

That Awkward Moment When...: An Explanation of How Britain Made the Modern Arab World
Homophobic

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INTRODUCTION

Purpose of Study

On September 24, 2007, then President of Iran, Mahmoud Ahmadinejad addressed a crowd of faculty and students at Columbia University in New York City, New York, moderated by John Coatsworth, acting dean in the School of International and Public Affairs at Columbia University. Via a translator, Ahmadinejad answered questions that accordingly centered around politics like most inquiries regarding the Middle East. Specifically, Iran's involvement in funding terrorism and its longing to proliferate nuclear energy served as the main topics. In addition, he took questions on human rights vis-à-vis women and homosexuals. One particular exchange occurred as follows:

Coatsworth: Mr. President, another student asks, Iranian women are now denied basic human rights, and your government has imposed draconian punishments, including execution on Iranian citizens who are homosexuals. Why are you doing those things?

Ahmadinejad: In Iran, we don't have homosexuals like in your country. (laughter.) We don't have that in our country. (booing.) In Iran, we do not have this phenomenon. I don't know who's told you that we have it. (laughter.)¹

Although this is an example of an Iranian leader publicly denouncing homosexuality, it is the same viewpoint, although maybe stereotypical, that the Arab World gives us. This thesis will not focus on Iran, but Ahmadinejad's declaration is a strikingly clear illustration of what I hope to point out.

¹ "Ahmadinejad's Speech at Columbia." *Global Research*. 24 September 2007. Web. 6 September 2014. Transcript.

From my experiences of studying abroad in the Arab World, broadly speaking, there seems to be something inherently uncomfortable about discussing sexuality. While the Quran, Islam's holy book, is quite explicit in its language regarding the nature of sexuality and the pleasures that sex (albeit heterosexual sex) can offer, norms of privacy do not necessarily openly facilitate this discussion. In this context, regarding homosexuality, *controversial* is perhaps the most precise adjective to describe the uneasiness that surrounds this taboo topic. Here, a paradox arises: there is a widespread sense of reluctance to speak on sexuality which the Quran says is natural, but ironically, there is no hesitation to condemn homosexuality which some scholars argue that the Quran does not necessarily deem as a punishable act.²

Ahmadinejad's ignorant dismissal of homosexuality did not stun me; however, it sparked a conversation within. I asked myself questions such as 1) to what extent is this wholly Ahmadinejad's (by way of Iran) ideas or does this represent the majority perspective of homosexuality of the Arab World in the Middle East as well; 2) how is homosexuality constructed in the Arab World 3) does he equate homosexuality with the West and if yes, is he unaware of the prominence of homoeroticism in literature; 4) does the homoeroticism in this literature betray social acceptance of homosexuality at that time; 5) if there was social acceptance of homosexuality in medieval Islamic times, what caused the attitudinal change in regards to today's intolerance?

All of these questions deserve adequate attention and extensive research; however, for the sake of brevity, this thesis will focus only on the latter while considering the formers in order to

² Rowson, Everett K. "The Effeminate of Early Medina." *Journal of the American Oriental Society*. Vol. 11, No. 4. (pp. 685). American Oriental Society.

successfully shape and facilitate background and eventually answer my research question. Essentially, I investigate the attitudinal change regarding homosexuality and same sex-tendencies between two ages – the Islamic Golden Age (622-1258) of the Muslim World and contemporary Islamic states in the Middle East and North Africa (MENA) beginning in 1918. I use a combination of sociology and historical knowledge to further my exploration. It is my goal to first present a stark contrast of attitudes concerning homosexuality between the aforementioned eras and then apply theoretical explanations to explore why the changes occurred.

Before I move into the intricacies of this thesis, I must address some of my anxieties about writing this thesis. Most of what is written on the Middle East is aimed at politics given the political climate of today – an heightened fear of terrorism and terrorists³; however, I chose this topic because one component affects me personally (LGB rights and issues) and the other one academically (Middle Eastern studies).

My intention for this thesis is to not serve an orientalist agenda highlighting the otherness of Arabs and/or Muslims as most pieces written on the Arab World do. I am aware that this thesis focuses on two eras that are separated by nearly seven centuries. Perhaps, one would argue that this is an orientalist perspective because no one would talk about homosexuality in the Islamic Golden Age in relation to contemporary, Western perspectives. In addition, my choosing of these two particular eras may indirectly reiterate an orientalist notion: orientals never change, but if they do, it is with the help of the West.

³ The Middle East is heavily associated with terrorism and terrorist acts aimed against the United States (or perhaps the West.)

I chose the Islamic Golden Age and the Arab World of the Modern Middle East essentially to emphasize the contrast of social attitudes regarding homosexuality. The Islamic Golden Age highlights a beginning point of a long transformation up until today. The seven centuries that separate the two time periods is largely the during the rule of the Ottoman Empire (1299-1923). The power-sexuality dynamic of male homosexuality that we will discover occurring during the Islamic Golden Age is similar to what was happening during Ottoman times; although societies are not homogenous, I acknowledge that the broader social acceptance of homosexuality might have evolved and maybe not in the same direction. I encourage the further research of this topic, but this thesis will not focus on it.

Secondly, I must remain very cognizant not to conflate the experiences of American gay culture with those of the homosexual experience in the Middle East, especially when referring to the pederasty-centered times of the Islamic Golden Age. The widespread rejection of homosexuality is apparent in the MENA, but we must take into account that no one society is monolithic. For example, one of the Human Rights Watch report⁴ that I use later in this thesis does not reflect the entirety of LGB life in Lebanon. As Whitaker wrote, “In terms of opportunities for gay social life and activism, Beirut is as good as it gets in the Arab world.”⁵ I applaud Lebanese LGB activist groups like Helem whose undisputed goals are “[to work for] the liberation of the lesbian,

⁴ Human Rights Watch, “It’s Part of the Job: Ill-treatment and Torture of Vulnerable Groups in Lebanese Police Stations.” © 2013 by Human Rights Watch. pp. 1-66.

⁵ Whitaker, Brian. Unspeakable Love: Gay and Lesbian Life in the Middle East. University of California Press. 2006. pp, 46

gay, bisexual and transgender community in Lebanon from all sorts of legal, social and cultural discrimination [and to empower them] through rights and health awareness.”⁶

While not discrediting this groups’ (and the few others’) activism, we still must acknowledge that the majority of the areas in the region have far less liberties to offer and that LGB people in this region have no legal rights including the right to exist and are often shunned by family and targeted by law enforcement. For me, despite the hesitation, this is a good enough reason to write about these issues and provide considerable scholarship to the field.

Terminology

First, when I use the term “homosexuality,” I mean the sexual, emotional, and/or romantic attraction to the same sex.⁷ This definition is more satisfactory for this thesis’s purpose because it encompasses the distinction between biological sex-category and gender. In addition, it applies whether one self-identifies as a “homosexual.” Oftentimes in America, or perhaps the West in general, we use “homosexual” and “gay” interchangeably; however, for the sake of this thesis, it is crucial to briefly explore the difference between the two. Essentially, there is a difference between sexual attraction, sexual action and sexual identity which requires further explanation.

“Homosexual,” when used as a noun, in simplest terms, means one, whether male or female, who has sexual feelings (attraction) towards people of the same sex. When we move into

⁶ Whitaker, pp. 47

⁷ Gender Equity Resource Center: A Cal Community Center. http://geneq.berkeley.edu/lgbt_resources_definiton_of_terms#homosexuality

terms such as “lesbian” and “gay,” we move into the realm of sexual identity./labels. “Lesbian” applies to women who have adopted this as their identity meaning homosexual women. “Gay” applies to men who have adopted this as their identity meaning homosexual men; however, the term is not limited to men as it is colloquially used as an umbrella term to include all of the sexual minority.⁸ Also, it can refer to a modern, North American sub-culture that goes beyond sexual orientation - the deep-seated direction of one’s sexual attraction which is set on a continuum that allows for evolvement over time.⁹ Later in the thesis, we will get into Arabic terms that denote these English terms.

These array of terms fit under the umbrella of sexuality - a term that is challenging to define. What is most important is firmly establishing that sexuality is a social construction. The intricacies of sexuality go beyond biological factors. Jesi Egan wrote in his Slate published article that while society may construct these categories [of sexuality], these [same] categories also construct us.¹⁰ What he means is that sexuality is one of many factors that allow people to fully experience the reality of their lives. In this light, the most important thing to emphasize is that sexuality can change over time and across context. This thesis will further highlight this exact point.

Chapter Content and Methodology

A main part of this thesis is to provide context for how homosexuals and homosexuality

⁸ Gender Equity Resource Center: A Cal Community Center. http://geneq.berkeley.edu/lgbt_resources_definiton_of_terms#gay

⁹ Gender Equity Resource Center: A Cal Community Center. http://geneq.berkeley.edu/lgbt_resources_definiton_of_terms#sexualorientation

¹⁰ Egan, Jesi. “Abusing Foucault: How Conservatives and Liberals Misunderstand “Social Construct” Sexuality.” Slate Magazine. 2014.

have been viewed since the creation of new states to the present time in the MENA after the dissolution of the Ottoman Empire and how they were viewed during 622-1258. In order to accommodate the complexity of this thesis, I employ an interdisciplinary approach for knowledge, reasoning and assessments. They include, but not limited to, sociology in terms of gender and queer theories, Middle Eastern history, political science, and to a small degree, medicine.

In Chapter One, I first reveal the legislation that pertains to homosexuality in the MENA states. Some of the laws explicitly prohibit homosexuality while others leave room for interpretation. Because of some of the ineptly written laws, homosexuals are often charged under different offenses which suggests that the act is not tolerated. Most importantly, I examine cultural values to shape the understanding behind why same-sex relations are not highly regarded in MENA countries. The values that entail the society are largely in place to maintain social order.

In Chapter Two, I use three Human Rights Watch (HRW) reports in order to chronicle the struggles and grievances of homosexuals and those suspected of being homosexual (i.e. effeminate men, etc) in the Modern Middle East. The reports are as follows: “In a Time of Torture: The Assault on Justice in Egypt’s Crackdown on Homosexual Conduct,”¹¹ “It’s Part of the Job: Ill-treatment and Torture of Vulnerable Groups in Lebanese Police Stations,”¹² and lastly, “They Want Us Exterminated: Murder, Torture, Sexual Orientation and Gender in Iraq.”¹³

¹¹ Human Rights Watch, “In a Time of Torture: The Assault on Justice In Egypt’s Crackdown on Homosexual Conduct.” © 2004 by Human Rights Watch. pp. 1-144

¹² Human Rights Watch, “It’s Part of the Job: Ill-treatment and Torture of Vulnerable Groups in Lebanese Police Stations.” © 2013 by Human Rights Watch. pp. 1-66.

¹³ Human Rights Watch, “They Want Us Exterminated: Murder, Torture, Sexual Orientation and Gender in Iraq.” © 2009. pp. 1-66.

I begin my discussion by providing the 2001 case of the Egyptian Queen Boat. The case refers to a floating night club for tourists on the Nile that was allegedly notorious for attracting gay men. Regarding this case, police stormed the boat and eventually arrested almost sixty men; fifty two of the sixty were later charged with debauchery – as homosexuality is not actually an offense in Egypt.¹⁴ This level of harassment by law enforcement indicates a severe intolerance of homosexuality.

I further my investigation by including reports of forensic anal examination that, according to physicians, provide signs of penis insertion. Physicians who perform the test highlight the framework behind the tests, some of the methods, as well as pinpoint “consent and dignity as keys to carrying out [the] anal exams.¹⁵ The subjects, men suspected or accused of passively participating during anal intercourse, refute these claims of *consent* and *dignity* in their personal accounts of the examinations. During cases, prosecutors order the anal examinations to be carried out; refusal of the examination often is taken as admission of guilt.

For Chapter Three, I draw upon developed scholarship in order to determine whether or not homosexuality was socially accepted during the Islamic Golden Age. For the section on male homosexuality, I rely heavily on the works of Everett K. Rowson and Bruce Dunne to shape my own argument and determining the framework behind the acceptance of male homosexuality during that time. Although male homosexuality is almost always given the majority of the atten-

¹⁴Sexual relations between consenting adults persons of the same sex in private are not prohibited as such. However, the Law on the Combating of Prostitution, and several articles of the Penal Code, have been used to imprison gay men in recent years.”

International Lesbian Gay Bisexual Trans and Intersex Association. “State Sponsored Homophobia, A World Survey of Laws: Criminilisation, Protection, and Recognition of Same-Sex Love.” Lucas Paoli Itaborahy & Jingshu Zhu. 9th ed, May 2014. pp, 33.

Human Rights Watch, Egypt. pp. 113

tion when it comes to scholarship, I decided to include female homosexuality in my discussion. Due to the shortage of scholarship on female homosexuality during the Islamic Golden Age, Samar Habib's work on narratives and anecdotes found in literature from that time which gave me inside information into the lives of past generations' female homosexuals. I came to understand that when determining ancient social practices of the early Islamic World, perhaps, the most salient sources that we have today are those existing literary anecdotes from that time. Although considered less of an offense than male homosexuality, female homosexuality became illegal in some countries that constitute the modern Middle East as did male homosexuality. I am not as interested in determining which is the greater or lesser offense, but rather why a general taboo around homosexuality evolved. The following chapters will address this observation in detail.

Chapter Four is divided into two parts. In Part One, I present background for what I have identified as the most plausible explanation for the transition of attitudes regarding homosexuality. Many are quick to indicate high levels of religiosity and Shari'a law as the reason for the growing homophobia sentiments in the modern Middle East; however, I suspect that the West, specifically European colonialists, was initially responsible for the Middle East's anti-LGB climate. In this light, it is important to mention that condemnation of homosexuality is not an Eastern phenomenon, but rather Western - and acceptance of homosexuality, or same-sex intercourse, is not an idea that was birthed in the West. Although British India is beyond the scope of this thesis, it is important to mention its role in the Arab Gulf states as background information as it sets the tone for my argument. The British Empire first introduced its buggery laws to the East, in this case British India, in 1860 in the form of Section 377 of its Penal Code - during the sexual re-

pressive Victorian Era (1837-1901). Section 377 is based on the 1533 Buggery Act headed by Thomas Cromwell in the British Parliament and passed by Henry VIII; it was Britain's first legislation against homosexuals that made "the detestable and abominable Vice of Buggery committed with mankind or beast... adjudged felony."¹⁶ British India later enjoyed an "informal empire"¹⁷ in the Gulf Arab states, too during the Victorian Era, before granting their independence. Via this portal, British influence was able to permeate the politics of these states and shape the laws - including those regarding sexual morality.

Part Two is where I analyze the European colonists' influence, mostly Britain, in shaping the legal systems of their newly founded states. The mandates, which later became states except for Palestine, were decided by the terms of the 1916 Sikes-Picot agreement. It is very likely that Britain and France initially introduced homophobic legislation and culture to the Levant in the same manner in which British India did in the Gulf Arab states. Although I believe that the West is originally responsible for many of the homophobic attitudes that are widely recognizable in the MENA, there is a new set of factors at the forefront of crackdowns against homosexuals and those perceived to be homosexual in the region. Political opportunity paired with a rededication to social and religious morality seem to be the circumstances behind the emergence of heightened homophobia. I argue that the crackdowns against homosexuals in Iraq and Egypt is used as a catalyst to marshal strength and support; Iraq *accomplishes* its goals by polarizing morality and homosexuality and the Egyptian government seems to want to divert attention away from its

¹⁶ An Acte for the Punishment of the Vice of Buggerie. 25 Hen. 8 c. 6, 1533

¹⁷ British interests in the Gulf were handled by the administration of British India.

failures. Because there is an absence of sympathy for LGB people, due to the homophobic climate, abuses against them are not necessarily deemed a violation of their human rights.

Chapter One: Evaluating the MENA

Introduction

Acceptance of homosexuality, especially the notion of “being gay,” is more or less a recent Western phenomenon. As the rest of the world begins to relatively follow suit, the countries that constitute MENA seem to be the exception. Of the eighty-one countries identified by the International Lesbian and Gay Association (ILGA) to have outlawed homosexuality, seventeen belong to MENA. For the sake of clarity, there needs to be a precise and concise list of these countries to which *MENA* will reference. Although there is debate, these countries are most commonly used: Algeria, Bahrain, Egypt, Iran¹⁸, Iraq, Israel¹⁹, Jordan Kuwait, Lebanon, Libya, Morocco, Oman, Palestine²⁰, Qatar, Saudi Arabia, Sudan, Syria, Tunisia, Turkey, United Arab Emirates, and Yemen. Of course, this thesis will not detail the particularities or technicalities of each country’s legislation as it pertains to homosexuality; however, some insight will be provided for context.

¹⁸ Arabs constitute only 2% of Iran’s population and this thesis primarily focuses on the Arab world; therefore, I will not include Iran.

¹⁹ Judaism is the majority religion; therefore, I will not include Israel.

²⁰ Although Palestine is not universally accepted by the international community as a “state,” it is important to mention it for the sake of this thesis because of its laws regarding homosexuality.

In this chapter, I will first introduce the laws across the MENA that implicitly and explicitly prohibit homosexuality. The overall goal of the chapter is to provide insight in regards to the salience of values that shape the society and culture. The most important nuance is to maintain social order; the prevailing themes include collectivism (in terms of family, the extended family and the community) and adhering to traditional gender roles set forth by patriarchy.

Whitaker writes that the prohibition of homosexuality in the Modern Middle East is not just grounded in Shari'a Law, as most Westerners like to purport: "In practice, the legal systems of Arab states are less dependent on the various schools of Islamic law than might be imagined. In some countries the constitution describes Shari'a as 'the main source' of law, while in others it is merely 'a source.' The only Arab country that claims to follow Islamic law totally is Saudi Arabia..."²¹ Using Shari'a as a source suggests that the laws' association with Shari'a is left implicit. What is important about Shari'a is that everything one does holds a legal value. He says that solely blaming Shari'a law, or Islam as a whole, for the atrocities committed against homosexuals is not sufficient.

Although religion plays a role, other factors must be explored as well such as cultural values and the implications of certain values. It is necessary to explore the influences of certain values and social understandings in order to conceptualize why homosexuality is generally considered an affront in the Middle East.

Laws in the MENA Pertaining to Homosexuality

²¹ Whitaker, pp. 122

Only four countries (including territories) of the twenty countries that make up MENA currently do not have laws that criminalize sexual activity between people of the same-sex – Jordan and West Bank of Palestine (1951), Bahrain (1976) and Turkey (1858)²². ILGA states that only in Turkey has homosexuality never been criminalized in the past.²³ Sixty-five percent of the twenty have penal codes regarding homosexuality that calls for punishment; they include: Algeria, Libya, Morocco, Sudan, Tunisia, Gaza Strip as part of the Palestinian Territories, Kuwait, Lebanon, Oman, Syria, and Yemen. Homosexuality is not always implicitly mentioned; however, certain phrases are used to, perhaps, imply homosexuality. These phrases include: “unnatural sexual intercourse,” in Syria; “indecent acts,” in Libya; “lewd or unnatural acts,” in Morocco; “an act of gross indecency,” in Sudan; and “sexual intercourse against nature,” in Lebanon. Clearly, these laws are clumsily written and the implications of the ineptitude are highlighted later. In Gulf countries like Qatar, Saudi Arabia and the United Arab Emirates homosexuality is automatically criminalized because all sex outside of marriage is illegal. Homosexuality, particularly sodomy, incurs the death penalty in Sudan (third offense), and for married men in Saudi Arabia and Yemen.²⁴

In some countries where male homosexuality is illegal, female homosexuality is permitted. In Tunisia, the Penal Code only outlaws sodomy and does not address female homosexuality at all. Consensual intercourse between men over the age of 21 is punishable in Kuwait. Again,

²² The year in brackets refers to the year when the reform came into force

²³ ILGA, pp. 15

²⁴ According to ILGA, due to translation debates, whether sodomy is punishable by death or not is ambiguous regarding the United Arab Emirates. pp, 65.

female homosexuality is ignored. In the Gaza Strip of the Palestinian Territories, the British Mandate Criminal Ordinance, No. 74 of 1936 remains in effect. This legislature criminalizes sexual acts between men with a penalty of up to ten years in prison.²⁵ The West Bank of the Palestinian Territories was under this law until 1951 when it was annexed by Jordan. Since then, Jordan's Penal Code which does not prohibit sexual acts between persons of the same sex, has been enforced.²⁶ The rationale behind these laws is discussed later.

For the most part, all of the aforementioned countries (or entities) have coherent rules, regulations, and punishments as it pertains to homosexuality. As for Egypt and Iraq, sexual relations between consenting people of the same sex are not prohibited by law. In Egypt, law enforcement uses other legislation to arrest LGB people and the judiciary uses these same laws to convict these people. For example, under the Egyptian Penal Code, phrases like “indecent and scandalous act against shame” are used and under its Law on the Combating of Prostitution, “debauchery” is used to arbitrarily prosecute LGB individuals.²⁷ In Iraq, although same-sex relations are not illegal, the law does not prevent “killing campaigns” against effeminate men or those suspected of homosexuality.²⁸

ILGA lists three countries as having unclear legislation in regards to female homosexuality, or lesbianism. As mentioned above, legislation about homosexuality in general in Iraq and Egypt is ambiguous. Kuwait is the other country; sexual acts between women are not mentioned

²⁵ ILGA, pp. 55

²⁶ Ibid

²⁷ ILGA, 46-48

²⁸ HRW, Iraq, pp. 8

by the criminal law. Interestingly, according to ILGA, female homosexuality is legal in Tunisia as well as the Gaza Strip of the Palestinian Territories. The factors behind the law are unknown, but perhaps the same logic that applied to lesbianism during medieval Islamic times applies here as well; certain virtues were not threatened by lesbianism so the acts were accepted.

Social Order, Gender Identity and Sexual Identity in the Modern Middle East

“Nature is understood to have created humans as “incomplete” beings, and only in union with the opposite sex do we achieve completion... Any aversion toward sex with the opposite sex is considered a denial of one’s nature.”²⁹ - Pinar Ilkcaracan

The homosexual experience is not the same for everyone as people are very different. Although many LGB people face similar challenges and difficulties, to say that all LGB people face the same set of issues is mistaken. When comparing the experience between those in the United States and those in the Middle East, the experiences are quite different given the salience of certain cultural values and perspectives. Gender in the Middle East is constructed as in all societies; however, the constructions there are more rigid in comparison to other regions, such as North America. It is fair to say that the majority comply with the essentialist views of gender. In almost all of the Middle Eastern countries, there is a state religion; In the United States, there is no official religion. Stereotypically, we align individualism with the West and collectivism with the East. Each of these observations has implications that intrinsically explain the complexity of sexual identity in the Middle East.

²⁹ Ilkcaracan, Pinar. “Deconstructing Sexuality in the Middle East.” Ashgate. 2008. pp. 11

Moghadam argues that “Muslim societies, like many others, harbor illusions about immutable gender differences.”³⁰ This is the essentialist view of gender identity – the differences between men and women are reduced to biological factors alone meaning that femininity and masculinity are assigned given the sex; therefore gender roles are ascribed as well. In simpler words, females must be feminine while males must be masculine. Unlike with the constructivist view of gender, neither society nor politics can influence your gender in this view. Moghadam’s additional phrase “like many others” is one of importance. I do not wish to suggest that all Americans endorse the constructivist view of gender. The difference is that there is more flexibility to not align one’s gender with one’s sex. There, deviating from normative ideas about femininity and masculinity upsets the social order. In the Modern Middle East, two of the most fundamental units of social order are traditional gender norms and family structure.

Tribalism encompasses patriarchy which encompasses traditional gender roles. Before Islam appeared in the Arabian Peninsula in 622 AD, the prevailing culture and society was organized into a tribal system. The whole society was based on a familial structure; individual families formed to make extended families which then grew to become clans and then tribes. One’s beginning and end was grounded in this social structure meaning that family determined one’s worth or status in society. This tribal system was a system in which patriarchy was deep-rooted. Although many of the rules in Islam were designed to push tribalism to the side in order to create new social institutions, vestiges of patriarchy remained.

Spierings writes about patriarchy:

³⁰ Moghadam, Valentine M. “Modernizing Women: Gender and Social Change.” Lynne Rienner Publishers. 2003. pp. 4

“The patriarchal system in the Middle East is characterized by patrilocal (extended) households, in which the senior male is the head of the household and position are determined through the male line; women live in their husband’s households, sons are preferred over daughters, and women are subordinated to (even young) male household members... The fundamental unit of society is the essential or natural institution of the family.”³¹

Gender roles play a part in the patriarchy as well. Spierings continues:

“In terms of gender roles... the core of the patriarchal gender contract is the male breadwinner/female homemaker model. In this model the dominant (re)productive roles in the household are that the (adult) men in the household are responsible for providing the household with an income. This income is provided by labour outside the home. Women’s primary roles are that of care givers, who run the household, bring up the children and care for other household members.”³²

In this light, it is necessary to determine what the threat is against this *natural* way of life posed from homosexuals. First and foremost, body language and personality are not efficient identifiers of homosexuality - meaning that not all homosexual females are bulldykes and not all homosexual males are queens. In the Modern Middle East, homosexuality is often punished because of suspicion and not because one was caught having sex with someone of the same sex. Effeminate men and masculine women are used as scapegoats regardless of their actual sexuality. Why? Because they are not acting *naturally*; manly men and delicate women act along the trajectory of how their sexes are *supposed* to perform so deviating upsets the social norm. In regards to sexual behavior, homosexual sex, a conundrum arrives: who is the man and who is the woman in

³¹ Spierings, Niels (2014) "The Influence of Patriarchal Norms, Institutions, and Household Composition on Women’s Employment in Twenty-Eight Muslim-majority countries" *Feminist Economics* Vol. 20, issue 4. pp. 3

³² *Ibid*

the relationship? The perceived connection between gender and sexuality is that in a *relationship*, one must act aggressively (*be the man*) and one must act passively (*be the woman*).

Therefore, in this respect, perhaps the homophobia is aimed at gender deviance rather than sexuality. Many Arab nations have given gender specific labels to categorize homosexuals; I believe this is a way to acknowledge the encounters rather than the identities of the individuals.³³ Therefore, in this respect, perhaps the homophobia is aimed at gender deviance rather than sexuality.

Here, Patriarchy expects powerful men and subordinate women. Therefore, when men and women want to take on each others' prescribed roles, manhood and womanhood are challenged. For example, men are not "real men" if they are househusbands – taking care of the children and other domestic duties. The same logic above applies when discussing sexual attraction because it is given as part of the social structure. Femininity should attract masculinity and masculinity should attract femininity. Therefore, deviating from this (i.e., a female feeling sexually attracted to a female) is unaccepted and irreconcilable with *nature*. In this light, LGB people's legitimacy (or right to exist) is inherently questioned – here, we realize the threat of homosexuals to society. Gay men, in particular, represent a threat to the patriarchal gender order. For that reason, sexually identifying as a homosexual (to the general public) becomes potentially life threatening; not to mention that freedom of sexual identity is not common in the Arab World.

Because of the salience placed on gender roles, the distinction between active and passive actors is evermore important. The passive position is highly stigmatized. This stigmatization is

³³ HRW, Egypt, pp. 5. The HRW report on Egypt mentions that the country has perpetually attached interpretations [identities, labels] to [homosexual] acts and desires.

not exclusive to this society as it surrounds *bottoms* in North America as well. However because of societal pressures, the magnitude of the stigmatization in the Middle East is perhaps greater. For example, the salience of the distinction between the active and passive partner is grounded in patriarchy and traditional gender roles as both organize society. In terms of organizing a society, patriarchy, in it of itself, encompasses gender roles in which men and women are not equal. Characteristically, being a *real* man entails that one is assertive while women are associated with submissiveness. In both heterosexual intercourse and homosexual intercourse between men, the same dynamic occurs as well - one plays the submissive role.

In this light, perhaps, the biggest obstacle that a passive partner must face is being labelled feminine. The sheer act of being penetrated requires a level of submissiveness - a characteristic that has been accordingly assigned to women. In terms of the Middle East, a man can not afford to be perceived as anything less than a man because a feminine expression upsets traditional gender norms and therefore the social order. In addition, others' futures depend on a male's maleness.

Along the legacy of pre-Islamic tribal society, religion has also played an important role in shaping attitudes towards gender and sexual relations as well as valuing the family (and the community). Most MENA countries name Islam as their official, state religion.³⁴ One principle of Islam only permits sexual activity under the context of marriage. This is important because marriage, for the Arab World, is considered the central building block of society making it almost

³⁴ Israel is the exception; there, Judaism is the state religion.

a duty.³⁵ In an Islamic marriage, only men and women are allowed to marry one another. One nuance of this is that *traditional* families - two-parents, always a mother and a father, and children - come from marriage. The main point here is that the religion of Islam invalidates homosexuality and homosexuality compromises the cultural value of family (i.e., family expectations and obligations). One obligation is to continually consider family in order to not bring shame or besmirch the family and its name. In general, homosexuality does just that.

Whitaker interviewed a number of LGB Arabs living in the Middle East concerning sexuality and their experiences. One of the prevailing themes that emerged was the salience of family for these individuals: “The sense of duty that Arabs in general feel towards other members of their family is extremely powerful.”³⁶ Whitaker emphasized that family was central to the lives of LGB Arabs as well; he writes, “Gay or lesbian Arabs are no exception to this [inescapable responsibilities to family] and often they are willing to put family loyalties before their own sexuality.”³⁷ This is manifested in Hassan’s story, a young man from a wealthy and respected Palestinian family: “Of course, my family can see that I’m not macho like my younger brother. They know that I’m sensitive, that I’m effeminate and I don’t like sport. They accept all that, but I cannot tell them that I’m gay. If I did, my sisters would never be able to marry, because we would not be a respectable family anymore.”³⁸ In order to further conceal his identity as a homosexual, he plans to get married to a lesbian from a respectable Muslim family. Hassan’s story is

³⁵ Ikizler, Ayse Selin. “A Qualitative Study of Middle Eastern/Arab American Sexual Identity Development.” *University of Tennessee, Knoxville Trace: Tennessee Research and Creative Exchange*. pp. 3

³⁶ Whitaker, 26

³⁷ Ibid

³⁸ Whitaker, 27

just one of many presumed stories like this. Being openly homosexual can carry serious implications for the whole family considering an Arab's obligations to his/her family.

Again, Islam is the state religion of most MENA countries, but not MENA itself. In regards to religion, Muslims constitute the majority of the population while Christians and Jews make up another large percentage.³⁹ Despite differences in dogma and practices among other things, all three Abrahamic religions boast the same rejection of homosexuality: "Although the population of the MENA region is overwhelmingly Sunni Muslim, there are Shia Muslim, Christian and Jewish minorities... The conflict between Sunni and Shia Muslims has been going on for centuries... Sadly, violent homophobia seems to be the only issue that unites all the majority and minority religions in the MENA region."⁴⁰

Given the faith of most Middle Easterners and the rejection of homosexuality found within it, perhaps, it would be even more difficult to identify as homosexual. Reconciling with a religious identity and homosexual identity is an issue for many LGB people because of the "incompatibility."

³⁹ Not all inhabitants of the Middle East adhere to one of the three religions; but the majority overwhelmingly does.

⁴⁰ ILGA, pp. 13

Chapter Two: Homosexuality in Today's Arab World

Introduction

"I used to think being gay was part of my life and now I know it means darks cells and beatings. It is very, very difficult to be gay in Egypt. I'll tell you something. Some things that happen in your life you can forget. And there are some things that you can never forget, even for one minute... And [the day I was tortured] was a very black day in my life... It hurts to remember. I don't sleep. If I sleep, I would dream about the trial... I have no one to talk to, no one to ask... What do they [the agents of torture] want from us?"⁴¹ - Ziyad, Queen Boat Detainee

Before delving into the personal narratives of torment, it is first important to recount the laws of the countries in which these acts occurred. In Egypt, sexual relations between consenting adults of the same sex are not prohibited as long as the actors perform them privately. After American forces invaded Iraq in 2003, the former Penal Code of Iraq (1969) was reinstated; the

⁴¹ HRW, Egypt

code does not outlaw same-sex relations at any moment.⁴² Article 534 of Lebanon's Penal Code (1943) reads: "Any sexual intercourse against nature is punished with up to one year of imprisonment."⁴³ Here, we see that in all three countries, homosexuality is not explicitly prohibited; however, the following section will highlight draconian instances of citizens of these states

Contemporary Context - HRW Narratives from Egypt, Lebanon and Iraq

In this light, suspicion of homosexuality can serve as a sufficient factor in which law enforcement and judicial figures use to punish LGB people in Egypt, Lebanon, and Iraq. Human Rights Watch writes, "Prosecutors press charges based on a defendant's looks or walk, the style of his hair or the color of his underwear. Judges rule by rote, regardless of whether evidence is fraudulent - or even whether it adds up to the elements of a crime according to the letter of the law."⁴⁴ Essentially, male homosexuality is defined by effeminate mannerisms. In other words, when LGB people or those suspected of homosexual conduct are arrested, it is rarely under the context of them having been caught in a sexual act, publicly or privately - making the punishment essentially illegal.

The issue of homosexuality took center stage in Egypt during the month of May in 2011 when the Cairo Vice Squad and officers from State Security Investigations raided a floating disco nightclub which was popular among tourists and allegedly homosexual men. The vessel was known as the Queen Boat as it was named after Nariman, the last queen of Egypt and wife of

⁴² ILGA, pp. 59

⁴³ Ibid

⁴⁴ HRW, Egypt, pp. 3

King Farouk.⁴⁵ Fifty two men, known as the Cairo 52, and one juvenile were charged with the habitual practice of debauchery. The prosecuted men, like other homosexual men or those expected of being homosexual were subjected to humiliating practices; some of these acts include being beaten by sticks on soles of their feet, beaten with fists, slapped with the flat of the hand, whipped across the back with a hose, etc.⁴⁶ Facts surrounding the actual arrests are debated, but what is clear about the arrests is that the Egyptian media took no time to immortalize the Cairo 52 as the indecorous, satanic faces of homosexuality in Egypt.

The HRW describes this media attention as “unprecedented, censorious, and salacious.”⁴⁷ *Al-Ahrar*, an Egyptian liberal newspaper, propagated that the men were “devil-worshippers” who practiced “perverted activities.”⁴⁸ Another nationalist liberal leaning newspaper, *Al-Wafd* reported that the men were arrested “during their practice of debauchery and while naked in the hall.”⁴⁹ The HRW accuses the State Security, the case’s prosecutors, of conjuring stories and evidence in order to wholly incriminate the Queen Boat arrestees’ ringleader, Sherif Farhat as “debauchery” was not enough reason for them to prosecute him or the rest of the Cairo 52. According to HRW, they accused Farhat of leading a sacrilegious cult of homosexuals which made him accountable for being charged with “contempt of heavenly religions.”⁵⁰ The most incriminating item of evi-

⁴⁵ HRW, Egypt, pp. 22

⁴⁶ HRW, Egypt, pp. 34

⁴⁷ *Ibid*

⁴⁸ *Ibid*

⁴⁹ *Ibid*

⁵⁰ HRW, Egypt, pp. 24 In addition, later in the report, according to Taher Abul-Nasr of the Hisham Mubarak Law Center that the debauchery charge did not come up until the third detention. (pg, 41)

dence that the officers discovered in Farhat's home were copies of a booklet entitled, "Agency of God on Earth: Our religion is the religion of Lot's people, our prophet and guide is Abu Nawas."⁵¹ For the sake of clarity, Lot's people refers to homosexual men and Abu Nawas was a prominent poet during the Abbasid dynasty whose art often featured homoeroticism. In addition, Farhat's colleague, Mahmoud Ahmed Dokla, was treated as a cult co-conspirator; State Security Captain Mohammed Abdel Muneim accused Dokla of building a prayer room for the cult's use in his house. The room allegedly had 'Agency of Allah' written on the ceiling.⁵² Because of the widespread media attention, the topic of homosexuality headlined Egyptian society for months to come.⁵³

Of the many encounters told by the battered arrested victims in the Abdin police station, one was indicative of how a male's masculine exterior is especially valued. Bassam, a Cairo native, worked in a gymnasium in Giza. He became acquainted with Farhat under what he describes as innocent terms; Bassam had given Farhat a massage in a gym and counseled him on working out. Although almost all of the approximate forty men were assaulted, Bassam was spared the beatings. He says, "I watched them getting beaten, but me they didn't beat. They hit them hard. I saw a lot of people with bloody marks on their backs from the belts... You know, I have muscles, I look like a man. The guards respected me. All along I was treated quite differently from the others."⁵⁴ Here, it is clear that the guards' respect was grounded in Bassam's mascu-

⁵¹ Ibid

⁵² HRW, Egypt, pp. 24

⁵³ Whether the HRW agrees with or dispute these claims is ambiguous; over, the HRW mentioned that the victims concurred that the evidence was assembled by the state officers.

⁵⁴ HRW, Egypt, pp. 33

line physique. Bassam's sexual orientation is unknown; however, presuming he is homosexual, his masculinity meant that he had not rescinded his maleness which therefore made him worthy of, at least, not being physically abused. This is even more important because, again, adhering to traditional gender norms is one of the fundamental units of social order in this society. Essentially, homosexuality is defined by expressing effeminate mannerisms therefore Bassam's demeanor baffled the officers.⁵⁵ Whether Bassam is homosexual or not, his treatment for appearing as a 'real man,' suggests the magnitude of the stigma surrounding effeminate men. Hassan, an arrestee, stated, "But there were a few who were treated especially badly by everybody - the officers, other prisoners. These were the ones who were obviously gay."⁵⁶ The use of "obviously gay" implies that the abused was a stereotypical-looking gay man.

The Queen Boat case is one case of many that indicate how law officers harass and punish homosexuals (and those perceived as homosexuals) in Egypt. In fact, the injustices seemed to multiply after this crackdown. The HRW report purports that the climate of "gay Cairo" changed after the Queen Boat arrests and trials which caused an increase in chatroom usage for homosexuals.⁵⁷ In this light, law enforcement employed tactics such as entrapping homosexuals, or those suspected to be homosexual via informants or undercover policemen across the internet.⁵⁸ Often times, the informants themselves are homosexual and must comply with orders out of fear of being potentially outed to others, assuming that information has not already been disclosed. The

⁵⁵ *Ibid*

⁵⁶ *Ibid*

⁵⁷ HRW, Egypt, pp. 75

⁵⁸ HRW, Egypt, pp. 74

actual number of arrests stemming from this entrapment ploy is unknown, but human rights activist believe the number to be exceptionally high despite the sometimes murky evidence. “Gay by association” arrests increased as well under a very interesting context - homosexuality is viewed as a sexual deviance therefore the conduct is associated with criminality.⁵⁹ The HRW report states:

“Police may thus see an act of violence against a gay man not as an occasion for investigation but as a pretext for further injustice. Instead of a concentrated search for a criminal [the murder(s)], they [the police] stage a roundup to persecute an entire community. In several cases Human Rights Watch has documented, authorities reacted to the murder of an allegedly gay man with indiscriminate mass arrests, picking up dozens or hundreds of people with no probable cause - on the basis not of a concrete suspicion but of their mere implication in homosexual conduct - holding them illegally, and torturing them. Finding the killer gives way to the goal of expanding police repression.”⁶⁰

Here, we see how these alleged homosexuals are a marginalized group that experience blatant targeting from the police. The stigma that surrounds homosexuality compels people to view homosexuals as less than human therefore making them extremely vulnerable to maltreatment from many. In addition, as mentioned above, the abuse is largely grounded in ineptly written laws.

This is not exclusive to Egypt.

The HRW report that spotlights Lebanon sheds light on human rights abuses against vulnerable groups - drug users, sex workers and LGB people.⁶¹ Here, we see that more than just one particular group is the subject of the report in comparison with the Egypt report. Despite the report’s brevity, it serves as a good source for chronicling, comparing, and contrasting abuses

⁵⁹ HRW, Egypt, pp. 88

⁶⁰ Ibid

⁶¹ For the sake of this thesis, I will only focus on the sections that deals with LGB issues. The HRW report also uses the abbreviation LGBT - meaning that transsexual people were considered.

against LGBT people just as the other reports. In comparison to the HRW report on Egypt, most of the actual abuses against the persons interviewed in this report occurred, either at the time of arrest or during an investigation, inside police stations as well. In fact, a HRW researcher filed an intimidation and harassment complaint against an Internal Security Forces (ISF) officer, the head of a Lebanese police station told her, “It’s normal for a police officer to slap a detainee around - it’s part of the job.”⁶² It is unclear whether the head of the Lebanese police station was implying that all detainees are slapped around or if he was just referring to those accused of “immoral” acts such as drug use or various sexual offenses; however, this statement inherently tell us that maltreatment by police has become routinized and therefore become commonplace. The report purports that this type of habitual behavior creates an environment in which police can abuse them [people in the vulnerable groups] with impunity.⁶³

One of the occurrences of such abuse related to homosexuals was in the context of an absence of evidence for a drug-related charge. Nadim, the brother of a suspected drug-dealer, was brought into a police station for questioning. After assuring that he has not had contact with his brothers in years, citing a bad relationship, police then began to accuse him of dealing drugs. With every denial came more physical and mental abuse. The police administered a drug test to Nadim - it came back negative. Without enough evidence to continue the drug charge, the case randomly became a case of homosexuality once police discovered that Nadim was carrying a condom. He says about his experience:

⁶² HRW, Lebanon, pp. 19

⁶³ HRW, Lebanon, pp. 10

“He [the police officer] asked me why I had a condom on me. I asked him in turn whether it was illegal to carry a condom, so he hit me again. When he asked me why I had messages and names of gay men on my phone, I asked him whether it was illegal to speak to gay men. He hit me again so hard my eye split and I began bleeding. I begged him to stop hitting my face but this egged him on further and he hit me even harder. He forced me to sign a confession that I have sex with men, all the while hurling punches and abuse at me.”⁶⁴

This charge is ever more indicative of how prejudice and stigma of homosexuality in this society overcomes evidence (or the lack thereof). The arbitrary charge of homosexuality paired with Nadim’s pressured confession to the act undermines the legal system and furthermore encourages unchecked abuse at the hands of police. In this light, complaints are rarely filed against the abusers due to inept mechanisms.

“They Want Us Exterminated,” the HRW report that chronicles the struggle for homosexual men in Iraq, briefly articulates how maintaining the social order - in this case, “be a real man” - correlates with the significance of this culture’s notion of honor and consequently, shame. The report purports, as I mentioned in a previous section, that the pressures of patriarchal values are more intense in a tribal structure. This nuance carries salient implications for Iraqis, particularly homosexual Iraqis, due to the former president, Saddam Hussein’s restoration of tribalism.

HRW states:

“Under Saddam Hussein... the government fostered tribal hierarchies, augmenting their authority and legal status in the hopes that clan heads could seal and deliver their members’ loyalties. The state gave tribal sheikhs power to settle disputes and decide internal affairs... [They] compelled much of the population to rely on blood connections for subsistence, patronage and protection. Tribal ties have become... a key psychological component of identity for many Iraqis....”⁶⁵

⁶⁴ HRW, Lebanon, pp. 26

⁶⁵ HRW, Iraq, pp. 41-42

Here, in essence, we see once again that one's beginning and end is grounded in this social structure of tribalism meaning that family determined one's worth and/or status in society. A Hussein amendment to the Criminal Code in 1991 intrinsically gave rise to *honor crimes* as offenders faced lighter punishments so long as the crime was committed in the context of *honor* - "The commission of an offense with honorable motives or in response to unjustified and serious provocation by a victim of an offense is considered a mitigation excuse."⁶⁶ This ineptly written provision gives subjectivity privilege over objectivity.

Honor crimes are based on socially approved codes and standards of behavior that epitomize the culture. In the Middle East, adhering to traditional gender norms and family structure are keys to maintaining the social order. Although usually directed towards women, men can also be targets of *honor crimes* if they are suspected of homosexuality.⁶⁷ Ramiz, 30, mentioned that two of his homosexual friends were killed in honor killings by their families and that the police were monetarily rewarded to keep quiet.⁶⁸ Recall that effeminate behavior is a sufficient factor for one to be accused of being a homosexual so merely dressing in a way that is perceived inappropriate or walking a certain way can lead to a homosexual's punishment and even murder. Tayyib, a 24-year old Baghdadi, told HRW, "Since I was 12, my brothers beat and insulted me for my feminine appearance and behavior. My father beat me all the time... My mother tried to

⁶⁶ HRW, Iraq, pp. 42

⁶⁷ According to the HRW, honor crimes are acts of violence, usually murder, committed by male family members against female family members who are perceived to have brought dishonor upon the family; however, this is not always the case.

⁶⁸ HRW, Iraq, pp. 44

protect me, but she couldn't do anything to stop it."⁶⁹ In this light, few circumstances carry harsher consequences than those endangering the status of the family in this society.

The implications of shame apropos of homosexuality bear repercussions not just of that individual, but the entire extended family due to the collectivism which is grounded in the culture. Mu'ayyad, a Baghdad native born to foreign educated parents, told HRW that his uncles on his father's side, who were heads of his tribe, that he shamed the entire tribe because he was not a *real man*.⁷⁰ In order to be perceived as such, he cut his hair short and altered something so inherent to him such as the way he walked. His newly found dishonest public display of manhood was to no avail as the bullying and beating continued for him. His testimony is particularly interesting because it highlighted how some men who participate in sexual acts with other men use the codes of honor (and shame) to benefit their greedy interests. A scorned lover once told him, "If you don't pay up, I will use the pictures I have of you. I know where all your uncles live" - he carried out this threat after a disagreement.⁷¹ Because of this, he fled to a neighboring country where his uncles steadfastly followed him to kill him. He was able to flee to yet another country. Adhering to the honor codes set forth by society means that one must respect other notions such as tribalism, patriarchy, and gender roles. In addition, one must be cognizant of the shame that the family will face if he/she decides to disregard what is perceived to be in the order of nature. Also, fear plays a large role - fear of being harassed and/or rearrested in the future or even fear of exposure of their affiliation to homosexuality to the public. This public exposure is particularly

⁶⁹ HRW, Iraq, pp. 43

⁷⁰ Ibid

⁷¹ HRW, Iraq, pp. 45

crucial regarding family members because of the importance that this society puts on family honor.

Anal Examinations

Before moving into the next chapter, it is important to mention forensic anal examinations. These examinations are indicative of the intolerance surround homosexuality and the stigma that surrounds those who passively participate in anal intercourse. All three HRW reports mention the tests, but all three vary in degree. I heavily rely on the HRW report on Egypt as it provides more detail behind the logic of the exams and narratives of those who have been subjected to the test; however, the other two HRW reports on Lebanon and Iraq provide valuable information as well.

The Forensic Medical Authority (FMA) in Egypt is the medical branch of the Ministry of Justice that handles numerous forensic cases annually. The HRW interviewed its director, Dr. Fakhry Saleh, and its deputy director, Dr. Ayman Fouda, about the anal examinations in which they perform when prosecutors need definitive medical help during debauchery cases.⁷²

Dr. Fouda acknowledges that during the examinations, FMA physicians look for six “marks of sodomy” based on the teachings of Auguste Ambroise Tardieu.⁷³ The physicians use

⁷² In Egypt, homosexuality is not explicitly outlawed; therefore, law enforcement uses other legislation to arrest LGB people and the judiciary uses these same laws to convict these people. Charges of “debauchery” are commonly used to arbitrarily prosecute the LGB, especially homosexual men.

⁷³ “Tardieu (1818-1879) a French forensic doctor published *Étude Médico-Légale sur les Attentats aux Moeurs (Forensic Study of Assaults against Decency)* in 1856. According to HRW, the book laid guidelines for investigating three offenses: outrages against decency, rape and pederasty/sodomy. These terms were used interchangeably with male homosexual acts.

Tardieu's asserted six signs⁷⁴ that show that one has participated passively in anal sex as a framework to detail the FMA's medical *knowledge* about the examinations and its approach to the examination. HRW described the examination as "a system in which the naked subject is made to bend while several doctors dilate, peer into, and in some cases insert objects into his anal cavity."⁷⁵ Dr. Fouda acknowledged the resemblance of his examinations to rape. Yet, he also gloated about new and advanced methods to the examinations that includes the use of electricity.⁷⁶ The examination of prisoners' anuses begins with looking for Tardieu's standard criteria with a physician's hand; if further investigation is needed, then a physician can employ electromyography methods to record electrical activity of the anal muscle. Dr. Fouda says of the process, "[It] may be done in an unanesthetized humans by using small metal disks on the skin overlying the [anal] muscle as the pickup electrodes or by using hypodermic needle electrodes."⁷⁷

Even more interestingly, he told HRW interviewers that the test alone cannot prove *criminal behavior* (i.e. consent to be anally penetrated). Here, I believe the *crime* in reference is that of *debauchery* or *scandalous act against nature* - two crimes that are commonly used to incriminate LGB individuals.⁷⁸ He said, "There is no way to determine through the forensic examination whether the vice is practiced without discrimination with multiple partners... Circumstantial or

⁷⁴HRW, Egypt, pp. 108. 1) the excessive development of the buttocks; 2) the funnel-shaped deformation of the anus; 3) the relaxation of the sphincter; 4) the effacement of the folds, the crests, and the wattles at the circumference of the anus; 5) the extreme dilation of the anal orifice; and 6) ulcerations, hemorrhoids, fistules. Of the six signs, Tardieu claims that the funneled anus was "the unique sign and the only unequivocal mark of passive (pederasty).

⁷⁵ HRW, Egypt, pp. 111

⁷⁶ Ibid

⁷⁷ HRW, Egypt, pp. 110-111

⁷⁸ Recall that consensual sex between people of the same sex is allowed so long as it is done in private.

other evidence is needed.”⁷⁹ However, he added that the test can determine if one has been “habitually used” - participated passively multiple times - due to the way he assumes the testing position. Fouda co-authored an article, “Electromyographic Study of Some Cases of Anorectal Intercourse” in which he describes how properly lying down for the examination indicates habitual usage of the man’s anus.⁸⁰ He claimed, “Response to lying down order for examination, which was considered positive when the patient spontaneously lies in the proper decubitus [position on all fours] for anal examination.”⁸¹ In the interview, he said, “To assent quickly is a sign of having been used - we don’t describe the position to people, and if they have practiced perversion before, they assume it spontaneously because they know it.”⁸² Again, we see subjectivity taking precedence to objectivity - only this time in the field of medicine and academia, given that his approach was published by Society of Forensic Egyptian Medical Sciences.

From Dr. Fouda’s answers, we can realize that personal opinion influenced the results of the investigation. This lack of professionalism resonated in the accounts of some men who had undergone the examination. One recounted, “... We went in for the test. They said, “Take off your clothes.” Then: “Assume the position.”... There was no respect... I cried with their words. “How long have you been used?” “What have you stuck up your ass?”... You bend over and raise your bottom and they massage and spread you cheeks. Then he put something inside for a

⁷⁹ HRW, Egypt, pp. 112

⁸⁰ Eassa M. A. Eassa, Nabil M. Khalel, Naemat F. Hamed, Ayman A. M. El-Sawy, and Ayman Fouda, “Electromyographic Study of Some Cases of Anorectal Intercourse,” *Journal of Legal Medicine and Forensic Sciences*, Society of Forensic Egyptian Medical Sciences, Vol. 10, No. 4 (October 1998).

⁸¹ *Ibid*, 387

⁸² HRW, Egypt, pp. 111-112

little bit... And he said, "Get up, you're ok."⁸³ Hossein, a Queen Boat defendant recalled his experience, "The doctors were like carters, they were insulting and shouting and screaming abuse... The doctor asked, "Were you having sex inside the Queen Boat?" I told them no. So they said, "Fine, strip," and he examined me. And then he insulted me - he said, "*khawal* (a man who has performed passively), it's very clear."⁸⁴

In the HRW Iraq report, the same sentiments were echoed.⁸⁵ Yehia and Abbas said, "They pulled down our pants to see what sex we were, then beat us on the street in front of everybody. Then they took us to the Bab Mousalla police station. In a day or so, they took us to the Bashar Asad hospital, to do tests to see if we were gay. The doctor asked us to take our pants down and we had to kneel in front of him. He asked each of us to count to ten and inserted his thumb in the anus. The he said, "They're gay."⁸⁶

The practice of forensic anal examinations is used to determine the sexual behavior of men who are suspected of homosexuality. The exams reinforce that homosexual men who perform passively are more stigmatized than their active counterparts. Physicians (and sometimes police enforcement) execute their examinations, shame the examinee and presumably does not ask or care about the other individual. One can imply from this that being a homosexual is strictly defined as anal intercourse and nothing more; indubitably, we know that this is untrue. These tests have been rendered medically and scientifically unsound as well as in violation of in-

⁸³ HRW, Egypt, pp. 114

⁸⁴ HRW, Egypt, pp. 115; I am also not sure of the meaning of "carters."

⁸⁵ Although mentioned in the report on Iraq, the interview took place in Lebanon. The two interviewees are presumably Lebanese.

⁸⁶ HRW, Iraq, pp. 57

ternational standards against torture and degrading treatment.⁸⁷ In spite of this, forensic anal examinations persist.⁸⁸

Chapter Three: Homosexuality During the Islamic Golden Age

Introduction

This chapter will examine the extent of social acceptance of homosexuality and same-sex tendencies and behaviors during the 622-1258 period of the Muslim World. I argue that, despite the condemnation of homosexuality in Islamic sources such as the Quran and the Hadith, homosexuality was, for the most part, socially tolerated. In the following sections, I will analyze the prominence of gender-bending especially among males, then show that female homosexuality, (i.e., lesbianism) was even more tolerated than male homosexuality, and finally explore the punishment (or rather absence thereof) for these acts.

Terminology

In order to properly answer this question, there needs to be an explanation of some Arabic terms that I will use in this section as well as an explanation of terms that denote homosexuality, homosexuals, and those who *relate* to homosexuals. As the construction of homosexuality has historically changed in the Middle East, using the Arabic terms is necessary in order to fully un-

⁸⁷ HRW, Lebanon, pp. 35

⁸⁸ In 2012, after pressure from the Lebanese Doctors' Syndicate, Justice Minister Shakib Qortbawi of Lebanon released a statement to the public prosecutor asking him to issue a directive ending anal examinations completely.

derstand the context. For clarity, homosexual activity did not always entail sexual desires; however, sometimes it did. According to Everett Rowson, the leading scholar of homosexuality during Medieval Islamic times, “The Arabic terminology alone leaves little room for doubt about the importance of this distinction.”⁸⁹

Fiqh (jurisprudence) defines homosexuality activity, more or less exclusively, as anal intercourse (sodomy).⁹⁰ Therefore, homosexuality, in this sense, does not include sexual relationships between females; this realization holds implications that will be discussed later in the chapter.

Liwat is a word that literally translates as “of or pertaining to (the prophet) Lot” that expresses the act of homosexual anal intercourse which can, technically, refer to both players in the act.⁹¹ Scholars tend to agree that a *luti* is a male who engages in homosexual activity; however, they do not agree about his role, whether passive or active, in the act. Rowson writes, “... *luti*... [is] a term rare in the legal literature but otherwise common, always refers to the active partner...”⁹² Samar Habib counters his argument by writing, “... it is not only the active partner (the sodomite) who is a *luti*, but so are the sodomized.”⁹³ Because *luti* is derived from *liwat*

⁸⁹ Rowson, Everett K. “The Effeminate of Early Medina.” *Journal of the American Oriental Society*. Vol. 11, No. 4. (pp. 685). American Oriental Society.

⁹⁰ *Ibid*

⁹¹ Habib, Samar. *Female Homosexuality in the Middle East: Histories and Representations*. (pp. 17). n.p.: New York: Routledge, 2007.

⁹² Rowson, 688

⁹³ Habib, 17

which, as mentioned above, designates the act of homosexual sodomy in general, this paper will use *luti* to mean gay male, whether passive or active.

There may not be agreement on the particulars of *luti*, but Rowson correctly concluded that the Arab language exploits the active-passive dynamic in certain terms. To avoid leaving the impression of an orientalist undertone, it is important to again mention that the English language also has these terms – the proverbial “top” and “bottom.” Again, commonly, the active player is known as the *fa'il*, or the doer and the passive player as the *maf'ul bihi*, the done upon. Because this section deals with the Islamic Golden Age, it is important to include the terms of that time that denoted homosexual acts. *Ubnah* should be used the same ways as *luti*. Other popular terms, originated during the Abbasid dynasty, that insinuate the passive player include *mu'ajir*, one who is paid to perform passively; a passive player who acts out of sexual desire, a *ma'bun*.⁹⁴ Lastly, *mubadil* from the Arabic root, b-d-l which means to exchange, designates the males who agree to perform passively in exchange for a turn as the active player.⁹⁵ During the Umayyad period, the most popular term for *ubnah* during the Umayyad period seems to have been *hulaq*⁹⁶, *nakih* was synonymous with *fa'il* and lastly, *mankuh* with *maf'ul bihi*.⁹⁷

Despite the dearth of scholarship on female homosexuality, Arabic literature during the Islamic Golden Age assigns certain words to these acts as well as those who perform them. *Suhaq* is the most commonly used term to explain this behavior. It comes from the Arabic root, s-

⁹⁴ Rowson, 685

⁹⁵ Ibid

⁹⁶ Ibid

⁹⁷ Rowson, 686

h-q which means to grind insinuating the rubbing of female anatomy against each other, or presumably, against the lover's body parts.⁹⁸ This root forms a word which means the doers of *suhaq* - *sihaqa*.⁹⁹ Unlike the distinction in male homosexuality, there does not seem to be any implication of the passive-active dynamic.

It is important to include those who were "of the people" acting on their homosexuality - "second-degree homosexuality"¹⁰⁰ in order to fully determine the extent of social acceptance of homosexuality and a richer understanding of same-sex sexuality as a whole. Although not necessarily suspected of homosexuality behaviors, it is likely that these men were participating in such acts. During the first Islamic century in Medina, male musicians often indulged in *takhannuth*, or effeminacy and were called, *mukhannathun*, or effeminate men.¹⁰¹ The degree to which homosexual acts are conflated with gender performances is discussed in the subsequent section. Masculine women were known as *mudhakkarat/muthakkarat*.¹⁰² Later in the chapter, I will address the association between homosexuality and crossing gender boundaries. Lastly, slave girls who crossed-dressed as boys were called *ghulamyyat*.¹⁰³

⁹⁸ Habib, 17

⁹⁹ Amer, Sahar. "Medieval Arab Lesbians and Lesbian-Like Women." *Journal of the History of Sexuality*. Vol, 18, No.2. Universit of Texas. pp. 215

¹⁰⁰ An expression coined by Michele Perret in 1985. In this context, it is used synonymously with "cross-dressing."

¹⁰¹ Rowson, 671

¹⁰² Habib, 18

¹⁰³ Amer, 226

Male Homosexuality

During the Abbasid period, homoeroticism in literature exploded and these narratives serve as extraordinary sources on this topic. The distinction between *fa'il* and *maf'ul bihi* was particularly salient at this time. Rowson writes, "...the active partner, who, at least from Abbasid times, was inevitably exposed to less intense societal disapproval than the passive partner, and, indeed, whose desires, if not his acts, were widely considered normal from at least the fourth/tenth century."¹⁰⁴ As we saw above, the Arabic language did not designate a term for the *fa'il*'s partner without referencing his motives – the *maf'ul bihi* was not necessarily assumed to be acting out of desire. It is important to mention that the subject of the desires of the active partner were mostly those for a pubescent boy. This implicates a relationship between power and sexuality in the early Islamic Middle East.

Dunne emphasized this point, "In Medieval Islamic societies... sexual relations were organized in conformity to principles of social and political hierarchy."¹⁰⁵ Therefore, in general, one's sexual role was predetermined by one's status in the social hierarchy at that time. The same goes for homosexual acts which reinforced traditional gender roles of a dominant male figure and a submissive female (or female-like figure); scholars argue that this inherently supports the notion of traditional gender roles. Recall from above that the prescribed roles for men and women in this society follow the "male breadwinner/female homemaker model."

Hierarchical homosexual sex, between an adult man as the *fa'il* and a younger adolescent boy who always played the *maf'ul bihi*, could be described as standardized. Why? Because the

¹⁰⁴ Rowson, 685

¹⁰⁵ Dunne, Bruce. "Power and Sexuality in the Middle East." Middle East Report, No. 206. 1998. pp. 10

goal of this particular act seems to necessarily be one motivated by pleasure, but rather one motivated by greed (status).¹⁰⁶ Although these acts made men “sinners,” it did not undermine their public position as men.¹⁰⁷ In fact, Marshall Hodgson wrote on homosexuality in medieval Islamic civilization, “Despite strong Shar’i [i.e., Islamic legal] disapproval, the sexual relations of a mature man with a subordinate youth were so readily accepted in upper-class circles that there was often little or no effort to conceal their existence...”¹⁰⁸ This statement indicates that at that time societal practices prevailed over Islamic teachings as it pertains to homosexuality. Habib frankly remarks, “Furthermore it does not appear that prohibitions of either male [or female] homosexuality in Islamic doctrine were taken seriously prior to the thirteenth century...”¹⁰⁹ In all, homosexual male sex was without a doubt socially accepted, at least among the upper-class, under the paradigm of asserting social domination. The irony is that in order for a homosexual act regarding intercourse to occur, both actors must participate, but mostly the *fa’il* was more socially accepted.

Perhaps one may argue that these men were not “homosexual” because we do not know (and have no way of knowing) if there was a sexual attraction between the actors or if their sexual feelings were directed to people of the opposite sex. In all likelihood, these men would probably not have described themselves as such. Pederasty did not seem to fit into the same classification as the Islam-prohibited sodomy, or even today’s concept of homosexuality. However, “ho-

¹⁰⁶ There is not way to know if these men were sexually attracted to these adolescent boys or not; however, we do know what the act symbolizes for the men: status.

¹⁰⁷ Dunne, 10

¹⁰⁸ El Rouayheb, Khaled. “Before Homosexuality in the Arab-Islamic World, 1500-1800, pg 3

¹⁰⁹ Habib, 48

homosexuality” is the word we have today to describe intercourse between people of the same sex, among other aspects, so, nevertheless, what was occurring should be rendered homosexual sex.

If homosexual activity occurred under the pretext of desire, it was almost always unacceptable - but not exclusively or in comparison to other forms of male homosexual sex. Sex between two males seems to be quite permissible and acceptable only if it followed a trans-generational framework, or in other words, a pederastic framework – an adult and a boy. If the adult male was to ever assume the submissive role with the boy, it was deemed “inexplicable, and could only be attributed to pathology.”¹¹⁰ However, this does not mean that consensual homosexual sex did not occur between adult men. Rowson explains, “Adult male egalitarian homosexual relations may have been publicly unacceptable, but there is evidence that, in the medieval period, men of equal rank could negotiate such relations by alternating active and passive sexual roles.”¹¹¹ Therefore, *mubadil* man who acted passively with a younger boy was more socially unacceptable in comparison to sex between two *mubadil* adult men. However, those who maintained a dominant public façade but were privately submissive greatly threatened the norms of male dominance.¹¹² Perhaps, this is why the *mukhannathun* were so prominent in early Medina.

¹¹⁰ Rowson, Everett K. “The Categorization of Gender and Sexual Irregularity in the Medieval Arabic Vice Lists,” Julia Epstein and Kristina Shaub, eds. *Body Guards: The Cultural Politics of Ambiguity*. (pp. 73). n.p.: New York and London: Routledge, 1991.

¹¹¹ Rowson, 66

¹¹² Rowson, 72

Although today we steadfastly associate effeminate males with homosexuality, the *mukhannathun* were not presumed to be homosexual, but rather “lacking interest in women.”¹¹³ The assumption is risky to label all *mukhannathun* as homosexuals; although they were absolutely not heterosexual, explicitly labeling them as homosexual is messy. Medinese men, Al Gharid and al Dalal are the only two *mukhannathun* on which there is explicit anecdotal evidence of homosexual activity.¹¹⁴ Relating them to the power and sexuality dynamic that this time period presented, Dunne states: “Effeminate men who voluntarily publicly behaved as women gave up their claims to membership in the dominant male order. They lost their respectability [as men].”¹¹⁵ This does not mean that they did not have a place in society though.

Because of the normalcy and lack of stigma attached to male homosexuality during the early Islamic period, one could easily say that it was deemed socially acceptable to a fair degree. Due to the power and sexuality dynamic, homosexual relations can be understood as a reinforcement of traditional gender roles. Because of this, some actors enjoyed more acceptance than others; but, for the most part, male homosexuality was widespread during 622-1250 despite Islam’s acknowledging it as illicit.

Female Homosexuality

Compared to the studies on male homosexuality during Medieval Islam, there is a dearth of scholarly work done female homosexuality. Until recent times, little attention has been given

¹¹³ Rowson, 671

¹¹⁴ Rowson, 689

¹¹⁵ Dunne, 10

to the ample amounts of female homoeroticism found in medieval literature. Scholars, like Samar Habib, often rely on the narratives provided in these stories as sources. Secondly, compared to male homosexuality, *suhaq* was generally deemed to be a less serious offense than *liwat*, because *zina*, or fornication can not occur without primary male sex organ. Despite the disagreement about whether or not sodomy can be considered *zina*, it can be considered a threat because of penetration. Lastly and perhaps most importantly, Islamic texts are often used to condemn homosexuality, as a whole; however, as mentioned above the Quran does not explicitly express anything towards female homosexuality.

For this reason, I argue that female homosexuality was even more socially accepted at that time, because these acts, technically, did not threaten important social values of female virginity or challenge the wrongfulness of *zina*. Moreover, according to Amer, female homosexuals were not considered guilty of a “silent sin.”¹¹⁶ Scholars like ibn Falita, a fourteenth century author, suggested that Islam’s heavy interest in preventing *zina*, perhaps, encouraged *suhaq*. He wrote, “Know that lesbianism insures against social disgrace, while coition is forbidden except through marriage.”¹¹⁷ Therefore, sex between women, at times, saved the ever-so important female virginity; it was not necessarily deemed a normal practice, but because it was not a threat, it was socially accepted to a great degree.¹¹⁸

¹¹⁶ Amer, 221; I believe what she means is enjoying the pleasures of unconventional sex, but not necessarily breaking any rules.

¹¹⁷ Ibid, 222

¹¹⁸ Interestingly, James Brundage wrote that early Romans viewed homosexuality as generally more acceptable among males than females because males saw female homosexuality as a threat to their manhood and/or sexual-esteem before the medieval period. This is the exact opposite of what I am arguing. Brundage, James, Law, Sex, And Christian Society in Medieval Europe, The University of Chicago Press, 1987. pp. 27.

Suhaq did not occur under the same contexts as male homosexuality such as asserting power over insubordinates; according to Amer, *suhaq* was associated with love and devotion and thought to be far more than a medical condition and a simple sexual practice.¹¹⁹ Even so, it is said that these *suhaqiyat* formed exclusive subcultures to hold meetings and forums about how best to achieve pleasure via *suhaq*.¹²⁰ Communities for these women emerged which at least partially suggest that these women were comfortable because their meetings were not secretly done.

“Second-degree homosexuality” occurred the same way with females as with males via cross-dressing. Judith Bennett defined these female homosexual-like women to be “women whose lives might have particularly offered opportunities for same-sex love; women who resisted norms of feminine behavior based on heterosexual marriage; women who lived in circumstances that allowed them to nurture and support other women.”¹²¹ This manifested mostly via the tradition of *ghulamiiyyat*. Although uncertain, Amer speculates that this may be a space which same-sex attachments could have taken place.¹²² Upper-class Baghdadi women adopted this style in the ninth century who might have used the tradition as a means of liberation.¹²³ Regardless of sexual practices, cross-dressing can be considered lesbian-like which indicates that *suhaq* was mostly socially accepted.

¹¹⁹ Amer, 218-19

¹²⁰ Ibid

¹²¹ Bennett, Judith M. “Lesbian-Like and the Social History of Lesbians.” *Journal of the History of Sexuality*. No. 1-2. (pp. 10). University of North Carolina at Chapel Hill.

¹²² Amer, 226

¹²³ Amer, 227

As mentioned above, scholars use literature as sources because of the large amount of female homoeroticism present in it. Malti-Douglas uses a literary work by Shihab al din Ahmad al Tifashi to investigate discussion surrounding same-sex desire among women in the medieval Islamic period. The implications of two anecdotes are great. The first is about two men having a conversation about *suhag*: the curious man asked, ‘By God, I want to know how women practice sex between them’ and the other man responded: “If you would like to know that, enter your house a bit at a time.”¹²⁴ The implications of the second man’s answer are obvious. Clearly, the questioner’s wife is most likely involved in *suhag* and that if he comes unannounced, he would surely catch her in the act. I would argue that the male half of the marriage did not feel threatened by his companion’s response because his initial question suggests a male fantasy about female sex. We know that *suhag* was socially accepted, but here we see a potential reason as to why.

The other anecdote surrounds a certain Mazid and an assumed associate in which Mazid informed him that he orders his wife to participate in *suhag* because of the potential benefits it serves her and even him.¹²⁵ This suggests that *suhag* was openly accepted and that it was not perceived as a threat to norms such as marriage and heterosexuality. Rather, *suhag* was seen as inferior to heterosexuality and a potential way for the woman to learn ways of pleasing her spouse.

¹²⁴ Malti-Douglas, Fedwa. “Tribadism/Lesbianism and the Sexualized Body in Medieval Arabo-Islamic Narratives,” Francesca Canade Sautman and Pamela Sheingorn, eds. *Same Sex Love and Desire Among Women in the Middle Ages*. Palgrave. pp. 128

¹²⁵ Ibid, 129

In summation, just like *liwat*, *suhaq* was a widespread phenomenon during the early Medieval Islam. Perhaps, it was socially acceptable for a variety of reasons such as the absence of penetration meant that norms of female virtue were not threatened, the Quran does not explicitly list it as a sin, and males seemingly encouraged the acts for selfish reasons.

Absence of Punishment vis-à-vis Homosexuality

Now, we know both male homosexuality and female homosexuality were socially accepted for the most part. The little to no punishment is somewhat a manifestation of how homosexuality, in general, was not very stigmatized or viewed harshly during Medieval Islam. For one, the Quran does not set a specific punishment for homosexuals. Scholars disagree regarding the establishment of the various Islamic schools of thought, *madhahib*, which prescribe certain punishments for homosexuality ranging from stoning to death of both partners to ten lashes.¹²⁶ In practice, it is hard to determine whether these thoughts were applied to punishment at this time largely because homosexuality went unpunished rendering it acceptable.¹²⁷

Rowson chronicles only a few instances of punishment for the *mukhannathun* which often did not directly stem from homosexuality. One of the only indications of punishment that related to homosexual, in this case, “second-degree homosexuality,” took place under the early Umayyads when bounties were put on *mukhannathun*’s heads based on a perceived connection

¹²⁶ Amer, 223

¹²⁷ It is possible that homosexuality was punished under more general categories like *zina*; however, this is speculation.

between cross-dressing and a lack of proper religious commitment.¹²⁸ Evidence shows that only one *mukhannath* was executed and no others were harmed.

Because a lot of the governors of Medina enjoyed the musical talents of the *mukhannathun*, they often would not carry out banishment orders. For example, during the Umayyad period, some citizens of Medina urged their governor to “put an end to the rampant corruption by purifying the city of singing and fornication.”¹²⁹ If we note carefully, we see that the order was directed towards to “singing” and “fornication,” not the activity of *takhannuth* - the citizens’ call for the expulsion of *mukhannathun* tells us that maybe homosexuality was not socially accepted among the lower-class in Medina. Because the governors hardly reacted, this suggests that it was socially accepted among the upper-class. The persecution of the *mukhannathun* culminated under Umayyad caliph, Sulayman. After being captivated by singing in the desert as he enjoyed the company of a slave girl, he questioned his companions about whose voice did he hear; to his surprise, it was the voice of a man.¹³⁰ He ordered the man to be castrated along with other *mukhannathun* singers. Again, we see that they were punished for being musicians, not for indulging in *takhannuth* or any other form of homosexuality/”second-degree homosexuality.” Moreover, al Dalal was accidentally castrated due to the orders of Caliph Suleyman by which he felt grieved and later rewarded al Dalal richly.¹³¹ None of these anecdotes reflect punishment for homosexual behaviors or inclinations which leads me to conclude that *liwat* was mostly socially acceptable.

¹²⁸ Rowson, 687

¹²⁹ Ibid, 688

¹³⁰ Ibid, 690

¹³¹ Ibid, 692

There is even less anecdotal evidence to suggest that *suhaq* was punished. This could partially be because of a lack of scholarship or because it was almost entirely socially accepted. Probably, both factors play a part, but I lean more to the latter because again, *suhaq* was not considered a threat to norms such as female virginity until marriage. Poet, Ibn Hazm, exemplifies tolerance of *suhaq* in one of his stories where he mentions a former slave woman altering lyrics to a song to include *suhaq* in front of Abbasid caliph, al Ma'mun who initially insisted that heterosexual sex is superior to female same-sex and later invited her to finish the song.¹³² It is difficult to confirm why she decided to do this in front of a caliph, but I would argue that she guessed it was safe to do so because *suhaq* was socially acceptable.

We can often measure whether something is acceptable or not by the reactions that follow. If this notion is true, the absence of punishment in regards to homosexuality denotes that it was socially accepted. There is no real explicit evidence that suggests that people homosexual males or females were exclusively punished for being homosexual.

¹³² Habib, 56

Chapter Four: Say It Is Not So - The British Introduces Homophobia to the Gulf States of the Arab World and the Arab World Will Not Let It Go

Part One

Introduction

“Fears of moral infection from the “native” environment made it urgent to insert anti-sodomy provisions in the colonial code.”¹³³ - Human Rights Watch

The previous two chapters presented a stark contrast of attitudes in concerning homosexuality between the Islamic Golden Age and modern Middle Eastern states. Male homosexuality

¹³³ Human Rights Watch. “The Alien Legacy: The Origins of “Sodomy” Laws in British Colonialism.” © 2008 by Human Rights Watch. pp. 16

during medieval Islamic times was socially accepted mostly under the context of pederasty while female homosexuality was accepted because it did not threaten any social or cultural values. Today, punishments for homosexuality, among males or females, vary from prison sentences to even death.

In a 2013 study, Pew Research Center's Global Attitudes Project found that most of the surveyed European Union countries were tolerant of homosexuality. The posed question was: Should society accept homosexuality? The reported, "About three-quarters or more in Spain (88%), Germany (87%), the Czech Republic (80%), France (77%), Britain (76%) and Italy (74%) share this view [homosexuality should be socially accepted].¹³⁴ France, Britain and Italy have all enjoyed colonies in the Middle East - a region that seems to be moving in the opposite direction, compared to the rest of the world, when it comes to LGB affairs. I argue that this attitudinal change occurred primarily because European colonialists, in this case the British, introduced homophobic culture to the area that later emerged in the laws. In this chapter, I further my argument by first examining Section 377 of India's Penal Code and navigating British India's increased role in politics in the Gulf Arab States.

India's Section 377 and Britain's Buggery Act

The British Empire, during the Victorian Era, introduced Section 377, a provision against sexual acts that did not fit nature, to India's Penal Code. It reads, "Unnatural offences: Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for term

¹³⁴ Pew Research Center. "The Global Divide on Homosexuality," 2013

which may extend to ten years, and shall also be liable to fine.”¹³⁵ Although not mentioned, it was understood to criminalize buggery¹³⁶. We know this because the provision was based on Henry VII’s Buggery Act of 1553 which ruled anal intercourse a felony. Thomas Babington Macaulay was the chief drafter of the Indian Penal Code since 1825, but according to the HRW, Section 377 became the first colonial sodomy law to integrate any penal code of a colonized country.¹³⁷ The HRW stated, “A nineteenth century historian observed that the Indian Penal Code was a success because there, unlike at home, the British government could express “a distinct collective will” and could “carry it out without being hampered by popular discussion.”¹³⁸ HRW also expressed that historians documented how British officials feared that soldiers and colonial administrators would turn to sodomy.¹³⁹ In this respect, to *protect* the Christians, imposing anti-sodomy laws in British India was a given.

In 2009, India’s Supreme Court began a litigation to determine the legal status of LGBT Indian citizens. In defense of the community, Attorney General of India Goolam Vahanvati used India’s socio-historical relationship with Britain in his argument:

“The A.G. [Attorney General] pointed out the contrast between the treatment of homosexuals in India and Britain in 1861. Where Britain had a deeply repressive regime, even punishing buggery as a capital crime till 1861, India was much more liberal. Many sought to escape Victorian sexual repression and came to India, which in turn prompted “sexual imperialism” as the British imposed their sexual mores on India. He concluded that Indi-

¹³⁵ Chapter XVI, Section 377, Indian Penal Code, 1860

¹³⁶ Buggery is a derogatory British English term that means sodomy. I use it here because it is used in the name of the act.

¹³⁷ HRW, “This Alien Legacy” pp. 16

¹³⁸ Ibid

¹³⁹ Ibid, 16

an society clearly had a much greater tolerance for homosexuality than its British counterpart, an that the introduction of Section 377 was not a reflection of existing Indian values and traditions. Rather, it was imposed upon Indian society due to the moral views of colonizers.”¹⁴⁰

This is precisely what I am arguing except in the context of the Arab World. India had this law because it was a British colony; I will show that the same can be said about the Arab Gulf states where Section 377 served as a model for its laws against homosexuality. As proven above, in the Arabian Peninsula during the Islamic Golden Age (622-1258), male homosexuality was socially accepted mostly under the context of pederasty and female homosexuality was socially accepted because it did not threaten any norms of culture; of course, not all Arabs felt this way, but this seems to be the majority perspective. Again, I do not wish to make the assumption that the social acceptance of homosexuality remained static from medieval Islamic times until the time of the Ottomans. But, it seems as though the stark change in attitudes in the Arab World occurred when British India intervened in the Gulf States. From British India festered Britain’s colonial laws of buggery and its sexual morality to place where homosexuality had before gone unpunished.

British India and the Arab Gulf States

Before delving into Britain’s potential influence in prohibiting homosexuality in the Gulf states, it is important to briefly discuss how Britain was able to establish a presence there. James Onley claimed that the British Empire enjoyed an “informal empire” in the Gulf States between

¹⁴⁰ Sheikh, Danish. “The Road to Decriminalization: Litigating India’s Anti-Sodomy Law,” Yale Human Rights and Development Journal. Vol 16, Article 3, 2013. pp. 21

1820 and 1971.¹⁴¹ He wrote, “Until 1947, the Gulf Arab states of Kuwait, Bahrain, Qatar, Abu Dhabi, Dubai, Sharjah, ‘Ajman, Umm al-Qaiwain, Ras al-Khaimah, Fujairah, and Muscat/Oman formed part of Britain’s Indian Empire, controlled from British India.”¹⁴² Interestingly, those years coincide with the Victorian Era when sexual morality was a key concern. British India initially became involved in the Gulf states due to security concerns in the early 1800’s, as argued by the Ronald Robinson and John Gallagher explanation¹⁴³ and imposed a maritime treaty with some of the sheikhdoms in 1820. The treaties did not stop there: “After the imposition of the General Treaty of 1820, the Gulf Arab rulers consented to other treaties over the course of the next 150 year of British hegemony.¹⁴⁴ I believe as Britain became more powerful in the realm of politics, it began to exploit its ultimate power and jurisdiction.

Perhaps the most significant of the maritime treaties was the Perpetual Maritime Truce in 1853 with the Trucial States and the Trucial Coast.¹⁴⁵ Bahrain joined the truce in 1861 and Qatar in 1916. This Trucial System, according to Onley, ultimately casted Britain in the roles of protector, mediator, arbiter, and guarantor of settlements.¹⁴⁶ In later Exclusive Agreements, Bahrain, the Trucial States, Kuwait and Qatar completely ceded control of their external affairs to the British

¹⁴¹ Britain’s Persian Gulf Residency is dates from 1763-1971.

¹⁴² Onley, James. “Britain’s Informal Empire in the Gulf, 1820-1971,” 2005. pp. 29

¹⁴³ Onley, pp. 39-42

¹⁴⁴ Onley, pp. 31

¹⁴⁵ The Trucial States were Abu Dhabi, Ajman, Dubai, Sharjah, Umm al-Quwain, Ras al-Khaimah, Fujairah and Kalba. The Trucial Coast was the Coast of Oman.

¹⁴⁶ Onley, pp. 32

Government - “[the Exclusive Agreements] bound them into exclusive political relations with Britain.¹⁴⁷

India was Britain’s largest and most successful commercial empire outside of Britain so when trade was threatened by an Arab Gulf family, it felt compelled to protect its interests. When the Suez Canal opened in 1869, Britain’s interest stake in the Arab Gulf piqued until oil was discovered there in the 20th century. The paragraph above communicated how British India was able to form a conglomerate with the Gulf Arab rulers. What is important is that with each treaty and agreement, the empire’s influence in the Gulf increased and British India placed the states’ within the British Empire.

Protecting its economic interests in India seemed to be Britain’s main goal in the Gulf States. There is little to no evidence found in the treaties between the Gulf states and Britain that would implicate that Britain had cultural motivations there; however, The HRW Report on the origins of sodomy laws during British colonialism claimed that the European codifiers [in India] certainly felt the mission of moral reform—to correct and Christianize “native” custom.¹⁴⁸ Relying on informed guesswork, it would not be incorrect to assume that with increased administrative power as a protector in the Gulf states, Britain more than likely implemented the same rules and regulations there that it had already imposed in India. Therefore, it is likely that Britain was able to establish its conception of standards and morals - including its perspective on homosexuality - in the Gulf states as well as influence and standardize attitudes on homosexuality in the Gulf via Section 377.

¹⁴⁷ Onley, pp. 42

¹⁴⁸ HRW, “The Alien Legacy,” pp. 16

Part Two

Introduction

Part One of Chapter Four suggests that the British Empire, by way of British India, is more than likely responsible for imposing its intolerance for homosexuality on the Arab Gulf states. During the Islamic Golden Age, the Arabian Peninsula reflected different attitudes and traditions concerning homosexuality which were more liberal. Today, twenty-one states constitute the MENA region. Not including the six countries in the Gulf, ten of the remaining twenty-states have at some point been subjects of British colonialism in the form of a protectorate, colony or mandate. The 1916 Sikes-Picot agreement allocated the territory as follow: Britain received control over what would become Jordan, Palestine and southern Iraq while France received what would become Syria, Lebanon and northern Iraq. It is suspected that the European colonialists imposed key elements into the legal systems of their new territories including an anti-homosexual climate. If this is correct, I suspect that Britain more than France would have a more homophobic tone than France considering homosexuality was decriminalized in France in 1791. Not until 1967 did Britain decriminalize homosexuality.

Colonialist Influence and Laws

The British Mandate Criminal Code Ordinance #74 of 1936 is still in effect for the Gaza Strip of the Palestinian Territories. Britain's sodomy law is found Chapter 152: Offences against Morality; it echoes Britain's 1522 Buggery Act and consequently Section 377 of British India as well. It reads, "Any person who - (a) has carnal knowledge of any person against the order of

nature; or (b) has carnal knowledge of an animal; or (c) permits a male person to have carnal knowledge of him or her against the order of nature - is guilty of a felony, and is liable to imprisonment for ten years.”¹⁴⁹ The same provision was in effect in the other entity of the Palestinian Territories, West Bank, and [Trans]Jordan as well until 1951.¹⁵⁰ This revision of the Jordanian Criminal Code did not prohibit sexual acts between persons of the same sex so long as it was private and among adults (16 years old or above). The British influence behind the particular law is difficult to understand for two reasons.

The first reason is that Britain had such a strong stance against what it referred to as buggery; it once had a law that ruled it punishable by death and at the time, a lengthy prison sentence was still implied. The second is that the law was enacted six years before the Wolfenden Reports which were not published until 1957. The Wolfenden Reports refers to a recommendation by John Wolfenden and a group of thirteen committee members (one opposed the recommendation) who proposed that “homosexual behaviour between consenting adults in private should no longer be a criminal offence.”¹⁵¹ Perhaps, the most ground breaking part of the report was:

“The law’s function is to preserve public and decency, to protect the citizen from what is offensive or injurious, and to provide sufficient safeguards against exploitation and corruption of others... It is not, in our view, the function of the law to intervene in the private life of citizens, or to seek to enforce any particular pattern of behaviour.”¹⁵²

¹⁴⁹ British Mandate Criminal Code Ordinance, #74, 1936. http://www.nevo.co.il/law_html/law21/PG-e-0633.pdf

¹⁵⁰ Jordan adopted its own Penal Code in 1951.

¹⁵¹ Report of the Departmental Committee on Homosexual Offences and Prostitution. 1957.

¹⁵² Ibid

In terms of Jordan's revision in its Penal Code taking place before the recommendation, the most plausible suggestion is that some Britons were aware that this sort of revolutionary change was in the works which probably coincided with them being cognizant of its reign as an imperial power was coming to an end. Despite the Wolfenden Reports' language mirroring that of Jordan's stance on homosexuality, the idea of this being Jordan's idea and Britain following its lead is quite implausible.

Whether colonialist had any influence in Iraqi, Egyptian, Lebanese or Syrian laws pertaining to homosexuality are quite ambiguous. Iraq received its own Penal Code in 1969 - two years after Britain decriminalized homosexuality. One provision echoed that of Jordan's in that it does not prohibit private same-sex relations amongst consenting adults; however, according to ILGA, some judges have sentenced people to death for committing homosexual acts.¹⁵³ Egypt was a protectorate of Britain from 1914-1922; its laws on homosexuality do not specifically outlaw sodomy, but rather punishes it under other morality laws. Whether its laws were imposed during Britain's control is unknown. Lebanon imposed a law that prohibited sexual intercourse against nature in 1943 - its year of independence; Syria, three years after its independence enacted a similar law. There is nothing to suggest that France was behind either especially because all laws that prohibited homosexuality activity had been rescinded 150 years prior.

The answers surrounding where British and French colonialists imposed their conception of sexual ethics on the territories set-forth by the Sikes-Picot agreement are somewhat unclear. Although I am confident that primary question about what caused the attitudinal change regarding homosexuality between the Islamic Golden Age and modern Middle Eastern states, particu-

¹⁵³ ILGA, pp. 59

larly the European-crafted Levantine states has been answered, I am not satisfied with the lack of clarity.

Framework for Crackdowns on LGB People of Iraq and Egypt

The HRW reports on Iraq and Egypt classified the heightened homophobia in the respected countries as “crackdowns.” The simplest definition of a crackdown is “severe measures to restrict or discourage undesirable or illegal people or behavior.”¹⁵⁴ LGB people are being targeted by the state essentially for being homosexual. Their crime is not for homosexuality as the Iraqi and Egyptian governments do not prohibit private, consensual same-sex relations; therefore, their crime becomes the governments’ conception of right and wrong. As journalists Juliane Von Mittelstaedt and Daniel Steinvorth put it, “Sexual morals are no longer a private matter. They are regulated and instrumentalized by governments.”¹⁵⁵ Homosexual citizens and those perceived to be homosexual have the right to exist in these two countries unlike their peers in other countries that make up the Middle East’s Muslim world. Iraqi militias like the Mahdi Army emerge as leaders of the crackdowns against homosexuals in the context of protecting society. In Egypt, the government has strategically opted to use legal LGB citizens as their scapegoats in an attempt to divert attention away from the real, plaguing issues.

Dalia Abd El-Hameed, an Egyptian activist, presented the LGB community as easy targets. She said, “With no social sympathy with them [the homosexuals], they are an easy target

¹⁵⁴ Google

¹⁵⁵ Von Mittelstaedt, Julianne and D. Steinvorth, D. “Homophobia on the rise in the Muslim World.” 2009. Salon. http://www.salon.com/2009/09/18/gay_muslim/

for the police so they [the police] would be gaining points by arresting them.”¹⁵⁶ Dissecting this sentence reveals one clear implication: the abuses and killings of LGB or perceived LGB citizens in Iraq and Egypt are bids for popularity.

Two phrases should be highlighted from El-Hameed’s insightful statement. The first is “no social sympathy” which suggests that the overall population considers their lifestyles, for a lack of better words, as immoral - something far from what they consider socially valuable. The second refers to Abd El-Hameed’s usage of “gaining points.” Here, we see that leaders are in need of support as it has potentially lost some it. Arresting the homosexuals is a moral victory for society while gaining points is a political victory. All things considered, political opportunity paired with a need to restore social morality (maybe even religious to a certain extent) seems to be the circumstances behind the emergence of heightened crackdowns against LGB people.

Iraq’s Protectors of Society and Egypt’s Diversionary Measures

The political atmosphere of Iraq and Egypt since the 2000’s can easily be described as tumultuous. Iraq’s turmoil is characterized by ethnic politics, insurgency, a war on terrorism by the United States, poverty and refugees while Egypt has dealt with political corruption, human rights violations, poverty and heightened pressures from Islamists. Before delving into diversionary conflict and how the climate was ripe for it in Egypt, I first discuss how ethnic politics and the need to restore true values lead to the crackdown in Iraq.

¹⁵⁶ Dean, Laura. “Egypt’s New Crackdown on the LGBT Community includes a Disturbing Medical Exam that Dates Back to the 1840’s.” Global Post. <http://www.globalpost.com/dispatch/news/regions/middle-east/egypt/150110/egypts-new-crackdown-the-lgbt-community>

In 2009, the Mahdi Army, a militia group for the Shiite political party, the Sadrist Movement, began its crackdowns in Iraq. Before this happened, the militia disappeared from society in 2007 when the United States sent approximately 30, 000 additional troops to Iraq - this is referred to as “The Surge.” Simultaneously, Iraqi Sunnis revolted against foreign fighters and most importantly, Al Qaida - making them U.S. allies. The “Sunni Awakening” indirectly forced the Mahdi Army from visibility; HRW writes that the militias wanted to avoid confrontation from the U.S. forces by melting into the population.¹⁵⁷

In 2008, violence reemerged after the Iraqi government carried out military strikes against the Mahdi Army in order to reclaim Basra. Weak and nearly dissipated, the Mahdi Army desired a comeback after its absence. HRW writes, “[They] sought to rehabilitate itself by appearing as an agent of social cleansing. It exploited morality for opportunistic purposes; it aimed at popularity by targeting people few in Iraq would venture to defend.”¹⁵⁸ Homosexuals became the scapegoat as concerns grew about Iraqi men no longer exemplifying their masculinity of the past and sexual sins. Those fears paired with Iraq’s political climate (occupation by the U.S. military forces, national shared power between ethnic groups, territorial disputes with the Iraqi Kurds, etc) encouraged the Mahdi Army’s return. They sought to “not destabilize the security situation... [but] to help stabilize society... [and] correct the morals of the nation.”¹⁵⁹ Here, we see that homosexuality did not fit into Iraq’s moral values.

¹⁵⁷ HRW, Iraq, pp. 3

¹⁵⁸ HRW, Iraq, pp. 4

¹⁵⁹ HRW, Iraq, pp. 3-4

In terms of Egypt, perhaps the Queen Boat incident occurred in the context of restoring morality as well; however, the latest events of the crackdown on homosexuality seems to be a classic example of *do not look here, look over there* - it is a diversionary tactic. Diversionary conflict is often used to describe foreign policy in a political science course that focuses on international conflict; it posits that during times of political and economic unrest, leaders may initiate an interstate conflict in order to elicit and consolidate political support.¹⁶⁰ Although potentially underdeveloped, I suspect that this theory when applied to a domestic conflict is incredibly plausible. The main difference between the international model and domestic model is that the government would initiate conflict within its own borders and the targets would become its state's citizens. In the case of Egypt, the necessary conditions of internal social and economic problems and a discontent populace are present. Therefore, these governments employ violent crackdowns on a minority group (LGB citizens) in which the members are considered rebels and threats (to Egyptian society).

There are two psychological and sociological underpinnings to a diversionary conflict. The first is that there must be an in-group vs out-group dichotomy. The in-group represents the individuals with a shared interest; the out-group represents the individuals who do not belong to that other group. In this domestic case, the in-group consists of the government and the rest of the population; their negative perception of homosexuality of being sexual immoral is their common interest. Homosexuals represent the out-group because their interests do not meet the requirements of the in-group. Conflict with the out-group leads to cohesion within the in-group.

¹⁶⁰ Swagerty, R. Scott. "Domestic Diversionary Conflict and Economic Performance." Arizona State University. 2013

As it applies to the purpose of the thesis, crackdowns against the homosexuals lead to cohesion because moral victories for society are important. This leads to the second building block to diversionary conflict: the ‘rally around the flag effect.’ Assuming that the model holds steady in the domestic context, the in-group will “rally” around its leader so long as it is in conflict with the out-group. In this context, homosexuality, in general, represents the conflict; therefore, combating homosexuality is associated with support for the political executives of the in-group.

Whether the rest of the population agrees with the measures taken by the police and government are irrelevant because the ultimate goal is to expunge the problem in the interest of moral victory.

So far, neither states’ crackdowns seem to be leading to any long term and/or permanent changes (i.e., the laws in Iraq and Egypt still do not prohibit homosexuality); therefore, so long as the crackdown is in effect, the more homosexuals and those perceived to be homosexual will be targeted. In addition, the intensity of the crackdowns against this minority group is likely to increase due to the fact that the discrimination aimed at the group is highly institutionalized and reinforced. The HRW report on Iraq included a quote from an “executioner” who defended killing homosexuals or perceived homosexuals: “a serious illness in the community that has been spreading rapidly among the youth after it was brought in from the outside by American soldiers. These are not the habits of Iraq or our community and we must eliminate them.”¹⁶¹ In 2002, shortly after the Queen Boat raids, Dr. Essam Elarian, a spokesman for the now banned Muslim

¹⁶¹ HRW, Iraq, pp. 4

Brotherhood purported that homosexuality was anti-Egyptian; he said, “It [homosexuality] is against the whole sense in Egypt. The temper in Egypt is against homosexuality.”¹⁶²

Presenting homosexuality as a Western import is completely insensible. Perhaps the goal of these statements is to resonate that homosexuality is not something that “we” do in an attempt to preserve cultural authenticity and distance the culture from something that the majority finds socially-disruptive. In summation, however, the crackdowns against LGB people in Iraq and Egypt seem to have occurred in the context of marshaling popularity. More specifically, the Mahdi Army in Iraq exploited morality during a time when they were weak while the Egyptian government wanted to divert the discontented populace’s attention away from what caused their discontent.

Conclusion

The main research question that this work set out to answer is what caused the attitudinal change regarding homosexuality between the Islamic Golden Age (622-1258) and contemporary

¹⁶² Goldsmith, Rosie. “Egypt Crackdown on Homosexuals.” 2002. http://news.bbc.co.uk/2/hi/programmes/crossing_continents/1858469.stm

times in Muslim Middle Eastern states. In order to fully answer my research question, I chronicled the timeline of homosexuality in both eras to show the stark contrast of acceptance during medieval Islamic times and intolerance that permeates today's Muslim Middle Eastern countries. After unexpected ambiguous findings, I shifted my focus to determine if the British and French influenced the laws of the Sikes-Picot created new nations of the Levant. Because of the variation in the laws, the answer was not as clear. Therefore, I pinpointed political opportunity and a need of social moral restoration as the two main factors that have lead to crackdowns on homosexuality in the Middle East.

In Chapter One, I introduced the legislature of the MENA states as it pertained to homosexuality. Overwhelmingly, the majority prohibits homosexuality either implicitly or explicitly. The sustenance of the chapter was dedicated to providing insight into the sociology that shapes this region. In terms of sexuality, the rather rigid constructions of gender in the Middle East does not allow for much gender expression unless it aligns with one's biological sex. Deviating from the perceived normals of femininity and masculinity upset the social order which can lead to draconian measures carried out by family or community members or people of the law. The implication of this is that the homophobia in the Arab World may very well be aimed at gender deviance rather than sexuality, per se. In addition, I discussed religion's role in shaping attitudes about sexual relations as well as cultural values of family. Frankly, one's obligations to his/her family are inescapable; therefore, marriage (between a male and a woman) becomes a duty. Homosexuality does not fit into these themes so the implications of this can be grave.

In Chapter Two, I relied on three extensive reports by the Human Rights Watch to narrate the struggles and difficulties that LGB residents of Egypt, Iraq and Lebanon face daily. The

Egyptian report commented on how society Cairo 52 immortalized the men accused of homosexuality as anti-Islamic and incriminated Farhat as the ring-leader. It also told the story of Basam - a muscular man who was in acquaintance with Farhat; his story lead into a conversation about his masculinity lead to better treatment. Whereas, Hasan was treated poorly for looking obviously gay. Lastly, the report mentions measures in which the government “traps” homosexuals; the motives were revealed in Chapter Five. The Lebanese report focused on a number of vulnerable people there including LGBT residents. It focused on the lack of mechanisms that lead to unchecked police brutality; in addition, it highlighted how prejudices against homosexuality often prevail any evidence of the act. I included the story of Nadim who was forced to admit to being homosexual for simply carrying a condom; he was brought to the police station for unrelated affairs. Lastly, the Iraq HRW report discussed homosexuality in the context of honor and shame. Adhering to tribal standards of being a “real man” is heavily valued. If one deviates from this natural way, he can be subjected to honor killings. Ramiz relayed that two of his homosexual friends were killed under those circumstances; Tayyib was abused from adolescent for effeminacy and Mu’ayyad had to flee multiple countries from his tribal-leader uncles who found out he was homosexual from a scorned lover.

Chapter Three was meant to serve as the opposite of Chapter Two by showing that homosexuality during medieval Islamic times was socially accepted. Male homosexuality was standardized under the contest of a sexual-power dynamic and the practice of pederasty. In some ways, this dynamic was understood to reinforce traditional gender roles. Female homosexuality was widely accepted mainly because the absence of penetration meant that norms of female

virtue were not threatened. Despite the emergence of Islam, at the time, social practices seemed to have prevailed over Islamic teachings.

Chapter Four is separated into two parts. Part One is where I begin to answer my posed research question. I identify the effect of British colonialism on societal attitudes regarding homosexuality between the end of medieval Islamic times and the modern states of the Arab World. British India was the avenue in which the attitudinal changes occurred. In terms of homosexuality, Britain had first introduced its sexually repressive attitude towards homosexuality to India in 1860 in the form of Section 377 which categorized buggery as a felony. It is later revealed that, at the time, those particular attitudes towards homosexuality were not reflected in Indian values and traditions. In terms of the Arab Gulf states, the British Empire was able to increasingly gain influence there; eventually these states became protectorates which put Britain in charge of political relations despite the presence of their Arab rulers. I concluded that the Indian Penal Code, most was more than likely applied to the Arab Gulf states therefore introducing sodomy laws to a region that did not share the same attitudes.

In Part Two of Chapter Four, I sought to determine if British and French colonialists had the same influence as in the Arab Gulf states in lawmaking regarding homosexuality in their new territories afforded to them by the Sikes-Picot agreement. The answers were somewhat unclear due to the variety of laws that instituted in each state. France had decriminalized homosexuality in the 18th century, but France and Syria prohibited it. Jordan imposed favorable laws towards homosexuality five years before Britain decriminalized buggery. Egypt's laws on homosexuality do not specifically outlaw sodomy, but the acts are still punished under other legislation. The only country that fits what I was arguing is Iraq who received its Penal Code in 1969; buggery

was decriminalized in Britain in 1967. Later in the chapter, I switched my focus a bit and looked for reasons behind the heightened homophobia in Iraq and Egypt in the 2000's. The government is "cracking down" on homosexuals and those suspected of homosexuality in order to divert attention away from their failings. Homosexuals represent the perfect target because society does not value homosexuality. In this light, the government is seen as a defender of Egyptian values and morals.

I hope that this thesis will serve as an understanding for the underlying reasons as to why attitudes changed in the Middle East between the Islamic Golden Age and contemporary times of Muslim Middle Eastern states. With that being said, I personally remain pessimistic about the status of homosexuals in the Middle East. Right now, the Middle East has bigger problems; for this reason, advocating for something that is deemed sacrilegious and immoral seems unrealistic.

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