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Sexual Rights and their Discontents: Yūsuf al-Qaraḍāwī on Homosexuality and the 'Islamic Family'

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Abstract

Taking Yūsuf al-Qaraḍāwī as an example, this article suggests looking at neo-conservative Islamic discourse on homosexuality in connection with the enduring vehemence with which this discourse upholds religiously framed notions of marriage and the family while continuously making adaptations on questions of women's rights in order to accommodate political and societal change. In his writings, al-Qaraḍāwī systematically treats the topic of homosexuality in connection with the central theme of his programme of *wasaṭiyya* gravitating around the legitimate 'Islamic' family which actually proves to be a hybrid of national state sanctioned familism and a decontextualised ideal of sexual difference as an eternal 'cosmic' principle. While contributing itself to their politicisation, Islamic discourse constructs both family and sexuality as lying beyond the reach of (secular) politics. Naturalised and sacralised notions of marriage and sexuality thereby warrant a realm for religious authority to rise to legitimately speak in public. So far, research on homosexuality and Islam has largely focused on religious and juridical qualifications as well as on questions of categorisation. The main argument presented here is that the ideological zeal in Islamic discourse on the topic is always also more basically directed against any attempt at transferring the language of (secular) rights to issues of gender and sexuality.

Key words: heteronormativity, Islamic discourse, homosexuality, sexual rights, Islamic normativity.

1. Introduction

Taking Yūsuf al-Qaraḍāwī as an example, this article suggests looking at neo-conservative Islamic discourse on homosexuality in connection with the enduring vehemence with which this discourse upholds religiously framed notions of marriage and the family while continuously making adaptations on questions of women's rights in order to accommodate political and societal change. Given al-Qaraḍāwī's ideological proximity to the Egyptian Muslim Brotherhood and his local influence up to 2011, I will contextualise his positions mainly with reference to Egyptian politics of gender and women's rights. So far, research on homosexuality and Islam has largely focused on religious and juridical qualifications as

well as on questions of categorisation.[1] Complementing this research, the main argument presented here is that the ideological zeal in Islamic discourse on the topic is always also more basically directed against any attempt at transferring the language of (secular) rights to issues of gender and sexuality.

In Egypt, as in other countries of the Arab region, the by now hegemonic understanding of the family as the basic unit of state and society and as the core institution of a nationally defined and planned 'reproductive arena',[2] constitutes the object of conflicting interpretations and ideologies.[3] Since independence, authoritarian regimes have made political use of women's and gender issues, putting competing oppositional forces against each other—among others, in the case of women's rights movements and Islamic forces. On the institutional level, Islamic Personal Status Law as it has evolved in Egypt since the 1920s has enshrined the hegemony of religious normativity over the private sphere in the framework of the modern secular nation state. At the same time, since the turn of the 19th to the 20th century Islamic reformist discourse has not only contributed to the more general trend of institutionalising marriage, it has also been crucial in sexualising marriage, with sexuality being conceived of as a natural human condition in need of moral as well sanitary regulation.[4] The fusion of religion with naturalised notions of marriage and heteronormative sexuality that has thus emerged until today serves as a powerful tool for articulating Islamic opposition to women's human rights inside the family or, more recently, opposition to 'gender feminism'.[5] At the same time, it precludes any accommodation with and even more so any form of recognition of sexual orientation as a basis for rights claims—independently of more explicitly homophobic attitudes and the question whether homosexuality is interpreted as inherently natural or as a question of choice. A telling symptom of the complex dynamics at stake here is the position expressed by the influential Egyptian intellectual, Muḥammad ʿImāra, a crucial figure for guiding the reception of modernist Islamic thought in the Arab-speaking world, on radical feminism leading to the propagation of homosexuality.[6]

The issues of homosexuality and of homophobia in Muslim societies are most of the time discussed in relation to the growing visibility of transnational LGBTQIA (Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual) activism. Often, contemporary repressive attitudes in the region are seen to contrast with supposedly more fluid premodern cultures of sexuality.[7] An important line of research therefore concentrates on the

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1   See for example the meticulous study of contemporary debates on homosexuality and Islam in Tolino 2014; Tolino 2016.

2   Connell 2005: 71.

3   On the widely shared hegemonic or 'national family' in the Arab World see Hasso 2011.

4   On ideological familism and the institutionalisation of marriage in modern Egypt, see Cuno 2015 and Khouloussy 2010. On the fusion of Islamic arguments with contemporary European evolutionary theories see El Shakry 2015. On efforts at regulating sexuality and reproduction, see Ali 2002 and El Shakry 2007. On notions of sexuality as such, see Massad 2007.

5   On this issue, see a recent statement by Hiba Raʾūf ʿIzzat on the internet platform islamonline.net from 30 April 2013: <https://islamonline.net/3796> (accessed 28 June 2017).

6   For a short extract from a TV appearance with English subtitles see <http://www.memritv.org/clip/en/967.htm>.

7   See Bauer 2013. See also Bauer 2011.

introduction and evolution of modern notions of sexual perversion and homosexuality as deviating from normalised heterosexuality.[8] Another major research focus is on emerging marginal or non-normative sexual identities at the intersection of local socio-cultural vocabularies and the language of international gay rights activism.[9] In this literature, Islamism and/or conservative Islam are seen to be key factors, while the political stakes involved are less discussed. What do conservative Islamic forces do when they define social problems in terms of moral decadence, the break-up of gender norms and, more particularly, the break-up of sexual mores? And why are heteronormative marriage and the family so central to any definition of an authentically Islamic as well as natural order to be protected against current perils of disintegration and cultural Westernisation?

The reading of al-Qaraḍāwī suggested here attempts to show how naturalised and sacralised notions of marriage and sexuality are linked to the political history of the region as well as to the intellectual trajectories of modern and contemporary Islamic thought. It combines approaches from sexuality studies with women's and gender studies. In a first section, I briefly discuss relevant research on homosexuality in the MENA (Middle East and North Africa) region. A second section, containing the core of the argument, starts by looking more closely at marriage and sexuality as strategic sites for gendered as well as gendering processes of state and nation building in the Arab region since the late 19th century. The creation of Islamic Personal Status Law is a case in point here, instituting the interlocking of the private-public divide with the definition of a sphere for Islamic law to make its 'public appearance through state law'.[10] This situation turns the family into an anchor point for politicising Islam with the help of the family and vice versa while rhetorically de-politicising both. At the same time, the idea of the conjugal family as a realm of personal liberty and autonomy has allowed for the blending of liberal ideas with Islamic moral standards.[11] The last part of the paper presents a close reading of selected texts by al-Qaraḍāwī in order to illustrate how the firm separation of sexuality from rights—be it individual or collective (i.e. minority) rights based on gender or sexual orientation/identity—operates in Islamic discourse. It will be argued that al-Qaraḍāwī's programmatically anti-homosexual stance serves to protect the family and sexuality from secular notions of rights on the one hand and from liberal Muslim critique on the other.

2. Framing Homosexuality and Islam

Research on sexuality in Arabic-Islamic societies began as part of academic Orientalism. A typical case in point is Georges Henry Bousquet's *L'éthique sexuelle de l'Islam*, published in 1953. Bousquet's general focus was Islam's assumed lack of concern for marriage as a stable moral and social institution. From the start, the author stresses the difference between 'our' understanding of marriage and Islam:

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8 Najmabadi 2005; El Rouayheb 2005; Ze'evi 2006.

9 Ahmed-Ghosh 2012; Habib 2010; Kugle 2010; Murray & Roscoe 1997; Rahman 2014.

10 Asad 2003: 231.

11 McLarney 2015: esp. 33-102.

> Le 'mariage' en langue arabe, se dit *nikâh',* c'est-à-dire 'coït'. Sans attacher à ces sortes d'arguments philologiques plus d'importance qu'ils n'en ont, il faut prononcer que cela donne bien l'essentiel de la conception islamique de cette institution. Nous continuerons à user du terme 'mariage', mais je me demande s'il n'yaurait pas intérêt à conserver le mot arabe comme terme technique pour désigner une chose qui, certes, a des rapports avec notre mariage, mais aussi en diffère considérablement.[12]

Since the 1970s, connected to the critique of both Orientalism and emerging conservative religious forces in the region, scholars from the Arab region have suggested novel readings of Islamic literary as well as normative sources on gender, the body and sexuality.[13] Notwithstanding significant differences between them in terms of discipline, sources and methodology, they were all concerned with demonstrating the richness and diversity of Islamic representations of sexuality in contrast to Western traditions as well as in contrast to contemporary conservative trends in Islam. More recently, Thomas Bauer has further developed this line of thought applying the concept of a 'culture of ambiguity' to premodern Islamic history in general.[14]

Since the 1990s, sexuality studies have gained new impetus from developments in gay and lesbian studies as well as from queer theory. Homosexuality now became a major topic—leading for the first time to an area studies version of the constructivism vs essentialism debate.[15] Over the last two and a half decades, an impressively rich scientific literature has developed that historicises and contextualises same-sex sexuality and desire in different regional and periodical settings mainly based on literary and normative sources as well as on Islamicate science (i.e. philosophy, astronomy, medicine etc.). Researching the entangled history of modern representations of sexual desire in the Arab world, Joseph Massad has provided important new insights into major shifts in how secular as well as Islamic intellectuals conceived of sexuality as a natural phenomenon and a psychological fact.[16] Massad, as others, puts major emphasis on the contemporary emergence of gay or queer identities connected to transnational gender activism and its effects in the region. He pushes his critique of what he calls the Gay International to completely deprecate it—which in turn has raised strong opposition, not least from activist quarters in the Arab region.[17] Other studies contextualise the different strategies and forms of activism employed on the ground to critically examine and assess their impact.[18] Sahar Amer programmatically pleads for recognising the hybridity and interculturality of Arab LGBTQIA communities and identities:

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12 Bousquet 1953: 79.

13 Important works to be mentioned in this context are Mernissi 1975; Bouhdiba 1975; Chebel 1984, as well as Malti-Douglas 1991.

14 Bauer 2011.

15 For a very helpful overview of relevant debates see Tolino 2014.

16 Massad 2007: esp. 51-159.

17 See the reaction of a founding member of *Helem* to an interview with Joseph Massad on the website ResetDOC: <http://www.resetdoc.org/story/00000001542> (last visited 26 December 2017).

18 See, for example, Nadine Naber's and Zeina Zaatari's analysis of feminist and LGBTQ activism during the Israeli invasion of Lebanon in 2006. Naber & Zaatari 2014.

The question that I am raising here is not whether naming should take place (I strongly believe that it must), or even whether Western discourses on sexuality are relevant to the Arab world (I firmly believe that they are relevant). Rather, what I interrogate is the almost exclusive reliance by Arab activists on Western terminology and Western paradigms of same-sex sexuality. What I object to are the kinds of names that are selected by Arab gay activists to speak about homosexuality, and how these names fail to empower and delay much-needed social change in Arab societies today. By adopting foreign terms and gender categories that mimic Western sexual politics and by dressing sexual preference in foreign linguistic garb, Arab gay activists unwittingly end up supporting a culture of shame that ultimately undermines Arab identity and leads to the further isolation of Arab gays and lesbians from their own socio-historical and literary traditions.[19]

In the quarrel over specifying sexually defined identities and subjectivities, Amer suggests engaging with the necessarily hyphenated character of Arab LGBTQIA communities that are both anchored in local traditions and 'interdependent with global realities'.[20]

The focus on cultural and intellectual history as well as on questions of identity and subjectivity in research on homosexuality can be seen to supplement Middle East women's and gender studies that privilege structural factors determining gender relations such as law, politics, and the state as well as socially constructed forms of agency.[21] In reverse, studies on homosexuality seem to sometimes underestimate the role played by secular regimes and state law. In her introduction to a special issue of the *Journal of Lesbian Studies* on the topic of 'Lesbians, Sexuality and Islam', Huma Ahmed-Ghosh writes:

> For Muslim communities, especially in recent decades, the politicization of 'conservative' Islam has *pointedly* impacted same-sex relationships through the imposition of strict 'Islamic' moral codes. By labeling alternative sexualities as 'deviant', oft quoted verses (mentioned in these articles) from the Quran have been used to legitimize these fatwas and policing of people's sexuality.[22]

The author further argues that 'sexuality was historically viewed as "fluid", with rare public strictures'.[23] Today, on the contrary, 'we are seeing harsh laws dictated by conservative Islamic regimes and courts challenging this sexual fluidity and replacing it with harsher sentences to ensure heterosexual conformity'.[24] Likewise, Muslim gay activists, when engaging with the critique of religious conservatism in the name of liberal or progressive Islam likewise contribute to putting Islam at the center of the debate on homophobia.[25] In what follows, I suggest looking more closely at the historical, legal and po-

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19 AMER 2012: 387ff.

20 Ibid.: 391.

21 For a concise and well documented overview see CHARRAD 2011; see also DENNERLEIN 2016.

22 AHMED-GHOSH 2012: 377.

23 Ibid.: 387.

24 Ibid.

25 See for example KUGLE 2010 and 2014.

litical underpinnings of Islamic framings of heteronormativity and their impact on arguments about homosexuality.

3. Family and sexuality in Islamic Personal Status Law

Since the late 19th century, the realm of law comprising marriage, the family and inheritance started to be conceived as Personal Status Law, subsequently rendered in Arabic as *aḥwāl šaḫṣiyya*.[26] During a first phase, Personal Status Law in Egypt as elsewhere in the region stayed relatively free from direct Europeanisation. Until the first half of the 20th century, legal change was implemented most of the time by way of procedural laws and the introduction of basic formal requirements for registering marriages. Yet, at the same time, the definition of marriage and the family was fundamentally transformed in religious reformist as well as in liberal nationalist discourse. Companionship between the spouses and mutual solidarity came to be considered basic elements of marriage as the basis of a stable and healthy family.[27] One of the major functions of the new family was the production of self-regulated and well-educated children as valuable future members of the national community. The conceptual shift that elevated the conjugal family to an essentially national and civilisational concern enhanced the role of women as wives and mothers. Female education, domesticity and the cultivation of women's inner qualities now became a chief apprehension of—male as well as female—proponents of social and moral reform.[28] Giving birth and raising children was considered a publicly relevant matter that necessitated new measures of control and discipline.[29] Very much in line with contemporary European ideas, motherhood and female domesticity were interpreted as the fulfillment of women's natural temperament. In addition to endeavors that aimed at the 'policing of families',[30] the modern conjugal family was turned into a privileged site of affective bonds of love and intimacy that were legally recognised, socially accepted as well as morally and culturally valued. Targeted educational and health campaigns, the media as well as popular culture more generally concurred to establish the conjugal family in opposition to 'traditional' or 'informal' familial settings not only as a normative model but also as desirable and conducive to happiness.[31]

Islamic Personal Status Law constituted an intrinsic part of processes of state building and nation building. In response to colonial modernity, women and the family became important sites for the defense of national as well as religious authenticity. The modern

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26 CUNO 2015: esp. 164 ff.; DENNERLEIN 1998.

27 For medical and biopolitical discourses on the family in inter-war Egypt see EL SHAKRY 2007: esp. 165-194.

28 See for example AHMED 1992; BARON 1994; BADRAN 1995.

29 EL SHAKRY 1998.

30 DONZELOT 2005.

31 ABU-LUGHOD 2005; ALI 2002; HASSO 2011; KHOULOUSSY 2010; KREIL 2011. Equally, the Arab Human Development Report of 2009 continuously refers to the 'good' family as opposed to the rather dysfunctional 'traditional' or 'patriarchal' family (for the complete text of the report see: <http://www.arab-hdr.org/contents/index.aspx?rid=5>).

family opened up new possibilities for negotiating political loyalties and identities.[32] In public debates as well as in legal discourse—again very much echoing European ideas—marriage and the family were increasingly seen to be natural as well as sacred phenomena lying beyond the reach of secular law and policy making.[33] During the inter-war period, Egyptian jurists and legislators started to classify *aḥwāl šaḫṣiyya* as comprising the 'natural qualities' of human beings according to the separate 'system' (Ar. *niẓām*) of the family.[34] At the same time, Personal Status Law actually did transform gender relations. The strictly hierarchical relationship between the sexes sanctioned by traditional Islamic jurisprudence (*fiqh*) was reinterpreted to be tuned in to national concerns of socio-biological reproduction as well as to notions of moral and social progress.[35] In contrast to modern Islamic Personal Status Law, traditional Islamic law had conceived of marriage as a strictly private bilateral or synallagmatic contract (*muʿāwaḍa*). According to its technically legal definition in Sunni *fiqh*, the effect of a validly-contracted marriage was to establish legitimate sexual relations between a man and a free woman (as opposed to a female slave) thus safeguarding legitimate off-spring and controlling the transmission of wealth. Upon marriage, the husband acquired the exclusive right to sexual intercourse with his wife and to control of her person, whereas she acquired property of the dowry and the right to marital maintenance.[36] In principle, the dissolution of marriage was just as much a purely private act as its contracting. This is especially true for the unilateral dissolution of marriage on the husband's initiative, or repudiation (*ṭalāq*).

This perception clearly differs from the nationalist-reformist reformulation of marriage and the conjugal family. Supported by state-sanctioned ideological and legal familism, the institutionalisation of Islamic Personal Status Law in the framework of the modern secular state created a specific institutional formula linking the realm of the private or personal sphere to religious authority.

> It is because the legal formation of the family gives the concept of individual morality its own 'private' locus that the *shariʿa* can now be spoken of as 'the law of personal status'—*qanun al-ahwal al-shakhsiyya*. In this way, it becomes the expression of a secular formula, defining a place in which 'religion' is allowed to make its public appearance through state law. And the family as concept, word, and organizational unit acquires new salience.[37]

Islamic Personal Status Law institutionally and programmatically fused religion, gender and the family.[38] The issues of 'woman' and 'family' became sacralised as a result of the political construction of both, the secular (or the non-religious) and the religious 'as dis-

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32 BOOTH 1998. See also CHARRAD 2001; JOSEPH 2000; KANDIYOTI 1991.

33 For quite similar interpretations of family law in the context of the early Federal Republic of Germany see WESEL 1998: 72.

34 KAŠBŪR 1993: 5 ff.

35 CUNO 2015: 77-122; EL SHAKRY 2007: 165 ff.

36 For a comprehensive study of the historico-legal context of traditional Islamic conceptions of marriage and sexuality see ALI 2006; ALI 2008.

37 ASAD 2003: 231.

38 For a comparative perspective on this phenomenon see CADY & FESSENDEN 2013b: 3-24.

crete conceptual categories' enmeshed with the highly gendered separation of public and private spheres.[39] '"The woman" and "the family" were the last domain left to the religious, over which they were in principle free to rule'.[40] At the same time, 'woman' and 'family' were turned into sites of ideological competition.

> Confining *shari'a* to domestic matters politicized the family both as a sphere of intimate, affective relations and as a repository of group identity of which religious affiliation was a defining legal and moral characteristic. (…) Languages of privacy that entered the legal discourse around personal status matters concurrently with the limiting of the *shari'a*'s jurisdiction served to create 'the family' both as a private space and one which was central to political order.[41]

While for secular women's rights activists, Personal Status Law turned out to be difficult to directly challenge due to its being linked to the realm of religion, religious forces politicised the family turning it into a model for a liberated as well as Islamic social and political order.[42] Based on her study on female voices of the religious awakening in Egypt since the 1970s, Ellen McLarney shows how the Egyptian Islamic intellectual and activist Hiba Ra'ūf 'Izzat by claiming a political role for women inside the family, questions both the depoliticisation of the family as well as the privatisation of religion.[43] Only more recently, resulting from the institutionalisation of human rights since the beginning of the new millennium, secular women's rights activists in Egypt as elsewhere in the Arab region have gained new grounds for criticising Personal Status Law while at the same time risking more than ever to be considered allies of authoritarian regimes and international donors.[44]

4. Yūsuf al-Qaraḍāwī and his interlocutors

Yūsuf al-Qaraḍāwī, who was born in 1926 in a provincial town in Egypt and lives in Qaṭar since the 1960s, can be considered a paradigmatic example of contemporary moderate conservative Islamic thought.[45] Having been trained at al-Azhar University in Cairo, al-Qaraḍāwī represents a more particularly scholarly type of religious authority. This distinguishes him from Islamic intellectuals with a secular educational background.[46] Al-Qaraḍāwī's special ideological brand is best expressed in his own definition of a 'middle

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39 BADRAN 2013: 106.

40 Ibid.: 107.

41 BIER 2011: 104.

42 For the secular women's rights movement up through the 1990es see AL-ALI 2009: 154 ff., 165 ff.

43 McLARNEY 2015: 219-253.

44 See FARAG 2017.

45 See also Zaman's assessment of al-Qaraḍāwī. ZAMAN 2012: 18 ff.

46 For a densely documented presentation of his biography and his writings with particular focus on the analysis of his opinion on apostasy see KRÄMER 2006. For a comprehensive study of his online presence see GRÄF 2010. For a study of his contribution to an Islamic law for Muslim minorities in the West see ALBRECHT 2010. For a selection of current research on this figure see also GRÄF & SKOVGAARD-PETERSON 2009. For an informative general overview see SOAGE 2008.

way' or *wasaṭiyya* Islam[47] demarcated from radical or extremist Islamist positions on the one hand, liberal or pro-Western ones on the other hand. Since the first publication in 1960 of his now classic book *al-Ḥalāl wa'l-ḥarām fī 'l-islām* (The Lawful and the Prohibited in Islam), meanwhile reprinted several times and translated into numerous languages, al-Qaraḍāwī stands for a clearly defined program of Islamic legal guidance in all aspects of everyday life. He claims authority for himself to interpret and adapt an all-encompassing framework of Islamic normativity based on the recognised canonical sources and established methods of interpretation in order to provide guidance for an Islamic conduct of life in accordance with contemporary needs. He bases this claim on his profound knowledge of Islamic law (*fiqh*) as well as his acquaintance with the complexities of present-day life. Key terms in this context are the notions of realism or pragmatism (*wāqiʿiyya*, *maydāniyya*) as well as of alleviation (*taysīr*) he uses to describe the basic nature of Islamic law.[48] Al-Qaraḍāwī's political opinions on Islam and democracy are considered ambivalent—particularly when it comes to sensitive issues like apostasy or the political rights of women and non-Muslims under Islamic law.[49] Nevertheless, al-Qaraḍāwī's role as a reference for radical Islamist groups who started to distance themselves from the use of violence since the 1990s and especially his rapid and unambiguous condemnation of the terrorist attacks of September 11, 2001, earned al-Qaraḍāwī the reputation of being a moderate.

In spite of his biographical links and ideological closeness to al-Azhar University in Cairo on the one hand, to the Egyptian Muslim Brotherhood on the other hand, and in spite of his prominent role in several international Islamic organisations, al-Qaraḍāwī stages himself primarily as an independent and self-sufficient religious authority.[50] Al-Qaraḍāwī's public visibility and his presumed influence are mainly based on the abundant number of his writings as well as his statements and fatwas that are widely distributed via the internet on *islamonline.net* or *qaradawi.net*. In addition, al-Qaraḍāwī used to be a frequent guest on television—especially on *Al Jazeera*, where he was regularly invited to the program *al-Šarīʿa wa'l-ḥayāh* (Sharia and Life) during the years 1996 to 2013.[51]

As far as the topics of gender, the family and sexuality are concerned, al-Qaraḍāwī on first view holds rather conventional conservative positions such as those aptly summarised by Yvonne Haddad in her study on Islamist literature on women up to the 1990s:

> This literature tends to project women as endowed with a special mystique of domesticity interpreted as an essential part of God's plan for humanity, a religious duty. (…) The home is the domain of women; the man is her protector.[52]

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47 For more details on this concept see Paola Pɪᴢᴢᴏ's contribution in this special dossier, pp. 156 ff.

48 See Kʀäᴍᴇʀ 2006: 197-200.

49 See Kʀäᴍᴇʀ 2006 and 2011, as well as Eᴜʙᴇɴ & Zᴀᴍᴀɴ 2009b.

50 Kʀäᴍᴇʀ 2006: 193. Among others, al-Qaraḍāwī is a member of the *Fiqh*-Council of the Muslim World League (MWL) based in Mecca, President of the European Council for Fatwa and Research (ECFR) based in Dublin and founding president of the International Union of Muslim Scholars (IUMS) based in Qatar.

51 For an archive of the emissions of this program since 1998 see the program's website, <http://www.aljazeera.net/program/religionandlife>.

52 Hᴀᴅᴅᴀᴅ 1998: 5.

Qaraḍāwī wholly endorses the modern notion of the conjugal family as the basic unit of society and the state.[53] In his early book *The Lawful and the Prohibited in Islam* mentioned above, al-Qaraḍāwī defines gender primarily as being based on marriage and the family.

> Qaraḍāwī's approach in this publication is pretty straightforward: he has written a traditionalist text that emphasizes women's obligation to safeguard social morality through circumspect demeanor in public and obedient behavior in their male-dominated families.[54]

However, over the years, having had to accept certain adaptations in women's roles to accommodate ongoing socio-economic and political changes—like female salaried work, the increase of female headed households or the political participation of women not least in Islamic parties—al-Qaraḍāwī all the more strictly upholds gender hierarchy or *qiwāma* (male superiority justified with reference to Quran 4:34)[55] and the complementarity of the sexes as expressions of sacredly as well as naturally ordained principles detached from its traditionally patriarchal context of support and protection.[56] For this purpose, heteronormative conjugal generativity is foregrounded as a gendering trope that immunises marriage and the family against secular as well as liberal Muslim critique.

A telling illustration of this is a booklet by al-Qaraḍāwī on the topic of 'The family as wished-for by Islam' (*al-Usra kamā yurīduhā al-islām*) published in 2005.[57] This booklet is based on two papers delivered by al-Qaraḍāwī at the 2004 *Doha International Conference on the Family* that has been organised on the occasion of the tenth anniversary of the UN year of the family.[58] The Doha Conference can be considered a forum of religious and other conservative forces that focus on the 'defense' or 'protection' of the family in opposition to transnational feminist activism and the institutionalisation of transnational women's rights in the aftermath of the Cairo Conference on Population and Development (1994) and the following UN-Conferences on women that took place in Beijing (1995) and New York (2000). It is concomitant with a broader strategy involving US based organisations such as the *World Family Policy Center* or the *Family Research Council* who refer to article 16 paragraph three of the Universal Declaration of Human Rights that guarantees protection of the family as the 'natural and fundamental group unity of society' in order to claim the

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53 On the overlap between Islamist and more liberal notions of the conjugal family see ABU-LUGHOD 1998b.

54 STOWASSER 2009: 185.

55 Quran 4:34 in English translation by Marmaduke PICKTHAL (from 1930): 'Men are in charge of women, because Allah hath made the one of them to excel the other, and because they spend of their property (for the support of women). So good women are the obedient, guarding in secret that which Allah hath guarded. As for those from whom ye fear rebellion, admonish them and banish them to beds apart, and scourge them. Then if they obey you, seek not a way against them. Lo! Allah is ever High, Exalted, Great'.

56 See for example al-QARAḌĀWĪ 2004.

57 al-QARAḌĀWĪ 2005.

58 Ibid.: 6. For the official website see <http://www.difi.org.qa/annual-conference/doha-international-conference-on-the-family/doha-international-conference-on-the-family> (accessed 28 June 2017).

respect of 'family values' as a human right.[59] The same language of international human rights allows al-Qaraḍāwī to claim Islam's particularities (ḫaṣāʾiṣ) as compared to other 'religions of the book' which, according to him, all share the same basic concern for marriage and the family as 'sacred' institutions[60]—an idea completely absent from traditional Islamic law. Al-Qaraḍāwī particularly mentions repudiation and polygyny as examples of Islam's specificity. He thereby simultaneously positions himself against a longstanding tradition of inner-Muslim critique of these legal institutes. Similar arguments are employed when criticising secular women's rights from an Islamic point of view. Thus, a declaration issued in 2013 by the *International Union of Islamic Scholars* (*al-Ittiḥād al-ʿālamī li-ʿulamāʾ al-muslimīn*) headed by al-Qaraḍāwī on the topic of The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and UN declarations against violence against women, claims recognition of the principle of gender complementarity in Islamic family law (as opposed to gender equality) in the name of 'religious diversity' (*al-tanawwuʿ al-dīnī*).[61] The declaration therefor objects to interpreting legitimate gender differences as conducive to (illegitimate) violence against women. As a consequence of this attitude, for instance, the concept of marital rape as a criminal offense is axiomatically rejected.

While constantly referring to Islamic normativity, the model of marriage and the family propagated by al-Qaraḍāwī is actually very much modelled after the hegemonic national conjugal family briefly outlined above. Marriage and the family are considered by al-Qaraḍāwī the basic unit of state and society providing for the moral, the social as well as the biological reproduction of humankind altogether—having children being declared one of the most important aims of marriage. Al-Qaraḍāwī considers the protection of the family a religious and a social duty of husband and wife as well as of society at large.[62] He even declares marriage to be 'sacred'.[63] Besides unfounded divorce, major threats to marriage and the family are subsumed by al-Qaraḍāwī under the notion of 'libertarianism' (*ibāḥiyya*).[64] This means the following: unregulated abortion, illicit sexual intercourse, extramarital children or unmarried mothers, nudism, transnational conventions protecting reproductive and sexual rights and finally, as the most dangerous, homosexuality.[65] Al-Qaraḍāwī mentions as particularly perilous the public lobbying for the recognition of homosexuality (or sexual deviance, *šuḏūḏ*) and the publicising of homosexual marriage and homosexual families.

According to al-Qaraḍāwī, the spread of homosexuality not only causes epidemics and moral disease, but it also leads to the final extinction of the human species. Generativity

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59 Bᴏʙ 2012: esp. 53-56. See article 16, paragraph 3, Universal Declaration of Human Rights: 'The family is the natural and fundamental group unit of society and is entitled to protection by society and the State'.

60 al-QᴀʀᴀḌᴀ̄ᴡꟾ 2005: 5-7.

61 For the complete text of this declaration see <http://iumsonline.org/ar/aboutar/nt-lnhd/s72> (accessed 28 June 2017).

62 al-QᴀʀᴀḌᴀ̄ᴡꟾ 2005: 38.

63 Ibid.: 5.

64 Ibid.: 38-46.

65 For his explanations on sexual deviance (*šuḏūḏ*) see al-QᴀʀᴀḌᴀ̄ᴡꟾ 2005: 46-50.

actually lies at the core of al-Qaraḍāwī's argument. It serves to establish an inextricable link between gender, nature and religion based on essentialised notions of sexual difference as a manifestation of eternal principles. Sexual difference is portrayed by al-Qaraḍāwī as a cosmic norm and a divinely ordered state of affairs.[66] Sexual reproduction is taken as a proof to the fixed natural as well as divine condition of men and women. By linking the heteronormative conjugal family to both 'nature' and 'religion', this definition of sexual difference allows al-Qaraḍāwī to claim a privileged voice for Islam in current public debates on the 'crisis of the family'.[67]

In addition to constituting a hierarchical system of complementary rights and duties with clearly defined social functions, marriage and the family are also portrayed as leading to personal completion. When addressing his readers, al-Qaraḍāwī interpellates the contemporary Muslim as someone who looks for happiness and personal fulfilment in accordance with Islamic legal guidance. In order to properly function, according to al-Qaraḍāwī, the family has to be based upon companionate marriage.[68] Marriage and the family are portrayed as a refuge for clearly defined and personally rewarding gender identities with motherhood and fatherhood constituting the most gratifying tasks in life.[69] Al-Qaraḍāwī idiosyncratically and out of any context quotes the famous line written by the Egyptian nationalist poet Ḥāfiẓ Ibrāhīm (d. 1932) praising the mother as 'a school' (madrasa) whose education would lead to the education of the (whole) nation (šaʿb).[70] According to al-Qaraḍāwī, children have to be considered a divine gift. He underlines the social and moral merit of legitimate descent (nasab) based on marriage in contrast to the tragic fate of unmarried mothers and illegitimate children.[71] Last but not least, al-Qaraḍāwī accepts the idea of a natural sexual drive or instinct (ġarīza) that needs to be channeled through marriage. Accordingly, he considers sexual fulfillment for men as well as women in the framework of marriage legitimate—even though, he adds, marriage involves not just the body but 'the whole human being'.[72]

According to al-Qaraḍāwī, the true believer expects more from marriage than simply sexual satisfaction. To live as true believers, he stresses, both men and women need to be instructed on Islamic principles and precepts.[73] They should thus be enabled to live up to their being responsible for their own conduct. The accountable Muslim subject is an important component of al-Qaraḍāwī's definition of marriage and the family. He insists that men and women should freely choose their partner after having seen him or her and after having talked to him or her in order to make sure that they match on the social, the educational, the moral and the psychic levels.[74] This leads al-Qaraḍāwī to criticise backward

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66 Ibid.: 9.

67 On the notion of family in crisis discourse see Hasso 2011: esp. 61-98.

68 al-Qaraḍāwī 2005: 9-13.

69 Ibid.: 51 ff.

70 al-Qaraḍāwī 2005: 77.

71 On unmarried mothers see Ibid.: 62 ff.

72 Ibid.: 11ff.

73 Ibid.: 5; 10.

74 Ibid.: 14-27.

'traditions' that do not allow women to choose or even to see her partner prior to the conclusion of marriage. According to al-Qaraḍāwī, women should be the 'masters of themselves'.[75] The modern Muslim subject addressed by al-Qaraḍāwī appears to be very much a 'properly gendered moral person',[76] invested with will and virtue rather than simply externally controlled.[77]

Al-Qaraḍāwī's model of the 'Islamic' family fuses the basic characteristics of the modern national Egyptian family as defined by the secular state with foundationalist references to Islamic normativity as well as to naturalised notions of sexual difference. This fusion also allows for partial adaptations over time especially with view to women's salaried work and access to political participation.[78] Here, the rhetoric of naturalisation and sacralisation of gender can be seen to relieve the family's hierarchical structure from delivering the moral and material rewards of the 'patriarchal bargain'.[79] As a consequence, male superiority is immunised against historicising critique.

This last point also needs to be seen as being linked to the author's opposition to competing interpretations of Islamic law, especially different versions of Islamic feminism—even if this term as such is contested in Arab countries.[80] Not surprisingly, al-Qaraḍāwī strictly refuses female—as opposed to male—readings of Islamic sources in the name of the all-embracing project of '*insāniyya islāmiyya*' (or Islamic humanism). During an emission of the program *al-Šarīʿa wa'l-Ḥayāh* broadcasted by Al Jazeera TV on June 15, 2008 on the topic of "Women in the noble Koran", al-Qaraḍāwī does not only oppose initiatives like the UNESCO conferences on Islamic feminism but categorically dismisses any idea of identity based *tafsīr* or *iǧtihād* altogether.[81] According to him, only formal scholarly credentials (and especially the necessary linguistic capacity) qualify for authorised interpretations of religious texts. In order to promote his own brand of *wasaṭiyya* in the highly competitive field of mediated transnational Islam, al-Qaraḍāwī not only dismisses Islamic Feminism during the emission but also other positions labelled by him 'extremist'—notably those who declare women's voice as '*awra* and request the complete exclusion of women from the public sphere.

When it comes to reproductive and sexual rights, al-Qaraḍāwī, again in line with official Egyptian politics, has equally made selective concessions—concerning for example certain cases of abortion, contraception or in vitro fertilisation. However, in these cases, he

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75 Ibid.: 25.

76 With these words, Janice Boddy's describes the motivation of women for supporting female genital cutting in colonial Sudan. BODDY 2007: 288.

77 There is a strong parallel here to early reformist writings on gender segregation and veiling from Qāsim Amīn in his *Taḥrīr al-Marʾa* first published in 1899 (AMĪN n.d.: esp. 69-119).

78 See for example al-QARAḌĀWĪ 2004. For an inner-Islamic critical appraisal of the development of al-Qaraḍāwī's thought on women's rights see ʿIZZAT 1999.

79 This concept has been developed by Deniz Kandiyoti in order to explain the active support of patriarchal structures by women. See KANDIYOTI 1988.

80 There exist an increasing number of studies on the topic that cannot be mentioned here in their entirety. For an overview of the history of Islamic Feminism see MOGHADAM 2002 and LATTE ABDALLAH 2010. For international activities deployed in this field see BADRAN 2013. For a critical feminist appraisal viewed from the Arab region see QARĀMĪ 2012.

81 See <http://www.aljazeera.net/programs/religionandlife/2008/6/18/> (accessed 28 June 2017).

all the more firmly defends what he defines as the core value of Islam, i.e. heteronormative marriage and the family. This is particularly clear from his position on female genital mutilation or, in his own words, female genital cutting (*ḫitān al-ināṯ*) as expressed in a booklet on the topic published in 2007.[82] The background to this publication was once more an international conference organised in 2006 at al-Azhar under the auspices of the Egyptian Minister of Religious Affairs, Maḥmūd Ḥamdī Zaqzūq, entitled 'Towards Abolishing the Violation of the Female Body' (*Naḥwa ḥaẓr intihāk ǧasad al-mar'a*). The conference was intended to back recent legal amendments on this highly contested issue that had been politicised since the 1990s.[83] In his booklet, al-Qaraḍāwī actually makes only slight concessions compared to earlier statements on the topic. Far from approving legal prohibition he concedes that, from an Islamic legal perspective, there are no irrefutable objections to prohibiting female genital cutting—even if he himself declares other methods like conscious rising more commendable for encouraging change. More importantly, al-Qaraḍāwī persistently frames the problem of female genital cutting as one of sexual morals and public health—thus deliberately omitting rights based approaches. He bases his arguments on Islamic law, more particularly on the notion of 'public interest' (*maṣlaḥa 'āmma*) to raise questions of health and social change.

Al-Qaraḍāwī's treatment of homosexuality, or, in his words, sexual deviance (*šuḏūḏ*), follows the same overall logic of sacralising and naturalising the conjugal generativity. Anti-homosexual arguments further help to categorically separate the sphere of intimacy and sexuality confined to the legitimate Islamic family from the realm of secular legal rights. At the same time, arguments about homosexuality are again intrinsically linked to questions of religious authority. Condemning *šuḏūḏ*, al-Qaraḍāwī simultaneously defends his pretense to controlling the interpretation Islamic law. Already the definition of homosexuality raises theological questions and hence possibly opens new spaces for competing forms of inner-Muslim politicisation of gender and sexuality. Al-Qaraḍāwī therefore categorically objects to any kind of accommodation of homosexuality based on (liberal) religious or biological determinism.

In an article analyzing al-Qaraḍāwī's view on homosexuality, Scott Kugle and Stephen Hunt argue that Islamic 'neo-traditionalist' homophobia is actually the expression of a perceived crisis of Muslim masculinity—with non-heterosexuality being seen as a threat to masculine identity and authority.[84] According to Kugle and Hunt, al-Qaraḍāwī defines homosexuality as sinful desire of individual Muslims and as a perversion that is part of a threat against Islam and social order inspired by the West. In equating the innate disposition to believe in God (enshrined in the semantics of the Arabic word *fiṭra*) with an inborn heterosexual orientation, al-Qaraḍāwī, according to the authors, at least implicitly equates

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82 al-QARAḌĀWĪ 2007. In transnational feminist circles, the wording of *Female Genital Mutilation* (FGM) or *Female Genital Cutting* (FGC) is contested (see for example MERRY 2009: esp. 127 ff.). While Egyptian women's rights activists and state led campaigns usually employ FGM, official documents and Islamic legal scholars use FGC or *ḫitān*. For the respective debates and campaigns in Egypt see TOLINO 2010.

83 For the background to this see TOLINO 2010. For women's rights activism in this field see AL-ALI 2000.

84 KUGLE & HUNT 2012.

homosexuality with unbelief. As far as Islamic tradition is concerned, the authors rightly stress that, contrary to the existing sources, al-Qaraḍāwī states that the sharia is clear and univocal, excluding from discussion any of the documented differences in opinion let alone alternative contemporary readings of sacred sources. At the same time, according to the authors, al-Qaraḍāwī 'misunderstands and distorts' the basic concept of 'sexual orientation'—thus referring to a term employed by Muslim gay activists who claim theological recognition for their sexual inclination.[85] The source Kugle and Hunt are analyzing is again an emission of the TV program *al-Šarīʿa wa'l-ḥayāh* broadcasted on Al Jazeera on June 7, 2006, under the title of 'Innate human nature' (*fiṭra*).[86] As usual, it is the host of the program, ʿAbd al-Ṣamad Nāṣir, who introduces the key terms for discussing the topic alternately labeled in Arabic as homosexuality (*miṯliyya*) or deviance (*šuḏūḏ*). These terms are: *fiṭra*, Islam, Islamic law, human rights as well as relevant psychological classification.

In general, during the emission, al-Qaraḍāwī advances rather predictable neo-conservative positions on the topic. He repeatedly states that innate human nature (*fiṭra*) as such is heterosexual and that therefore there cannot subsist any truly natural inclination or predisposition for being attracted to persons of the same sex. Al-Qaraḍāwī continuously slips from the Quranic terminology of *fiṭra* to the notion of nature *tout court* (*ṭabīʿa*) with the familiar biologistic connotations attached to it when he refers, for instance, to the make-up of the reproductive apparatus (*ǧihāz tanāsulī*) of men and women as a proof to the binary gender order and heterosexual attraction as fundamentals of human existence. According to al-Qaraḍāwī, homosexuality does not only contradict innate human nature but also jeopardises the common interest (*maṣlaḥa*). Acceptance of homosexuality in al-Qaraḍāwī's view inevitably leads to decadence and finally to the extinction of mankind altogether. Asked about the Islamic legal sanction for homosexuality, al-Qaraḍāwī classifies it as illicit sexual intercourse (*zinā*)—irrespective of the complexities of classificatory systems in traditional Islamic law.[87] Given the differences between the Sunni schools of law with regard to the concrete form and degree of punishment, al-Qaraḍāwī nevertheless recommends to dispense with mildness when choosing from them. Without further explication he asserts that female homosexuality (*siḥāq*) is to be punished less harsh than male homosexuality (*liwāṭ*).[88] Concerning homosexuals who repent and seek to overcome their 'degenerate' sexual inclination, al-Qaraḍāwī suggests offering help and assures his listeners of the clemency of 'us Muslims'. On the other hand, he insists on the especially reprehensible character of publicly exposing or propagating same-sex-relationships.

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85 Ibid.: 278.

86 See <http://www.aljazeera.net/programs/religionandlife/2006/6/7/> (accessed 28 June 2017).

87 On differences in the treatment of homosexual acts in traditional law see for example ALI 2006: 73 ff. On contemporary *fatāwā* see TOLINO 2016.

88 Literally *siḥāq* refers only to the same-sex act between women (tribadism), while *liwāṭ* literally refers to the anal intercourse, but from the context it seems that al-Qaraḍāwī is referring not only to the sexual act.

5. Conclusions

Given the central role played by marriage and heteronormative generativity in foundationalist arguments for and competition over religious authority, there is no room in al-Qaraḍāwī's version of neo-conservative Islamic discourse for conceiving of and recognising sexual rights. In his writings, al-Qaraḍāwī systematically treats the topic of homosexuality in connection with the central theme of his program of *wasaṭiyya* gravitating around the legitimate 'Islamic' family which actually proves to be a hybrid of national state sanctioned familism and a decontextualised ideal of sexual difference as an eternal 'cosmic' principle. Actually, while contributing itself to their politicisation, Islamic discourse constructs both family and sexuality as lying beyond the reach of (secular) politics. Naturalised and sacralised notions of marriage and sexuality thereby warrant a legitimate realm for religious authority to rise to legitimately speak in public. At the same time, Islamic discourse continuously and variously reconfigures the functionality of marriage and the family in reaction to changing social and political demands.

The opinions expressed by al-Qaraḍāwī in each of the cases discussed above, in spite of their adaptive pragmatism, all converge to foster the empowerment of religion to publicly claim authority over the realm of the private sphere, intimacy and sexuality. Seen from this angle, neo-conservative anti-homosexual attitudes are not necessarily and certainly not solely incited by transnational LGBTQI activism in the region nor are they exclusively targeted at activist groups or individuals. Rather, there exists a specific historico-political context that generates particular forms of ideological investment of the heteronormative conjugal family. At the same time, al-Qaraḍāwī's attitude on homosexuality as formulated during the respective TV emission analyzed above is not completely incompatible with what Kecia Ali has described as a 'don't ask, don't tell' policy of more compliant Islamic positions.[89] These kinds of connected yet shifting ideological fault lines do not allow for easy generalisations on Islam and homosexuality.

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89 ALI 2006: esp. 85-95.

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