

HOMOSEXUALITY AN ABERRATION

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PREFACE

Homosexuality is an unnatural and abhorrent act, and therefore, under Section 377 of the Indian Penal Code it is a punishable crime. On a Writ Petition filed by Naz Foundation (India) Trust, the Delhi High Court passed a judgment on July 2, 2009, overturning Section 377 of the IPC and legalizing consensual homosexual activities between adults, and suggesting amendment of the aforesaid section of the law. A batch of appeals was filed with the Supreme Court against this judgment. Although the All India Muslim Personal Law Board was not a party to the original writ petition filed in the Delhi High Court, it also filed an appeal in the Supreme Court in 2010 under a Special Leave Petition. After hearing the arguments, a Supreme Court bench consisting of Justice G.S. Singhvi and Justice S.J. Mukhopadhyaya, reserved its verdict on March 27, 2012, which was later pronounced on December 11, 2013 by Justice Singhvi, just one day before his retirement. The Judgment pronounced by Justice Singhvi held “that Section 377 IPC does not suffer from the vice of unconstitutionality and the declaration made by the Division Bench of the High Court is legally unsustainable. The appeals are accordingly allowed, the impugned order is set aside and the writ petition filed by Respondent No.1 is dismissed.” Naz Foundation, the Government of India and several others filed a review petition before the Supreme Court against the aforesaid verdict of December 11, 2013, which was dismissed by the Supreme Court on January 28, 2014.

Jamat-e-Islami Hind, from the very beginning, has been in the forefront in the movement against homosexuality. In 2009, after the judgment of the Delhi High Court, the Jamat along with representatives of other religious groups held a press conference and declared homosexuality to be a threat to the civilized society, which got a wide media coverage. After the Supreme Court Judgment of December 11, 2013, the Jamat again called a press conference jointly with the religious representatives of Hinduism, Sikhism, Jainism and Christianity, and lauded the Supreme Court for its verdict. Apart from these, the Jamat organized a public meeting on December 29, 2013, at India Islamic Cultural Center, New Delhi, in which leaders of various religious orders participated and in one voice spoke against homosexuality.

In this book, those arguments have been examined which are usually given in favour of homosexuality, and various aspects of the issue have also been discussed with all seriousness. It has been made very clear that this abhorrent act is against the human nature and that it causes disruption in the family life and human civilization, and hence it should never be made lawful in any civilized society. This write-up has already been published in the quarterly *Tahqeequat-e-Islami*, Aligarh, of January-March 2014, and because of its beneficence and to reach a wider audience, this is now being published in the form of a book.

Along with it, another write-up of Moulana Syed Jalaluddin `Umri, President, Jamat-e-Islami Hind has also been included, which is actually the speech he delivered on December 29, 2013, at the public meeting held at the India Islamic Cultural Center, New Delhi; the speech has

been suitably modified for inclusion in the book. At the end of the book, a few excerpts pertaining to the topic from the renowned exegesis of the Holy Quran, *Tafheem al-Quran*, rendered by late Moulana Syed Abul Aala Moududi, have also been included.

It is fervently hoped that the various writings in the book will be helpful in understanding the real issue behind homosexuality; its abhorrent nature; and bring out to the fore the stand of Islam vis-à-vis homosexuality.

I pray Allah to make the beneficence of this book wider and wider and grant me a suitable reward for my humble efforts. Amen!

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HOMOSEXUALITY: A REVOLT AGAINST NATURE

The Meaning of Homosexuality

Today, among those deviated sexual behaviors which have become very popular on the international level, and rather which are being fomented under a deep conspiracy and in whose favour field is being prepared and efforts are being made to get them legal backing, is the most abhorrent behavior which is known as "Homosexuality." This word is made up of two words: a Greek word "homo" meaning "same," and a Latin word "sexus" meaning "fulfillment of sexual desire." Homosexuality means any person, man or woman, having a tendency to direct sexual desire toward another of the same sex and fulfilling his or her sexual desires through such a person.

Homosexuality: A Notion and a Philosophy

Nature has bestowed every living creature with a particular way of life. Hence, from the very beginning of the creation the living creatures have been following their set natural ways of life and have not deviated from them even to a hair's breadth. However, since the human species has been bestowed with a limited freedom of choice, some of its members have misused this freedom and have deviated from their natural way of life; such a deviation is also found in the way some of them fulfill their sexual desires and cravings. In certain periods of human history, mention has been made of some persons who used to fulfill their sexual cravings from persons of

same sex. But in every age such persons were always looked down with abhorrence and their action was always considered a most outrageous act; it is rather an insult to the finer human sensitivities and hence was always discouraged in every possible way. Therefore, till the end of 19th Century A.D., almost every country of the world considered homosexuality as a punishable crime with imprisonment, and in some of the countries the punishment was death.

In the West, in the background of the peculiar situation that it had to face, when the movements for the so-called liberty, equality and human rights were gaining strength, they affected many social ethos and values and their foundations started to get weakened. It is argued that man is born free and that he is master of his will; and that imposing restrictions on his thoughts and actions is obliterating his right to freedom of thought and action; and that treating a person having different view and attitude from others with prejudice and bias is against the right to equality. In the West, homosexuality is considered a behavior rather than a wrong-doing, and to prove their point, arguments have been proffered from philosophy.

Homosexuals have been divided into four groups:

1. **Lesbian:** A woman who is sexually attracted to other women: a female homosexual.
2. **Gay:** A man who is sexually attracted to other men: a male homosexual.
3. **Bisexual:** A person, whether man or woman, who is sexually attracted to both males and females. A scale called Kinsey Scale (named after its inventor Alfred

Kinsey) is used to describe a person's sexual experience or response at a given time. It uses a scale from 0, meaning exclusively heterosexual, to 6, meaning exclusively homosexual; people who rank anywhere from 2 to 4 are often considered bisexual.

4. **Transgender:** Persons who are born with typical male or female anatomies but feel as though they have been born into the "wrong body." For example, a person may have typical female anatomy but would feel like a male and conversely a person may have typical male anatomy but would feel like a female; such persons may dress and act as male or female, and sometimes try to change their gender by injecting hormones or electing to have sex reassignment surgeries.

LGBT is the abbreviated form which is used to refer to the above four groups. Members belonging to these groups are considered a community and their deviated sexual urges having been declared natural, campaigns have been organized and are being organized in their favour and laws have been and are being legislated to remove discrimination and secure them equal rights.

Campaign of the West

Homosexuality was considered an abhorrent act by people and all the countries of the world had enacted laws against this act prescribing severe punishments. Therefore, homosexuals always used to hide their deviated sexual orientations and were not bold enough to openly manifest them. However, at the end of the 19th Century, opinion in their favour began to be cultivated.

At the first stage, commitment of homosexual act was removed from the list of the crimes liable for punishment. Hence, at the beginning of the first half of the 20th Century, many Western countries brought in amendments in their criminal laws and punishment for homosexuality was struck down. At the second stage, the members of the LBGT community began to organize themselves on public level. Towards this end, they launched protests on prearranged dates in public places and called them "Pride Parades." They also organized conferences through which they raised the issue of their rights. Homosexuals were considered ineligible to serve in the government, administration and armed forces; but with their concerted efforts and pressure their rights were recognized and they were declared eligible for every kind of job. Hence, persons serving in the government, armed forces, judiciary, legislature, administration and every other sector who were homosexuals began to emerge and openly declare their preference for homosexuality and never ever felt any shame and indignity for such an admission or exposure. At the third stage, laws were framed under "Partnership Acts" under which, as the heterosexuals live as husband and wife after marriage, the homosexuals have also been permitted to register themselves as husband and wife and on that basis claim the rights of property, inheritance, immigration, tax and social security. Homosexual couples have also been given the right to adopt children.

Homosexuality in India

India is one of the countries where homosexuality is considered a disgusting sexual act from the very ancient times. Hence, when laws were framed, it was included in

the list of crimes which are punishable. Under Section 377 of the Indian Penal Code promulgated in 1861, homosexuality (sex with persons of same gender) was made punishable under law; the punishment can be imprisonment for 10 years or for life.

When the mood about homosexuality began to change at the international level, its effects were also felt in India, and voices were raised from different quarters for removal of acts of homosexuality from the list of crimes and making them lawful under the law. The United Nations also urged the Government of India to repeal Section 377 contending that it would help the fight against HIV/AIDS. The Law Commission of India, in its report of 2000, also recommended repeal of this Section. The movement got the boost when in December 2002, the Naz Foundation (India) Trust, a social organization, filed a Public Interest Litigation (PIL) challenging Section 377 IPC in the Delhi High Court. When the Delhi High Court dismissed this PIL in 2004, the Naz Foundation filed an appeal in the Supreme Court, which returned the PIL to the Delhi High Court for reconsideration. Thereafter, many ways and means were adopted to influence the decision of the Court. On the one hand, some of the influential personalities of different strata of the society issued statements supporting acts of homosexuality, and on the other different Ministers of the Government issued statements that repeal of this Section was under serious consideration of the Government and that different methods were being adopted to rally the public opinion. On the third front, demonstrations were organized in bigger cities like, Delhi, Bangalore, Calcutta, Chennai, Mumbai, etc. in the guise of Gay Pride Parades. Ultimately, on July 2, 2009, the Delhi High Court gave

legal legitimacy to homosexuality by declaring Section 377 as being unconstitutional.

The supporters of homosexuality were overjoyed with this decision and they spurred their activities even further. The first on-line LGBT magazine titled "Pink Page" began its publication, and "Bombay Dost" another hard-copy gay magazine commenced its circulation again. LGBT Pride Parades were organized in many States.

However, different religious organizations and social groups of the country filed an appeal in the Supreme Court of India against the verdict of the Delhi High Court. After hearing the arguments of the opposing parties, the Supreme Court reserved its judgment on March 27, 2012. It pronounced the judgment on December 11, 2013, setting aside the judgment of the Delhi Court and pronouncing that there is no need to repeal the aforesaid Section 377 of IPC and that homosexuality shall remain a crime punishable under the law. The Supreme Court also expressed its views that legislating laws is the duty of the Government; if the Government wants it could pass a law in the Parliament repealing Section 377. This judgment has thrown the door wide open for discussions; arguments and counter-arguments are being proffered on the subject since then.

Is Prohibition of Homosexuality against Human Rights?

The proponents of homosexuality vehemently argue – this was also expounded by the Hon'ble Chief Justice of the Delhi High Court – that prohibition on homosexuality violates an individual's fundamental rights to equality before the law, freedom from discrimination, and protects from encroachment on life or personal liberty which have

been guaranteed by the Constitution of India. Article 14 of the Constitution guarantees the Right to Equality before law, i.e. the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. Article 21 guarantees protection of life and personal liberty, i.e. no person shall be deprived of his life or personal liberty except according to procedure established by law, while Article 15 prohibits discrimination on grounds of religion, race, caste, sex or place of birth. However, the truth is that prohibition of homosexuality cannot be considered as contrary to the human fundamental rights. No person is given absolute freedom in a civilized society; rather he has to follow and observe the exclusive standards and established practices of the society. For example, if a person were to come out of his house nude and visit public places, and when objected to say that it is his right to do so, it would never be accepted as his right and he would be prevented from this shameful act. In such a situation, it is not correct to refer to his rights of equality and discrimination, because except for stopping him from committing such a disgusting act, his other human rights are not usurped nor is he despised and scorned as a human being.

Wrong Concept of Mutual Consent/Consensual Sex

Another argument proffered is: what harm is done if two persons have sexual relationship with mutual consent, and this relationship with mutual consent could be between two persons of different sex or the same sex. As there is no prohibition on consensual sex between persons of different sex and it is not considered punishable under law, similarly there should not be any prohibition on consensual sex between persons of same sex.

This concept of mutual consent cannot be made acceptable in a civilized society; rather this would be tested on the barometer of established societal practices, laws and regulations whether it is causing disruption in the disposition of the society and whether the bindings of the society are getting ruptured. This can be explained further with an example: An act of corruption is committed by the mutual consent of two persons, but still it is considered a crime and if caught in the act it is punishable under the law, because if allowed freely it will cause widespread plunder, deceit and negation of people's rights resulting in the entire society falling into the grip of anarchy and chaos. Similarly, exchange of dowry seems to be with mutual consent, but still it is prohibited and different laws have been promulgated to abolish the dowry system from the society; all other such wrongs can similarly be compared. To provide legality to a wrong, it is not enough to argue that it has been committed by the mutual consent of two persons or two groups.

Is Homosexuality Genetic and Congenital?

It is said that homosexuality is genetic and congenital, that it is determined during the course of the pregnancy itself, and that certain genes present in the human body are responsible for it, because these are the genes that determine and formulate the behavior, mental composition and temperament of a person. This could be correct to a certain extent. However, it is also an accepted fact that the behavior of man's genetic code is influenced by the societal environment and life's experiences and that the changed environment influences the actions or inactions of the genes.

Suppose if we agree with the aforesaid argument, still to safeguard the society from its bad influences we cannot permit such a mentality to cultivate and propagate in the society. For example, it is claimed that some persons have the genes which encourage them to kill, engage in terrorism or commit suicide. But the society does not allow such person freedom to kill, terrorize or commit suicide, and persons committing such crimes are not excepted from prosecution and punishment.

Is Homosexuality a Psychiatric Disorder?

Earlier, homosexuality was used to be considered a psychiatric disease or disorder. When the American Psychiatric Association published its booklet, *Diagnostic and Statistical Manual of Mental Disorders*, in 1952, homosexuality was included in its list of psychiatric disorders; however, when seriously objected to, it was removed from it. The World Health Organization too included homosexuality as a psychiatric disorder in its report ICD-9. But on the recommendation of the report (ICDE-10) of the 43rd World Health Assembly held in 1990, this was removed from the list of psychiatric disorders. Same thing happened in China too. In 1966, the Chinese Society of Psychiatry included homosexuality in the list of psychiatric disorders; after five years it excluded it from the list. It is clear from this that listing homosexuality under psychiatric disorders and then removing it from the list was because of mounting pressure from the growing number of homosexuals throughout the world. Homosexuality should be considered as a psychiatric disorder and attention should be paid to treat homosexuals, and if this disorder is

noticed in the childhood, it should be considered as genetic or congenital and suitable remedial measures should be adopted.

For example, some children are born with various defects; some might have extra fingers or toes; some might have cleft lips and/or palates; some might have large or smaller heads; some might have malformed ears; some might have growth problems because of imbalance of hormones. In all such cases, children are not left alone to fend for themselves by claiming that they are born as such; rather they are medically or psychologically treated and are made capable of leading a normal life. Similarly, if it is claimed that some people are born with homosexual tendencies or defective sexual organs or orientations, they should be suitably treated considering such defects or tendencies as congenital abnormalities, and such tendencies should not be allowed to grow and propagate by promulgating laws in their favour.

Homosexuality: a Revolt against Human Nature

Homosexuality is a revolt and a declaration of war against human nature. From the very beginning of the Creation, law of pairing is found working in all the creations of the Universe. This rule is not only found working in the living things but in non-living things too. Even atom, which is a basic unit of matter, is composed of positively charged protons and electrically neutral neutrons. In every living species this pairing is based on difference of sex, which ensures regeneration and survival of the species; for these purposes alone opposite sexes are attracted to each other and from the act of copulation between opposite sexes the process of regeneration takes place.

Similarly, to ensure its survival, the human species is made up of males and females. Males and females have been created, both physically and mentally, in such a fashion that they are naturally attracted to each other. Copulation between them results in the continuation of their future generation; the enjoyment and pleasure that the couples get out of this copulation acts as an inducement and a reward. A person, who tries to get this enjoyment by having sex with a person of the same sex, actually commits rebellion and declares war against human nature. Nature has created sexual pleasure and enjoyment in living beings to ensure the perpetuity of the respective species, and if a person without fulfilling this objective just tries to derive enjoyment through the sexual act, is a rebel. Such a rebellion adversely affects him and his partner both physically and psychologically, because he wants to use their respective bodies for the work for which they have not been created.

Homosexuality: A Cause for Ruination of Family and Civilization

When a man and a woman live together as husband and wife according to the customs of the society, a family comes into being, offspring are born, new bonds of kinship develop, and a society is formed where every person contributes for the development and uplift of the society. But homosexuality strikes at the very root of the family, because the natural way of creating a family is disrupted. A homosexual by refusing to marry a person of opposite sex shirks from his responsibility to contribute in the perpetuity of his species and tries to escape from establishing the basic unit of the society – the family –

and serving its constituents, i.e. members of the family. He reaps all the benefits and advantages from the society, but does not want to take the responsibility in its cultivation and development. Abutment and encouraging homosexuality is nothing but helping destruction of the institution of family which eventually results in the dismemberment of the society.

The homosexuals demand that they be permitted to marry each other and consequent upon such marriage they be given all the privileges that married heterosexual couples get from the society. Acceptance of this demand means an assault on the institution of marriage and diminishing its prominence. Some of the countries have accepted their demands and they have been given all the rights and privileges that are given to heterosexual married couples. In these countries, the institution of marriage has lost its importance. The society is breaking up; people meet each other on the basis of material benefits, have sex with each other, live together as long as they want and then go their separate ways. Unrestricted freedom, bondage to sexual desire and monetary gains has turned their society into an animal enclosure.

Homosexuality: A Grave Danger to Public Health

One of the great harms caused by homosexuality is that it endangers the public health. Though the people who are involved in this act are commonly affected by it both physically and psychologically, they also affect the people who live with them or come into contact with them.

It has been revealed by a survey conducted in the eighth decade of the last century (20th century) that the average age of homosexuals was 50 years which is less by 20

years of the average age of the population. In another survey conducted in 2002, the difference between the ages has been found to be 30 years.

Homosexuality brings in its wake many contagious and non-contagious diseases such as hemorrhoids, anal fissures, anorectic trauma, anal cancer, syphilis, gonorrhoea, hepatitis B & C, and various other venereal and non-venereal diseases, which are most likely to affect all those persons who generally come into contact with the homosexuals. Homosexuality is also one of the causes of the dreaded disease AIDS, which has become an epidemic of international proportion. Millions have died from AIDS and millions are suffering from it. In spite of tremendous advancement in medicine, a satisfactory cure for this disease is yet to be discovered. According to the survey reports, homosexuals are more prone to contract AIDS than normal people and, therefore, blood donations from homosexuals are not accepted in all the countries of the world.

For some time now the United Nations is putting in great efforts and adopting various methods in almost all the countries of the world to curtail and arrest the spread of AIDS. These efforts are showing some positive results and the number of people suffering from AIDS is coming down day-by-day. However, at the same time, reports show that the number of homosexuals contracting HIV/AIDS is on the increase. UNAIDS, the UN organization working to control spread of AIDS on global level, says very clearly in its 2013 report that:

“Although the incidence of HIV infection is declining in most regions of the world, the

incidence among men who have sex with men appears to be rising in several places - including in Asia, where this mode of transmission is a major contributor to the HIV epidemics of several countries. Globally, men who have sex with men are estimated to be 13 times more likely to be living with HIV than the general population".¹

Homosexuality: A Conspiracy of Capitalist Imperialism

The question that arises is why homosexuality is being encouraged throughout the world, if it is so dangerous to the society and its effects are so horrific on the human population. More than 100 countries of the world have removed homosexuality from the list of punishable crimes, and laws are being framed to give homosexuals legal protection and every kind of facilities and privileges.

The answer is very apparent. Today, the world is dominated and ruled by capitalists, and policies are often framed on their instructions. The policies that are profitable to them are encouraged and those which are non-profitable are abandoned or discouraged. Today, homosexuality has become a sort of global industry; large resorts have been established for the homosexuals in various countries; they have their own Gay Clubs; gay literature is being issued on a very large scale; quite often LGBT Pride Parades are held in different parts of the world; and many other programs for their enjoyment are held without any let or hindrance. The capitalists have invested billions and trillions of dollars in this industry and they want homosexuality to grow so that their investments could also grow and bring in more and more profits.

All Religions are against Homosexuality

Because of the aforesaid destructive and injurious effects of homosexuality, all the religions of the world oppose it and consider it a crime against humanity. Since homosexuality has obtained the position of an epidemic in the European Christian societies, (even it has affected the clergy of the Christian Church) the followers of Christianity have a soft corner for it; however, according to their religious books, homosexuality is unlawful in Christianity. All major religions of India – Hinduism, Jainism, Sikhism, etc. – are also unanimous in the unlawfulness of homosexuality. According to a report of the United Nations, 76 countries of the world have declared homosexuality as a crime punishable with death. Most of these countries are Muslim countries; the remaining are those whose majority of the population follow religions other than Christianity.

The stand taken by Islam about homosexuality is very clear. It has censured it in the strongest terms, has taken preventive measures to root it out and has promulgated exemplary punishments for its perpetrators. More details are given in the following pages.

Islamic Perspective about Sex

Islam proclaims that Allah has created everything in pairs (The Quran, 51:49). This law of pairing is found not only in human species but also in plants and animals. The purpose of this pairing is procreation and thus assure perpetuity of respective species. The Holy Quran says:

سُبْحٰنَ الَّذِيْ خَلَقَ الْاَزْوَاجَ كُلَّهَا مِمَّا تُنْبِتُ الْاَرْضُ وَمِنْ اَنْفُسِهِمْ وَمِمَّا لَا
يَعْلَمُوْنَ ﴿٣٦﴾

(سورة: ٣٦)

Glory to Allah, Who created in pairs all things that the earth produces, as well as their own (human) kind and (other) things of which they have no knowledge.

(The Quran, 36:36)

فَاَطِرُ السَّمٰوٰتِ وَالْاَرْضِ جَعَلَ لَكُمْ مِنْ اَنْفُسِكُمْ اَزْوَاجًا وَمِنْ الْاَنْعَامِ
اَزْوَاجًا يُدْرِكُوْكُمْ فِيْهَا

(الشورى: ١١)

The Creator of the heavens and the earth: He has made for you pairs from among yourselves, and pairs among cattle: By this means does He multiply you.

(The Quran, 42:11)

While Islam says that one of the objectives of sexual desire and gratification is cultivation of love between the couples and relaxing in each other's company, it stresses on its other more important objective which is procreation. The Holy Quran has very clearly instructed to achieve this objective. It declares:

بٰشِرُوْهُنَّ وَابْتَغُوا مَا كَتَبَ اللّٰهُ لَكُمْ. (البقرة: ١٨٤)

Copulate with them, and seek what Allah has ordained for you.

(The Quran, 2:187)

Explaining the above verse, the eminent scholar, `Allama Zmakhshari, writes: "Do not copulate just for sexual gratification, but always keep in mind the objective for which Allah has permitted marriage, and i.e. procreation."²

Another eminent scholar, `Allama Aaloosi, says: "It is proved from this verse that the primary intention of the person who establishes sexual intercourse should be procreation, and not just sexual gratification. Because, Allah has placed within us the sexual cravings for the survival of our species, as He has placed the craving to eat for the survival of our bodies."³

In another place, the Quran says:

نِسَاؤُكُمْ حَرْثٌ لَّكُمْ فَأَتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ وَقَدِّمُوا الْأَنْفُسَ كُمْ-

(البقرة: ۲۲۳)

Your wives are as a tilth unto you so approach your tilth when or how you will:

But take care of your future.

(The Quran, 2:223)

Expounders of the Holy Quran have interpreted the last portion of the aforesaid verse

وَقَدِّمُوا الْأَنْفُسَ كُمْ

variously and one of it is that here it has been instructed to seek offspring from the acts of copulation.⁴

The Evil Behaviour of the People of Lot: A Warning to Others

In the Holy Quran, mention has been made of a people towards whom Lot (peace be upon him) was sent as a Prophet of Allah. These people were involved in many evil practices including idol-worship and polytheism; one of the major evils practised by them was homosexuality. Prophet Lot (peace be upon him) not only preached monotheism amongst them, but also exhorted them to desist from all evil practices. He particularly censured

homosexuality and warned them of its evil and disastrous consequences. The Holy Qur'an quotes him:

وَلَوْطًا إِذْ قَالَ لِقَوْمِهِ أَتَأْتُونَ الْفَاحِشَةَ مَا سَبَقَكُمْ بِهَا مِنْ أَحَدٍ مِنَ الْعَالَمِينَ ﴿٨٠﴾ إِنَّكُمْ لَتَأْتُونَ الرِّجَالَ شَهْوَةً مِنْ دُونِ النِّسَاءِ بَلْ أَنْتُمْ قَوْمٌ مُّسْرِفُونَ ﴿٨١﴾

Do you commit lewdness such as no people in creation (ever) committed before you?

For you practise your lusts on men in preference to women: you are indeed a people transgressing beyond bounds.

(The Quran, 7:80-81)

أَتَأْتُونَ الذُّكْرَانَ مِنَ الْعَالَمِينَ ﴿٨٠﴾ وَتَذَرُونَ مَا خَلَقَ لَكُمْ رَبُّكُمْ مِنْ أَرْوَاجِكُمْ بَلْ أَنْتُمْ قَوْمٌ عَادُونَ ﴿٨١﴾

(الشعراء: ١٦٦-١٦٥)

(٨١)

Of all the creatures in the world, will you approach males, and leave those whom Allah has created for you to be your mates? Nay, you are a people transgressing (all limits)!

(The Quran, 26:165-166)

There was no effect of Prophet Lot's remonstrations on his people and they continued with their abominations and unnatural sexual practices and other sinful activities. However, when Prophet Lot kept on warning and admonishing them, they even threatened to evict him from their cities and towns: "*But his people gave no other answer but this: they said: 'Drive out the followers of Lot from your city; these are indeed men who want to be clean and pure.'*"

(The Quran, 27:56)

At last, when in spite of repeated warnings, admonitions and remonstrations, the people of Lot did not repent and

give up their abhorrent activities and when every effort to bring them to the right path failed, a decree from Allah was issued and they were completely obliterated from the face of the earth. The details and the kind of punishment meted out to the people of Lot has been mentioned in different chapters of the Quran; in Chapter 11, it is stated:

فَلَمَّا جَاءَ أَمْرُنَا جَعَلْنَا عَالِيَهَا سَافِلَهَا وَأَمْطَرْنَا عَلَيْهَا حِجَارَةً مِّن سِجِّيلٍ

مَنْضُودٍ ﴿٨٢﴾ مُسَوَّمَةً عِنْدَ رَبِّكَ وَمَا هِيَ مِنَ الظَّالِمِينَ بِبَعِيدٍ ﴿٨٣﴾ (هود: ٨٢-٨٣)

When Our decree issued, We turned (the cities) upside down, and rained down on them brimstones hard as baked clay, spread, layer on layer - marked as from thy Lord; nor are they ever far from those who do wrong!

(The Quran, 11:82-83)

The people of Lot had settled in the cities of Sodom, Gomorrah, Admah, Zeboim and Bela lying on the south-east of the Dead Sea. This territory was very fertile, but it was destroyed and became so desolate from Allah's wrath that, even though centuries have passed to this horrible incident, it never regained its formal glory and fertility and has remained even today desolate and bereft of any vegetation or human habitations. Moulana Hifzuddin Sewharawi explaining this verse writes:

"The place where now the Dead Sea or the Sea of Lot is located, is the place where the cities of Sodom and Gomorrah were situated. The people who now live in the nearby territories believe that the area which now is part of the sea, was once a piece of dry land where proper cities had been established; among them were the cities of Sodom and Gomorrah. This area was not part of the sea in the beginning. But when Allah's wrath came forth

and that area was turned upside down and was subjected to very severe tremors of earthquake, the entire tract of land was submerged nearly 400 meters under the sea and was covered by water. Hence, it is known as the Dead Sea or the Sea of Lot."⁵

The scholars of the Holy Quran have given two explanations of the last part of the aforesaid Verse: "*Nor are they ever far from those who do wrong.*" One is that the aforesaid cities of Sodom and Gomorrah are not far from the city of Makkah (whose inhabitants at that time continued to persecute and oppress Muslims), and the second is that as the people of Lot were eventually punished and brought to a horrible end for their abominable practice, every other nation or people who also indulge in such abnormal and unnatural sexual practices will not be far away from being meted out such a horrible punishment. `Allama Ibn Katheer writes:

"Any people who indulge in such evil activities as the people of the Lot had indulged in are likely to get punished in the way they were punished."⁶

Hazrat Ibn `Abbas (may Allah be pleased with him) opines:

"It means that those who indulge in such activities as they had indulged in, it is likely that they would also be punished in the same manner."⁷

`Allama Baidhawi says:

"In it there is an admonition for every person who indulges in such an evil act."⁸

Remonstrations of Prophet Muhammad (peace be upon him)

The abhorrence with which Islam views homosexuality can further be gauged from the following Sayings of Prophet Muhammad (peace be upon him):

Hazrat Abdullah bin `Abbas narrates that once the Prophet of Allah while talking about those who indulge in various major sins said that Allah the Almighty has cursed them all; among these sinners he also mentioned about those who indulge in homosexuality and said: "Allah's curse is on the person who acts as the people of Lot (had acted)."⁹ It is narrated that the Prophet repeated this three times whereas he mentioned about the curse of Allah on other sinners just once.

There is another Saying narrated by Hazrat Abdullah bin `Abbas in which the Prophet of Allah instructed: "If you find a person committing the act of the people of Lot (i.e. homosexuality), kill both the active and passive partners."¹⁰

It is reported by Hazrat Abu Huraira that the Prophet of Allah instructed about those who indulge in homosexuality: "Stone to death both the person who is astride and the person who is beneath."¹¹

Hazrat Abdullah bin `Abbas reports that the Prophet of Allah said: "Allah shall not look at the person who fulfills his sexual desires through the rear-end of a man or a woman."¹²

The Islamic canonical law is so sensitive and strict in this respect that it does not even allow a man to look at the private parts of another man, or a woman to look at the private parts of another woman. It also does not allow a man to sleep with another man naked wrapped under a single sheet of cloth, and likewise a woman with another woman. Hazrat Abu Sayeed Khudri reports that the Prophet of Allah said in this regard:

"Neither a man should look at the genitals of another man, nor a woman should look at the genitals of another woman; neither a man should lie with another man (naked) covered with just a single sheet of cloth, nor a woman should lie with another woman (naked) covered with a single sheet of cloth."¹³

Explaining the above Saying, Shah Waliullah Muhaddith Dehelvi writes:

"The reason for prohibition on looking at the private parts (genitals) is that it excites the lecherous desires. Sometimes lecherous desires crop up between women and women and so also between men and men. The reason for prohibiting a man lying naked with another man and a woman lying naked with another woman covered just by a single sheet of cloth is that there would be a greater possibility of excitement of lecherous feelings and desires and it is feared that it might lead to lesbianism and homosexuality."¹⁴

Viewpoint of the Islamic Jurists

Majority of the Islamic jurists are of the opinion that the punishment for homosexuality and lesbianism is the same as is meted out to the act of fornication, i.e. married man/woman would be stoned to death and unmarried man/woman would be whipped, because in the Holy Quran the act of fornication has been defined as a "shameful deed" (17:32) and so also homosexuality (7:80). However, there are differences in the specifics.

Imam Abu Hanifa is of the opinion that homosexuals shall be punished as per the criminal laws. Imam Abu Yousuf and Imam Muhammad say that they shall be punished with the punishment fixed for the act of fornication; however, the unmarried man shall be executed if he keeps on indulging in the act repeatedly. The Malakis are of the opinion that homosexuals shall be stoned to death whether married or unmarried. The Shafiis say that the punishment prescribed for fornication shall be decreed against the homosexuals; one of their opinions is that homosexuals shall be executed whether married or unmarried. According to Imam Ahmed, the homosexuals shall be punished with the punishment fixed for fornication.

As regards lesbians, Jurists are unanimous that relationship between a woman with another woman to attain sensual pleasure is strictly prohibited. However, lesbians are not subjected to the punishment fixed for fornication; they are subjected to criminal laws.

Responsibility of a Civilized Society

From the above- details, it is quite apparent that homosexuality is disasterous for any society. It is a rebellion against human nature and a declaration of war against it. Homosexuals are not the ones who alone are afflicted with fatal and incurable diseases; rather the general health of the society faces innumerable problems. Moreover, the foundations of the family life are weakened and the bindings of the civilization are ruptured. Hence, it is the responsibility of the intellectuals of the society to try to build a bund before this evil torrent. It cannot be provided with legal justification pleading the principles of personal liberty, equality and indiscrimination. Propagation of homosexuality and demands to legalize it is a well-planned conspiracy of the Western imperialism; it is to be defeated if the society is to be kept in an upright and clean state.

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HOMOSEXUALITY: ISLAMIC POINT OF VIEW

[An edited version of the presidential speech delivered by Moulana Syed Jalaluddin Umri at the Public Meeting held on December 29, 2013, at India Islamic Cultural Centre, New Delhi.]

At the outset, I would like to express my happiness over the presence of representatives of Hinduism, Christianity, Sikhism and Jainism, at this august gathering.

All Religions are Unanimous about the Illegality of Homosexuality

People usually join hands to fight elections and to acquire political power; even those parties band together who are not ideologically related to one another. But, it is a tragedy that in this country, which is considered as a cradle of different religions, the followers of these different religions come together only on some issues. I am happy to note that we are united on one important issue. We want to tell the entire world and our country too that homosexuality is not considered right in any of the religions and that no religion permits it. Some persons are of the opinion that the attitude of Islam in this respect is very harsh. But every religion, which has expressed its view on homosexuality, has condemned it as a most abhorrent act and has declared it as a sin and a crime.

The High Court Judgment was Delivered under the Influence of the West

Friends! Our country is under the influence of the West. In the judgment delivered by the Supreme Court on the appeal filed against the High Court Judgment, the part that I liked the most was its comment that the High Court judgment had been delivered under the influence of the West. Since there is a general trend in the entire world that man should have freedom as far as his sexual orientation is concerned, the judgment was delivered under the influence of this trend entirely ignoring our traditions.

Difference between the Past and the Present

Some say that homosexuality was prevalent in the past ages too, and that people used to indulge in homosexual acts. Although this is correct, but there are two differences. One is that only a few persons used to occasionally indulge in this act; it had never become a permanent feature of human life. Similarly, children were used to be abused earlier by young and old and are abused even today; but earlier it used to happen occasionally. Prophet Lot, admonishing his community, who practised homosexuality on a regular basis, had said:

إِنَّكُمْ لَتَأْتُونَ الْفَاحِشَةَ مَا سَبَقَكُمْ بِهَا مِنْ أَحَدٍ مِنَ الْعَالَمِينَ ﴿٢٨﴾

(العنكبوت: ٢٨)

You do commit lewdness, such as no people in Creation (ever) committed before you. (The Quran, 29:28)

It does not mean to say that no one had committed this act before the people of Lot. Rather, it means that no people

before them had adopted homosexuality and lesbianism as a permanent feature of their way of life, and had never before them asserted and declared that men would live with men and women with women as married couples.

Homosexuality is an Abhorrent Act

Another thing stressed upon by Prophet Lot is that homosexuality is an abhorrent and shameful act; and indeed it is an abhorrent and shameful act. No one in his right mind can claim this to be a decent and hygienic act; it causes spread of dreadful diseases. The Holy Quran says that if you indulge in this abhorrent act, you will be ruined. Prophet Lot draws attention of his people to the natural sexual orientation through which they were supposed to gratify their sexual desires and cravings; he said:

يَقَوْمِ هَؤُلَاءِ بَنَاتِي هُنَّ أَطْهَرُ لَكُمْ (هود: ٤٨)

O my people! Here are my daughters: they are purer for you. (The Quran, 11:78)

It does not mean to say that Prophet Lot was offering his own daughters to his people in place of the angels who had come to him in the guise of handsome young men to fulfill their perverted sexual urges. On the contrary, a prophet is considered a father-figure for his people and the women-folk are considered to be like his daughters. What Prophet Lot said was how could you commit such an abhorrent act in spite of you having women-folk as your spouses. But, instead of listening to the good advice of Prophet Lot, his people decided to expel him and his followers:

وَمَا كَانَ جَوَابَ قَوْمِهِ إِلَّا أَنْ قَالُوا أَخْرِجُوهُمْ مِنْ قَرْيَتِكُمْ إِنَّهُمْ أَنَاسٌ
يَتَّبِعُونَ ﴿٨٢﴾

(الأعراف: ٨٢)

And his people gave no answer but this: They said, "Drive them out of your city; these are indeed men who want to be clean and pure!"
(The Quran, 7:11)

A similar situation exists even today. Those who oppose homosexuality are sarcastically termed as those who are "clean and pure" and are ridiculed and even threatened.

Espousing Homosexuality is Inviting Allah's Wrath

Although the people of Prophet Lot were plagued with many evils, their worst evil was homosexuality, because of which Allah sent down on them his chastisement; stones were rained on them from the sky and they were completely obliterated from the face of the earth. Thus, it can be derived from this historical event that espousing homosexuality results in inviting Allah's wrath. Our silence in the matter will be a great disservice to our country and countrymen. We also have to play the part that Prophet Lot played at his time and awaken our countrymen to the threat that homosexuality poses to our society both materially and spiritually.

Islamic Viewpoint

Man has sexual urge; no one can deny it. However, Islam has taught man the way to fulfill this urge and has prohibited all other ways to fulfill it. The Holy Quran states that there are two objectives of this urge: one is that man can achieve peace and tranquility in his personal life;

the other is the survival, continuation and spread of man's progeny. At the time of solemnization of marriage, one of the Verses of the Holy Quran that is recited is as follows:

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا
رُؤُسَهُمْ وَبَثَّ مِنْهُمُ رِجَالًا كَثِيرًا وَنِسَاءً
(النساء: 1)

O mankind! Reverence your Guardian Lord, Who created you from a single person, created, of like nature, his mate, and from them twain scattered (like seeds) countless men and women.
(The Quran, 4:1)

In another place, the Holy Quran says:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا
(الرود: 21)
And among His Signs is this, that He created for you mates from among yourselves, that you may dwell in tranquility with them.
(The Quran, 30:21)

From the above, it can be gathered that there are two objectives of marriage: one is to achieve tranquility and the other is to scatter the progeny, i.e. procreation; these two objectives should be achieved. It should be remembered that it is impossible to achieve tranquility by fulfilling just the sexual urge without achieving the objective of procreation; both are linked together. The Holy Quran warns that those who seek just sexual pleasures, heterosexually or homosexually, ignoring the second objective of procreation, are eventually destroyed. To achieve the above two objectives, the Holy Quran specifies that there should be no impediments to fulfill the sexual urge lawfully, that no man or woman should be allowed to lead a solitary and unmarried life, and that the Islamic state should help those who are financial weak to marry. The Holy Quran instructs:

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ ۚ إِن يَكُونُوا
فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ ۗ وَاللَّهُ وَاسِعٌ عَلِيمٌ ﴿٣٢﴾ وَلَيْسَتَغْفِبِ الَّذِينَ لَا
يَجِدُونَ نِكَاحًا حَتَّىٰ يُغْنِيَهُمُ اللَّهُ مِنْ فَضْلِهِ

(النور: ٣٢-٣٣)

Marry those among you who are single,¹ and the virtuous ones among your slaves, male or female: If they are in poverty, Allah will give them means out of His Grace; for Allah encompasses all and He knows all things. Let those who find not the wherewithal for marriage keep themselves chaste, until Allah gives them means out of His Grace.

(The Quran, 24:32)

According to the aforesaid Verse it is the responsibility of the State and the society that they should help those who cannot afford to marry. The question is whether any state or government has ever thought of making provisions to help the unmarried to get married, or the society shows any concern that no person should remain single because

¹ "Single" here means any one not in the bond of wedlock, whether unmarried or lawfully divorced, or widowed. Moreover, it has been recommended that those who are in possession of slaves, male or female, should marry off the virtuous ones among them who are well behaved and have the ability to successfully manage a married life. "If we can, we must marry in our own circle, but if we have not the means, there is no harm if we choose from a lower circle, provided our choice is determined by virtue. Poverty in the other party does not matter if there is virtue and love. A happily married man has the best wealth in a virtuous wife, and his very happiness makes him a better potential earner of wealth. A Muslim marriage requires some sort of a dower for the wife. If the man cannot afford that, he must wait and keep himself chaste. It is no excuse for him to say that he must satisfy his natural cravings within or outside marriage. It must be within marriage." Abdullah Yusuf Ali, *The Holy Quran, Text, Translation and Commentary*, p. 874-875, Amana Corporation (1989).

of financial constraints. If a person remains single, he/she might fulfill his/her sexual cravings unlawfully and we seem to be least bothered about it and never think of remedying the situation.

Responsibility of the Society

Some say that a few persons are inclined towards homosexuality by birth. There are many things, right or wrong, to which men have inclinations. For example, many men have the inclination towards corrupt practices like demanding and accepting bribes; these cannot be condoned and made lawful. Similarly, some men have the inclination to practice incest (i.e. sexual intercourse between persons so closely related that marriage is legally, ritually, or religiously forbidden). But this horrible act cannot be declared lawful because it is practised by some people; it is an unlawful and shameful act and no sensible person supports it. Similar is the case with homosexuality. It is the responsibility of the intellectuals and considerate people of the society to rectify these wrong practices and not support and encourage them. There are many people in the society who indulge in many evil and shameful acts; we neither legalize them nor do we begin to like them. Hence providing legal coverage to homosexuality is the most insensible and foolish act.

Judgment of the Supreme Court of India

Although we respect and support the judgment of the Supreme Court of December 11, 2013, but we are distressed to note that the Supreme Court while upholding the constitutionality of Section 377 IPC, has also said that:

"Notwithstanding this verdict, the competent legislature shall be free to consider the desirability and propriety of deleting Section 377 IPC from the statute book or amend the same as per the suggestion made by the Attorney General." It means that as per the existing law, homosexuality is a crime, but it will not be a crime once the law is amended or scraped. We consider this the weakest facet of the judgment; it should not have been recommended. Homosexuality, at any rate, is an evil and destructive act for the individual and the society. The law should not legalize it. By providing it legality, its evil and afflictions cannot be removed. We stress that Section 377 IPC should remain and that homosexuality should not be legalized.

It is Imperative to Build-up Public Opinion

Friends! Today the leaders and representatives of almost all the major religions are present on this momentous occasion and they are all against homosexuality. I am happy to note that the viewpoint of various religions on homosexuality is the same as the Islamic viewpoint.

It is imperative that we should educate people on the issue of homosexuality. We should ask the responsible people in the government not to commit the blunder of abrogating Section 377 IPC and also impress upon the Members of Parliament not to support such a move if taken by the government. We should ask the people of the country to stand up against such a move and appraise them that if an evil is allowed to grow and flourish, it eventually opens the way for other evils to also develop and flourish; once this happens it will be impossible to impede their growth and eradicate them.

CONSEQUENCES OF HOMOSEXUALITY

[A few extracts about homosexuality and its consequences faced by the People of Lot taken from *Tafheem al-Quran*, an exegesis of the Holy Quran by Maulana Syed Abul Aala Maudoodi]

Prophet Lot and his People

The Prophet Lot was a nephew of the Prophet Abraham. He accompanied his uncle as he moved away from Iraq. Lot sojourned to Syria, Palestine and Egypt for a while and gained practical experience of preaching his message. Later God bestowed prophethood upon him and assigned to him the mission of reforming his misguided people.

Territory of the People of Lot

The land inhabited by the people of Lot, which lies between Iraq and Palestine, is known as Trans-Jordan. According to the Bible, its capital town was Sodom, which is situated either somewhere near the Dead Sea, or presently lies submerged under it. Apart from Sodom, according to the Talmud, there were four other major cities, and the land lying between these cities was dotted with such greenery and orchards that the whole area looked like one big garden enchanting any onlooker. However, the whole nation was destroyed and today we can find no trace of it. So much so that it is difficult to even locate the main cities which they inhabited. If anything remains as a reminder of this nation it is the Dead Sea which is also called the Sea of Lot.

(Vol.3, p.49-50, Surat Al-Araf)

This devastated piece of land lies on the route from the Hajaz to Syria and Iraq to Egypt. The caravans that pass by this region witness traces of the devastation. In fact, some of these traces can still be observed even today. The area referred to is situated to the east and south of the Dead Sea. As to its southern part, geographers are of the view that it is characterized by a desolation for which there is no parallel on earth. (Vol.4, P.300, Surat Al-Hijr)

The Deterioration of the People of Lot

أَتَأْتُونَ الذُّكْرَانَ مِنَ الْعَالَمِينَ ﴿١٦٥﴾ وَتَذَرُونَ مَا خَلَقَ لَكُمْ رَبُّكُمْ مِنْ
أَزْوَاجِكُمْ

(الشعرا ١٦٥: ١٦٦)

What, of all creation will you go to (fornicate with) the males, leaving aside those whom Allah has created for you as your mates. (The Qur'an, 26:165-166)

إِنَّكُمْ لَتَأْتُونَ الْفَاحِشَةَ مَا سَبَقَكُمْ بِهَا مِنْ أَحَدٍ مِنَ الْعَالَمِينَ ﴿٢٨﴾ أَيْنَكُمْ لَتَأْتُونَ
الرِّجَالَ وَتَقْطَعُونَ السَّبِيلَ وَتَأْتُونَ فِي نَادِيَكُمُ الْمُنْكَرَ ۗ

(العنكبوت: ٢٨-٢٩)

"You commit the abomination that none in the world ever committed before you. What! Do you go to men (to satisfy your lust), engage in highway robbery, and commit evil deeds in your gatherings?" (The Qur'an, 29:28-29)

They made males a means for the gratification of their sexual desires. This point is also made elsewhere in the Qur'an as follows: "You approach men lustfully in place of women," (Al-A'raf 7:81)

Not only did they commit shameful acts, they did so publicly. The same reproach against them features in another verse, whereby: "We sent Lot, and recall when he

told his people: 'Do you commit shameless acts with your eyes open?'"(Al-Naml 27:54) (Vol.8, p.31, Surat Al-A'nkabut)

Reaction Over the Call of Prophet Lot

(الشعر:١٦٤:١٦) لَيْنٌ لَّمْ تَنْتَهَ يُلُوطَ لَتَكُونَنَّ مِنَ الْمُخْرَجِينَ ﴿١٦﴾

"O Lot, if you do not desist, you will be one of those expelled [from our towns]". (Al-Qur'an, 26:167)

They knew that whosoever opened his mouth in the past against them, or protested against their misdeeds was banished. They simply asked Lot to bear this in mind for if he did something similar, he too would meet the same fate. The Qur'an also tells us in Surah al-A'raf and Surah al-Naml that those wicked people had already decided to banish Lot, his family and followers from their town on the grounds that: "They are a people who pretend to be pure" (al-A'raf 7:82 and al-Naml 27-56)

Coming Down of Allah's Wrath

فَلَمَّا جَاءَ أَمْرُنَا جَعَلْنَا عَالِيَهَا سَافِلَهَا وَأَمْطَرْنَا عَلَيْهَا حِجَارَةً مِّن سِجِّيلٍ
مَّنضُودٍ ﴿٨٢﴾ مُسَوَّمَةً عِندَ رَبِّكَ وَمَا هِيَ مِنَ الظَّالِمِينَ بِبَعِيدٍ ﴿٨٣﴾ (سور:٨٣، ٨٢)

And when Our command came to pass, We turned the town upside down, and rained on it stones of baked clay, one on another, marked from your Lord. Nor is the punishment far off from the wrong-doers.

(Al-Qur'an, 11:82-83)

(الشعر:١٧٣:١٧٣) وَأَمْطَرْنَا عَلَيْهِمْ مَطَرًا فَسَاءً مَطَرُ الْمُنذَرِينَ ﴿١٧٣﴾

And We sent upon them a rain, an evil rain that fell on those who had been warned. (Al-Qur'an, 26:173)

This scourge probably took the form of a severe earthquake combined with volcanic eruptions. The earthquake turned their dwellings upside down and by means of a volcanic eruption they were subjected to a severe rain of stones. The expression 'stones of baked clay' perhaps refers to the stones formed by the underground heat and lava in volcanic regions. The signs of this volcanic eruption can be noticed almost everywhere in the region south and east of the Dead Sea even today.

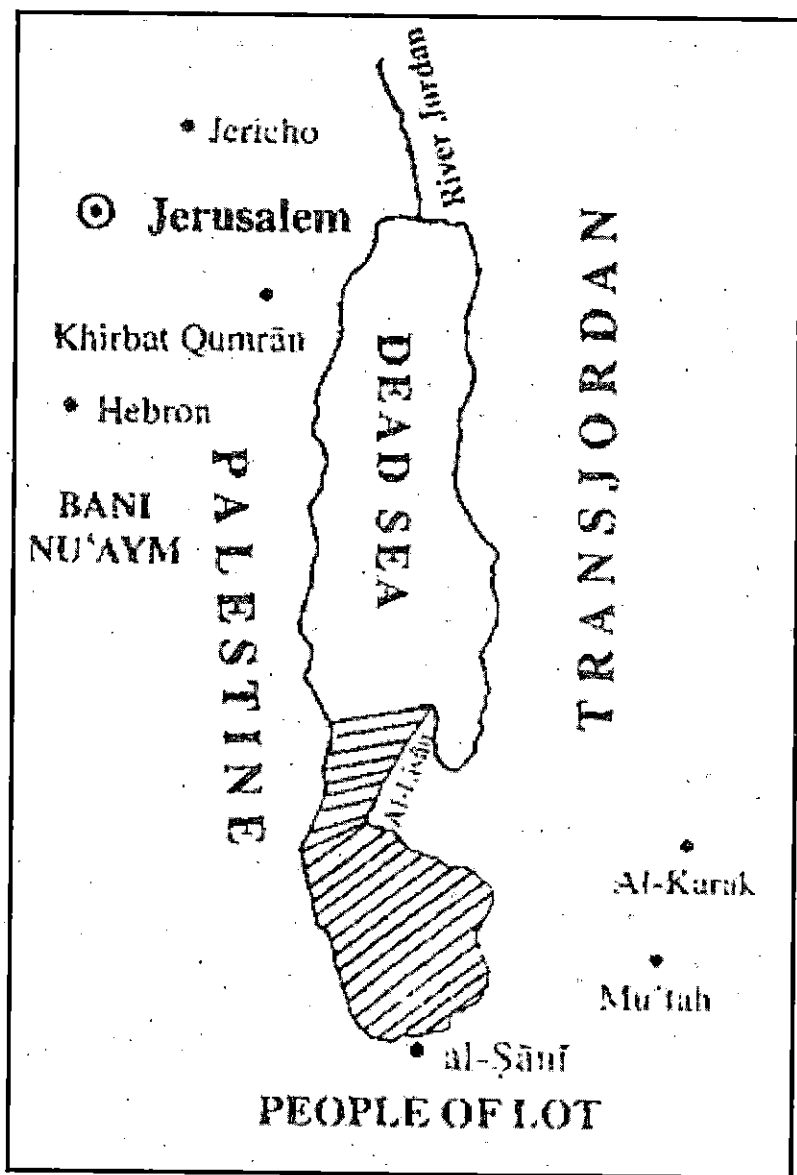
Details of Allah's Wrath in the Bible

Based on the Biblical accounts of this event as well as the Greek and Latin writings and modern geological and archaeological researches on the subject, we can construct the following composite picture of what happened. (For the Biblical account see the Bible: Genesis 19:1-29) The presence of thousands of ruins to the south and east of the Dead Sea indicates that it was once a populous region. Archaeologists estimate that it must also have been quite prosperous from the period 2300 B.C. to 1900 B.C. Incidentally, historians estimate Abraham's time to be around 2000 B.C. This leads us to believe that the area must have met its disastrous end during Lot's time, Lot being Abraham's nephew.

The most populous and fertile part of this land was the area called the "Vale of Siddim", about which the Bible says: "And Lot lifted up his eyes, and saw that the Jordan valley was well watered everywhere like the garden of the Lord; like the land of Egypt, in the direction of Zo'ar; this was before the Lord destroyed Sodom and Gomorrah" (Genesis 13:10). Contemporary scholars, basing their

opinion on sound archaeological evidence, are of the view that this valley is now under the Dead Sea. In ancient times, the Dead Sea did not extend as far south as it does today. In the small peninsula facing the present-day Jordanian city of al-Karak, there was to the west, a small peninsula called al-Lisan. This was the sea water boundary in ancient times. The area to the south of it was the fertile valley known as the "Vale of Siddim" in which the famous cities of Lot's nation—namely, Sodom, Gomorrah, Admah, Zeboim and Zo'ar—were located. Around 2000 B.C. this valley sank as a result of a violent earthquake and was covered thereafter by the Dead Sea. Even today, it is the most shallow part of the Dead Sea. Indeed, even during the Roman era it was so shallow that people could walk through the water from al-Lisan to the western coast. At that time, one could still see the submerged forested area along the southern coast and possibly some buildings too.

According to the Bible, as well as some ancient Greek and Latin sources, the region abounded in petroleum and asphalt deposits and, to some extent, inflammable gas. Even now, there are deposits of petroleum and gas in the area. Geological investigations show that because of the earthquake, petroleum, gases and asphalt were thrown out of the earth's interior such that the whole region exploded like a bomb. According to the Bible, when the Prophet Abraham heard about the calamity he travelled from Hebron to see the affected valley for himself, observing that "the smoke of the land went up like the smoke of a furnace" (Genesis 19:28). (Vol. 7, p.108-109, Surat Al-Shuara)



(العنكبوت: ٣٥)

وَلَقَدْ تَرَكْنَا مِنْهَا آيَةً بَيِّنَةً لِّقَوْمٍ يَعْقِلُونَ ﴿٣٥﴾

And We have left a vestige of it in that city as a Clear Sign.

(The Qur'an, 29:35)

"A Clear Sign" here refers to the Dead Sea which, owing to its association with Lot, is also called the Sea of Lot. Time and again the Qur'an impressed on the Makkan unbelievers that a Sign of the chastisement that had visited those wicked people could still be seen. This was observable both in the morning and night along the highway in the course of people's commercial journeys to Syria. The relevant Qur'anic verses are as follows: "The place (where the rain of stones occurred) lies along a known route" (al-Hijr 15:76), and "You pass by their desolate habitations in the morning and at night", (al-Saaffaat 37:137-138).

New Disclosures

It is now almost universally recognized that what is presently the southern part of the Dead Sea became so transformed as a result of a terrible earthquake, which caused the land mass to cave in. It was in this part that the capital of the Prophet Lot's people, Sodom, was located. One can still find ruins of some submerged towns in the sea. Aided with the latest diving and archaeological devices, expeditions are presently in progress to study these ruins. The results of these studies, however, are still to be obtained. (For further details see towards Understanding the Qur'an, Vol. VII, al-Shuara 26:n.114, pp.108-109) (Vol.8, p.35, Surat Al-Ankabut)

وَتَرَكْنَا فِيهَا آيَةً لِلَّذِينَ يَخَافُونَ الْعَذَابَ الْأَلِيمَ ﴿٣٧﴾
(الذاريات: ٣٧)

and We left therein a Sign for those who fear the grievous chastisement. (The Qur'an, 51:37)

“One sign”: the Dead Sea, southern part of which still presents the signs of a great disaster. The archaeologists have expressed the opinion that the principal cities of the people of Lot were probably sunk underground and the waters of the Dead Sea spread over them. For that part of this sea which is situated to the south of the small peninsula called “Al-Lisan” clearly seems to be a later development, and the signs of the ruins of the Dead Sea found to the north of this peninsula are very different from those found in the south. From this it is concluded that the southern part was once higher than the sea level. At some later time it sank and went under water. The period of its sinking also seem to be about 2000 B.C. and the same precisely is the time of the Prophets Abraham and Lot historically. In 1965 an American archaeological research party discovered a large grave-yard at Al-Lisan which contains more than twenty thousand graves. From this one is led to think that nearby it there must have existed a large city. But no ruins of any such city are found in the adjoining area, which might have given rise to such a big grave-yard. This fact also strengthens the doubt that the city whose graveyard it was has sunk under the sea. The area to the south of the sea still abounds in the ruins and the underground stocks of sulphur, resin, tar and natural gas found in this area lead one to believe that hell must have been let loose at this place at some time by the eruption of lava and the play of lightning. (For further explanation, see E.N. 114 of Al-Shuara)

Homosexuality after the People of Lot

The hideous act of sodomy, for which the people of Lot earned notoriety, has no doubt been committed by perverts in all times. The Greek philosophers had the distinction of glorifying it as a moral virtue. It was left, however, for the modern West to vigorously propagate sodomy so much so that it was declared legal by the legislatures of a few countries.

Homosexuality: a Most Horrific Crime

All this has been done in the face of the obvious fact that this form of sexual intercourse is patently unnatural. God created distinctions between the sexes of all living beings for the purposes of reproduction and perpetuation of the species. As far as the human species is concerned, their creation into two sexes is related to another end as well: that the two should come together in order to bring into existence the family and establish human civilization. In view of this, not only were human beings divided into two sexes, but each sex was made attractive to the other. The physical structure and psychological make-up of each sex was shaped into keeping with the purpose of forging bonds of mutual cordiality between the members of the two sexes. The sexual act, which is intensely pleasurable, is at once a factor leading to the fulfillment of nature's purposes as underlined by the sexual division of humankind as well as a reward for fulfilling these purposes.

Now, the crime of the person who commits sodomy in flagrant opposition to this scheme of things, is not limited to that act alone. In fact he commits along with it a

number of other crimes. First, he wages war against his own nature, against his inherent psychological predilection. This cause a major disorder which leads to highly negative effects on the lives of both the parties involved in that unnatural act – effects which are physical, psychological as well as moral. Second, he acts dishonestly with nature since while he derives sexual pleasure he fails to fulfil the societal obligation of which this pleasure is a recompense. Third, such a person also acts dishonestly with human society. For, although he avails himself of the advantages offered by various social institutions, when he has an opportunity to act, he uses his abilities in a manner which not only fails to serve that society but which positively harms it. Apart from neglecting the obligations he owes to society, he renders himself incapable of serving the human race and his own family. He also produces effeminacy in at least one male and potentially pushes at least two females towards sexual corruption and moral depravity.

(Vol. 3, p. 50-51, Surat Al-Araf)

Stand of Islamic Law about Homosexuality

In light of the Qur'an, sodomy is established as one of the deadliest sins; and that it incurred God's scourge on those who indulged in it. We also know from the teachings of the Prophet (peace be on him) that the Islamic state should purge society of this crime and severely punish those guilty of it. There are several traditions from the Prophet (peace be on him) which mention that very severe punishments were inflicted on both partners of this act. According to one tradition, the Prophet (peace be on him) ordered that both partners be put to death. (See Ibn majah, Kitab al-Hudud, 'Bab man 'amila 'Amal Qawm

Lut' – Ed.) In another tradition it has been added that the culprits should be put to death whether they are married or un-married. (Ibn Majah, Kitab al-Hudud – Ed.) In another tradition it has been said that both parties should be stoned (to death). (Ibn Majah, Kitab al-Hudud, 'Bab man 'amila 'Amal Qawm Lut – Ed.) However, since no case of sodomy was reported in the lifetime of the Prophet (peace be on him), the punishment did not acquire a very clear and definitive shape. Among the Companions, 'Ali is of the view that such sinners should be beheaded and instead of being buried should be cremated. Abu Bakr also held the same view. However, 'Umar and 'Uthman suggest that the sinners be made to stand under the roof of a dilapidated building, which should then be pulled down upon them. Ibn 'Abbas holds the view that those guilty of such a sinful act should be thrown from the top of the tallest building of the habitation and then pelted with stones. (See al-Fiqh 'ala al-Madhahib al-Arba'ah, vol. 5, pp.141-2 Ed.) As for the Jurists, Shāfi'ī pronounces the punishment of death on both partners to sodomy irrespective of their marital status, and of their role whether it be active or passive. According to Sha'bī, Zuhri, Mālīk and Ahmad b. Hanbal, they should be stoned to death. Sa'īd b. al-Musayyib, 'Atā', Hasan Basrī, Ibrāhīm Nakha'ī, Sufyān Thawrī and Awzā'ī believe that such sinners deserve the same punishment as laid down for unlawful sexual-intercourse: that unmarried ones should be lashed a hundred times and exiled, and that married ones should be stoned to death. Abu Hanifah, however, does not recommend any specific punishment. For him, the sinner should be awarded, depending on the circumstances of each case, some deterrent punishment. According to one of the reports, the same was the view of Shāfi'ī. (See Ibn Qudāmah, al-Mughnī, vol. 8, pp.187-8-Ed.)

It should also be made clear that it is altogether unlawful for the husband to perpetrate this act on his wife. The Prophet (peace be on him), according to a tradition in Abu Da'ud, said: 'Cursed be he who commits this act with a woman.' (Abu Daud, Kitab al-Nikah, 'Bab fi Jami' al-Nikah' – Ed.) In other collections of Hadith such as Sunan of Ibn Majah and Musnad of Ahmad b. Hanbal, we find the following saying to the Prophet (peace be on him): 'God will not even look at him who commits this act of sodomy with his wife in her rectum.' (Ibn Majah, 'Kitab al-Nikah', Bab al-Nahy 'an Ityan al-Nisa' fi Adbarihinn', Ahmad b. Hanbal, Musnad, vol. 2, p.344-Ed.) Likewise the following saying of the Prophet (peace be on him) is mentioned in Tirmidhi: 'He who makes sexual intercourse with a menstruating woman, or indulges in sodomy with a woman, or calls on a soothsayer, believing him to be true, denies the faith sent down to Muhammad (peace be on him),' (Ibn Majah, Kitab al-Tahdrah, 'Bab al-Nahy 'an Ityan al-Ha'id –Ed.) (Vol. 3, p. 52-53)

JOINT DECLARATION OF SCHOLARS OF DIFFERENT RELIGIONS

[Unanimous Resolution passed by Scholars/Leaders of different religions during the Public Conference held on 29 December 2013 at India Islamic Cultural Center, New Delhi]

The Judgment passed by the Supreme Court on Article 377 of the Indian Penal Code is not only in accordance with the Eastern traditions, moral values, and religious teachings, but also wards off the fear created by the judgment of the Delhi High Court of onslaught of Western culture, disruption of family system, break up of social warp and woof.

Our country is a religious country, majority of whose inhabitants believes in some religion or the other and is the bearer of ancient Eastern traditions and civilization. Every religion gives importance to the establishment of family through marriage between man and woman, on which depends not only the survival of human race and lasting peace and tranquility in the society, but also assigns a pivotal and dignified position to woman in the society.

The law of our country has rightly declared homosexuality as a crime. Because, it not only is an

impediment in the birth and growth of human race, but also annihilates family system and social relationship. Moreover, it is fatal to the public health. Medical research has established that it is the basic cause for the spread of AIDS.

As responsible persons of different religious organizations, we welcome this Judgment; by passing this historic Judgment, the Supreme Court has stopped our country from tumbling down the path of destruction.

We are sorry to note that the admirers of Western culture, through misplaced arguments of personal freedom, minority rights, etc., are pressurizing the government to amend the laws so that this shameful act of homosexuality could be legalized.

We would like to warn the Government and all the political parties that if they ever try to do this against the wishes of the majority of the people, religious teachings and Eastern traditions, it will never be accepted.

We should learn a lesson from the West which has pushed the human society to the verge of disaster by indulging in such abhorrent acts like homosexuality; this has even trampled the rights of women to a greater extent.

We appeal all the responsible persons belonging to different religious denominations, Government agencies, and all political parties to accept the judicious and revolutionary Judgment of the Supreme

Court with broad-mindedness. We also request the admirers of Western culture to consider homosexuality a crime against humanity and come forward and save the Indian society from its horrible consequences.