

# Homosexuality in the Prospect of Before Revelation

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## Introduction

The present study endeavours a discursive space on negotiating modern homosexuality in classical Twelver Imāmī scholarship. Currently, sexual diversity such as homosexuality is increasingly accepted in Western societies. Therefore, gays and lesbians, like others, are deemed to have the right to freely choose their mates and legally spend their life with them. In such societies, discrimination and injustice against homosexual people are not tolerated. However, both in Muslim-majority and in (Western) Muslim-minority contexts, traditional scholars of Islam and grassroots communities alike often oppose sexual diversity based on arguments that are fuelled by patriarchal interpretations of the received tradition.<sup>1</sup>

Following such a patriarchal understanding of the Islamic revelation, Muslims are concerned about homosexual relationships, as these relationships – in their view – are believed to be sinful and immoral, thus prohibited in Islam. Nevertheless, despite such a patriarchal understanding of Islam, contemporary Muslim grassroots level activists and a few scholars advocate a more tolerant attitude to sexual diversity, including homosexuality.<sup>2</sup> To enrich the existing scholarship on the ethics of sexual diversity in Islam, this study investigates the repertoires of classical Imāmī thought to negotiate homosexuality in Islam. Thus, I shall examine Šarīf al-Murtaḍā's approach to the *before revelation discourse* to explore whether it can be used to argue for modern homosexuality. Concerning this debate, any useful things or actions that do not harm anyone, regardless or in the absence of Revelation, should be considered permissible (*mubāḥ*).

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- 1 See, for example, Kadiwār, “Huqūq Aqalliyyāt-i Ğinsī” and “Aḥkām-i Taklīfī wa-Waḍī-yi Hamğinsgarāī”; Abdul-Ra'uf, *The Islamic View of Women and the Family and Marriage in Islam*; Murad, “Fall of the Family”.
  - 2 See, for example, Alipour, “Shī'a Neo-traditionalist Scholars and Theology of Homosexuality”; Habib, *Female Homosexuality*; Jahangir and Abdullatif, *Islamic Law and Muslim Same-Sex Unions*; Jamal, “The Story of Lut”; Kugle, *Homosexuality in Islam*; Nahas, *Islam En Homoseksualiteit*.

In doing so, I will first explicate the concept of modern homosexuality. Using a genealogical approach, I will then explore similar phenomena in classical Muslim cultures and legal traditions. Next, I shall compare modern homosexuality with pre-homosexual categories to accentuate the distinctions between homosexuality and pre-modern same-sex sexual behaviours. Finally, I shall examine how the principle of permissibility, as articulated by Šarīf al-Murtaḏā, can be used to argue for the permissibility of homosexuality in Islam in the absence of Revelation.

### *The Articulation of Homosexuality*

Karl-Maria Kertbeny (1824–1882), an Austrian-Hungarian journalist and translator, is largely believed to have invented the term ‘Homosexualität’ in German. He used it in print for the first time in the 1860s to articulate same-sex sexual appeals.<sup>3</sup> This term was translated as ‘homosexuality’ in English by Charles Gilbert Chaddock (1861–1936)<sup>4</sup> three decades later in 1892.<sup>5</sup> However, it only appeared for the first time in the Oxford English Dictionary (the three volumes version) in 1976. Nevertheless, the very modern discourse on homosexuality was established in the 1960s under the gay and lesbian movements in North America and Europe. Scholars, such as Mary McIntosh (1936–2013), Michel Foucault (1926–1984), John Boswell (1947–1994), Jeffrey Weeks (b. 1945), Ken Plummer (b. 1946), Eve Kosofsky Sedgwick (b. 1950), David Halperin (b. 1952), and Judith Butler (b. 1956), have carefully investigated this topic ever since. They have introduced various articulations of homosexuality.<sup>6</sup> However, the nature of homosexuality is yet a matter of dispute, as it seems to be more complicated than it appears at first glance. In the present study, I am not in a position

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3 Weeks, *The Languages of Sexuality*, 84.

4 Halperin, *One Hundred Years of Homosexuality and Other Essays on Greek Love*, 15.

5 Although the Oxford English Dictionary credited Chaddock as the person who introduced the concept of ‘homo-sexuality’ into the English language in 1892, based on an existing document, J. A. Symonds also used the same concept in a letter in the same year (Halperin, *One Hundred Years of Homosexuality*, 155).

6 See, for example, Boswell, *Christianity, Social Tolerance, and Homosexuality*; Foucault, *The History of Sexuality*, Volume 1 (HS1); Gunther, *The Elastic Closet*; Halperin, *How to Do the History of Homosexuality*; Halwani, “Essentialism, Social Constructionism, and the History of Homosexuality”; Iemmola and Ciani, “New Evidence of Genetic Factors”; McIntosh, “The Homosexual Role”; Sedgwick, *Epistemology of the Closet*; Weeks, *Coming Out and The World We Have Won*.

to examine all notions of homosexuality. Instead, I explicate the meaning of homosexuality based on Michel Foucault's and David Halperin's views to advance my research. I focus on their views not only because they are most compatible with the present study, but also because their scholarships have constituted a constructive debate on this topic ever since.

Foucault, in a famous passage in *The History of Sexuality* (HSI), compares the two phenomena of sodomy and homosexuality and makes distinctions between them. According to him,

“ [t]his new persecution of the peripheral sexualities entailed an incorporation of perversions and a new specification of individuals. As defined by the ancient civil or canonical codes, sodomy was a category of forbidden acts; their perpetrator was nothing more than the juridical subject of them. The nineteenth-century homosexual became a personage, a past, a case history, and a childhood, in addition to being a type of life, a life form, and a morphology, with an indiscreet anatomy and possibly a mysterious physiology. The sodomite had been a temporary aberration; the homosexual was now a species.”<sup>7</sup>

As Halperin notes, in Foucault's view, there are different ways to prohibit same-sex sexual relationships.<sup>8</sup> In premodern times, same-sex sexual relationships would be disqualified through canonical or civil definitions of sodomy, whereas in the modern period, that disqualification happens through modern medical or psychiatric formulations of homosexuality. Foucault aims to demonstrate that the modern discourse on sexual relationships applies a particular methodology to generate the concept of homosexuality and the identity of *the homosexual*. Thus, following Halperin, Foucault in this passage – as throughout *The History of Sexuality* – is focusing on “dis-

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7 Foucault, *HSI*, 42–43.

8 Halperin, *How to Do the History of Homosexuality*, 29–32. Some scholars understood Foucault's view differently (see, for example, Murray, *Homosexualities*; Jordan, *The Invention of Sodomy*). According to them, in Foucault's view, before the nineteenth century, societies commonly categorised sexual differences based on various types of sexual practices. There was no discussion of sexual agents, subjects, or characters; in fact, sexual practices were not considered to manifest any indications of sexual identity or sexual subjectivity. From the nineteenth century onwards, however, sexual behaviours have represented the subjectivity of sexual agents. Thus, the concept of *sexuality* which expresses sexual orientations and new categorisations of individuals was invented, and furthermore, sexual differences began to be perceived as different sexual identities.

cursive and institutional” acts.<sup>9</sup> Nothing is mentioned about an individuals’ sexual practices in their private lives nor anything about views of such practices. Foucault, in fact, tries to explain that the definition of sodomy in the premodern period was based on the civil laws of several European countries, canon law, and Christian teachings, whereas homosexuality is conceptualised through the writings of modern sexologists. In short, as Halperin elaborates,

“ [Foucault’s] schematic opposition between sodomy and homosexuality is first and foremost a discursive analysis, not a social history, let alone an exhaustive one. It is not an empirical claim about the historical existence or non-existence of sexually deviant individuals.”<sup>10</sup>

To better understand Foucault’s view, it is important to consider Foucault’s whole project on the emergence of modern *sexuality* (its genealogy, invention, and identification). The term *sexuality* was invented in the early nineteenth century to refer to the peculiarity of humans being sexual entities.<sup>11</sup> However, the issue of sexuality which led to a massive discursive unity emerged during the transition to modernity from the eighteenth century onward. They were in fact critical instruments or strategies of power-knowledge over both individuals and species by focusing on sex.<sup>12</sup> The very real goal of such strategies, Foucault argues, was not to fight against sexuality but to control and regulate it.<sup>13</sup> Sexuality, in Foucault’s approach, is neither an intrinsic phenomenon which power attempts to control nor an unknown scope which knowledge seeks to gradually discover. Instead, as Foucault states, sexuality “is the name that can be given to a historical construct”.<sup>14</sup>

Following Foucault, later scholars of sexuality argued for this modern constructed notion as a merging concept that brings together different discourses. These apparently do not have inherent linkages, such as medical, moral, regulatory, legal, and scientific discourses. Interestingly, the concepts of *sex* and *sexual* that are essential to the term ‘sexuality’ are also products of discourses which made it possible for modern individuals or populations

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9 Halperin, *How to Do the History of Homosexuality*, 29.

10 *Ibid.*, 31–32.

11 Weeks, *The Languages of Sexuality*, 198.

12 Foucault, *HSL*, 103–105.

13 *Ibid.*, 105.

14 *Ibid.*

to identify as sexual entities enacting their erotic lives.<sup>15</sup> These lives provide complex sets of performances by which the *sexual* is originated and performed,<sup>16</sup> grounding a context for narrating various sexual histories which individuals tell each other with regard to their bodies.<sup>17</sup>

In fact, the invention of the concept of *sexuality* provided a new discursive space for modern debates on sexual behaviours, thus making new divisions and conceptualisations of sexual identities, such as homosexuality and heterosexuality, possible. However, one might claim that the historical construction of sexuality proposed by scholars such as Foucault – rejecting the inherent sexual orientations – leads to a questioning of the validity of modern sexual categories. Nevertheless, as Weeks notes, this is in fact the exact point of social constructionism, which the critics seem to neglect.<sup>18</sup> This is because a “historicised approach to sexuality opens the whole field to critical analysis and assessment. It becomes possible to relate sexuality to other social phenomena.”<sup>19</sup> Without questioning the conception of sexuality as an inherent or essential phenomenon, it would not become possible to reconsider the definitions of the *sexual*.

With the issue of *sexuality* in mind, one can conclude that Foucault simply argues that, since the end of the nineteenth century, people increasingly defined themselves in terms of their sexual identity, rather than in terms of other social categories, such as caste, class, or faith. Therefore, when Foucault remarks that before the modern period *the homosexual* did not exist, it is solely a statement of the following: the category, the name, the idea of someone being identified in their essence by their sexuality, rather than by other social statuses, simply did not exist. This, as Halperin notes, is “a discursive analysis, not a social history”.<sup>20</sup> Thus, Foucault is not suggesting any empirical assertion of the idea that there did or did not exist individuals who were considered as sexually deviant. Furthermore, he does not imply that people in the past never described or identified themselves in terms of their sexual practices. That is a matter for empirical

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15 See Gagnon and Simon, *Sexual Conduct*.

16 See Butler, *Gender Trouble*.

17 See Plummer, *Telling Sexual Stories*.

18 Weeks, *The Languages of Sexuality*, 199–200.

19 *Ibid.*, 200.

20 Halperin, *How to Do the History of Homosexuality*, 32.

investigation, and as historical studies have convincingly documented, there is evidence to the contrary.<sup>21</sup>

In the same way, David Halperin argues for homosexuality being a phenomenon related to modern culture, and that this modern category should be distinguished from the pre-homosexual categories of the ancient world. He holds that while *sex* has no history, *sexuality* does. Thus, it is important to first articulate the notion of *sexuality*. It is currently believed that *sexuality* addresses an affirmative, distinguished, and constructive aspect of humans' character in terms of their sexual practices, sexual desires, and sexual pleasures. Regarding this meaning of *sexuality*, as Halperin notes,

“ [sexuality] is not a purely descriptive term, a neutral representation of some objective state of affairs or a simple recognition of some familiar facts about us; rather, it is a distinctive way of constructing, organizing, and interpreting those ‘facts’, and it performs quite a lot of conceptual work.”<sup>22</sup>

This statement considers sexuality as a distinctly sexual aspect of human beings embedded in the greater scope of their *psychophysical* nature. It also explains the differentiation of sexuality from other similar individual or public behaviours, such as passion, virility, eroticism, love, desire, and affection. In addition, sexuality produces sexual identity, meaning that it provides every individual with a unique sexual nature. This leads to the individualisation of human beings based on their sexuality. If sexuality is articulated this way, then, as Halperin argues, this modern concept of sexuality is alien to what existed in the past. There are at least two elements which seem to be crucial for the categorisation of sexuality – the *independence* of sexuality as a distinct aspect of humans' lives and the use of sexuality as a basis of the *individuation* of human sexual identities – both of which are missing in ancient and medieval Mediterranean cultures

Therefore, as Halperin suggests, given the absence of *sexuality* in the past, it is understandable why homosexuality did not exist in the ancient world. The central pole of modern homosexuality seems to be *sexuality*, not social status, economic class, religious beliefs, or even gender norms, all of which had been considered in ancient categorisations of sexual relationships. In fact, wherever the notion of sexuality is absent, there can

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21 See, for example, Dover, *Greek Homosexuality*; Boswell, *Christianity, Social Tolerance, and Homosexuality*; Williams, *Roman Homosexuality*.

22 Halperin, “Is There a History of Sexuality?”, 417.

be no notion of either homosexuality or heterosexuality: a conception of sexuality which can be seen as the basis of differentiation or distinction between various types of individuals.<sup>23</sup> Therefore, since sexuality is a modern phenomenon, homosexuality, too, is a modern subject.

Now the question is what 'modern homosexuality' means. Pursuing a genealogical analysis, Halperin tries to articulate homosexuality in modern time. Thus, he introduces different phenomena which existed in the past to compare them with modern homosexuality. This allows him to elaborate on how and to what extent this subject is different from pre-homosexual phenomena which existed long before homosexuality. In this study, following Halperin's strategy, I shall exert the genealogy of homosexuality to pre-homosexual categories which existed in early Muslim societies.

Halperin illustrates several pre-homosexual categories to explore the similarities and differences these phenomena might have with each other and with the modern category of homosexuality. Precisely speaking, Halperin identifies four different kinds of (male) sexual behaviours or gender deviances in ancient Greek culture: effeminacy, active sodomy, friendship/male love, and passivity/inversion.<sup>24</sup> Unlike John Boswell,<sup>25</sup> Halperin argues that, although all these four pre-homosexual categories and homosexuality might overlap to some extent, they do have distinguishing features which clearly sets them apart from each other and from modern homosexuality.<sup>26</sup>

Considering homosexuality as a distinct modern category, Halperin articulates homosexuality as a phenomenon which absorbs three different concepts that were not correlated with each other in premodern times: *sexual orientation* (a psychiatric concept), *sexual object choice* (a psychoanalytic concept), and *sexual behaviour* (a sociological concept). While none of these notions alone can successfully define homosexuality, it seems that modern homosexuality is a variable combination of all three concepts, that

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23 Halperin, *One Hundred Years of Homosexuality*, 26.

24 Halperin acknowledges that sociologists and historians have previously distinguished various types of same-sex sexual practices which are somehow similar to what Halperin identifies in his study. However, as Halperin explains, his approach is different, as he studies the subject genealogically, not historically or sociologically, and his view only outlines the inherent sociological and cultural traditions of European societies.

25 See Boswell, *Christianity, Social Tolerance, and Homosexuality*; also *The Marriage of Likeness*.

26 Halperin, *How to Do the History of Homosexuality*, 135.

is, “‘homosexuality’ is at once a psychological condition, an erotic desire, and a sexual practice”.<sup>27</sup>

To understand the distinction between homosexuality and other pre-homosexual categories, it is useful to note that pederasty only identifies the active partner while the other partner, namely the passive or receptive person, is not considered in the category. Inversion also refers only to the vulnerable effeminate man, whereas the other partner is not regarded. Unlike these two categories, homosexuality addresses “both partners, whether active or passive, whether gendered normatively or deviantly”.<sup>28</sup> The implication of homosexuality is to reject the differentiation between the homosexual partners in the conceptualisation of the term based on the roles of the partners or to classify them by considering one partner “more (or less) homosexual than the other”.<sup>29</sup> However, it should be noted that this articulation of homosexuality does not imply that age, sexual role, social or economic differences per se are significant. Instead, these kinds of relationships can be inappropriate, unethical, or even illegal once they fall into pederastic, hierarchical, or power-based relationships.

As mentioned earlier, modern homosexuality is essentially based on sexuality and thus allows us to categorise individuals as *homosexual/heterosexual*. One consequence of the intentional distinction between homosexuality and heterosexuality is that homosexuality, unlike pre-homosexual categories, does not necessarily require unequal sexual roles or social status. It does not, in fact, essentially need to be defined based on power relations, social and cultural hierarchies, sexual positions, gender, or age.<sup>30</sup> Rather, homosexuality is about *sameness* and *mutuality*:

“Homosexual relations are not necessarily lopsided in their distribution of erotic pleasure or desire. Rather, like that of heterosexual romantic love, the notion of homosexuality implies that it is possible for sexual partners to bond with one another not on the basis of their difference but on the basis of their sameness, their identity of desire and orientation and ‘sexuality.’”<sup>31</sup>

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27 Ibid., 131.

28 Ibid., 132.

29 Ibid.

30 However, as Halperin himself admits, this does not mean to negate the fact that such factors, in particular power relations or social and cultural hierarchies, may still be influential in homosexual relationships.

31 Ibid., 133.



*Genealogy of Homosexuality in Early Muslim Societies*

It was explicated that modern homosexuality has been variously characterised as a “species” and “personage” (Foucault) or as a same-sex sexual relationship “on the basis of ... sameness, ... identity of desire and orientation and ‘sexuality’” (Halperin). Whatever definition we choose, homosexuality crucially depends on modern notions of sexuality and sexual identity, not gender, class, social status, and so on. In the following, concurring with Foucault and Halperin, I count homosexuality as an egalitarian way of life between Muslim same-sex peers which presumes sameness and mutuality in terms of social status, sexual desire, and choice between mates. Such a category is not based on power relations or on hierarchy in gender, sexual role, or age differences. Thus, it may categorically happen between two adults (two males or two females) who have a mutual sexual attraction to same-sex mates, choose to consensually practise same-sex sexual relationships, and identify themselves as homosexual men or women.

Given this definition, I hold that such a modern phenomenon of homosexuality did not exist in early Muslim cultures. Nevertheless, as shall be discussed, Muslim individuals have traditionally practised various pre-homosexual models of same-sex sexual behaviours throughout the history of Islam. Unlike a number of scholars who have equated these early behaviours with homosexuality,<sup>32</sup> I will suggest that after comparing and contrasting differences between the various pre-homosexual categories with modern homosexuality, we can distinguish between these pre-modern categories and homosexuality. Inspired by Halperin’s analysis of homosexuality, I shall use a genealogical approach towards homosexuality within early Islamic societies.<sup>33</sup>

Following this strategy, I need to examine the extant literature, whether in the form of poetry and prose (mainly in Arabic and Persian), anecdotal

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32 See, for example, Habib, *Female Homosexuality*; and Murray and Roscoe, *Islamic Homosexualities*.

33 Khaled El-Rouayheb, inspired by Halperin’s approach, has already studied pre-homosexual categories in late medieval Arab-Islamic societies. El-Rouayheb distinguished the following types: *pederasts*, *pathics*, *aesthetes*, and *sodomites* (El-Rouayheb, *Before Homosexuality*). However, despite the fact that such pre-homosexual categories or behaviours had been widely known or practised across the Muslim world, his discussion was limited to Arab-Islamic culture between the fifteenth and eighteenth centuries. Therefore, the genealogy of homosexuality with regard to early and medieval Muslim cultures still needs to be fully investigated.

collections, or profligacy and bawdy genres (*muğūn* and *hdl*). Moreover, there are transmitted *sunan* (pl., sg. *sunna* – tradition) from the Prophet and Twelve Imāms on same-sex sexual behaviours which are equally significant in illuminating this issue in early Muslim societies. Islamic revelations were arguably based on events and incidents that occurred in Muslim societies at the time of the revelation to guide Muslims in their behaviours. Therefore, the context of the Qurʾān and the *sunna* (of the Prophet and the Imāms which was generally transmitted through *aḥādīṭ*)<sup>34</sup> can also implicitly explain or represent the social and cultural contexts of Muslims' behaviours at the time. Regarding sexual behaviours, the *aḥādīṭ* are related to the circumstances of the Muslim communities in Ḥiğāz (presently in Saudi Arabia) and Šām (roughly current Syria) and (later during the 'Abbāsīd period) in Iraq and Iran.<sup>35</sup> With these points in mind, I shall proceed to a discussion on the genealogy of homosexuality in early and medieval Islamic societies.

It is not hard to identify the following five pre-homosexual categories in classical Muslim cultures: *taḥannuṭ* (effeminacy), *tarağğul* (mannish-ness), *liwāṭ* (male active pederasty), *ubna* (male 'pathological' passivity), and *saḥq/siḥāq* (senior female same-sex sexual behaviours with her female slave or virgin girl).<sup>36</sup> I shall briefly articulate each category and then compare and contrast them with each other and with modern homosexuality.

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34 *Aḥādīṭ* (sg. *ḥadīṭ*) consist of oral or written reports of Muḥammad's sayings, deeds, and endorsements in Sunnī context; and Muḥammad's, his daughter Fāṭima's, and the Twelve Imāms' sayings, deeds, and endorsements in Twelver Imāmī context.

35 I rely here on my previous study concerning Šīʿī *ḥadīṭ* tradition (see Alipour, *Negotiating Homosexuality in Contemporary Shīʿī Islam*, ch. 5). According to Burūğirdī's *ḥadīṭ* compilation (*Ġāmi' Aḥādīṭ aš-Šī'a*, which is by far the most comprehensive legal *ḥadīṭ* collection in Imāmiyya as it contains all the *aḥādīṭ* collected by the early four major Šīʿī *ḥadīṭ* compilations and beyond), if we leave out the repetitive *aḥādīṭ*, there seem to be 135 *ḥadīṭs* on this topic (aṭ-Ṭabāṭabāʾī al-Burūğirdī and al-Mu'izzī al-Malāyirī, *Ġāmi' Aḥādīṭ aš-Šī'a*, XXV:457–487 and XXX:460–476). Among them, 52 *ḥadīṭs* (32 percent) address *liwāṭ* (male active pederasty) and 27 *ḥadīṭs* (17 percent) address *ubna* (male passivity). *Siḥāq* (senior female same-sex sexual behaviours with her female slave or virgin girl) with 22 *ḥadīṭs* (14 percent), *taḥannuṭ* (effeminacy) with 12 *ḥadīṭs* (8 percent), and *tarağğul* (mannish-ness) with 8 *ḥadīṭs* (5 percent), respectively, come after.

36 There are still two other categories, namely 'male love of boys' and 'male friendship/comradeship', which I will not discuss in this study as they do not have direct links to same-sex sexual activities. To read about these two categories, see Alipour, *Negotiating Homosexuality in Contemporary Shīʿī Islam*, 90–96.

*Effeminacy and Mannish-ness*

*Taḥannuṭ* (effeminacy) and *tarağğul* (mannish-ness) are two categories which have been known to Muslim cultures since the very early Islamic revelation. The anecdotal literature, such as the *Kitāb al-Ağānī* of Abū l-Farağ al-Iṣfahānī (d. 356 H/967), early lexicographers' notes and observations, and *ḥadīṭ* sources<sup>37</sup> convincingly suggest the existence of individuals who were called *muḥannaṭ* (effeminate, pl. *muḥannaṭūn*) and *mutarağğul* (mannish woman, pl. *mutarağğilāt*) by the Muslim community in Medina at the time of the Prophet, if not before Islam. The question is to what extent these individuals were effeminate or mannish, and whether they were considered as such in their orientations, behaviours, and gender norms or in their sexual desires and preferences.

According to lexicographers such as Abū 'Ubayd (d. 224 H/838), al-Azharī (d. 370 H/980), and az-Zabīdī (d. 1205 H/1790), *taḥannuṭ* was usually defined as behavioural characteristics such as 'languidness' (*takassur*) of limbs, 'softness' (*līn*) of speech, and a female style of dressing, which some individuals would express or choose to live by.<sup>38</sup> Thus, they would have a special status in Muslim communities. For example, as can be confirmed by several *ḥadīṭs* attributed to the Prophet, the *muḥannaṭūn* were allowed to enter the households of Muslims and have intimate friendships with the women, whereas male strangers usually were not permitted to do so according to Islamic law. Regarding the Prophetic *aḥādīṭ*, *muḥannaṭūn* could even freely be in the company of Muḥammad's wives in his house. In a *ḥadīṭ* transmitted from Umm Salama, one of the Prophet's wives, a *muḥannaṭ* called Hīt was at the Prophet's house in the company of Umm Salama while her brother 'Abdallāh b. Abī Umayya was also present. The Prophet came to visit his wife and heard that Hīt was giving advice to Umm Salama's brother about a female stranger while explaining the attractiveness of her body. The Prophet then said to his wife that she should not allow the *muḥannaṭ* Hīt into her presence.<sup>39</sup>

37 Everett Rowson has carefully gathered such Prophetic *aḥādīṭ* transmitted by the Sunnī *ḥadīṭ* collections. There are also several *aḥādīṭ* on this matter transmitted by the Imāmī *ḥadīṭ* compilations. However, it should be noted that all such *aḥādīṭ* recorded by the Imāmī collections are attributed to the Prophet as well, and thus are very similar to the Sunnī *aḥādīṭ* on this matter.

38 Rowson, "The Effeminate of Early Medina", 672–673.

39 Ibid., 674.

Although, in post-classical Islamic periods, the terms *muḥannaṭ* and *maʿbūn* ('pathological' passive male) were sometimes used interchangeably; *taḥannuṭ* was not regarded as synonymous or even a similar phenomenon to *ubna* or any kinds of male sexual inversion, as classical Islamic literatures suggest.<sup>40</sup> Following the early Muslims' understanding of *taḥannuṭ*, one could be a *muḥannaṭ* without being a *maʿbūn* person or having any same-sex sexual desire, including homoerotic desire. Moreover, although a person with *ubna* commonly displayed effeminate behaviour, outward effeminacy did not necessarily seem to be a sign of male passivity, meaning that a passive male perhaps could hide his desire, if not behaving like a regular masculine man, while the public appearance and social behaviours of effeminate men were crucial to *muḥannaṭūn*. In the early Muslim community, *muḥannaṭūn* were recognisably male people who were openly applying a female style of makeup, for example using henna, and wearing female clothing and jewellery, but they were not committing *indecent* acts (*al-fāḥiṣa*). As al-ʿAynī (d. 855 H/1451) notes while addressing aṭ-Ṭabarānī (d. 360 H/971), "in the days of the Prophet the *mukhannathūn* spoke languidly, and dyed their hands and feet (with henna), but were not accused of immoral acts (*fāḥiṣa*)".<sup>41</sup> Ibn Habib (d. 238 H/852) describes this phenomenon as the following:

"A *mukhannath* is an effeminate (*muʿannith*) man, even if he is not known to be guilty of immoral acts, the derivation being based on the idea of languidness in gait and in other ways."<sup>42</sup>

According to the anecdotal stories (mentioned in *Kitāb al-Aḡānī* of al-Iṣfahānī on the *muḥannaṭūn*, such as Dalāl and Ṭuways, and their activities, such as singing and acting as comedians), effeminacy was more about a reversal of gender roles than sexual orientation.<sup>43</sup> The reason that some people would freely choose to be *muḥannaṭ* in Muslim society was perhaps to receive social privileges by effecting such a gender reversal role. Based on al-Iṣfahānī's report, the *muḥannaṭūn* with their special gender role could claim a position as singers which previously had been held by women, or perhaps, more importantly, they could use their position as entertainers to

40 El-Rouayheb, *Before Homosexuality*, 21–22.

41 Rowson, "The Effeminate of Early Medina", 675.

42 Ibid.

43 See Rowson, "The Effeminate of Early Medina", for some fascinating stories on the social and gender behavioural roles of the *muḥannaṭūn* of the early Muslim community of Medina which confirm this understanding of the *muḥannaṭūn*.

make fun of the authorities, governors, or even the khalif, and thus to speak out against them politically. Furthermore, according to the *ḥadīṭ* sources, the *muḥannaṭūn*'s effeminacy provided these people with the opportunity to have access to women's communities and quarters where other Muslim males were not allowed. Having such advantages that other Muslim males normally lacked, the *muḥannaṭūn* may still have been able to share the privilege of maleness with other males of the Muslim community; they could, for example, receive twice as much heritage as their female siblings and not be obliged to wear the female veil according to Islamic law. Thus, their gender fluidity could facilitate them to play different roles, which would not be possible for them as males.

Regarding the *ḥadīṭ* sources on effeminacy (which contain 8 percent of all *aḥādīṭ* on this topic), it can be concluded that *muḥannaṭūn* were first conceived as people who had no sexual desires at all, perhaps equivalent to *asexual* people in modern times. However, the Prophet later learned that *muḥannaṭūn* enjoyed having sexual desires, namely, sexual interests in women. Therefore, as the previous *ḥadīṭ* implies, the Prophet advised his wife to forbid such *muḥannaṭūn* from entering her quarter, while according to some other *aḥādīṭ*, the Prophet advised Muslims in general to prevent *muḥannaṭūn* from entering mosques and Muslims' homes.<sup>44</sup> Moreover, there are even *aḥādīṭ* indicating that the Prophet cursed *muḥannaṭūn*. For instance, there is a *ḥadīṭ* in *al-Ġaḥfariyyāt*, an early Imāmī *ḥadīṭ* collection, which was attributed to 'Alī b. Abī Ṭālib who said "the Prophet cursed the effeminates (*al-muḥannaṭīn*), [and] said, 'cast them out of your house'".<sup>45</sup> In another *ḥadīṭ* recorded by Aḥmad b. Ḥanbal (d. 241 H/855) transmitted from Ibn 'Abbās, a great companion of the Prophet, the Prophet cursed 'effeminate males' (*al-muḥannaṭīn min ar-riḡāl*) and 'mannish females' (*al-mutaraḡḡilāt min an-nisā*). According to this *ḥadīṭ*, Ibn 'Abbās then told Muslims to "keep the *muḥannaṭūn* out of your houses because the Prophet banished a person and 'Umar banished another".<sup>46</sup>

However, although *muḥannaṭūn* were tolerated by the early Muslim community on some occasions, they were also seen as a threat to the heavily patriarchal and military culture of the Arab and then the Muslim community. Given the various wars which had occurred during the early period of Islam, a true Muslim man was seen as a person who could display

44 Aṣ-Ṣadūq, *Ṭal aṣ-Ṣarā'ī*, II:602, Ḥ 63 and 64.

45 Ibn Aṣ'at al-Kūfī, *al-Ġaḥfariyyāt*, 127.

46 Ibn Ḥanbal, *Musnad*, III:443, Ḥ 1982.

his courage and strong nature in a warzone or on the battlefield. It appears that effeminate people in ancient Greek, Roman, and medieval European cultures – whom Halperin eloquently articulates as *womanizers* – can be seen as parallels of the *muḥannaṭūn* who lived in the early period of Islam. As Halperin notes, effeminate men were outlined as *unmasculine*, at least in some occasions, because “they were *womanizers*”.<sup>47</sup> This, means that these effeminate men, in such cultures

“deviated from masculine gender norms insofar as they preferred the soft option of love to the hard option of war. In the culture of the military elites of Europe, at least from the ancient world through the Renaissance, normative masculinity often entailed austerity, resistance to appetite, and mastery of the impulse to pleasure. [...] A man displayed his true mettle in war, or so it was thought, and more generally in struggles with other men for honor – in politics, business, and other competitive enterprises. Those men who refused to rise to the challenge, who abandoned the competitive society of men for the amorous society of women, who pursued a life of pleasure, who made love instead of war – they incarnated the classical stereotype of effeminacy.”<sup>48</sup>

The same phenomenon, as the *ḥadīṭ* and early Muslim anecdotal sources illustrate, can be seen in the early Muslim community in Medina and in Damascus, the capital of the Umayyad dynasty. On the one hand, the *muḥannaṭūn* preferred to stay in the company of women while presenting *feminine* signs both in their inward behaviours and outward appearances. On the other hand, there is no reliable documentation showing that these people were present or participated in wars with the Prophet or other Muslim leaders. This can perhaps explain why the *muḥannaṭūn* were in favour of staying in the company of women, and thus in favour of the *soft option of love* rather than *the hard option of war*, to use Halperin’s terminologies. It appears that they did not feel comfortable competing with other males in war to display their courage and strong mettle. In the eyes of the Prophet and other Muslim leaders of a newly formed community which massively needed warriors to establish its authority and expand its territory, the effeminate males would perhaps be considered as a threat to these goals, and thus would ultimately endanger the young Muslim society. Hence, the best way to defeat such a threat, in their view, was either to

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47 Halperin, *How to Do the History of Homosexuality*, 111.

48 Ibid.

isolate and banish them from the heart of Muslim society or to constantly insult them and regard them as inferior people within Muslim society. Perhaps this is why later Umayyad and Marwānid governors both oppressed and suppressed the *muḥannaṭūn*, for example, by ordering them to be castrated or by isolating and banishing them from the major Islamic cities of Medina, Mecca, and Damascus. However, this is not to deny that such harsh punishments towards effeminate males could also be motivated by other political reasons, such as the *muḥannaṭūn*'s critique of the legitimacy of the governors, as some scholars have pointed out based on anecdotal reports.<sup>49</sup>

Unlike *taḥannuṭ*, *tarağğul* (mannish-ness), does not appear in enough surviving sources in Islamic tradition to be examined in detail. However, analysing the *ḥadīṭ* literature makes it almost certain that in the early Muslim community there were women who displayed male traits in dressing and behaviours. For example, in the aforementioned *ḥadīṭ* recorded by the Sunnī *ḥadīṭ* scholar Aḥmad b. Ḥanbal, the Prophet cursed two groups: 'effeminate males' and 'mannish females'. Or in another report recorded by the Imāmī *ḥadīṭ* scholar al-Mīrẓā an-Nūrī (d. 1320 H/1902) from the Book of Abī Sa'īd al-'Uṣfūrī 'Abbād, the text describes how the Prophet said, "God cursed a male who resembles female-ness (*ta'annaṭat*) and a female who resembles male-ness (*taḍakkarat*); and the Angels affirmed God's curse".<sup>50</sup>

Nonetheless, these *aḥādīṭ* (which are up to 5 percent of all *aḥādīṭ*), unlike those about the *muḥannaṭūn*, do not provide us with more information about such women, their characters, and their public behaviours, sexual desires, and sexual orientations. Moreover, although Muslim scholars of later Islamic periods discussed female gender and sexual deviations or role reversals – for instance, at-Tifāṣī (d. 651 H/1253) devoted a chapter of his book *Nuzhat al-Albāb fi-mā lā Yūğad fī Kitāb* to female same-sex sexual behaviours – they did not address this point independently or conceived of them as individuals who inclined to female same-sex sexual practice.

However, since this term was used in opposition to male effeminacy, we can infer that mannish women would claim a reversal in gender roles by imitating male Muslims' status (possibly both inwardly and outwardly) either to gain access to male privileges of the new Arab-Islamic patriarchal community or to compete with the males of the heavily *masculinised* society. Perhaps they did so by going to war or working on farms to show

49 See Rowson, "The Effeminate of Early Medina".

50 An-Nūrī, *Mustadrak*, XIV:349, Ḥ 16919.

that Muslim women can be as masculine as men, if not stronger, and thus they should not be considered inferior to Muslim males. Whatever *tarağğul* was, it appears that this phenomenon had no direct link to sexual desires and preferences, meaning that a *mutarağğul* was not necessarily a person inclined to female same-sex sexual relationships. Likewise, not every female individual who desired or practised female same-sex sexuality was a *mutarağğul* with mannish behaviours, according to later Islamic sources. So, although it cannot be confirmed due to the lack of sources discussing these women, it is not impossible to imagine that *mutarağğilāt*, while claiming masculine roles, were mostly married women with husbands and children.

In summary, *taħannuṭ* and, most likely, *tarağğul* were known as phenomena related to the reversal of gender roles that did not necessarily have ties with sexual behaviours, whether related to same-sex or opposite-sex preferences.

### *Male Active Pederasty*

*Liwāt* (male active pederasty) was commonly understood as active sexual intercourse between an adult man and a young boy – or a boy prostitute – in early and medieval Muslim communities, particularly from the ‘Abbāsid period onwards.<sup>51</sup> Al-Ġurġānī (d. 1089) devotes two chapters to male same-sex sexual behaviours in his book entitled *al-Muntaḥab min Kināyāt al-Udabā’ wa-l-Šārāt al-Bulaġā’*: a chapter on *iğāra* (boy prostitution) and *liwāt* and one on *biġā’* and *ubna* (male ‘pathological’ passivity). Or at-Tifāšī, in his *Nuzhat al-Albāb fi-mā lā Yuğad fi Kitāb*, devotes separate chapters to *liwāt* and *ubna*, although he groups *ubna* and *taħannuṭ* into one category. It appears that medieval and early Muslim categorisations of sexual behaviours set clear distinctions between a male desire to penetrate and a male desire to be penetrated. The latter category – namely, male passivity – will therefore be discussed separately in this study. Borrowing Halperin’s terminology, in the early Islamic world, *liwāt* was usually conceptualised as the male *superordinate* sexual penetration of a *subordinate* male, that is, a free boy or a young slave. However, there was also a tradition of practising pederasty only with young slave boys. For example, ‘Unṣur al-Ma’ālī Kaykāwūs b. Wašmgīr b. Ziyār (d. 403 H/1012), in his *Qābūs-nāmih*, advises his son Gilān Šāh to have

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51 Rowson, “The Effeminate of Early Medina,” 57.



sexual relationships with slave boys in summer and with women in winter.<sup>52</sup> In the practice of *liwāṭ*, there was often an older man or a male superior who usually would penetrate a beardless boy (*amrad*) who was considered inferior in terms of age, social class, gender style, and often sexual role.<sup>53</sup> These notions of super-ordination and sub-ordination represent the *phallic* penetration as an indication of hierarchical power relations.<sup>54</sup> Therefore, a powerful *active* male could sexually penetrate all those who were considered to have inferior status in Muslim societies: boys (free-born and slave), women (free-born and slave), prostitutes (male and female), and even strangers and enemies (males and females).

Despite the fact that later Muslim jurists, as will be discussed later, used the term *liwāṭ* to refer to all different male same-sex sexual categories, *liwāṭ* in early Muslim cultures appears to be generally equivalent to pederasty, whereas *lūṭī* (the adult man who used to practise *liwāṭ*) was generally equated with a pederast.<sup>55</sup> As far as the Šīʿī *ḥadīṭ* literature is concerned, this understanding of *liwāṭ* is confirmed by a large number of *aḥādīṭ* (32 percent), particularly by those attributed to the Šīʿī Imāms who lived during the 'Abbāsīd period, such as the sixth Imām Ġāʿfar b. Muḥammad aṣ-Šādiq (d. 148 H/765) and the eighth Imām 'Alī b. Mūsā ar-Riḍā (d. 203 H/818). In such *aḥādīṭ*, *liwāṭ* is regarded as same-sex sexual behaviours, whether kissing or intercrural and anal sexual intercourse, between an adult man and a beardless boy or a teenager, whether free-born or a slave.<sup>56</sup>

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52 Wašmgīr b. Ziyār, *Qābūs-nāmih*, 86.

53 However, the sexual role could be reversed, though not very often, meaning that the adult male could demand to be penetrated by the young boy (El-Rouayheb, *Before Homosexuality*, 32).

54 As El-Rouayheb observes, the culture of considering phallic penetration as domination, subjugation, and even humiliation of the inferior or subordinate male still exists in Muslim-Arab societies today, as reflected in jokes and insults (El-Rouayheb, *Before Homosexuality*, 13). It is noticeable that phallic penetration as a weapon to punish or humiliate enemies who were considered inferior was common in later Muslim patriarchal cultures. In this case, male penetration of another male was conceived in distinction from the context of sexual desire or sexual pleasure; it was seen solely as a means of getting revenge or punishing enemies. For instance, the Muslim scholar al-Būrīnī (d. 1615) interprets the act of the people of Lot (*amal qawm Lūṭ*) as a tactical anal sexual penetration of strangers to keep them out from their properties and tribe, "without having any sexual desire to do that" (El-Rouayheb, *Before Homosexuality*, 14–15).

55 Rowson, "Gender Irregularity as Entertainment", 53.

56 Aṭ-Ṭabāṭabā'ī al-Burūgirdī and al-Mu'izzī al-Malāyirī, *Ġāmi' Aḥādīṭ aṣ-Šī'a*, XXV:479, Ḥ 37667 and 559, Ḥ 37892 and XXX:469, Ḥ 46494.

Unlike *ubna*, the act of *liwāt* was considered a *perversity*, not a disease, and a *lūṭī* was regarded as an immoral person who practises perverse sexual behaviours. Therefore, they were usually believed to be morally corrupt people or libertines (*fāsiq*). For this reason, pederasty has mostly been mentioned in conjunction with drinking wine in Islamic literature. This discussion uncovers a significant aspect of pederasty in early Muslim societies: The superior male's sexual intercourse with an inferior young boy does not necessarily manifest any abnormality per se (whether sexual or psychological) which required medical treatment. In fact, male pederasts were in many cases married men, and thus could penetrate both females and young boys and would still be considered as masculine and dominant men with natural male sexual desires. Such people might be not diseased but immoral, unless a pederast demanded to be penetrated by another male. Demanding such penetration would negatively affect his social hierarchical status, and consequently he would be considered *ill (marīd)*.<sup>57</sup>

This clearly shows that the sexual relationship in pederasty was not based on equality, mutual enthusiasm, and shared pleasure, but on power relations, the beauty and attractiveness of beardless boys, and the erotic appetite that the adult males had for young boys.<sup>58</sup> In this model, sexual behaviour does not imply identity but difference. Nevertheless, this does not mean that in such relationships passionate love or intimacy between the two partners is completely missing. However, the junior partners have consciously been ignored, and because of that there is hardly any information about their character type, desire, and sexual passion in Muslim literature. Therefore, sexual delight and passion in such relationships seem to be *lopsided*.

As early as for the 'Abbāsid period (roughly from the late eighth century) in Muslim societies, Rowson observes that there was a widely known subgenre of erotic discussion on the comparison between the desire for boys and the desire for women.<sup>59</sup> Such discussions would often happen between two males on whether boys or women were their preferable object-choice for sexual pleasure; and they are found in Arabic prose and poetic

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57 El-Rouayheb, *Before Homosexuality*, 19.

58 Rowson, "The Categorization of Gender", 58.

59 *Ibid.*, 58–59.

literature.<sup>60</sup> One early influential example of such a debate can be found in the book entitled *Mufāḥarat al-Ġawārī wa-l-Ġilmān* by a well-known scholar of the ninth century, ‘Amr b. Baḥr al-Ġāḥiẓ.<sup>61</sup> The same debate can be found in later Persian Islamic culture as well.<sup>62</sup> For instance, in his widely known work in Persian, entitled *Maqāmāt-i Ḥamīdī*, Qāḍī Ḥamīd ad-Dīn ‘Umar b. Maḥmūd al-Balḥī (d. 559 H/1164–65), a scholar of the twelfth century, devoted a whole chapter to a pederast and an adulterer arguing about the superiority of their sexual object-choice or preference.<sup>63</sup> This demonstrates an awareness of males’ conscious sexual preferences for other males (in this context, for boys until they grew beards) in early and medieval Muslim societies.

However, it does not appear that such conscious erotic preferences in the context of pederasty illustrate homosexual orientation in its current form, meaning an exclusive orientation of individuals towards same-sex mates. In fact, such sexual orientation was seemingly missing in this conception of Arab and Muslim hierarchical-patriarchal pederasty. Thus, those males who preferred same-sex mates over females usually demanded erotic pleasure, or at least were capable of demanding it, from both beautiful women and young boys. Therefore, their choice represents a preference more like one’s choice to be a vegetarian, rather than homosexuality in its modern form. In fact, such an erotic preference was unequal in a different context, namely that of male active pederasty based on hierarchical and power-based relations between a senior man and a junior boy. Moreover, it does not make a distinction between different males based on their *sexuality*.<sup>64</sup>

### *Male ‘Pathological’ Passivity*

*Ubnā* (male ‘pathological’ passivity) is a category which can be traced back at least to the early ‘Abbāsīd period. There are abundant sources from this period onwards that illuminate this phenomenon. However, the earlier Islamic communities of the Umayyad period, of the first four Khalīfs’ era,

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60 For further discussion on this issue, see Oberhelman, “Hierarchies of Gender, Ideology, and Power”, 55–93; Rowson, “Two Homoerotic Narratives from Mamlūk Literature”, 158–191.

61 Al-Ġāḥiẓ, “Mufāḥarat al-Ġawārī wa-l-Ġilmān”, 161–196.

62 See Šamīsā, *Šāhid-Bāzī*.

63 Qāḍī Ḥamīd ad-Dīn al-Balḥī, *Maqāmāt-i Ḥamīdī (al-maqāma as-sābi‘a)*, 52–59.

64 Halperin, *How to Do the History of Homosexuality*, 116.

and perhaps of the time of Muḥammad himself had also encountered this phenomenon. There are some reports attributed to the first four Khalifs and even to the Prophet which discuss males who desired to be penetrated by other males.<sup>65</sup> Islamic juristic discourse, which was essentially based on *ḥadīṭ* reports, used the term *mafūl bihī* (one who is penetrated) to refer to such passive males, in contrast to the active partner who would be called *fā'il* (one who penetrates).<sup>66</sup> However, in the context of early Muslim culture, in particular during the Umayyad period, the term *ḥulāq* was more commonly used to refer to the act of penetration and the person who wanted to be penetrated, whereas those practising this act would be called *ḥalaqī*.<sup>67</sup>

In the 'Abbāsīd era, when this phenomenon was widely practised in Muslim society, the term *ubna* was used to describe it. The male person who had a desire to be penetrated by another man was then called a *ma'būn*. It seems that early Muslim medical scholars, such as the prominent Iranian scholar Muḥammad b. Zakariyya ar-Rāzī (d. 313 H/925), were influenced by the works of ancient Greek scholars and considered these people to be suffering from a disease; they thus sought its causes and then prescribed several instructions for its cure.<sup>68</sup> The 'disease discourse' of passive males can be traced back to the earlier *ḥadīṭ* literature, which include 17 percent of the *aḥādīṭ* on this topic. There are reports attributed to Imām 'Alī which imply that those males who wish to be penetrated by other males in sexual intercourse are considered to be people who are afflicted with a sickness. In one such *ḥadīṭ*, the narrator recounts how Imām 'Alī, after punishing a man who had been penetrated by another man, said:

“There are servants for God who possess wombs similar to the women’s wombs but their wombs do not function for reproduction, because their wombs are inverted (*mankūsa*) and who have humps in their anuses like the humps of camel; so whenever the humps thrill, they thrill and when the humps cool down, they calm down.”<sup>69</sup>

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65 Although there are some reports from the Prophet on this matter, the *ḥadīṭ* scholar Muḥammad b. Ṭāhir al-Fattānī (d. 986 H/1578) believes that such reports are fabricated; see al-Fattānī, *Taḍkirat al-Mawḍū'āt*, 181.

66 See, for example, al-Mufīd, *al-Muqna'a*, 785; aṭ-Ṭūsī, *an-Nihāya*, 703.

67 Rowson, “The Effeminate of Early Medina”, 686.

68 See Rosenthal, “Ar-Razi on the Hidden Illness”, 45–60.

69 Aṭ-Ṭūsī, *Tahdīb al-Aḥkām*, X:52–53; aṭ-Ṭabāṭabā'ī al-Burūğirdī and al-Mu'izzī al-Malāyirī, *Ġāmi' Aḥādīṭ aš-Šī'a*, XXX:464, Ḥ 46471.

In addition to medical discourse and *ḥadīth* literature, this topic also appeared in Muslim classical poetry, prose, and *muğūn* genres of the ‘Abbāsīd period and beyond. However, the significant point is that, in these works, the *maʿbūn*, unlike the male active penetrator or *lūṭī*, would be regarded as a disgraceful and perverted person. Al-Ġurġānī devoted a chapter of his previously mentioned book to *ubna*, and explicitly takes this approach towards passive males while tacitly praising the *lūṭī*. For instance, he says,

“He is more devoted to *biġāʾ* [*ubna*]<sup>70</sup> than a needle  
But he pretends to people that he is a *lūṭī*.”<sup>71</sup>

As Wright accurately observes, the same motif is present in the prose and poems of Abū Nuwās, an early ‘Abbāsīd period scholar and poet.<sup>72</sup>

There is thus a contrast between the *lūṭī* and the *maʿbūn* in early Islamic cultures. A *lūṭī* was usually seen as a person who practised an immoral act and was a sinner according to Islamic ethics and law; otherwise, his desire for seeking sexual satisfaction in both women and boys would perhaps be considered a normal need of a man in that patriarchal *masculinised* culture. In contrast, a *maʿbūn* (an adult passive man) was not only a sinner who was performing an abomination (*al-fāḥiṣa*) by accepting the passive role in sexual intercourse with another man, but he was also a disgraceful person in the eye of the public, and often even in the eye of his active penetrator partner, and would not receive approval from Muslim society in any way.<sup>73</sup> In this context, even a boy prostitute (*muʾaġġir*) who accepted being penetrated by another male would be considered to have a superior position to a bearded male *maʿbūn*, as the prostitute boy was performing this act under a more reasonable or at least understandable justification, namely to make money.<sup>74</sup>

It seems that unlike male pederasty, male passivity would endanger the premodern distinction between the genders, despite the fact that both categories share an aspect of desiring males as their object-choice of love or eroticism. We should bear in mind that pederasty was in line with

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70 *Biġāʾ* in classical Arabic literature mainly refers to male ‘pathological’ passivity, albeit it is sometimes regarded as offering sexual services for payment (Rowson, “Gender Irregularity as Entertainment,” 59 and 66).

71 Al-Ġurġānī, *al-Muntaḥab*, 37 (The translation is by Rowson, “The Categorization of Gender and Sexual Irregularity,” 64).

72 See Wright, “Masculine Allusion”.

73 El-Rouayheb, *Before Homosexuality*, 64–69.

74 Wright, “Masculine Allusion”, 14.

the male gender norm of masculinity, whereas male passivity – with the adoption of an allegedly female style of seeking pleasure in desiring a passive role – would strongly challenge this premodern conception of the two gender norms established in the early and medieval Muslims' mind. The significant point is that although the act of penetration also existed in male pederasty, the boys who would be penetrated in the act of pederasty were not motivated by pleasure. They submitted to this sexual act for other motives, such as making money, social status, or gaining other benefits. Therefore, as abundant sources of anecdotal and prose literature in Persian and Arabic indicate, the young boys would not usually submit themselves to pederasts unless they were seduced by them or granted rewards in return, such as gifts, money, and so on.

Moreover, the fact that passive males were actively seeking pleasure by being penetrated by another male would situate them in a risky and shameful position in Muslim society, according to which they would be considered as entities with *feminised* gender, desire, and orientation. It seems that, as in many cultures, female gender and sexual orientation in early and medieval – if not also contemporary – Muslim cultures were commonly regarded as inferior and passive and were controlled by males.<sup>75</sup> Therefore, the adult lover or penetrator could engage in loving or penetrating boys, albeit within limits and in some close friendly contexts, as these acts would not challenge the masculinity of the penetrator. The passive male, however, not only could not celebrate his act but also must not speak about his desire, orientation, and practice in public as they were considered shameful. In addition, male passivity was often, if not always, a phenomenon that could outwardly be represented in the physical and personal behaviours of the passive parties, whereas pederasts or lovers of boys could not readily be distinguished from other males solely by their public appearance or look.

Perhaps the more difficult task is to explain the distinction between *taḥannuṭ* (effeminacy) and *ubna* (male passivity), as the latter often shares characteristics of femininity and softness with *taḥannuṭ*.<sup>76</sup> Because of this, at least in the Islamic culture of the 'Abbāsid period onwards, *muḥannaṭūn* and *ma'būnūn* were commonly considered synonyms. Therefore, it was a

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75 See, for example, Ahmed, *Women and Gender in Islam*, ch. 3 and 6; Ali, *Sexual Ethics and Islam*, ch. 1.

76 As previously indicated, it would be misleading to consider passive males as individuals who were always feminine or soft outwardly. One could be a passive male or *ma'būn* without showing it publicly, although, generally, this was not the case.

constant challenge for Muslims to distinguish these two phenomena from each other, and in some cases the failure to do so resulted in damaging consequences. These two phenomena differ in several ways, though. First, as previously discussed, not all *muḥannaṭūn* had sexual desires or preferences for same-sex object-choice. According to the Islamic *ḥadīṭ* and anecdotal literature discussed earlier, *muḥannaṭūn* were often considered as people who sexually desired females but represented a soft version of the *masculine* male gender. Although both effeminate and passive males were considered gender-deviant people and often described as *soft* and *effeminate*, there was a fine distinction between them: borrowing Halperin's terminology, *muḥannaṭūn* were *liking* to be in presence of women, whereas passive males were desiring *to be like* women in their gender identity and sexual appetite.<sup>77</sup> In fact, passive males were soft in the sense that they were considered a minority group of deviant people who could not embrace masculinity and were thus, in an unequal way, seeking *disgraceful* and *shameful* pleasure from other males by adopting feminine behaviours in their relations with them. However, *muḥannaṭūn* were considered soft in that they were regarded as deviant feminine males who could potentially be considered as a threat to or betrayal of the whole structure of male masculinity.

*Ubna* was also clearly different from modern homosexuality; *ubna* or sexual inversion had a heavily pathological connotation in Islamic society, and *ubna* individuals were generally regarded as a cultural disgrace by their respective Muslim communities. Although male passivity represents sexual orientation, it does not necessarily and exclusively contain a homoerotic desire. Therefore, one can be an inverted *ma'būn* but not a homosexual. Conversely, one can be a homosexual person and practise a same-sex sexual relationship without being categorised as *ma'būn*, 'inverted' or *pathic*. Moreover, it should be noted that an *ubna* person cannot be compared to a modern gay man who desires to be penetrated. An *ubna* practised passive sexual behaviours in a hierarchical masculine-male context in which the *ubna* was considered inferior and disgraceful in the eye of the public and even, often, the penetrator partner. Thus, *ubna* was generally suppressed by society as a whole. A modern homosexual man who desires to be penetrated opts for practising this role in an equal environment, meaning that both the penetrated and penetrator partners freely, respectfully, and mutually agree on taking specific roles in their sexual activities. Therefore, the male penetrated partner would not be accused of being afflicted with a

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77 Halperin, *How to Do the History of Homosexuality*, 123.

pathological condition because of his desire and role in sexual relationships. Thus, he would not be suppressed or shamed by his own penetrator partner or the society at large solely because of his sexual orientation and role.

### *Senior Female Same-Sex Sexual Behaviours with Her Female Slave or a Virgin Girl*

*Sahq/sihāq* (senior female same-sex sexual behaviours with her female slave or a virgin girl) is the other category that can be recognised in early and medieval Islamic societies. Unfortunately, patriarchal Muslim society seemed not to value female sexual behaviours, generally considering them as inferior, and thus not worth discussing. Therefore, unlike the vast categorisations of male sexual behaviours discussed in Islamic literature, there is no such enthusiasm whatsoever, positive or negative, about female sexual desires and practices. The surviving documents from *ḥadīṭ* and *muğūn* literature provide us with some information on female same-sex sexual behaviours only, which were usually discussed under the shadow of male sexual behaviours. The *ḥadīṭ* attributed to the Prophet or Imāms sometimes only indicate female same-sex sexual behaviours in general: unlike the *aḥādīṭ* related to male same-sex sexual behaviours, they neither explicate the very nature of this act nor explain the entity of the two female partners who engage in it. Nevertheless, there are several *aḥādīṭ* which discuss female same-sex sexual behaviours as a phenomenon that used to happen between a (married) woman and her female slave or a young virgin girl. For example, a *ḥadīṭ* attributed to Abī ‘Abdallāh (the sixth Imām) conveys:

“If a man had sexual intercourse with his wife, then the wife while carrying his sperm practised *siḥāq* with a slave girl of her husband and thus made her pregnant, then the wife should be stoned, the slave girl should be disciplined and the child is for the father.”<sup>78</sup>

One can put these parts of *ḥadīṭ* literature in context and read other *aḥādīṭ*, which include 14 percent of all *aḥādīṭ* on this topic, in this light.

Parallel to *taḥannuṭ* and *liwāṭ*, the terms *tarağğul* and *sahq* or *siḥāq* seem to be used (perhaps first) by Muslim jurists and then by other scholars. They also appear in *muğūn* literature, albeit rarely. For instance, al-Ğurgānī

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78 Aṣ-Şadūq, *al-Faqīh*, IV:43; aṭ-Ṭabāṭabāī al-Burūğirdī and al-Mu‘izzī al-Malāyirī, *Ğāmi‘ Aḥādīṭ aš-Şī‘a*, XXX:473, Ғ 46503.



in his *vice lists* does not devote a separate chapter to female same-sex sexual behaviours but only mentions *saḥq* in a chapter devoted to intercrural intercourse, male masturbation, and tribadism. Moreover, his statements on this issue, as Rowson correctly notes, are based on the centralisation of male fantasy and erotic desire written by male poets. They also contain “aggressive implications of the military expressions”.<sup>79</sup> In one case, al-Ġurġānī quotes,

“May God curse the ‘head-shavers’,  
For they are a scandal to respectable women:  
They manifest a war in which there is no spear-thrusting,  
But only fending off a shield with a shield.”<sup>80</sup>

At-Tifāšī in his *Nuzhat al-Albāb*, however, devotes a relatively extensive chapter to female same-sex sexual behaviours.<sup>81</sup> He briefly mentions various medical approaches towards this phenomenon, such as the view that considers *saḥq* as an illness, and thus discusses the reasons that may cause such a disease or the opinion that it was a natural sexual desire in females.<sup>82</sup> He suggested that this desire and practice would usually happen between adult females and their (young) female slaves or between adult females and virgin girls. This point shows that such erotic behaviour – unlike modern lesbian relationships – was mainly based on hierarchical, unequal, and power-based relations between a senior woman and her female slave or a junior girl.

### *Comparing and Contrasting Homosexuality and Pre-Homosexual Categories*

The present investigation demonstrates that all five pre-homosexual phenomena that existed in early Islamic societies essentially relied on the concepts of *gender* norms. Although *gender deviance* was the core element of *taḥannuṭ* (effeminacy), *tarāḡġul* (mannish-ness), and *ubna* (male ‘pathological’ passivity), as these groups were considered to be violating traditional

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79 Rowson, “The Categorization of Gender”, 63.

80 Al-Ġurġānī, *al-Muntaḥab*, 34 (The translation is by Rowson, “The Categorization of Gender and Sexual Irregularity”, 63).

81 At-Tifāšī, *Nuzhat al-Albāb*, 235–236.

82 Samar Habib provides a very useful summary of this chapter, though she reads at-Tifāšī’s work in the context of modern lesbian discourse, an approach with which this study principally disagrees (Habib, *Female Homosexuality*, 66–82).

masculine or feminine gender norms, *liwāṭ* (pederasty) and *sahq* (senior female same-sex sexual behaviours with her female slave or a virgin girl) are also based on gender status as they were articulated as manifestations of masculinity. Homosexuality, in contrast, principally depends on the notion of *sexuality*, which was inessential, if not ignored, by early and medieval Muslims' systems of gender, because they regulated social and sexual behaviours solely via gender norms. Modern notions of *sexuality* make it possible to classify all individuals based on their sexual orientation. Therefore, they make possible new categorisations of homosexuality, heterosexuality, bisexuality, and so on, which was not the case for the early and medieval Muslim societies or perhaps any other societies and cultures previously.

Moreover, other factors such as social status and age were key to the generation of pre-homosexual categories that existed in early and medieval Muslim cultures. For example, while male friendship mostly required an equal relationship between two partners, pederasty relies on differences between the peers in age, status, and sexual role, and male 'pathological' passivity conceptualises itself in terms of gender hierarchy. Homosexuality, in contrast, emphasises non-hierarchical relationships that are not based on power. Although age, sexual role, social, or economic differences *per se* are not significant for modern homosexuality, these kinds of relationships can be inappropriate, unethical, or even illegal once they fall into *pederastic* or hierarchical or power-based relationships.

Finally, while the notion of mutual *consensual* sex – which only can reliably be expressed by both partners in an equal and non-power based relationship – is an essential factor for homosexual practices, this concept, as demonstrated, seems to be entirely absent in the pre-homosexual categories that existed in classical periods of Islamic societies. In early and medieval Muslim cultures, as discussed, none of the categories containing same-sex sexual behaviours was based on consensual sexual relationships. In fact, in most, if not all, cases of the pre-homosexual categories in Muslim society, consensual sex was not even possible: Sexual relationships with a boy, a girl, a slave, or a passive male (with consideration of his vulnerable situation) could simply not be consensual, as all such practices were based on hierarchy and power relations.

*Legal Concepts of Liwāt and Siḥāq*

Despite the diversity of pre-homosexual categories in Islamic revelatory sources and cultures as well as in Muslim medical, prose, and poetry discourses, jurists at a later stage constricted various pre-homosexual categories to the following two phenomena: *liwāt* and *siḥāq/saḥq*.<sup>83</sup> These jurists applied *liwāt* to different types of male same-sex sexual behaviours, such as male active pederasty and male passivity or inversion. They have endeavoured to find a justification for such an expanded notion of *liwāt* through their broad interpretation of verses of the Qurʾān related to the acts of the tribe of Lot (*ʿamal qawm Lūṭ*) and some *aḥādīṭ* on this regard. In parallel to male same-sex sexual relationships, they also perceived the concept of *siḥāq/saḥq* as female same-sex sexual behaviours in general.

What is significant here is that – unlike modern homosexuality – these two concepts are confined only by certain types of same-sex sexual practices, as Muslim legal discourse clearly highlights. Thus they do not have anything to do with sexual orientation or the identity of the people who engage in these behaviours. Bearing this point in mind, *liwāt* is usually defined by jurists as anal intercourse sexual acts between two males.<sup>84</sup> The majority of Imāmī jurists, however, confine *liwāt* as intercrural (*tafḥīd*) or anal sexual intercourse between two males.<sup>85</sup> In line with these definitions, *liwāt* is similar to *sodomy* in the Christian West. Nevertheless, several Sunnī jurists believe that anal sexual intercourse between a man and his wife or a female stranger should also be considered *liwāt*.<sup>86</sup> In accordance with this notion of *liwāt*, it is similar to a phenomenon called *buggery* in the Christian West. Muslim jurists often articulate *siḥāq* as same-sex sexual relationships between two women by touching each other’s genitalia.<sup>87</sup>

83 See, for example, Omar, “From Semantics to Normative Law”, 222–256 and “In Search of Authenticity”; Lange, *Justice, Punishment and the Medieval Muslim Imagination*, ch. 5 and 6.

84 An-Naḥrāwī al-Azharī, *al-Fawākih ad-Dawānī*, II:210; al-Māwardī al-Baṣrī, *al-Ḥāwī al-Kabīr fī Fiqh*, XIII:222; an-Naḡafī, *Ġawāhir al-Kalām*, XXXI:376.

85 Al-Mufīd, *al-Muqnaʿa*, 785; aṭ-Ṭūsī, *an-Nihāya*, 703; al-Ḥillī (Muḥaqqiq), *Šarāʿī al-Islām*, IV:941.

86 Al-Baḡīrāmī, *Tuḥfat al-Ḥabīb*, V:16–17; Abū Zayd, *al-Ḥudūd wa-t-Taʿzīrāt*, 161.

87 Al-Mufīd, *al-Muqnaʿa*, 787–788; aṭ-Ṭūsī, *an-Nihāya*, 706; Ibn Qudāma al-Maqdisī, *al-Muḡnī*, IX:61; al-Māwardī al-Baṣrī, *al-Ḥāwī al-Kabīr fī Fiqh*, XIII:224; an-Naḡafī, *Ġawāhir al-Kalām*, XXXI:387.

It appears that traditional Šīʿī and Sunnī jurists generally believe in the prohibition (*ḥurmat*) of *liwāṭ* and *siḥāq* based on an Islamic defining ruling (*al-ḥukm at-taklīfī*). Moreover, jurists often hold that those who practise *liwāṭ* and *siḥāq* deserve punishment in line with an Islamic declaratory ruling (*al-ḥukm al-waḍʿī*), though they dispute which types of punishment should be applied to such people.<sup>88</sup> Imāmī jurists often view that people who practise *liwāṭ* and *siḥāq* must be punished by divinely ordained or capital punishments called *ḥudūd* (sg. *ḥadd*), such as 100 times of whipping or the death penalty.<sup>89</sup> Sunnī jurists, on the other hand, often hold that women who practise *siḥāq* should be punished by discretionary chastisement called *taʿzīr*, while men who commit *liwāṭ* are mainly considered to be deserved a divinely ordained punishment.<sup>90</sup> However, Abū Ḥanīfa (the founder of the Ḥanafī legal school) and his followers, as well as Ibn Ḥazm aḏ-Ḍāhirī (d. 456 H/1064), advocate the discretionary chastisement (*taʿzīr*) for practising *liwāṭ*.<sup>91</sup>

### *The Exertion of the Principle of Permissibility (aṣālat al-ibāḥa) to Homosexuality*

The study has so far demonstrated that modern homosexuality was not addressed by Islamic revelatory sources either positively or negatively. Therefore, it is not possible to derive an Islamic legal ruling either for or against homosexuality from these sources. The likely reason why the Qurʾān and *sunna* are silent on this issue is that the phenomenon of homosexuality – as referring to those who identify as homosexuals and practise egalitarian as well as consensual sexual relationships with other same-sex mates – did not exist in the era of the Islamic revelation. In other words, as the genealogy

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88 Defining and declaratory rulings are two technical terms in Islamic law which shall be discussed in Chapter Three.

89 *Ḥudūd*, literally legal 'boundaries', consist of offences whose punishments are specified in the Qurʾān or a definitive *sunna*, see al-Ḥillī (Muḥaqqiq, *Šarāʿī al-Islām*, IV:136.

90 *Taʿzīr* (disciplining) consists of offences that the Qurʾān or *sunna* have not specified punishments for; instead, it is at the discretion of a Muslim judge to determine the chastisement for such offences. However, the degree of such chastisement must never exceed the lowest *ḥadd* punishment and, in fact, should always be less than the lowest divinely ordained punishment, see al-Ḡubaī al-ʿĀmilī, *Masālik al-Afhām*, XIV: 325–327.

91 Al-Suḡdī, *an-Nutaf fī l-Fatāwī*, I:265; Ibn Ḥazm aḏ-Ḍāhirī, *al-Muḥallā bi-l-Ātār*, XII:396.

of homosexuality in early Muslim cultures has demonstrated, there is no reference to this phenomenon in the sources attributed to the tribes and people of early Islamic society. Therefore, homosexuality seems to have been no issue for Muḥammad, the Twelve Imāms, and their companions. Thus, it was not deemed necessary to address this issue in Qurʾān or *sunna*, neither explicitly nor implicitly.

Nevertheless, there are verses in the Qurʾān<sup>92</sup> addressing the story of the people of Lot. There are also *ḥadīth* traditions referring to several pre-homosexual categories. However, as the genealogical study applied in this research has adequately shown, these pre-modern phenomena are different from modern homosexuality, although there are some similarities. Yet, a mere similarity between homosexuality and some of the pre-homosexual categories does not legitimise extending the legal ruling on pre-homosexual categories to modern homosexuality according to Šīʿī legal school. This is because the legal analogy (*qiyās*) is not validated in Imāmiyya.

Now, concerning the before revelation debate about things that are useful and do not harm anyone, the question is what the assessment of reason on such things is, regardless or in the absence of Revelation: permissibility (*ibāḥa*) or proscription (*ḥaẓr*). Following Šarīf al-Murtaḏā's approach, in such a case, reason assesses that this *thing* is permissible (*mubāḥ*), following the principle of permissibility (*aṣālat al-ibāḥa*). Insofar this useful thing is purely good with no vileness and harm. Let us see how the principle of permissibility might be applied to the case of homosexuality.

Homosexuality or having a homosexual relationship is largely believed to be beneficial to gays and lesbians. Moreover, this relationship would neither harm homosexual people nor others according to many societies and human rights activists and organisations. Moreover, there is thus far no medical evidence that might convincingly be applied to argue for the harmfulness of homosexuality. In addition, as has been elaborated, such a useful behaviour or action has not been addressed by the Islamic revelatory sources, neither positively nor negatively. This means that there is no legal ruling for or against this phenomenon in such sources. Therefore, in the absence of revelation, reason assesses this phenomenon as permissible because it is a purely useful behaviour without harming anyone.

To reconstruct the argument based on al-Murtaḏā's view, it should be noted that when one knows that the homosexual relationship is purely

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92 See, for example, Q VII:80–84.

beneficial and free from harm, whether in this world or in the otherworld, one then necessarily knows by reason that this phenomenon is permitted based on the principle of permissibility.<sup>93</sup> Thus, practising homosexuality should be regarded as good due to its beneficial nature according to reason.

The central point in this argument is that homosexual relationships are free from worldly and otherworldly harms. The question is how, following Šarīf al-Murtaḍā, one can argue for the negation of harms in homosexual relationships in such a broad sense. Responding to this point, we need to bear in mind that al-Murtaḍā classifies harms in two kinds: immediate (*āğīla*) and deferred (*āğīla*). There is no immediate or worldly harm in homosexual relationships because there are no rational or experiential means to provide us with knowledge about the immediate harm concerning this useful phenomenon. The absence of knowledge on immediate harm of a useful phenomenon ensures that there is no such worldly harm in that phenomenon. Concerning the deferred or otherworldly harm of practising homosexuality, the absence of the otherworldly harm or punishment is already known from the absence of divine regulation on practising homosexual relationships. If any deferred punishment was established for the execution of homosexuality this would have been revealed. This is because God has to inform humans of deferred harms, namely punishments, which imply the evilness of the phenomenon (act/thing). If we have no such information, we, according to Šarīf al-Murtaḍā, can be certain about the absence of deferred harm, too.

With this in mind, it appears that all components of the principle of permissibility in the case of homosexual relationships are fulfilled. As a result, reason would argue for the permissibility of homosexuality in Islam by deploying this principle as Šarīf al-Murtaḍā articulates.

### Conclusion

The aim of the present study is to examine classical Islamic thoughts and whether they can potentially be used to tackle modern issues concerning sexual ethics. Pursuing this goal, the present chapter has studied modern homosexuality and investigated classical Šīrī tradition by focusing on Šarīf

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93 For Šarīf al-Murtaḍā's argument for the principle of permissibility, see Alipour, "Ethical Assessment of Acts", published in this volume. Also aš-Šarīf al-Murtaḍā, *ad-Darī'a*, II:809–812.

al-Murtaḍā's scholarship on the before revelation discourse. Although homosexuality, as a modern phenomenon, has not been addressed by Islamic revelatory sources, a genealogical examination illustrates that *ḥadīth* sources identified several pre-homosexual categories, such as effeminacy, mannish-ness, male passivity, male active pederasty, and senior female same-sex sexual behaviours with her female slave or a virgin girl. Also early and classical Muslim societies have culturally practised various of these pre-homosexual behaviours. This study has also demonstrated that (Muslim) Ṣūfī legal tradition identified and categorised these behaviours under the following two pre-homosexual phenomena: *liwāṭ* and *siḥāq*, both regulated and prohibited in Islam. However, my study explicates that these pre-homosexual categories, whether the legal or cultural, are different from modern homosexuality. Therefore, any Islamic legal ruling on these categories cannot be extended to modern homosexuality, because legal analogy is not validated in Ṣūfī legal school. Deploying the classical Ṣūfī debate concerning the assessment of act before revelation, this study ultimately examined homosexuality as a case of before revelation discourse. Thus, homosexuality is a beneficial relationship without harming anyone but has not been addressed by the revelatory sources. As a result, in the absence or regardless of such sources, reason assesses homosexuality as permissible according to Šarīf al-Murtaḍā's articulation of this principle.

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