

RESEARCH ON (WOMEN'S) SEXUALITY IN ISLAM

Irma Riyani

PhD. Candidate at The University of Western Australia, Perth.

Lecturer at State Islamic University Sunan Gunung Djati Bandung (on study leave)

INTRODUCTION

There are shared beliefs among Muslims in many Muslim countries in regard to the idea of sexuality in Islam. These beliefs may include that Islam views sex positively, which means that it recognises sex as part of human nature (*fitrah*), but should only be fulfilled in the institution of marriage, as marriage is the only institution to legally have sexual intercourse. Sex outside marital bond is considered *zina*. Heterosexual is the norm which means that any sexual practices and identities outside this norm are considered deviant. Men's sexual desire is privileged, while women's sexual desire is feared. Islam also recognises the purpose of sex within marriage as not only for procreation but also for pleasure.

The most cited books of sexuality in Islam are the works of Imam al-Ghazali's *Ihya Ulumuddin* (1965) of the sexual conduct under the heading of marriage, and Bouhdiba (1985) on *Sexuality in Islam*. Both of the works represent the traditional viewpoints of sexuality in Islam which privilege male sexuality over female sexuality especially in married life. Bouhdiba (1985) for example repeatedly mentions that sex and spirituality are regarded as ways of serving God. He, however, attributed that the sexual relation between the spouses is complementary in a hierarchical relation. He said that "married life is hierarchized", because man has a "degree" (*faddala*) over woman (Bouhdiba, 1985, p. 11). Here and there he provides, in his book, the opinions of how male sexuality was the main focus of Islam and need to be fulfilled: a wife should not refuse her husband's sexual demand or will otherwise be cursed by an Angel, and the male sexual fantasy of *houris* (the virgin creatures for male sexual satisfaction) in heaven, which he describes as an "eternal orgasm" (p. 85).

Today's writings on sexuality in Islam challenge several beliefs which are considered contradict to human nature and neglect certain aspect of sexuality practiced by Muslims over the globe. However, traditional attitudes toward sexuality in Islam are still considered the standard and dominant beliefs among Muslims in many countries. In this article, I review certain works on Islam and sexuality that have been conducted by scholars in several Muslim countries covering the early writing on the subject matter, female sexuality in relation to the concept of *fitna* and *awra*, illicit sex (*zina*) and homosexuality, abortion, rape and some critics toward traditional beliefs of sexuality.

1. Early Writing on Sex and Sexuality

The writing of sexuality in early Islamic period (pre-modern Islam) can be found under the heading of *ilmu al bāh* (coitus), which means the science of sexual intercourse (Franke, 2012). Franke (2012) listed several *kitab* (traditional book) like *Fihris*, *Kasyfu al-dzunun*, *Al-rawd al-‘āthir fī nuzhat al-hāthir* (known as *the perfumed garden*) and several others, that contained erotic discussion and medical remedies. He objects to translating *ilmu al bāh* as erotology, like Bouhdiba (1985, p. 140) did, because according to him these *kitab* also contained medicinal aspects. Sabbah (1984, p. 9) categorised the early writing of sexuality in Islam into four categories as follow: writing containing the arts of love and eroticism; second, writing with a focus on medical aspect of copulation, such as diet, remedies and cures for illness and sexual dysfunction, for orgasm, and methods of birth control; writing covering erotic and medical aspects; and general work including the discussion about sex.

Franke explain further that these early literature is significant not only for the history of sexuality in Islam but also for the history of medicine and pharmacy, as many books contained prescriptions. Walton (1969, p. 31) adds in regard to the writing purpose of early literature of sexuality in Islam – especially of the Nafzawi’s work of *Al-rawd al-‘āthir fī nuzhat al-hāthir* (*the perfumed garden*) as “the inculcation of a healthy sexual attitude and practices as well as a happy and contented marriages.” These books also address sex only for physical pleasure rather than that of for procreation. The books are full of information regarding foreplay, sexual techniques and positions, delaying male ejaculation, speeding up women’s orgasm, enlarging the male organ, preventing impotency and early ejaculation with certain remedies (Sabbah, 1984; Franke, 2012).

However, as Franke further notices that the discussion focuses mostly about men’s sexual condition not on women’s. Similarly, Sabbah (1984) mentions that the two books that she analysed – *the perfume garden* of Nafzawi and *How an Old man can regain his youth through sexual potency* of Kamal Pasha –are mainly about men’s fantasy of engaging in sex with women, whereas women’s opinions are totally absent from the discussion. Nafzawi’s work is the most popular book not only among Muslims but also among Western scholars (Walton, 1969).

The writing of sexuality is declining in modern period due to social and political changes in many Muslim countries. Bouhdiba (1985) notes that many of the early works on sexuality remain hidden in manuscripts, have not yet been published and required further analysis; that includes the work of al-Tifashi- *Nuzhat-* about promiscuity, lesbianism and hermaphrodites.

Based on the description given of the early writing of sexuality, the authors are more open than that of contemporary writers on the topic. The contemporary *ulama* (learned scholars) seem hesitate (if not avoidant) in discussing sexuality.

There is a tendency to limit and restrict discussion related to sexuality in contemporary Islam because of an assumption that it can lead to a moral degradation of the *umma* (Muslim societies).

2. Female Sexuality in Muslim Society

Addressing sexuality, especially in relation to female sexuality, in Muslim societies is still considered taboo and dangerous. It is not only related to sensitive issues but also considered unimportant and simply neglected for other discussions like hunger, poverty and unemployment (Accad, 2000). In fact, according to Accad, the issue of [female] sexuality in the Third world countries is related to resisting male domination. Based on her research among Muslim's women in Tunisia and Lebanon, she found out that "women experience so much pain in remembering past events in their lives connected with sexuality" (p. 40).

Bauer (1985) also reports that in Iran, women were responsible for controlling their behaviour related to body movements to maintain purity, which little they knew about how their body works. Most of the women learn it through experience of what is socially acceptable and unacceptable of the moral conduct. Within marriage, according to her, women expected to be sexually attractive to satisfy their husbands. By contrast, their husbands disregard their wives' sexual desires.

One issue debated among human right activists in Muslim countries relates to the demand of recognition of women's sexual right for pleasure in marriage. The issues related to the belief that wife could not refuse husband's sexual demand because it is associated with sin subject to spiritual punishment. This belief is referred to the popular hadith codified in Shahih Bukhari and Muslim, the most influenced hadith compilation, Narrated Abu Huraira: The Prophet said, "If a man invites his wife to sleep with him and she refuses to come to him, then the angels send their curses on her till morning."

This hadith is exceptionally well known in Muslim societies that affect husband-wife sexual relationship: wife's reluctance to refuse sexual engagement and men's claim over sexual fulfilment. Ali (2005) has criticised that this highly popular teaching as one of political agenda of patriarchy using the Islamic teaching.

Ilkharacan (2000) and Moghissi (1999) both argue that the female sexual oppression that occur in many Muslim countries is influence by many aspects like religious teaching, local culture, economic and political influences. In this case, however, many cases showed that religion is used as an effective tool of controlling female sexuality and verify male domination in patriarchal society (Ilkharachan, 2000).

Within this circumstance, however, women always find a way to negotiate the patriarchal system that operates within their society which privileges male

sexuality over their own. In Senegal, for example, as reported by Eerdewijk (2009) women explore their sexuality in their engagement with men not only as a passive subject but because they also need it for pleasure. Mastering sexual prowess is their way to find agency in satisfying their male partner and themselves.

Mernissi (1985, p. 23) analyses the theory of female sexuality in Islam who offer double theory, which she calls 'explicit theory' and 'implicit theory'. The first theory is the belief that men are sexually aggressive and women are passive; while the second theory attributing women as sexually active and dangerous. Both theories are applied in Muslims community: in one side the Muslims community regulate female sexuality as inferior to men's sexuality and they should be submissive in sexual relation with husband. But at the same time, Muslim community fear of female sexual potency and consider it as dangerous and can cause social disorder (*fitna*). No matter the attribution is, whether passive or active, there is nothing positive about the concept of female sexuality in Islam.

Central to the discussion of female sexuality in Muslims societies are the concept of *fitna*, *'awra* and virginity which will be discussed below.

3. The Concept of Fitna and 'Awra

"(...) men have bodies, women only have '*awras* (private parts)." (Abou El fadl, 2001, p. 50)

The concept of *fitna* in Islamic society is usually attributed to women as a source of social disorder. The term *fitna* in the Qur'an, however, referred to a neutral category either for good and bad as a trial from God as stated in Q. 21: 35. The Muslims are given test during their life in the world in both: material possession and spiritual devotion to test their faith. According to the Qur'an, material test for Muslim consists of their possession (wealth) and progeny, while spiritual test consists of their right or wrong deed (Nawas, 2006). Gardet (1965, p. 931) gave definition of *fitna* as "disturbances, or even civil war, involving the adoption of doctrinal attitudes which endanger the purity of the Muslim faith." The term *fitna* in the Qur'an has nothing to do with women or associated with women as a source of disturbance of the faith.

Unfortunately, this term was developed and deviated from its original meaning in Muslim society and when it is attributed to women, the meaning incorporates "enticement and seduction" (Abou El Fadl, 2001, p. 358). Women in this case are seen as "sexually driven and lustful species and a potent source of disorder and hence need to be segregated so that men can be protected from temptation" (Hassan, 2008, p. 171). The development of this concept derived from the report (attributed to Ali: the fourth Caliph) for fear of women's sexual enticement: "God has created sexual desire in ten parts; then nine parts are given to women and one to men." And another report attributed to the prophet: Narrated Usama bin Zaid: The Prophet said, "After me I have not left any affliction more harmful to men than women." Those texts are used by Muslim's authority to justified

women's seclusion from public engagement and segregation. Following this logic, they assumed that every parts of women's body subject to make men's sexual arousal and may include their voice. Folk stories on this women's seductive power is recorded in many places like in Morocco as Mernissi (1985) reported the fear of Aisha Kandisha, a repugnant female demon who manifests with a willingness to have sexual intercourse with men.

Abou El Fadl (2001, p. 234) criticises what he called "the jurisprudence of *fitna*". He further stated that this term was invented by some Muslim jurists to protect men who have an overactive libido, are impious and ill-mannered, by forcing women to be secluded and segregated. According to him, they are violating the principle that "the innocent should not pay for the indiscretions of the culpable" (p. 235). He further challenges the "presumption of *fitna*" constructed by Muslim jurists, which in fact do not promote modesty but promoting the norm of immodesty. He calls for a faith-based protest against this "presumption of *fitna*" because it violates the higher moral values of justice and fairness. If it is men who have strong sexual desire, then why should women who suffer? Cannot men control their own desire just as the Qur'an instructed, instead of accusing women? Or why do not their eyes that should be cover instead of women? It is not about women but it is about men's looking with desire into women who they see as merely physical sexual being not as human who has intellectual, emotional and spiritual capability. The double standard of women's sexual desire is influence the construction of female sexuality in Muslim society, which should be redefined in relation to male sexuality.

The discussion of *fitna* is often interrelated with the concept of 'awra in Islam. Abou El Fadl (2001) objects associating the notion of *fitna* to *awra* as both are different matters, especially if it is connected to the regulation of veiling. The veiling of women does not related to *awra* or *fitna* it is attributed to the social status and safety, based on the context of revelation. 'Awra in *fiqh* discussion refer to part of the body that should be covered from public sight because it is "considered private" (Abou El Fadl, 2001, p. 354). It subjects to sexual arousing effect and Islam regulates which body part that considered 'awra differently between men's and women's. In fact, showing the bodily parts for appropriateness is culturally varied. Every culture has different norms and behaviours relating to dress code and appropriateness.

The perception of women's 'awra derived from hadith: "woman is 'awra; when she leaves the house, devils will watch over her." Other report stated "woman is *awra* and subject to be covered." These reports are used to justify the regulation limiting women's movement from public sphere. In addition, when women are in the public they should be covered (veiling) and should not expose their bodily parts that disgrace them.

The unbalance discussion of *fitna* and *awra* is never at the same time the discussion of male sexual potency where in the case of polygyny one reason that men

claim is about male greater sexual potency. When discussing sexual seduction the accusation always points to women and never to men. Many cases of sexual force and/or rape mark women as not only victims but also perpetrator for arousing men's sexual desire. But, in fact, in many cases showed that it is man who has uncontrolled sexual desire. In the Qur'an, both women and men, *not just women*, were instructed to lower their gaze, to protect and prevent their own sexual desire (Q.S. 24: 30 – 31).

The excessive prohibition of women participating in public life is a result of an Unreasonable view of women as a source of *fitna*. According to Hassan (2008) this assumption does not proven in empirical reality but only through normative principle that Muslims must believe.

4. Virginit

Virginit requires that all brides should be virgins when they consummate the marriage. In some places, like in Senegal as reported by Eerdewijk (2009) the family and even the community should witness the proof of bride's virginit by showing them trace of blood on the bed sheet. Virginit expectation for girls entering marriage is widely shared in Muslim society including Indonesia. Female abstinence of pre-marital sex is a must. Meanwhile, pre-marital sex for male is tolerated.

In many Muslim countries like Morocco and Turkey as reported by Mernissi (1984) and Cindoglu (2000) because of the high demand of virginit many girls manipulate it through hymen-restoration through medical procedures (Mernissi, 1984). Cindoglu (2000) also reports that in Turkey, virginit surgery has become common among women of different class to restore their hymen. Despite the secular adoption of the state, according to her, virginit is still viewed as an asset and a social phenomenon rather than a personal feature or preference. She further explains that virginit test is also practiced in the name of "protect[ing] women from the sexual abuse of men" (p. 221). She notes that virginit surgery practice by women in Turkey is seen as "a survival strategy for women who are living in patriarchal gender ideologies with double standards" (p. 226). In Kandiyoti's term is the "patriarchal bargain" (1988, p. 275) where women have their own strategies resisting to patriarchal oppression attributed toward them.

Abstinence from sexual engagement for women until marriage is the norm in Islamic regulation of sexuality. Women should maintain and control their own sexual desire or otherwise the family member, the society and even the state will do it for them. Stigma, condemnation and punishment are enforced in the name of family honour and social stability. Mernissi (1984, p. 182) mentions that the "artificial virginit exists because men ask the impossible": that is men want to gain access to engage with women sexually before marriage, but when they decide to get married they would seek and demand the women to be virginit.

Muslim patriarchal society never questions men's sexual behaviour: those who cause women to lose their virginit. They never consider man's sexual

engagement before marriage as transgressive sexual behaviour. These points are excluded from the discussions, which demand women to stay virgins until the wedding night. Are men asked to do the same? There is no single instruction or suggestion on men to remain virgin at marriage. Mernissi (1984) advises that if man respect virginity, he, then should refrain from having sexual contact before marriage too, just as woman are required to do.

5. *Zina* (illicit sexual relation) and Rape

“The woman who commits *zina* and the man who commits *zina*, lash each of them one hundred lashes.” (Q. 24: 2)

Zina is an illicit sexual activity outside marriage. It is “consensual or voluntary sexual intercourse between man and woman not married to each other” (Zuhaili, 1996, p. 26). According to Asad (2004, p. 680) “*zina* signifies voluntary sexual intercourse between a man and a woman not married to one another.” He termed *zina* as adultery whether one or both parties were married to other person or not. He did not differentiate between fornication- for single – and adultery-for married.

Certain punishment regulated for *zina* as it is considered as serious. One hundred lashes for man and woman who commit it, as mention in the verse cited above. *Fiqh* – and not the Qur’an - established the harsher punishment for married man or woman who commits *zina*: stoning to death. This penalty is only practiced in Saudi Arabia and Iran; other Muslim countries only apply the flogging punishment. However, to prove the act as *zina* is even tougher, requiring four men to witness the penetration to testify. Anyone who gives false accusation can lead to punishment as well; eighty lashes. The discussion of *zina* also comes under the term of *fahisha* (lewdness) which usually define as the transgression of sexual act.

The Qur’an also mentions that the woman who commits *zina* can only marry a man who also commits *zina*-they are not ideal partners for marriage. Avoiding the act that may lead to *zina* is strongly encouraged. Qur’an 17:35 mentions “nor come nigh to adultery: for it is *fahisha*: opening the road (to other evil).” Activities such as going out together (unchaperoned), flirting, hand holding, embracing and kissing between unmarried women and men are forbidden in traditional Islam. Whenever man and woman spend time together they should always be chaperoned by a third person. It is believed that if they are left alone together, Satan will interfere which will lead them to commit *zina*.

In many cases, however, the *zina* ordinance application in many Muslim countries overlaps with rape cases; there is a blurring of the distinction between the two terms. To prove that a woman is raped one must provide four witnesses. In addition, pregnancy usually considers as a proof of women’s sexual transgression and it is also applied to rape case. In the case of Safia Bibi, a Pakistani blind teenage girl, who was raped by her employer, the girl was charged with committing *zina*

because she cannot provide four witnesses to support her report and because of the pregnancy (Toor, 2011). The Muslim countries fail to separate between the case of *zina* and rape. As a result most women who were raped end up in prison for a crime they never do (Khan, 2004). Khan (2004) analyses the history and affect of *zina* ordinance from legal, political and historical implication in Pakistan. She reported that this law was enacted during the Zia regime as part of his Islamisation program. She notes that Zia failed to accommodate diverse Schools of Islamic jurisprudence and diverse gender and class of Pakistani in applying this law. She also notes that most *zina* cases lead to conviction of the woman rather than the man and the conviction occur more frequently among the poor than the rich. In many cases men and the rich can escape from punishment by paying the bribe. Many cases also sought that the women who are charged with *zina* law were reported by family members -most of them male - in the name of protecting family honour (Khan, 2004). Zia (2000, p. 329) adds that *Zina* Ordinance in Pakistan is the most devastating for the women's victim because of the possible unjust or misuse in the application, it is considered a "threat" for all Pakistani women.

Research in another region is reported by Imam (2005) who explores the criticism of the *zina* law in Nigeria by several women's organisations. Since affected in 2000, this law has failed to recognise the clear definition attributed to the concept of *zina* and also neglects the diverse local culture and religion of Nigeria. Certain NGOs, hand-in-hand with international human rights activists, have assisted women who were charge under *zina* law as well as criticising the application of the law. Three out of five cases have been successfully appealed and no punishment had been carried out.

Similarly, Sidameh (2001) reports the application of *zina* law in Sudan where this law was introduced for the first time in 1983, and then in 1991. He indicates that the application of this law has resulted in injustice and discrimination for women victims. Women are endangered by this law, as many cases showed that they are easy targets of punishment for *zina* because of the presumption of pregnancy which is used as a prove of *zina*. Man who also committed it can easily walk away from the court because of a lack of witnesses. This is absurd, because *zina* can only be committed by two parties and the punishment as it is stated in the Qur'an should be for both the man and woman who committed it, not just the woman herself. The court should postpone the punishment for woman until the man who also committed it comes before the court to confess. In most cases, it is women who suffer from punishment. Similar to other countries, the Sudanese government also put charge of rape similar to *zina* case in requiring witness of four male to prove it.

Going back to the definition of *zina* that may include rape, the blurred distinction between the two terms has resulted in its misapplication in law in many Muslim countries, and discrimination against women who felt like victims. Rape in Islamic law is categorised not under the discussion of *zina* but under *ikrah* (duress)

and *hirabah* (forcibly taking). Rape is certainly unlike *zina*: it is sex by force (*zina bil ikrah*) because it is perpetrated on the women without her consent, carried out by force and committed under threat. Al-Kasani (n.d., p. 4479) defined *ikrah* (duress) as to compel a person without right or to do things without his or her consent. Rape is also discussed under *hirabah*, which defined as “forcibly taking” or “highway robbery”. Sayyid Sabiq (1997, 309 - 310) identifies *hirabah* is “single person or group of people causing public disruption, killing, forcibly taking property or money, attacking or raping women, killing cattle or disrupting agriculture.” Sabiq (1997) further notes that rape is a violent crime using sexual intercourse as a weapon, and one that has the worst impact on women of any crimes under *hirabah*.

The victim of rape under *hirabah* suffers no punitive consequences and is never associated with *zina*. Muslim authorities who enforce the *zina* law fail to discuss *zina* within the *hirabah* or *ikrah* (duress) discussion. It is a mistake to correlate rape with *zina* and to apply the same punishment for the victims. *Zina* and rape are certainly different matter.

6. Abortion in Islamic Law

Abortion in classical Islamic Law can be found under the term *ijhad* or *isqat al haml*. Abortion generally means “the expulsion of a foetus (naturally or by medical induction) from the womb before it is able to survive independently” (Oxford English Dictionary, 1995, p. 4). There are two kinds of abortion: *abortus spontaneus* (*isqath al-‘afw*) or miscarriage and *abortus provocatus* (*isqat al-ikhtiyar*) (Yango, 1999).

The Islamic discussion of abortion is often associated with moral, ethical and religious teachings in regards to the living creatures: the foetus and the pregnant woman. There are two main opinions concerning abortion in Islam: the jurists who prohibit abortion for any reason and the jurists who allow abortion in certain stages of pregnancy, with a valid reason. Before presenting these two main juridical views, it is relevant to explain the development of the foetus according to Islam because this discussion is central to jurist arguments on abortion.

In the Qur’an, there are several verses discuss the creation of human beings. For example Q. 22: 5 stated:

O humankind! If ye have doubt about the resurrection, consider that We created you out of dust ; then out of sperm (*nutfa*); then out of leech-like clot (*‘alaqa*); then out of a morsel of flesh (*mudgha*); partly form and partly unformed...

Hadith also explain about the development of human beings as the Prophet said:

Each of you is constituted in your mother’s womb for forty days as a *nutfa* (sperm), then it becomes an *‘alaqa* (leech-like clot) for an equal period, then form a *mudgha* (a morsel of flesh) for another equal period, then the angel is sent and he breathes the soul into it. (Muslim, 1955)

Referring to the verse and hadith above, most of the jurists argue that abortion is prohibited after the angel breathes the soul into it that is in the fourth month or at 120 days of pregnancy. However, different Schools took different arrangement of which stage the angel breathes the soul, because apart from the above mentioned hadith there is also a hadith that mentions that the angel breathes the soul in at the fortieth day of pregnancy. The Hanafi jurists permitted abortion until the end of the fourth month of pregnancy. They granted the pregnant woman the right to ask for abortion even without her husband's permission but only for a valid reason (Musallam, 1983). The Shafi'i jurists' views on abortion are divided into three groups: some jurists allow it before 120 days of pregnancy, some others allow it until the fortieth days of pregnancy, while the famous jurist al-Ghazali prohibited abortion at anytime. He stated that abortion is prohibited from the very moment of the conception because it is a crime to humanity; to abort it is a crime; additionally, once the angel has breathed a soul into it, it is a double crime (Ghazali, 1972, p. 51). This argument is also central to the opinion of the Maliki and Hanbali jurists who believed that the foetus is given a soul at conception, and to abort it is a crime. However, there are also minority jurists' opinions of these Schools who allow abortion on the forty days of pregnancy (Musallam, 1983).

Another consideration of abortion is pregnant women. The Muslim jurists unanimously allowed abortion to save the mother's life. The reason for this is that mother is the source, the origin of life, so her life and wellbeing is given priority. If the mother's life is endangered by the pregnancy, abortion is a recommended option. Apart from this reason, there are also several other medical indications that abortion is permissible, such as the risk of genetically transmitted diseases, evidence of a congenital defect, severe foetal abnormality incompatible with survival, and a breast-feeding mother whose baby is in need of her nutritious milk (Rispler-chaim, 1993, p. 14 – 15).

Certain punishment is set for procuring the abortion in Islamic law and differs from one country into another. In Islamic countries such as Egypt, Muslim doctors can only perform an abortion to protect the mother's life, or if there is indication of a deformed foetus. However, sometimes, Muslim doctors do not perform an abortion because by so doing they lay themselves open to criminal charges, as in Egyptian law, where an abortion performed by the doctor is categorized as a felony (Rispler-chaim, 1993).

Among Muslim countries, Tunisia was the first to allow abortion in its legislation, in an amendment of July 1965. This law permitted any mother with five or more children, or any woman who became pregnant after an IUD insertion, to request an abortion. In Morocco, the revised law in 1967 allows a termination of the pregnancy when the survival of the mother in jeopardy for mental and physical harm of the pregnancy (Pott et. al., 1977). Recently, Indonesian government is also issuing

the law of abortion no. 61 year 2014 that include the rape victim to seek for abortion if it is shown that give traumatic experiences to her.

In contrast, in Algeria, where conservative opinion dominated, the law stated that whoever is involved in performing or helping the practice of abortion shall receive a heavy fine or imprisonment with hard labour from ten to twenty years. In Sudan, three doctors must agree before conducting an abortion (Pott et. all., 1977).

However, in severe cases like in Bosnia during war against Serbia, the doctor did not comply with the law that makes abortion only permissible in the first trimester of pregnancy. During this war, many Bosnian women were systematically raped as a weapon of genocide, and when these women asked for abortion the doctors conceded regardless of the stage of the pregnancy, as long as they could do it safely (Riyani, 2002).

7. Homosexuality

Apart from *zina*, other category subject of criminalisation under Islamic law is the practice of homosexuality: *liwath* for male same sex relation and *musahaqa* for women same sex relation. Islam considered these practices as sexually deviant and subject to certain punishment. In regard to the discussion of homosexuality in Islam, it is often associated with the discussion of Lut's story in the Qur'an. In this verse it is mention that the male followers of Lut (Loth) have transgressed their sexual orientation preferring men instead of women for sexual relations. The task of Lut is to warn his men of their transgression sexual behaviour to avoid God's punishment. This story has been used to legitimise the prohibition of homosexuality in Islam.

A compilation of writing on homosexuality in Islam is written by Murray & Roscoe (1997) covers the discussion of homosexuality from historical, anthropological and literary point of view. They claim this work as comprehensive consist of diverse and unique practice of homosexuality and significant in tracking the history of homosexuality in Islam to counter the dominant Eurocentric research on the topic. The articles in this book trace the historical visibility of homosexual in Islam date back since the Prophet Muhammad's life to Medieval and Modern practices of homosexuality from around the globe. The work of Schmidtke (1999) is also helpful in reviewing the literatures on homosexuality in Islam.

With increased homosexual visibility among Muslims, there is a tendency of this group to find religious legitimacy by reinterpreting the verses of Lut in the Qur'an. Yip (2008) reports on the experiences of lesbian and bisexual Muslim women who live in Britain, their support groups and their identities. He observes that this group struggles to find their identity among the wider community counter balance with Western *Islamophobia*, racism and among their Muslim community. Yip called them a "minority within a minority (p. 99)". Only within their support group- *Safra Project* and *Imaan* – can they maintain their search for identity acknowledgment and the right to express their sexual identity. One of their attempts

is in “queering of religious text” by reinterpreting Islamic texts related to their behaviour. In doing so, this group employs three approaches interrelated to one another: firstly, they describe the story of homosexual practices in religious text and it is called a defensive approach, secondly, they re-examine those religious which is called an offensive approach, and thirdly, they establish their own interpretation to support their identity which is called a creative approach (Yip, 2008, p. 108). Similar research conducted by Shannahan (2009) on lesbian, gay, bisexual in Britain explore whether there are any place in Islam to acknowledge this sexual diversity.

Similar attempts to legitimise homosexuality through religious texts can be found in the work of Kuggle (2003). He tries to re-examine the Qur’anic story of Lut. In doing so, he suggests a “sexuality-sensitive interpretation” of the text (p. 203). He offers two basic strategies: semantic analysis and thematic analysis of the Qur’anic text in regard to homosexuality. After applying this approach, he found out that “the story of Lut is not about homosexuality or homosexuals in any general sense” (Kuggle, p. 205). In addition, the condemnation of the people of Sodom is because of “their disregard for the ethical care of others and most specifically their rejection of the prophethood of Lut” (p. 212).

Different understanding of homosexuality in other Muslim regions was noted by Moussawi (2011) on non-heterosexuals in Beirut, Lebanon. They refuse to be called gay or homosexual, as this term provide negative connotation and punishable for up to one year imprisonment in their environment. Moussawi called them “non-heterosexual” to address the diversity of their sexual identities. These non-heterosexuals reject association with ‘feminine’ men who are stigmatised among heterosexual and the non-heterosexual community. These non-heterosexuals consider themselves as neither feminine nor masculine.

Similarly, Dialmy (2010) found that nowadays many sexual practices of Muslims often deviate from Islamic norms. He mentions for example pre and extra marital sex becoming more frequent among Muslim men and women and the practice of homosexuality becoming more visible, as in Morocco. More people gain confidence to ‘come out’, increasing the visibility of their homosexual identity. One such organisation established in Morocco is called *KifKif* (lit. similar) to accommodate member’s expressions and rights.

From the discussion above, it seems that homosexuality has gained visibility and practice in Muslim societies. In Indonesia, alternative sexualities have gained visibility since the 1980s (Blackwood, 2007). Transgender identities are well known than homosexuality. Terms relating to homosexuality like the word ‘lesbi’ and ‘gay’ are adapted from the west through the media (Blackwood, 1995; Boellstorff, 2003). Research on homosexuality and transgender in Indonesia has been done by several scholars like Oetomo (1996), Boellstorff (2003, 2005), Howard (1996), Offord (2003) and Davies (2010). Lesbian identity was addressed by Wieringa (1999),

Blackwood (1995) and Murray (1999). However, in Indonesia alternative sexualities are often stigmatised and even criminalised (Blackwood, 2007). Many gay and lesbian people consider themselves as '*sakit*' (ill) (Boellstorff, 2005; Murray, 1999; Blackwood, 1999; Howard, 1996). Some gay Muslims associated their gayness with sinfulness (Boellstorff, 2005). This is one reason that gay and lesbian Indonesians might hide their identity from their families and society. Offord (2003) reported that several gay men he interviewed downplayed their sexual identity for fear of recognition by their family and friends. Only within gay community can they freely communicate, interact and disclose their sexuality (Boellstorff, 2003; Howard, 1996). However, research by Davies (2010) on *calabai* (transgender male) and *bissu* (androgynous shaman) reveals that they are well recognised and accepted in the Bugis cultural context as they have several roles in the community, unlike *calalai* (transgender female). Davies reported that *calalai* existence is less visible than *calabai*. Similarly, Blackwood (1998) and Murray (1999) found it is hard to find lesbians in Indonesia as their existence is "denied" (Blackwood, 1998, p. 215).

8. Some Critics of Traditional Islamic sexuality

Dialmy (2010) writes a courageous article criticising Islamic norms of sexuality and contrasts it to today's practices in Muslim communities which he called 'paradoxical'. Traditional norms on sexuality in Islam privilege male sexuality over female sexuality, marital over non-marital sexual relation, heterosexuality over homosexuality. He indicates that today's practices of sexuality in Muslim countries, (specifically he refers to Morocco), are diversely articulating various practices of homosexuality and promiscuity.

A similar article is written by Yip (2009) who criticises the orthodox construction of sexuality which strongly supports sexual essentialism and does not accommodate individual agency and the diversity of experiences in context. He offers a holistic view of understanding religious texts on sexuality. In so doing, he suggests stressing to its significance and impact in three levels of practices and understanding: social (macro), institutional (meso), and individual (micro).

Other criticism of orthodox view on sexuality is offered by Sabbah (1984) whose main concern is female sexuality. She differentiates between erotic discourse and orthodox discourse of sexuality. According to her, erotic discourses of sexuality, as found in the early writings of Muslim authors, consist of discourses of physical pleasure of sex. Central to the discussion of these books is the privileging women's sexual desire, identifying 'omnisexual women' whose sexual desire is insatiable that men should fulfil to satisfy them. On the contrary, an orthodox discourse of sexuality is spiritual, associated with the divine law. It privileges men's sexual desire over women. Central to the discussion of orthodox discourse is men's sexual need which is to be fulfilled by women. Within this discourse, according to her, sexuality is 'domesticised and hierarchised' (Sabbah, 1984, p. 98). Sexual activity is only

permitted in the domestic arena and castrate women's sexuality, forcing them to submissively wait for the demand of men's sexual satisfaction. Failure to serve in this domain may be labelled as 'rebellious women (*nashiz*)' who may be divorced or left by her husband for practicing polygamy. Sabbah then argues that female sexuality is curtailed by the inscription 'tattooed' on the women's body as silence, immobility and obedience. She urges decoding of this message by calling for strike against oppression and stupidity and time to make change for better life (Sabbah, 1984, p. 5).

Similar criticism is offered by Moghissi (1999) noting that although many have argued that Islam offers a positive attitude toward sexuality, which she terms "sacred function within domestic field" (p. 22), is reserved for men's sexuality. Women's sexuality has barely found freedom of expression, because one of the main concerns of Islam is fear of women's seductive capacity and sexual conduct. These beliefs have raised the issue of curbing women's sexual potency and governing women's moral conduct under surveillance by father, brother, family, public and the state through the law (Moghissi, 1999, p. 20). Veiling, segregation and seclusion are the result of limiting women's movement in the public arena. Moghissi underscores Sabbah's argument that orthodox Islam established the sexual hierarchy and put women as a mere sexual object whose primary duty is to serve husband's sexual need.

The work of Ali (2006) and Ilkkaracan (2000) is significant in voicing and criticising the male bias and political struggles in regulating sexuality. These writings offer a chance for women to claim their sexual identity and desire. Ali wrote a book on *Sexual Ethics and Islam*. She presents her writing on feminist reflection on the Qur'an, hadith and jurisprudence. She criticises the representation of sexuality which is claim as an Islamic standards is misleading. She particularly explains on sexual relation in marriage notes that the understanding of marriage as the Qur'an mentions it, based on "mutual consent and reciprocal desires surrounding lawful sexuality" (p. xxv). Unfortunately, according to her analysis, this understanding of marital relationship is now based on a hierarchical relation between husband and wife. She criticises the *fiqh* texts of marriage and sexuality under the term *milk*- ownership, dominion and control. Jurists view the marriage contract as "an exchange of lawful sexual access for dower, and continue sexual availability for support" (Ali, 2006, p. 13).

Mir-Hosseini and Hamzić, in their book *Control and Sexuality* (2010) also offers a feminist and rights-based criticism of criminalisation of *zina* under Islamic Law. They argue that this law criminalises consensual sexual relations, and that it is a gender discriminatory law used to control women's sexuality. With the tendency for *zina* law to re-emerge under Islamic *shari'a*, a comprehensive understanding – historical, cultural, legal and political analysis - should be integrated. This book

further suggests reconsidering the *zina* law and punishment, and if possible eradicating this law from Muslim countries.

From the above mention researches conducted by several scholars on the issue of sexuality in Islam, we can see that religious teaching influence the regulation of sexuality. In practice, the regulation on sexuality differs from one context into another. Although many regulations derived from the same Islamic text, the application is depend on the interpretation understood in each cultural context.

Normative (traditional) norm on sexuality in Islam is still dominated the regulation in many Muslim context. The norms privilege male sexuality over female and neglect women's sexual right. Many researches should be expanded on topic of sexuality to elaborate further many cases related to sexual practices in Muslim contexts. With the social changes in many Muslim societies in contemporary era, it is important to accommodate the progressive Muslim thinkers who suggest that it is time to open up the discussion of sexuality that accommodates diverse practices among Muslim societies and embodies fairness for both sexes. A comprehensive and integral approach in the attempt of re-examining and reinterpreting religious texts is necessary to build new understandings of the subject matter.

REFERENCES

- Abou El Fadl, K. M. (2001). *Conference of the books: The search for the beauty in Islam*. Lanham: University Press of America, Inc.
- _____. (2001). *Speaking in god's name: Islamic law, authority, and women*. Oxford: Oneworld.
- Accad, E. (2000). Sexuality and sexual politics: Conflicts and contradictions for contemporary womn in the Middle East. In P. Ilkkaracan (ed.), *Women and sexuality in Muslim societies* (pp. 37 – 50). Istanbul: Women for Women's Human Rights.
- Ali, K. (2006). *Sexual Ethics and Islam: Feminist reflections on Qur'an, Hadith, and jurisprudence*. Oxford: One World.
- Al-Kasani, A. (n.d.). *Bada'i al- Sana'i fi Tartib al-Shari'i*. Cairo: Mathba'ah al-Imam.
- Asad, M. (2004). *The message of the Qur'an*. California: The Book Foundation.
- Bauer, J. L. (1985). Sexuality and the moral "construction" of women in an Islamic society. *Anthropological Quarterly*, 58 (3), 120 – 129.
- Bouhdiba, A. (1985). *Sexuality in Islam*. London: Routledge&Kegan Paul.

- Cindoglu, D. (2000). Virginity test and artificial virginity in Modern Turkish medicine. In P. Ilkharacan (ed.), *Women and sexuality in Muslim societies* (pp. 215 - 228). Istanbul: Women for Women's Human Rights.
- Dialmy, A. (2010). Sexuality and Islam. *Journal of Contraception and Reproductive Health Care*, 15, 160 – 168.
- Eerdewijk, A.V. (2009). Silence, pleasure and agency: Sexuality of unmarried girls in Dahar, Senegal. *Contemporary Islam*, 3, 7 – 24.
- Franke, P. (2012). Before sciential sexualis in Islamic culture: Ilm al-bah between erotology, medicine and pornography. *Social identities: Journal for the study of race, nation and culture*, 18 (2), 161 – 173.
- Gardet, L. (1965). Fitna. In B. Lewis, CH. Pellat & J. Schacht (eds.), *The encyclopaedia of Islam*, (pp. 930 – 931). Leiden: E.J. Brill.
- Ghazali, A. H. (1965). *Ihyâ' Ulûm al-Dîn*, Cairo.
- Hassan, R. (2008). *Inside Muslim Minds*. Melbourne: Melbourne University Press.
- Ilkharacan, P. (2000). Introduction. In P. Ilkharacan (ed.), *Women and sexuality in Muslim societies* (pp. 1 - 15). Istanbul: Women for Women's Human Rights.
- Imam, A.M. (2005). Women's reproductive and sexual rights and the offense of zina in Muslim laws in Nigeria. In W. Chavkin & E. Chesler (eds.), *Where human rights begin: Health, sexuality, and women in the new millennium* (pp. 65 – 94). New Brunswick: Rutgers University Press.
- Kandiyoti, D. (1988). *Bargaining with patriarchy*. *Gender & Society*, 2 (3), 274 – 290.
- Khan, S. (2004). Locating the feminist voice: The debate on the zina ordinance, *Feminist Studies*, 30 (3), 660 – 685.
- Kugle, S.S. (2008). Sexuality, diversity and ethics in the agenda of progressive Muslims. In O. Safi (ed.), *Progressive Muslims on justice, gender, and pluralism* (pp. 190 – 234). Oxford: One World.
- Mernissi, F. (1982). Virginity and patriarchy. In A. Al-Hibri (ed.), *Women and Islam* (pp. 183 – 191). Oxford: Pergamon Press Ltd.
- Mernissi, F. (1985). *Beyond the veil: male-female dynamics in Muslim society*. London: Al-Saqi Books.
- Mir-Hosseini, Z., & Hamzić, V. (2010). *Control and Sexuality: The Revival of Zina Laws in Muslim Contexts*. London: Women Living Under Muslim Laws.
- Moggissi, H. (1999). *Feminism and Islamic Fundamentalism: The Limits of Postmodern Analysis*. London: Zed Book.

- Moussawi, G. (2011). Not “straight,” but still a “man”. Negotiating non-heterosexual masculinities in Beirut. In S. Seidman, N. Fischer & C. Meeks (eds.), *Introducing the new sexuality studies* (pp. 159 – 165). London: Routledge.
- Murray, S.O & Roscoe, W. (1997). *Islamic homosexualities: Culture, history, and literature*. New York: New York University Press.
- Musallam, B. F. (1983). *Sex and Society in Islam*, Cambridge: Cambridge University Press.
- Nawas, J. (2006). Trial. In J.D. McAuliffe (ed.), *Encyclopaedia of the Qur'an, vol. V*, (pp. 362 – 363). Leiden: Brill.
- Nafzawi, S. (1969). *The perfumed garden*. Translated by S.R. Burton. London: A Panther Book.
- Potts, M., Diggory, P., & Peel, J. (1977). *Abortion*. London: Cambridge University Press.
- Quraishi, A. (1997). Her honor: An Islamic critique of the rape provision in Pakistan's ordinance of Zina, *Michigan Journal of International Law*, 18 (2), 287 – 320.
- Rispler-Chaim. V. (1993). *Islamic medical ethics in the twentieth century*, Leiden: E.J Brill.
- Riyani, I. (2002). Abortion in the case of rape: A study of Yusuf Qaradawi's fatwa on mass rape in Bosnia Herzegovina. *Unpublished Fatwa Paper*, Leiden: Leiden University.
- Sabbah, F.A. (1984). *Women in the Muslim unconscious*. New York: Pergamon Press.
- Sabiq, S. (1997). *Fiqh al-sunnah*. Cairo: dar al Fath li al A'lam al Araby.
- Sidameh, A.S. (2001), Problem in contemporary applications of Islamic criminal sanctions: The penalty for adultery in relation to women. *British Journal of Middle Eastern Studies*, 28 (2), 187 – 204.
- Schmidtke, S. (1999). Homoeroticism and homosexuality in Islam: A Review Article, *Bulletin of the School of Oriental and African Studies, University of London*, 62 (2), 260-266.
- Toor, S. (2011). How not to talk about Muslim women: Patriarchy, Islam and the sexual regulation of Pakistani Women. In S. Seidman, N. Fischer & C. Meeks (eds.), *Introducing the new sexuality studies* (pp. 166 – 174). London: Routledge.
- Walton, A.H. (1969). Introduction. In S. Nafzawi (Translt. S.R. Burton), *The perfumed garden*. London: A Panther Book.

- Yanggo, C.T. (1999). Agama dan aborsi. In A. Sarapung, Masruchah, & M.I. Aziz, (eds.), *Agama dan kesehatan reproduksi* (pp. 115 -276). Jakarta: Sinar Harapan.
- Yip, A.K. (2008).The quest for intimate/sexual citizenship: Live experiences of lesbian and bisexual Muslim women.*Contemporary Islam*, 2, 99 – 117.
- _____. (2009). Islam and sexuality: orthodoxy and contestations, Editorial introduction, *Contemporary Islam*, 3, 1–5. DOI 10.1007/s11562-008-0073-8
- Zia, A.S. (2000). Rape in Pakistan: *Zina* laws – legalities and loopholes. In P. Ilkkaracan (ed.), *Women and sexuality in Muslim societies* (pp. 327 – 339). Istanbul: Women for Women's Human Rights.
- Zuhaili, W. (1996). *Fiqh al-Islâmî wa Adillatuh*, Damascus: Dâr al-Fikr, 1996.