule. Salafiya is the “conviction that Islam and the Koran provide guidance for all times and places. If the Muslim world is stagnant, it is because Muslim populations have either neglected or misinterpreted Islam.” Salafiya intertwined religion and anti-colonial nationalism in a way that the movement sought to fight off foreign influence through the strengthening of tradition and Islamic devotion. The Salafiyyah movement was motivated by a sense of decline throughout the Middle East. Due to the disintegration of political leadership in the Ottoman Empire, Economic weakness due to European competition in manufacturing and trade, as well as a decline in creativity and intellectual activity. The weakness of the Islamic world was blamed on colonial power, and the Salafiyyah movement offered an

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81 Ibid, 15
82 Ibid, 21
explanation as to why the Middle East was suffering from an erosion of autonomy. The blame was pinned on the delution of Islam and moral corruption. Salafiyyah required a true return to the ways of Prophet and strict following of the words of the Quran. With the goal of creating a true Islamic state, Salafiyyah movements manifested as the anti-imperialistic Sanusiyyah movement against European colonialists. It becomes understandable that the salacious sexual identity imposed by the colonialists would be an insult to the increasingly Islamic society, especially the public discussion of homosexuality in the Maghreb. It is the importance of this movement, this embrace of tradition that allows us to begin to understand the increasing anger towards homosexuality in the post-Colonial Arab world.

On the 7th of April, 1956 Morocco received full independence from both the French and Spanish. From the beginning, Morocco’s nationalists supported the Islamic monarchy. Salafiya influences encouraged the creation of an Islamic state, a nation whose identity became invested in homophobia. Through an exploration of Maghrebian discourse, the role of sexuality in the nationalism movement can be better understood.

**Sexuality and Maghrebian Nationalism**

One of the most damaging aspects of these writings and artistic expressions is the outing of Arab homosexuality. In Islamic Homosexualities, Murray notes that “There is a common ethos of avoidance in acknowledging sex and sexualities.” In Queer Nations, Hayes gives us an example of this in his discussion of Boudjedra’s first novel, *La Repudiation* (1969). When a nationalist character is caught engaging in homosexual intercourse, “his mother attempts to hide, conceal, and deny”.

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83 Pennell, C. R., P. 161
84 Murray, S.P., P. 14
the act between her son and his lover. Overall, Hayes sees the text, a story of two brothers in a struggle between their sexualities and nationalist tendencies, “expresses desire that homosexuality not exist, a desire to destroy it.” Murray insists that homosexuality is a private vice of men, undisclosed publicly. The acts are hidden, regardless of frequency, as long as men fulfill their familial obligations. When attitudes towards homosexuality insist that it is a private, hidden aspect of humanity, public colonial discourse in the form of literature and art becomes an insult.

By exposing homosexuality in North Africa, European colonizers intended to either provide sexual escape or humiliate the colonized. Regardless of the intent, these depictions would not sit well with North Africans. These public discussions of sexuality represented the penetration and dominance by colonial powers of the Arab. This discourse created shame by announcing the presence of haram, forbidden, activity. Compounding this embarrassment, the Arab was also cast in the role of the zamel, the one who submits in same-sex intercourse. In North African communities, the zamel is “obviously feminine and effeminate” and it is degrading of one’s manhood. Colonial discourse repeatedly forced the title of zamel onto Arabs. This discourse eventually proved to not only offer an orient for Europe, but North Africa itself became an occident to this identity. When colonial discourse “yielded identities, as well as assessments of identity, that depended on placing sex within a comparative, connective and eventually

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85 Hayes, J.P., P. 86
86 Hayes, J.P., P. 93
87 Murray, S.P., P. 16
88 Murray, S.P., P. 29
racialized global framework,” it was not anticipated that this assessment would work against their own empires.

Sexual identity would become one of the many factors used by the nationalist movement against the colonizers. Nationalists used the colonial preoccupation with homosexuality to identify them as the cause of homosexuality. Hayes describes this reaction, “Nationalist rejections of homosexuality… rely on a constructionist model of homosexuality as Western and bourgeois, which is exported to the rest of the world… The homophobia brought to Africa by colonialism thus underlies nationalist discourses that definitionally exclude homosexuality.”

Hayes heavily relies on Maghrebian literature to make evident the importance of homosexuality in nationalist movements. “Boudjedra’s first novel, La Repudation (1969), has perhaps brought representations of homosexuality out of the closet more than any other Maghrebian novel… lays bare the mechanisms by which nationalism represses homosexuality to naturalize the nation as heterosexual and homosocial.” Repressing homosexuality became integral in ousting colonial identity and creating a heterogeneous nation, Boujedra making this clear in his tale of two brothers. Through the eldest, homosexual brother’s rejection of his father’s politics, “[La Repudation] attributes to homosexuality a political subversion.” Boujedra also associates homosexuality with urine, alcohol, disease and filth, further justifying homosexuality as a target of repression.

Hayes also brings in Ben Jellooun’s La priere de l’absent. In Jelloun’s tale, men of marginal sexualities tell a story which serves as an allegory for the birth of a nation.

89 Cheek, P., P. 10
90 Hayes, J.P., P. 35
91 Hayes, J.P., P. 73-74
92 Hayes, J.P., P. 78
His character choice is dangerous however, as “A return of the repressed can challenge nationalist cults of origin… the association between challenging the social order and unveiling sexual secrets plays a particularly important role.”93 The story makes many references to the aforementioned silence regarding homosexuality in North Africa, and the danger of exposing those secrets as the colonialists did. One of Jelloun’s characters of marginal sexuality is noted as “questioning of tradition was endangering the nationalist movement… thereby explicitly marking him as dangerous to official accounts of Moroccan national identity.”94 By refusing to keep silent about homosexuality, the character threatened nationality and the Moroccan identity which relies on being occidental to the colonial imposed identity. By defying tradition, he threatened the nationalist movement, and needed to be repressed.

The impact of sexual identities and perceptions of sexual and their transformation during and after colonialism is undeniable. Bringing sexuality to the forefront forced a reaction. This reaction was not limited to nationalist movements, but also Islamic leaders. The change from classical interpretation to contemporary interpretation is evident.

**Contemporary Islamist Interpretation & Fatwas**

Since the decline of Western Imperialist empires, Islamic jurisprudence has shifted in its ruling towards homosexuality. As established by classical jurisprudence, homosexuality was a fairly minor sin and usually punished leniently, if ever brought to court. Since the nationalist incorporation of sexuality in imperialistic struggle, Islam has also reflected a stricter stance on homosexuality as a response to Western interference.

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93 Hayes, J.P., P. 120
94 Hayes, J.P., P. 127
Many fatwas have been issued with regard to homosexuality, and they are more accessible than ever before thanks to technological advances. The internet has become home to hundreds of Fatwas, and frequent rulings charge homosexuality as the gravest sin against Allah. The internet dominates the current scene of Islamic jurisprudence and Islamic education, offering millions from across the globe answers to their problems.

Mufti Ebrahim Desai, an Islamic scholar of Indian origin, operated Ask Imam out of South Africa. While he is mostly concerned regarding Islamic commerce, Mufti Desai does reflect on homosexuality through fatwa on Ask Imam. In Fatwa 17765, Mufti Desai responds to a question regarding the role of government in the punishment of homosexuals. He quickly acknowledges that homosexuality is “Indeed immoral behavior and is a major sin”\(^95\), citing the story of Lut and the inception of marriage as absolute proof. In regards to government involvement, he demands that any Islamic government must punish homosexuals in order to preserve morality. He also accuses secular government of spreading immorality and allowing homosexuality to infect society.

A second Fatwa, 16717, was sent in by a confused young woman who knows homosexuality is a sin, but is conflicted about killing fellow Muslims as a punishment. Mufti Desai understands her confusion, noting that anti-Muslim sectors are constantly trying to distort the teachings of the sharia. He accuses liberal atheists as trying to create doubt in the sharia, and reformers as trying to destroy the sharia tradition. He encourages the execution of gays and adulterers based on sharia law, carefully claiming it is not an

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indiscriminate killing of gays, and noted a hadith demanding death for those caught in the act.  

Mufti Desai offers fatwa 15757 in response to a man conflict by his own homosexual attraction. The man wants to overcome his feelings for younger men, and Mufti Desai immediately repudiates him;

You should be shameful of having feelings for boys. Shaytaan has taken control of your feelings and is taking you towards being gay. You should fear Allah and life after death. Make Tawbah and seek Allah’s pardon

Mufti Desai’s fatwas show a clear break from classical jurisprudence. Through all of his fatwas, he declares that homosexuality is a grave sin. This is clearly in opposition to most classical jurists who refused to apply hadd punishments for homosexual acts. The biggest difference that has been forged, however, is the idea of homosexual attraction as a serious sin. In most classical jurisprudence, homosexual attraction was understood to be natural. To assign this shamefulness and accuse the man of being influenced by Satan is in direct opposition and shows a major break from most classical jurists.

The internet is a tool for not only disseminating fatwas, but also for teaching. Qibla is a site that not only answers the questions of followers like Ask Imam, but also offers classes in religion. Its mission is to “is to teach all who seek the Divine, and its aim is to shed the light of highest Islamic scholarship on modern life.”

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answered and online courses are taught by a myriad of Islamic scholars, but they all stand similarly on the issue of homosexuality.

When answering questions about homosexuality and Islam, it makes clear that homosexuality is sinful and must not be normalized in society. Shaykh Gibril F Haddad notes that Islam must fight the normalization of abnormal sexualities, “and their invasion of universally shared values pertaining to the couple and the family.”99 This is in line with much classical thought, however further examination of the site’s discourse shows a much more hardline approach to sexuality and Islam.

Homosexuality is also addressed by Ustadha Shazia Ahmad, noting sura 26:165-66 and Allah has cursed homosexuals including lesbians100. Recognizing lesbianism as illicit sex shows a clear break from classical jurisprudence, which required penetration by and of genitals in order to be a punishable sex act. Lesbianism was hardly a concern for classical jurists, but we see lesbianism becoming an issue in Islam.

Sidi Tarek Ghanem sees homosexuality “as a symptom, not a disease”101 and that though the act of homosexuality is sinful and unacceptable, it can be overcome by society. He makes it clear that homosexuality can and should be overcome through prayer, friendships and counsel with pious people, and marriage as early as possible in order to overcome homosexuality and sinfulness102. If these steps are made, Ghanem holds that one will be freed of their sinful nature in Paradise, where homosexuality does

not exist\textsuperscript{103}. Most classical jurists would agree that homosexuality can and should be overcome, however Ghanem’s claims that homosexuality does not exist in Paradise is completely without warrant, as it has no grounds in sacred texts or classical jurisprudence. The idea of a homosexual free Paradise is a modern concept, and something that had not been of concern previously.

Shaykh Faraz Rabbani, when asked if bad thoughts or just actions are haram, makes several distinctions. To him, there are not just thoughts, but notions, whisperings of the soul, inclinations, and determinations. Notions are not punishable; however the others can be punished because proper steps were not taken to eliminate the notion\textsuperscript{104}. This is completely antithetical to most classical jurists. Only the Hanabli school recognizes thoughts, lust, as unacceptable and unnatural. Other schools assume the stance of lust and thoughts as completely acceptable as long as action is not taken. Straddling between these ideas shows an evolution from original thoughts on lust and non-active homosexuality.

Ustadha Zaynab Ansari makes it clear that Islam does not accept the idea of homosexuality being natural, and that “no one is born homosexual.”\textsuperscript{105} This deviates from classical views that homosexual inclination and lust is natural. Ansari also notes that Islam is clear that any sexual contact outside of nature if unlawful and therefore same-sex intercourse is strictly forbidden\textsuperscript{106}. She claims that Allah has made homosexuality unnatural for many reasons, and that homosexuals must fight their unnatural desires.

Homosexuals are “[Homosexuals are] in a state of rebellion… [Because] Guarding one’s sexuality from unlawful sexual intercourse is the duty of every Muslim” and that Muslims should not associate with homosexuals because they are not of good character. This also is separated from classical thought in that those with homosexual lust could be of good character, but is in line with the idea of action being sinful. The addition of thought processes onto the sin is where we see evolution. Ansari also addresses a woman whose husband claims to be bisexual. He claims that her husband’s sins are “enormities”, classical jurists only claimed it to be a minor sin, and that she may get HIV/AIDs as women are subjected to the disease through having sexual contact with bisexual men. She also notes that children should not be allowed to watch television, because “in Western culture the television is the number one tool for breaking down people's resistance to social ills like fornication, adultery, homosexuality, and lesbianism. We are literally opening our homes and children’s precious minds to values that are completely antithetical to Islam when we sit our children in front of the television.”

The idea that the west is spreading homosexuality makes clear that contact with the West has spurred some of this change in jurisprudence.

Ansari is not the only commentator on Qibla to blame the West for the spread of homosexuality. Shaykh Muhammad ibn Adam al-Kawthari also makes this claim when discussing children’s attendance in western mixed-sex schools;


“I don't feel comfortable about sending children to a school where they are not taught Islam, but rather they are taught (maybe not explicitly) or exposed to accept unIslamic ways (i.e. homosexuality, boys and girls mixing, pre marital relationships etc)”

Islam Q&A is a site similar to Ask Imam, in which fatwas are made in response to questions sent in to Shaykh Muhammad Saalih al-Munajjad of Saudi Arabia. When he is not teaching in Riyadh and Jeddah, he is issuing online fatwas, of which 51 pertain to homosexuality. In Fatwa 38622, al-Munajjad makes clear his view of homosexuality;

“The crime of homosexuality is one of the greatest of crimes, the worst of sins and the most abhorrent of deeds, and Allaah punished those who did it in a way that He did not punish other nations. It is indicative of violation of the fitrah, total misguidance, weak intellect and lack of religious commitment, and it is a sign of doom and deprivation of the mercy of Allaah”

In this same fatwa, he assures readers that homosexuals must be punished with death in all cases other than rape or if the perpetrator is a minor. They should still be punished but not with Hadd punishment. Here we do see some correlation with classical jurisprudence, but again the sinful nature has evolved from minor to one of the worst sins possible.

Like other jurists we have discussed, al-Munajjad also denies the naturalness of homosexual attraction. In fatwa 10050 he claims, unlike classical jurists, that homosexuality is an abhorration and against the natural order created by Allah.

Additionally, he notes a married man who has homosexual intercourse is cursed to death


by Allah\textsuperscript{112}, having homosexuals thought is punishable and one who has the thoughts must repent\textsuperscript{113}, Muslims should not go to hair salons because they will be led into sin by the homosexuals there\textsuperscript{114}, human rights organizations that promote homosexual rights are just western attempts to undermine Muslim society\textsuperscript{115}, watching TV will lead to homosexuality\textsuperscript{116}, western magazines promote homosexuality\textsuperscript{117}, pornography turns people to homosexuality\textsuperscript{118}, homosexuality is equivalent to pedophilia\textsuperscript{119}.

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Chapter Three

LGBT minorities and Development

Classical Islam was not friendly to homosexual actions, and contemporary scholarship is unforgiving towards homosexuality as action and identity. Incorporation of homosexuality in nationalistic discourse has not only increased repudiation among the scholars of Islam but also among the people, and governments. Whereas homosexuality was previously ignored, it is now sought out in order to punish it. International interaction also lead to increased suppression of LGBT rights, such as the filibuster by Arab and Islamic countries of the United Nations Commission on Human Rights in 2003, which attempted to recognize LGBT rights.

In Unspeakable Love, Whitaker notes the difficulty of LGBT organizing in the Middle East due to this ever increasing repression and persecution of homosexuality. As of 2006 when this work was published, Whitaker noted there was only one LGBT rights organization in the Arab world, Helem of Beirut, Lebanon. This organization, however, was only able to operate under recognition and registration in Canada. The ability to organize under states is integral to organizations successes, and the impossibility of LGBT organizations getting recognition in Islamic states presents a major barrier to challenging widespread misconceptions about homosexuals, such as the ideas that they are allies with Israel and other colonizers, that homosexuality is an Import

120 (Whitaker 2006)
121 (Whitaker 2006)
of the West, or that they are Satan worshippers. Helem’s mission is to fight these stereotypes through creating a visible homosexual community, but in the face of state repression this is difficult to achieve.

Whitaker makes clear that Arab and Islamic communities have taken on a tone of reverse Orientalism, claiming moral superiority over former colonizers in regards to homosexuality\textsuperscript{122}. He gives multiple examples of media from throughout the Islamic world speaking about homosexuality in a xenophobic fashion. The coverage of Egypt’s Queen Boat Incident, one of the Arab World’s most famous incidents of homosexual repression by the state, is one of his most extensive examples. One such newspaper headline was “Be a pervert and Uncle Sam will approve.”\textsuperscript{123}

Since Unspeakable Love was published, there has been an increase in LGBT groups in the Islamic world, but they are still few in numbers and exercise very little influence and power. The majority of Muslim LGBT support comes from outside, propped up by the western organizations such as the Human Rights Commission, which feeds into the perception of homosexuality as a western import. Many development agencies are beginning to recognized the extreme need for support in the global LGBT community, but programs rarely reach the Middle East.

Policies related to alleviating the plight of LGBT people in the developing world are limited compared to projects assisting other marginalized groups, like women. Much of the work done to help LGBT communities is done domestically by the US and EU, as many aid giving countries are still attempting to end these problems within their own borders. As these countries hold much of the power in international organizations like the

\textsuperscript{122} (Whitaker 2006)  
\textsuperscript{123} (Whitaker 2006)
IMF and World Bank, they also tend to neglect the plight of LGBT people in the developing world.

One of the few development institutions which focus on LGBT inequality and poverty is SIDA (Swedish International Development Cooperation Agency). They have specifically worked on projects in Moldova to extend acceptance of the LGBT community, but have run into barriers from the government claiming that print materials meant to help inform LGBT people about health issues were pornographic. SIDA objects to any charges of pornographic distribution in their educational information. SIDA has also launched a three week LGBT & human rights training program accessible to NGO workers in Botswana, Cameroon, Ethiopia, and several other African nations. SIDA has also made efforts to include LGBT youth in HIV/AIDS programs in India.\(^{124}\)

USAID and UNDP are making some progress regarding LGBT issues in the developing world. Just a few days ago on December 10, 2012, they announced a press release “Being LGBT in Asia”\(^{125}\). UNDP and USAID Asia announced a partnership aimed “to understand not only the contexts faced by LGBT people; it will also address LGBT organizations, the space they operate in, and their capacity to engage on human rights and policy dialogues. This initiative will examine laws and policies, access to justice and health services, cross-border partnerships, and the role of new technologies to support LGBT advocates.”\(^{126}\) Over the next year, they hope to make progress in developing LGBT related policy in South East Asia. While progress is good, this still


\(^{126}\) UNDP, 2012
means we are at least a year away from meaningful LGBT programming in Asia, with no
timeline in sight for when these programs may be expanded to other geographic regions.

There have also been international programmes launched by non-governmental
organization, but these are also few and far between and do not occur within North
Africa. The first example is the work of the EGLSF, European Gay and Lesbian Sport
Federation. The Federation has LGBT programs in Poland, Russia, Ukraine, Hungary,
Croatia, Bulgaria, Slovenia, Macedonia and Romania. EGLSF uses international
dialogue, LGBT Euro Games, LGBT educational and anti-homophobia events during
sports games, and the Pride House support center for LGBT youth. EGLSF has only been
working since 2008 in these countries, however they have been making progress
compared to countries where no such support exists\(^\text{127}\).

When it comes to projects in Africa, many are limited to South Africa. The
Lesbian, Gay, Bisexual, Intersex Mobilization against Hate Crimes in South Africa is one
such program. This is another non-governmental organization, Lesbian and Gay Equality
Project (LGEP, 2012). The project aims to disseminate information that will lead to
legislation outlawing hate crimes, make sure those who commit hate crimes receive
justice, incorporate LGBT hate crimes with those against women and children, build
support networks for LGBT people and reform, support local activists and organizations,
as well as empower LGBT people and connect them with human rights movements\(^\text{128}\).

\(^\text{127}\) EGLSF. *EGLSF Central & Eastern European Development Consultancy*. 2012.
(accessed 2012 December).

\(^\text{128}\) LGEP. *Lesbian and gay equality project: LGBTI mobilization against hate crimes in south africa*. 2012.
These projects are hugely limited by developing nations’ governments. The example of SIDA’s struggles with the government in Moldova is just one example of the uphill battle LGBT activists face in the developing world. Individual agencies are not the only ones to face governmental opposition. In December 2011, the UN issued a report detailing “the human rights of lesbian, gay, bisexual and transgender (LGBT) people details how around the world people are killed or endure hate-motivated violence, torture, detention, criminalization and discrimination in jobs, health care and education because of their real or perceived sexual orientation or gender identity.” The UN called for a repeal of all laws criminalizing homosexuality, but the Africa, Caribbean and Pacific group boycotted the talks.

Grassroots efforts are just as limited as international intervention. One of the few LGBT groups which is based in and operates within an Islamic country is Kifkif, a Moroccan group. Kifkif’s website states that it’s visions and objectives are;

It is well known that the subject of homosexuality is not treated openly in our society which indicates a large and strong rejection of the subject. Before the creation of our group, Moroccan members of the LGBT community have rarely protested against the traditional beliefs or publicly expressed their ideas on the subjects of sexuality and homosexuality… We believe that the struggle of our stability, welfare, rights and values is a fundamental one. Our goal is to build a centre for Moroccan LGBTs in order to provide psychological and emotional support with a strategy that favours their self-reliance. We also aim to have a social influence that seeks to change to perceptions of homosexuality by

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providing a safe space for active participation and interaction between LGBT members of society.\textsuperscript{130}

Kifkif’s goals of creating a safe space for LGBT Moroccans has gone unrealized due to high levels of persecution by the government and population, such as that experienced by gay men in the film I Am Gay and Muslim.\textsuperscript{131} The group remains underground, and mainly internet-based like the few similar groups available. The legacy of colonialism, in addition to increasing homophobic nationalism and Islamic interpretation, has left LGBT Muslims with few options to combat the hardships they face.

Evidence of Subversion

Perhaps the most important data available when discussing LGBT poverty, is knowing which countries criminalize homosexuality. The map you see here indicates countries which criminalize homosexuality. The countries marked in red, notably concentrated in the Middle East and Africa, are the most dangerous countries in the world for LGBT people.\textsuperscript{132} Punishments in these countries range from fines to the death penalty. As noted earlier, punishments in Morocco range from 6 months to 3 years, and include fines of 120-1000 Dirhams (US $14-$120).\textsuperscript{133}

\textsuperscript{130} (Kifkif 2012)
\textsuperscript{131} (Belloni 2012)
\textsuperscript{132} 76 Crimes, 2012
\textsuperscript{133} Canada, Immigration and Refugee Board of. "Morocco: Situation of lesbians; treatment by the authorities and society; state protection available; assistance or other organizations for the homosexual community in Morocco, including bars, restaurants, etc., ." United Nations High Commissioner for Refugees. 3 June, 2004.
The next map seen to the right\(^{134}\) shows country according to GDP per capita in terms of PPP. Red notes poorest through bright blue which reflect the richest countries. This map is important to discuss when talking about LGBT poverty because you can see a visual correlation between countries which criminalize homosexuality and those which are low and lower middle income countries.

The next map seen to the right\(^{135}\) tracks country scores on the HDI. Here, red also indicated the lowest scores while dark blue represents the highest. Again, we see the same countries which are the least developed on the HDI are often the same as countries which criminalize homosexuality and are among the poorest in terms of GDP/PPP.


This fourth map, seen below\textsuperscript{136} further emphasizes the correlation between homophobic laws and developing countries in Africa and the Middle East. This map is colored by the Gender Inequality Index. Dark red again notes the greatest inequality, and orange represents low discrimination. This map shares some obvious commonalities with those shown previously. The countries with the greatest inequality are often also the poorest and are the most likely to also criminalize homosexuality.

The data shows a clear connection between the developing world, especially pertaining to Africa, and homophobic legislation. When equality is a major marker of development, institutionalized inequality is obviously a major barrier to development and the end of poverty in these nations.

\textbf{Conclusion}

The wide dissemination of European ethnopornography regarding the Maghreb helped to spark its imperial downfall. By speaking about and making known the secret sexuality of homosexuals, and identifying as deviant, sexuality was enveloped by the Salafiya nationalist movement. In Desiring Arabs, Massad notes how the internalization of this ethnopornography emphasized the immediacy of needed reforms to Salafiyya nationalist leaders;

“Arab intellectuals also internalized the epistemology by which Europeans came to judge civilizations and cultures along the vector of something called ‘sex,’ as well as its later derivative, ‘sexuality,’ and the overall systemization of culture through the statistical concept of ‘norms,’ often corresponding to the ‘natural’ and its ‘deviant’ opposite.”

Due to Orientalist imposed sexual identities, Maghrebian nationalism and the Salafiyya movement propelling it are intertwined with sexuality. Understanding the origins for nationalist fueled institutionalization of homophobia in the developing world can aid development practitioners in their pursuit of human rights and equality for all. This context allows us to understand the hurdles we face when address the queering of poverty, and begin to form policies aimed at the 80 countries which criminalize homosexuality.

Unfortunately, most LGBT programs have begun so recently it is impossible to find a successful program which could be used as a model. Even in the developed world, LGBT rights are just getting recognition mainly within the past decade. Without a successful program to build upon, recommendations need information upon which to build.

My first recommendation is to increase funding for, and expand geographical regions of the UNDP and USAID informational project. Already on a one year track, the timeline for this program would be unmanageable to shorten, however with increased funding the project could easily be expanded to all regions of the developing world. Efforts should also be most increased in countries where law prohibits homosexuality, because these are the most dangerous regions for LGBT people.

Secondly, educational programs are always a cost effective way to reach out to a population. I recommend increasing educational programming because this has worked regarding health, gender equality, personal finance, family planning and employment training. If education programs could work in these situations, it could certainly work to improve the lives of LGBT people. Some progress can be made by using education to emphasis that LGBT people are exactly that, people.

Thirdly, those involved in the international economy must behave in a way that upholds human rights. The UN has acknowledged the human rights violations occurring, and countries who do not comply with the Universal Declaration of Human Rights should be encouraged to change legislation that breaks international agreements. Punishments for those who do not comply should be discussed and agreed upon by the international community.

Without effort to improve the status of LGBT people within the developing world, practioners are ignoring entire communities at high risk of poverty, violence and even death. In 80 countries across the world, including 53 in Africa, the violation of human rights is institutionalized by criminalizing homosexuality and creating ongoing inequality. Development and the end of poverty cannot be achieved until all people within a society are brought out of oppression and given equal rights. Understanding the origins of their marginalization is the first step in this struggle.
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