

Coming out in Arabic: Islam, human rights and gay rights

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Homosexuality is a subject that people really don't like talking about in the Middle East — which is the main reason why I decided to write a book about it. It's still very much a taboo subject, even though it raises important questions about human rights as well as questions about attitudes towards diversity and almost any form of unconventional behaviour in the Arab countries.

I'm going to talk about homosexuality in terms of the law, religion and the attitudes of Arab society. All three are inter-related, and to some extent they form a vicious circle. The law and religious teaching are influenced by popular prejudices, while the popular prejudices, in turn, are reinforced and legitimised by the law and religious teaching.

The law

The starting point for my research was an event in Cairo in 2001, when Egyptian police raided the Queen Boat, a floating nightclub on the River Nile, and arrested more than 50 allegedly gay men.

The resulting trial was accompanied by lurid tales in the Egyptian press alleging everything from prostitution to devil worship. Egypt's prosecutor-general accused the defendants of "exploiting Islam", "fomenting strife", "performing immoral acts" and propagating "extremist ideas".

To highlight the supposed danger to the nation, the case was sent to the state security court which had originally been set up to deal with suspected terrorists. A Cairo newspaper reinforced the idea of a national threat in a front-page headline saying: "Perverts declare war on Egypt".

The Queen Boat case was part of a wider crackdown at the time, which also included entrapment of gay men via the internet and bogus gay parties, organised by a police informer so that the guests could be arrested. One of these parties is described in my book:

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In September 2001, a man identified by the nickname Mishmisha ("Apricot") invited seven other men to what he said was his birthday party, at a flat in Giza, a western suburb of Cairo.

When the guests arrived, Mishmisha announced that he was going out to buy drinks and left the flat, locking the door behind him. That was the last they saw of him.

A little while later, a key turned in the lock, the door opened and a dozen uniformed police officers burst in. The partygoers, who said they had all been fully dressed at the time, sitting and standing around normally, were arrested, charged with “habitual practice of debauchery”, beaten up and kept in detention for six weeks. They then went into hiding but were tried in their absence and sentenced to six months’ imprisonment each.

Mishmisha, the party host, turned out to be a police informant who had set up the men for arrest. In August 2002, he arranged another party where 12 men were arrested by the same police squad and later sentenced to three years in jail.

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About the same time, Egypt’s Internet Crimes Unit began taking an interest in gay websites. Why it happened isn’t entirely clear but one explanation is that this new police department, set up in a flurry of excitement about possible use of the internet for criminal purposes, needed to justify its existence. With internet use in Egypt mainly confined to the law-abiding middle classes, it didn’t have much real work to do, so it turned its attention to international dating sites where Egyptian men were seeking to meet other men ...

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Amgad (not his real name) was a young professional in his twenties, living with his parents in Upper Egypt, secretive about his sexuality and very, very lonely.

Towards the end of 2002, he placed a personal ad on one of the sites and got a reply from raoul75@hotmail.com. Raoul struck Amgad as a “good romantic nice guy” – though in reality he was an undercover policeman. They chatted on the internet and exchanged emails, and Amgad sent Raoul a photo of himself looking smart in a suit and tie.

Before long, Amgad was pouring his heart out to Raoul. “I’ve never told someone the things I told you yesterday,” he wrote. “I always keep my feelings concealed in my heart, but I couldn’t hide them from you.”

Raoul’s replies convinced Amgad that he had at last found love.

He then set out for Cairo to meet his new-found friend at an agreed spot in Tahrir Square. Raoul was not there but the Vice Squad were waiting and they arrested Amgad – a fate that he shared with at least 45 other Egyptian men known to have been entrapped through the internet since 2001.

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In the light of all these prosecutions, it may come as a surprise that sexual activity between people of the same gender is *not* in itself illegal in Egypt, but there are other laws which can be used to bring prosecutions. In most of the Middle East, however, same-sex acts *are* illegal, with penalties ranging from imprisonment to flogging and possible execution in the more extreme cases such as Saudi Arabia and Iran.

It's worth mentioning in passing that while some of these laws against homosexuality are derived from Islam, others are not. In a number of Arab countries they are relics of colonial rule, including British rule in some of the Gulf states.

The Egyptian crackdown that happened around 2001 was actually quite unusual in its extent and its severity. It also — again, rather unusually — attracted a lot of attention from the local press, especially the more sensationalist newspapers, but was largely ignored by television.

There are crackdowns in other Arab countries from time to time but, on the whole, legal repression is not systematic and the overall level of prosecutions appears to be significantly *lower* than it was in Britain, for example, during the early 1950s.

One possible explanation is that as far as the authorities are concerned, homosexuality is a western phenomenon. The official line is that it doesn't exist in Arab countries — at least not beyond a few depraved individuals.

As with many other things that are forbidden in Arab society, appearances are what count, and so long as everyone can pretend that it doesn't happen, there is no need to try to stop it. From the authorities' point of view, therefore, large numbers of prosecutions are undesirable, because they would destroy this pretence.

Another factor is that the law in Arab countries is often more flexible, in terms of its enforcement, than it is here.

For instance, in Britain during the crackdown against homosexuality in the 1950s, a number of prominent people were arrested and put on trial. In most of the Middle East, however, there's an informal system known as *wasta*, or mediation, where people can use their social connections to avoid prosecution.

Sometimes the police simply drop a case on payment of bribes, or let the arrested person off in return for agreeing to become a police informer.

In one reported case from Iraq during the time of Saddam Hussein, two young men were spotted by the police kissing in a car. They were arrested and taken away - expecting to go to the police station.

A short distance from the station, the officers stopped and, after some verbal and physical abuse, made clear they were wanting money. Initially they asked for \$1,000 but, after some haggling, settled on \$400.

In countries where male homosexuality is illegal, lesbian relations are usually also a crime, though prosecutions seem extremely rare. The only case I have come across in press reports was in Lebanon in 2002 when police raided the home of a lesbian whose mother had filed a complaint accusing her of stealing the mother's jewellery – and found her with another woman.

The press report said:

According to judicial sources, the women, who were caught *in flagrante delicto*, confessed to having relations for several years and said they wished to be united in matrimony. The sources said the two also sought to have a test-tube baby together, and affirmed to Mount Lebanon assistant public prosecutor Shawki Hajjar that they would join each other once released from jail.

The report added that to prevent any further sexual activity while in custody, prosecutor Hajjar gave special orders that each woman be held in a separate cell.

Regardless of how much laws against homosexuality are actually used, they are a striking example of the general malaise that afflicts Arab legal systems, and the case for abolishing them is very clear.

1. Criminalising homosexuality is a bad use of the law. If two unmarried people agree to have sex together in private, no third party is harmed. Unlike murder, say, or robbery, it is a "crime" without a victim. Other people may disapprove or consider it sinful, but that is no reason for the law to intervene.

2. Such laws can never be effectively enforced – and unenforceable laws bring the legal system as a whole into disrepute. In Britain, for example, during the early 1960s, surveys suggested that for every homosexual act which came to the attention of the authorities about 30,000 others went undetected – and there is no reason to suppose that the detection rate in Arab countries is any higher.

When detection rates are extremely low, the law has little or no deterrent effect. The main effect is that people simply take greater precautions against being caught. This was certainly true during the period of criminalisation in Britain and, even in Saudi Arabia today – where the death penalty theoretically applies – the law is widely ignored.

3. It is usually very difficult to prove that an offence has taken place. This has a corrupting effect on the police, who – in the absence of real evidence - are then tempted use other methods such as enforced confessions or entrapment (where no crime would have been committed if the police had not created the right conditions for it to happen).

4. Laws against homosexuality promote crime rather than combating it. In particular, forcing people to be secretive about their sexuality creates

opportunities for blackmailers. This was a major problem in Britain before the law was abolished, and it happens wherever such laws exist.

In one recent case from the Middle East, two Saudi men were having an affair. A Pakistani man found out about it and threatened to tell the authorities. The fact that he *threatened* to report them rather than actually doing so suggests that he was demanding money in return for keeping quiet. The two Saudis then killed the Pakistani man. They, in turn, were arrested and executed for murder – so three people ended up dead. All of them would still be alive today and, most probably, doing no harm to anyone, were it not for the Saudi law against homosexuality.

5. Laws against homosexuality have a damaging effect on society as a whole. They provide a framework of legitimacy for acts of harassment or discrimination by individuals and institutions. While such laws exist there can be no official protection or redress when discrimination or abuses occur. You can't go to the police station and say "somebody is threatening me because I'm gay".

Religion

There's no doubt that anti-gay prejudices in the Middle East are both sanctioned and encouraged by religious teaching. IslamOnline, a large and widely respected website, describes homosexuality as "the most heinous" sin in Islam and "one of the most abominable" — a sin so "enormous in intensity and gravity" that it must be punished both in this life and the next.

Some Islamic scholars take an even harder line, denouncing gay people as "paedophiles and AIDS carriers" and likening homosexuality to alcoholism, drug addiction or a "cancer tumour" that must be eradicated in order to preserve society.

We might shrug this off as the typical fulminations of conservative clerics — except that a lot of people listen to them and take their words seriously. The most alarming example at present is Iraq, where there is now substantial evidence that militias are targeting gay people and killing them in the name of religion.

As far as religious condemnations of homosexuality are concerned, Islam is neither unique nor unusual. We have heard similar things at various times from prominent Christian and Jewish figures, and the reaction from many gay and lesbian Christians and Jews has been to abandon the faith they were brought up in.

In western countries with a tradition of secularism, renouncing your religion is no big deal, but gay Muslims can find it much more difficult. In Saudi Arabia, for example, apostasy is a capital offence, just like homosexuality.

At the same time, religion in most Muslim countries has far more influence over society as a whole than it has nowadays in the west. As a result of this, it is virtually impossible to make a persuasive case for gay rights in

the Middle East unless you take religion into account. You can't counter religious arguments with secular arguments and expect people to take notice, because they won't. This is a problem that Arab feminists have also had to face.

So one of the things I tried to do in my book was to construct — or at least visualise — an Islamic argument for gay rights, and the striking thing I discovered in the process is that the arguments, both for and against, closely mirror those we hear in Christianity. The main difference is that in Islam at present, one side of the argument is seldom heard.

Going back 50 years or so, it was almost universally assumed that Christianity forbids homosexuality, but gradually that assumption was questioned as people re-examined the evidence in the Bible and found it pretty thin.

Unless you read the Qur'an in a very literalist and legalistic way (and unfortunately many people do), it is actually quite difficult to make a convincing argument against homosexuality based on the Qur'an alone — which is why the Islamic scholars who want to denounce it usually move on very quickly from the Qur'an to the collections of *hadith*, which in many cases are of dubious authenticity.

As in Christianity, the real issue is not homosexuality itself, but two different ways of approaching religion. On one side are the literalists who believe scripture provides a set of rules which are fixed for all time and, on the other, those who focus on broad principles and interpret them in the light of current circumstances.

As far as Islamic law is concerned, Muslim societies have traditionally seen nothing wrong in people being attracted to members of their own sex. It is worth remembering that in the Qur'anic vision of paradise, along with the famous 72 female virgins, the faithful enjoy endless supplies of non-alcoholic drinks served by handsome young men.

The question of sin doesn't arise unless people act upon their sexual impulses, and if they *do* act upon them, Islamic law doesn't really distinguish between gay sex and straight sex. Talk about homosexuality being “the most heinous” sin in Islam is therefore nonsense. The gender of the people involved is irrelevant.

The general idea in Islam is that sex should take place within a legalised framework, such as marriage.

In terms of Islamic law, homosexual acts are regarded in the same way as other sexual relationships occurring outside marriage, so gay sex is essentially no different from sex involving a straight couple who are not married to each other. Homosexual acts are treated as equivalent to fornication (in the case of an unmarried person) or adultery (in the case of someone who is already married).

In purely practical terms, we might question whether gay sex is really equivalent to fornication or adultery. One of the original purposes of the Islamic marriage rules was clearly a social one: to avoid disputes about parentage and inheritance in the event of pregnancy. In the case of same-sex couples there is no prospect of anyone becoming pregnant, so it could reasonably be argued that this rationale doesn't apply.

The main issue in Islamic law, though, is not the gender of the couple but the fact that the relationship is not legally recognised.

The Catch 22 for gay Muslims, of course, is that they have no way of regularising their relationship, even if they wanted to, by getting married.

In the light of that, and amid all the debate within Christianity, it's interesting to consider whether there might — conceivably — be an Islamic case for recognising gay marriage.

The first thing to note is that Islamic views of what constitutes a legitimate sexual relationship are broader and more flexible than those of Christianity, and conventional marriage is not the only possible legal framework.

In the days of slavery, for instance, a man was permitted to have sex with his slaves.

There is also the remarkable institution known as Mut'ah. I once described Mut'ah as a form of legalised prostitution and was taken to task by a reader, so I won't repeat that. Basically it's a marriage contract with a specified duration — which technically can be anything from a few minutes to a number of years — and the marriage is automatically dissolved without need for a divorce when the time is up.

Another device is 'Urfi marriage, where there is a verbal agreement but no official contract. 'Urfi is controversial and is not recognised in most Muslim countries but it's widely practised in Egypt. Essentially, it allows young, unmarried couples to have sex together by giving their relationship a measure of respectability.

Overall, Islamic attitudes to contractual sexual relations are much more flexible than the idea promoted by conservative Christians that marriage is a lifelong partnership between one man and one woman. In theory it least, it ought to be somewhat easier for Muslims to fit same-sex partnerships into their framework of legitimate sexual relations than it is for Christians.

Arab society

The influence of religion and the law also has to be considered within the broader context of Arab society.

At a day-to-day level, by far the biggest problem for lesbian and gay people in the Middle East is relations with their families — and this affects almost all of them to some extent. In the more traditional-minded families, particularly, there are huge issues about honour and respectability, and

the shame that would be brought on the household by having a son or daughter who was known to be gay.

The other key element in this is that in Muslim-Arabic societies marriage and child-rearing are more or less obligatory. Remaining single is usually not an option and parents often take it upon themselves to find a suitable husband or wife for their offspring.

The result is that most gay Arabs in their late teens and early twenties, while struggling to come to terms with their sexuality and the feelings of guilt that may be associated with it, are also quietly dreading the moment when their family will tell them it's time to marry.

Many contrive to postpone marriage by on staying at college or university for as long as possible but when the day finally arrives they face an invidious decision: whether to play along with their family's wishes and marry, or to come out and reveal their sexuality, with all the problems that can entail. An example from my book:

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Hassan, in his early twenties, comes from a prosperous and respectable Palestinian family who have lived in the United States for many years but whose values seem largely unaffected by their move to a different culture. His eldest sister is betrothed to a young man from another Arab-American family, and it was arranged in the traditional way, with a meeting between the two families who agreed that the couple were suitable and would marry when they had finished their studies. Until then, they remain apart and do not mix with the opposite sex ...

In due course the family will expect Hassan, his younger brother and his two other sisters to follow a similar path into married life, and so far Hassan has done nothing to ruffle their plans. What none of them know, however, is that he is an active member of al-Fatiha, the organisation for gay and lesbian Muslims.¹⁶ Hassan has no intention of telling them, and he hopes they will never find out because it would be a disaster for the entire household. Though he has grown up gay, he was born with inescapable responsibilities to his family.

"I'm the eldest son of an eldest son of an eldest son," he said. "That means a lot to them. When I was born, my father took my name: he became known as Abu Hassan – the father of Hassan.

"Of course, my family can see that I'm not macho like my younger brother. They know that I'm sensitive, that I'm effeminate and I don't like sport. They accept all that, but I cannot tell them that I'm gay. If I did, my sisters would never be able to marry, because we would not be a respectable family any more."

While Hassan continues with his studies he is under no pressure to marry, but he knows the time will come and is already working on a compromise solution, as he calls it. When he reaches the age of 30 he will get married – to a lesbian from a respectable Muslim family. He is not sure if they will have same-sex partners outside the marriage but he hopes they will have children and that, to outward appearances at least, they too will be a respectable family.

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Sometimes, of course, people do tell their families, or the families find out by accident. How parents react to the news usually depends on whether they regard homosexuality as a sin or a sickness. In the former case — most common among the more traditional types of family — they are likely to respond with violence or threats of violence and often the young person runs away from home, in some cases permanently ostracised.

The other type of response — more common among the professional classes — is to seek a “cure” through psychiatry. Although mainstream medical opinion in the United States, Europe and other western countries recognises that homosexuality is neither a disease nor something that can be “cured”, the majority of psychiatrists in Arab countries appear to believe otherwise, or at least seem ready to attempt cures under pressure from anxious parents.

Another story from my book: It concerns Ghaith, a Syrian, who was studying fashion design in Damascus. He told me he had known that he was gay for a long time but had never allowed himself to even think about it.

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In his final year at college he developed a crush on one of his male teachers.

“I felt this thing for him that I never knew I could feel,” Ghaith said. “I used to see him and almost pass out.

“One day I was at his place with a lot of guys and girls. We were having a party and I got drunk. My teacher said he had a problem with his back and I offered him a massage. We went into the bedroom. I was massaging him and suddenly I felt so happy. He was facing down on the bed so I turned his face towards my face and kissed him.

“He was like ... ‘What are you doing? You’re not gay.’

“I said: ‘Yes, I am.’

“It was the first time I had actually said that I was gay. After that I couldn’t see anybody or speak for almost a week. I just went to my room and stayed there, I stopped going to school, I stopped eating, I stopped doing everything. I was so upset at myself and I was going ... ‘No, I’m not gay, I’m not gay, I’m *not*.’”

Ghaith decided to entrust his secret to a female cousin who lives in the United States.

“I called her and told her: ‘I really don’t know what to say. I’ll understand if you never speak to me again, blah blah blah, but I’m gay’.”

“She was laughing and she told me that it’s not something you have to be ashamed of. It’s who you are and you should be proud of yourself.

“So next day, after a week on my own in my room, I went to school and told my friends. They were mostly cool about it and some of them said ‘Yeah, we knew’, but one said: ‘I really think you should see a shrink’.”

To reassure his friend, Ghaith agreed.

“I went to this psychiatrist and before I saw him I was stupid enough to fill in a form with the whole info about who I was, with my family’s phone number.

“I told the doctor I had come just to prove to my friend that it’s not a sickness. He was very rude and we almost had a fight. He said: ‘You’re the garbage of the country, you shouldn’t be alive and if you want to live, don’t live here. Just find a visa and leave Syria and don’t ever come back.’

“Before I reached home he had called my mum, and my mum freaked out. She gathered all my straight friends and two of my uncles, and my sister and her husband. When I arrived home there were all these people in the house. My mum was crying, my sister was crying, and I thought somebody had died or something.

“I said to them: ‘You have to respect who I am, this was not something I chose,’ but it was a hopeless case.

“The bad part was that my mum wanted me to leave the college. It was my final year and I was first in the class. I said: ‘No, I’ll do whatever you want.’ After that, she started taking me to therapists. I went to at least 25 and they were all really, really bad. Really bad. They did all sorts of medical tests, like hormones and things, and they always made you masturbate into this little container.”

“In Syria they think the only reason why you would be gay is that you’re over-feminine, that you’re having problems with your hormones ... that you’re trans-sexual, basically. I told them, ‘No, I don’t want to be a woman, I’m a man.’

“One day we were having a family dinner and I had to go to see another therapist. My brother-in law offered to drive me there. While we were in the car he said, ‘You know, I married your sister because she’s from a good family and she has a good reputation. I

don't care about you or what you do, but if I ever hear anyone say my brother-in-law is gay I'm going to divorce your sister'. I felt sad for my sister more than anything else, and she would have been stupid enough to blame me for the divorce if it happened.

"After what my brother-in-law had said, I decided to stop resisting. I said '*Khallas!* [Enough!] I cannot do this any more. Nobody is remotely trying to understand me.' I started agreeing with the psychiatrist and saying 'Yes, you're right'. I was going there every day and soon he was saying 'I think you're doing better'. He gave me some medicine that I never took. I have no idea what it was, but he used to charge a big bill.

"So everybody was fine with it after a while, because the doctor said I was doing OK, and because I was lying to the doctor."

As soon as he graduated, Ghaith left home and left Syria. Six years on, he is a successful fashion designer in neighbouring Lebanon, though he visits his family occasionally.

He feels that the experience has affected his mother and sister in different ways. His sister – once very traditionally-minded – has become more understanding while his mother, who was once a very open person, never talks about his sexuality. "I've tried to open the subject a few times but it never worked out," he said. "My mum is in denial. She keeps asking when I am going to get married: 'When can I hold your children?'

"In Syria this is the way people think. Your only mission in life is to grow up and start a family, then raise your children so they can start their own family. There are no real dreams. The only Arab dream is having more families."

Human rights

What I have given here is a fairly broad-brush picture, and there's a lot more detail in my book. I want to finish with a few observations about how it relates to human rights.

The Universal Declaration of Human Rights is probably the most important document ever issued by the United Nations. Approved by the General Assembly in 1948, it spells out in clear and uncompromising language "the equal and inalienable rights of all members of the human family".

The word "universal" in the title is not to be taken lightly. It means exactly what it says: human rights should apply equally to everyone, everywhere, at all times. Article Two of the declaration states:

Everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

While this does not mention sexual orientation specifically, it has no need to do so. The phrase “without distinction of any kind” is absolutely clear, and sexual orientation cannot be excluded from any sensible interpretation of its meaning. “Lesbian and gay rights,” Amnesty International says, “belong on the human rights agenda because if we tolerate the denial of rights to any minority, we undermine the whole protective framework of human rights by taking away its central plank – the equal rights and dignity of all human beings.

Amnesty continues: “Perhaps most centrally of all, lesbian and gay rights belong on the human rights agenda because sexual orientation, like, for example, gender or race, relates to fundamental aspects of human identity.”

The essential principle here is equality, and there is no room for selectively excluding some human beings on the pretext of local circumstances or cultural norms. Either the equality principle is accepted in whole or it is not: there are no half measures.

This principle, it has to be said, is still not generally recognised in the Arab world. Intolerance and discrimination – often officially sanctioned – is widespread not only in the area of sexuality but also in religion and ethnicity.

As far as sexuality is concerned, the head of the Coptic church in Egypt reflected a very common view when he said:

“What rights are there for homosexuals? Their only right is to be led to repentance. But to live in such defilement of the body ... in such abomination and sin, and then ask for their so-called human rights [is] unthinkable.”

Of course, similar views were heard quite often in Britain not so many years ago. Homosexuality was still illegal in Britain until 1967, and you could even be executed for it until 1861.

Since then, attitudes in Britain and many other countries have changed. The Arab countries are certainly lagging behind in this respect but it would be wrong to assume they are incapable of changing too.