

Reflections: Editors Introduction

Our *Reflections* section provides a forum for more exploratory material, which may be an interim report discussing an on-going project, creative work or, as in this case, a controversial article to provoke debate. Dr Raheemson originally offered a version of this article for our second *Faith, Spirituality and Social Change Conference* but even after e-mail discussions and several changes to his paper, we still felt unable to accept it. However we believe this article offers important insights for Islamic Studies, especially for those of us more familiar with the Western liberal tradition. Therefore, although we strongly disagree with Dr Raheemson stance, we have chosen to publish his article to stimulate wider debate on this important topic.

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Islamic Marital Order & the Threats of Homosexuality in Nigeria

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Introduction

The ever-widening spectrum of social and physical threats of the scourge of homosexuality to the existence of corporate human family structures as well as the, safety of the natural and social order in our contemporary society deserve serious attention and study. This is with a view to checkmating the widespread of this anti-social act and its attendant consequences in the larger interest of the Nigerian Society. The problem of sexual recklessness is the greatest problem that has faced man from time immemorial. In the Nigerian context, human security and the phenomenon of homosexuality and lesbianism are becoming a worrying phenomenon attracting the attention of the religious bodies, concerned individuals and government organs in recent times. Expression of this concern is with a view to curb the tide of its spread in the Nigerian Society. The scourge of homosexuality, if allowed to continue unchecked, portends a dangerous threat to the family-life structures of Islam bearing in mind the population of Muslims in Nigeria. The percentage of Muslims in different parts of Nigeria varies. They are in the majority in the Northern part, more than half in the Southwestern part and in minority in the Eastern part. The two major religions in Nigeria i.e. Christianity and Islam agree doctrinally on aspects relating to any form of sexual

immorality. The two religions support the institution of legal marriage union for ideal marital family life.

This paper concerns itself with the features of the Islamic family life structures, its expectations and benefits for humanity on one hand, while on the other hand it examines the impending threats of homosexuality on steady growth and human survival in Nigeria. This is with a view to arousing our interests on the essence of the Islamic family life structures, the need for us to imbibe practices that guarantee stable and steady growth of human nature and existence, rather than engaging in sins against the physical and moral nature of man through acts of homosexuality and lesbianism. The fact that Islam is a potent and actionable social doctrine, divinely ordained, provides the necessary grounds for the wellbeing of individual Nigerian and the entire human beings at large. It is only the divine message of Islam that refines habits, rectifies traditions and directs morals paving way for a better, peaceful and harmonious existence of all Nigerians.

The concept of the Islamic Social Order and its ultimate goal.

- Islam has been a social gospel right from its inception. It is a social order that grows naturally regardless of all forms of human distinctions and aims at achieving for man the attainment of his assigned roles as the vicegerent of Allah on earth (Qur'an, 2:30; 6:165). By its nature, Islam refines and makes men disciplined beings, for the overall well-being of society. Indeed, the distinctive nature of the Islamic social order rests primarily on its conception of man in relation to Allah, his own self and the society at large. Consequently, Islam rejects any form of ascetic view of life at the expense of one's commitment at performing the required socio-political or economic obligations in life (Qur'an, 57 : 28). Invariably, Islam seeks to build a principled and ideological society for the well-being of mankind regardless of the geographical boundaries, colour, languages, or any other forms of status. The foundations of the Islamic social order rest on the belief that all human beings are equal and constitute one-single fraternity (Qur'an, 49 : 13).
- The unity of humanity is not only in its origin but also in its ultimate aims. In Islam, the final goal of humanity is God (Abdalati 1986: 139). *"From Him we come, for Him we live and to Him shall all return."* (Qur'an, 2 : 156). In fact, the sole purpose of creation as described by the *Qur'an* is to worship Allah and serve His cause; the cause of truth and justice, of love and mercy, of brotherhood and morality (Qur'an 51 : 56 – 58).

The critical issue at this point centres on how mankind can sustain this unity of origin. It is also

about how the Islamic concept of social change can guarantee harmonious relations between the individual and society at large. Indeed, the role of the individual is complementary to that of society. The individual is responsible for the common welfare and prosperity of his society. This responsibility is not only to the society but also to Allah. It is the pivotal role of the individual to do the utmost for his society, contribute to the common welfare and its steady growth unhindered. On the other hand, the society is also responsible to Allah for the welfare of all mankind. When the individual is able, he is entitled to security and care. And should he become disabled, on the other hand, he is the beneficiary while the society is the contributor (Abdalati 1986: 138). Invariably, the realities of the ultimate goals of the Islamic social order revolve on the individual to be family-oriented.

The fore-most and fundamental institution of human society is the family unit: A family is established by the coming together of a man and woman and their contact brings into existence a new generation. It then produces ties of kinship and community, which gradually developed into a large society. The family institution does not really recruit cadets for the maintenance of development of human culture but rather serve as its guardians. In this respect, the family can be truly called the fountain-head of progress, and social change of human civilization. Be this as it may, it demands therefore no great strength of imagination to note what an emotional desire for others of the same gender as oneself could cause human growth, progress and civilization. As a result of this reality, Islam insists that the correct form of relationship between man and woman is marriage, that is, they and which result in the emergence of a family undertake the one in which full social responsibilities. Indeed, Islam attaches great importance to marriage and family life and this is reflected in many Islamic laws aimed at supporting and protecting the family institution as an organ of an ideal society. The normal course of behavior for the Muslim individual is to be family-oriented and to seek a family of his own through legitimate marriage bond for the survival of the human race and its continuous existence. Islam, therefore, insists that the real unit of human civilization is the family and that there can be no legitimate and ideal family if there is no marriage.

Marriage Institution: An Organ of Family life structure in Islam

The basic principle of human civilization is the institution of marriage. The Qur'anic terminology used for marriage in Islam is *Nikah*, which means uniting (Raheemson, 2002: 141). Marriage and the family are central in the Islamic system. There are many passages in the holy Qur'an and the *Sunnah* of Prophet Muhammad (S.A.W.) to the effect that: "*when a Muslim marries, he has thereby protected half of his religion, so let him be God-minded and careful with the other half*" (Abdalati

1986: 127). The basis of the formation of family is, of course, lawful marriage, which results in having a husband, a wife or wives and children with each member of the family given his rights by Allah. It is because of this that Islamic law deals with the institution of marriage in detail.

In Islam, marriage is seen as a civil contract made by mutual consent between a man and a woman, with the intent of living together as husband and wife on permanent basis. It is a commitment to life itself, to society and to the meaningful survival of the human race. It is a contract, which every Muslim is enjoined to make, unless there are special reasons for avoiding it. The holy Qur'an says:

And marry those among you who are single... if they are ready, Allah will make them free from want out of His grace and Allah is Ample-giving, the Knowing. And let those who do not find a match keep chaste until Allah, makes them free of want out of His grace (Qur'an, 24 : 32 – 33).

The Sunnah of the Prophet further confirms this Qur'anic provision when the Prophet is reported by Anas to have said: "*Marriage is my sacred custom and whoever dislikes it as a way of life is not of me*" (Raheemson 2002: 141).

Thus the idea of celibacy as practiced in certain quarters, either for religious or secular reasons does not find a place in Islam.

Marriage engenders love at first for wife, then for children, then for kith and kin, then for the society and ultimately, for the human race as a whole. The real unit of human civilization is the family and there can be no family if there is no marriage all other things being equal (Karim 1939: 629). And since Islam considers marriage a very serious commitment, it has prescribed certain measures to make the marital bond as permanent as humanly possible. The parties must strive to meet the conditions of proper age, general compatibility, reasonable dowry, goodwill, free consent, unselfish guardianship, honorable intentions and judicious discretion. When the parties enter into a mutual contract, the intention must be clear to make the bond permanent, free from casual and temporary designations. For this reason, trial marriages, casual marriages and all marriages that appear experimental or temporary are forbidden in Islam (Abdalati 1986: 129).

The institution of marriage has been practiced in every age of human existence and has worked to the advancement and welfare of humanity on the whole (Raheemson, 2002: 142). The holy Qur'an calls man and woman i.e. husband and wife a garment for each other, signifying their reciprocal closeness to each other under the marriage bond (Qur'an, 2: 187). Women in Islam are not

considered the source of evil. A woman is, in fact, a consoler, a source of happiness and fulfillment to man. The holy Qur'an further asserts:

He created for you mates from among yourselves that you may find rest and joy in them and created between you love and mercy (Qur'an 30 : 21).

The words "that you may find rest and joy in them" allude to the fact that woman is the source of peace and comfort for man and that the natural function of the woman is to provide for the husband a place of peace and comfort in this world ridden with crises, hardships and contradictions. More importantly, a Muslim woman is not a property or an object but a full legal personality (A^ola Maududi 1972: 41). In Islam, sexual intercourse cannot be a random affair but must be done with the woman's consent and with responsibility, a responsibility that falls on both the husband and wife. Eventually when they are blessed with children, it is the Muslims' parents duty to impart in their children proper education and good home training. The thrust of the training is ideally on *Taqwa*, the fear of God. It is also the parental responsibility to nourish and nurture Muslim children in a congenial atmosphere devoid of evil influence and to ensure that they are God-fearing at all times. Islam, in fact, insists that special care is needed to inculcate good habits and sterling qualities in children, so that they may prove a blessing to their parents as well as to the society.

Potential threats of homosexual acts

Homosexuality is the feeling involving sexual attraction to persons of the same sex, or with a woman through her rectum or sex with a beast known as sexual perversion sex (Karim 1939: 630). Homosexuality is unnatural intercourse, a psycho-social aberration that destroys human society. As a matter of fact, homosexuality is regarded as a dehumanizing practice, which puts human beings below animals (Obai 2006: 8).

In recent years, the institution of marriage has been in a state of flux. Today, family as the basic unit of civilization is freely disintegrating; because marriage is regarded as a basic human right and an individual personal choice (Nasr 1981: 7-9). Invariably, there is a growing tendency on the legislation of homosexuality, sodomy and lesbianism in certain countries in the West (Robinson 2003: 1-5). Even before this legislation, it had recently come to be practiced openly and shamelessly. It is such an obvious perversion that it has been described in legal books and other literature as an "unnatural offence". It is well known that out of sexual passions many great sins are committed in this world. If sexual passion or urge is satisfied by marriage, many a crime will disappear from the world as it constitutes thus to moral welfare of individuals, families and societies

(Karim 1939: 630). Free love against the laws of all nature is an unnatural abomination that makes each of the mates selfish to the extreme. While the male and female become each other's partners in happiness each is free to leave the other uncared for in his or her moment of sorrow under any form of indecent cohabitation against nature (i.e. homosexuality, lesbianism etc). If this were to be made the rule of society, it would bring out not only chaos but would ultimately put an end to the human race itself (Abdalati 1986: 139).

It is well known from the holy Qur'an that the people of Lut were destroyed, as they were inordinately engrossed in coming to males with lust. In spite of Lut's warnings, they could not avoid their habits and so they received a grievous punishment in the world. The holy Qur'an says:

And Lut, when he said to his people. What! Do you commit an indecency which none in the world has done before you? Certainly you come to males in lust besides the females. Nay you are an extravagant people. So We delivered him and his followers except his wife. She was one of those who were drowned. We rained upon them a heavy rain. Consider then what was the end of the guilty (Qur'an, 7:33).

In the case of a man's cohabitation with another man, the holy Prophet Muhammad (SAW) said: "Whomsoever you find doing the deed of the people of Lut, kill the doer and one on whom it was done" (Karim 1939: 677).

Regarding intercourse of a man with an animal or beast the holy Prophet said: "Who so comes to an animal (with lust) kill him and kill it with him" (Karim 1939: 677). On another occasion the Prophet was reported to have said: "Verily the most fearful of what I fear over my people is the action of the people of Lut." (Karim 1939: 677). Ibn Abbas reported:

It was revealed to the Messenger of Allah: your wives are a tilth for you. So come to your tilth as you like, come from front and back and guard against the rectum and menstruation (Karim 1939: 671).

It requires no great strength of imagination to picture what indecent sexual recklessness must have caused mankind as a result of their inability to abide with divine injunctions.

Here in Nigeria, homosexuality might have no cultural foundation whatsoever but a combination of changing social values and changes in individual responses to developmental process may lead to its eventual acceptance in Nigeria (Maduiké Ud: 7).

Of the current legislation passed and proposed against homosexuality, perhaps Nigeria's draft might be the most interesting. In addition to banning gay marriage; section 7 forbids activism. It is stated therein that sexual rights proponents may not form organizations or public material that supports or in any way sanctions homosexuality. The most intriguing section reads: "publicity, procession and public show of same sex, amorous relationship through the electronic or print media physically, directly, indirectly or otherwise are forbidden in Nigeria (Ohai 2006: 8). "Indirectly or otherwise" enjoins all of us to police ourselves. We become "hetero-police", ready to pounce upon and denounce deviation. What counts as, "Same sex amorous activity" especially "indirectly or otherwise? Hugging? Holding hands? Shaking hands for a trifle too long? What about the holy kiss used by church members to greet each other? Perhaps a shared glance between people of the same sex becomes "amorous activity" if it extends beyond two seconds, three seconds? (Ohai 2006: 8). Gays, lesbians and bisexuals are far from enjoying their acceptance in Nigeria. The Anglican Church of Nigeria has endorsed the legislation to outlaw homosexuality. Under the *Shari'ah* law in operation by Muslim States in the Northern part of Nigeria, homosexual sex is punishable by stoning to death. Chastity is a great virtue in a man or the woman. The holy Qur'an has made unchastity in any form in human society unlawful more than 1420 years ago (Karim 1939: 630).

Islam is consistent with the innate nature of man and the changes of times with its attendant challenges including the dehumanizing effects of homosexuality and the like in life. As a result of this reality, *Shari'ah* formulates certain ethical rules against the practice of homosexuality for wider fraternity. Taken into cognizance the destructive effects of homosexuality in relation to the rights to life, human sanity/dignity and healthy living of individual, for the safety and steady growth of mankind. Invariably every Muslim in accordance with the Islamic teachings which forbids all forms of evil conducts (including homosexuality, lesbianism etc) can not but comply with the Islamic teachings on ideal family life.

Islamic family system where it is applied brings the rights of the husband, wife, children and relatives into a fine equilibrium. It nourishes unselfish behavior, generosity and love in the framework of a well-organized family system. The peace and security offered by a stable Islamic family unit is greatly valued and it is seen as an essential feature for social change among its members and for the well-being of the entire society (Karim 1939: 630). The very object of raising Muslims among mankind in any given community has been defined as - "*enjoining what is right, forbidding what is wrong.*" (Qur'an, 7:33). As a result of this divine injunction on all Muslims , they cannot but serve as positive means of ideal social changes for a better society and peaceful

community. In reality, community cannot exist without a “sacred core” such as a religious text, religiously shaped territory, myths and practices. However, the religious text in itself is not sufficient. It is not the belief system alone but rather communal practices of that belief that are at the center of community construction (Abu Rabi 2003: 306).

One cannot doubt the distinction between law and ethics but one may find it difficult to concede to the argument that there must be a water tight separation between law and ethics. Every *Shari'ah* law has an undertone of morality for the realization of sanity and well being of the society. The object of criminal law in Islam is to prevent any harmful conduct in the society. Homosexuality and lesbianism are not less criminal acts because they are done in private. If they are not likely to be injurious or in fact reprehensible they will not earn the condemnation of the Nigerian Government. In each of these acts, the practices are personal yet societal morality rejects them. In this age of sexually transmitted diseases (HIV–AIDS) allowing a pervasive society to continue to exist without any law forbidding it will be risking serious health problems. This will save the Nigerian Government a lot of money that might otherwise be pumped into the health sector in treating endemic sexually transmitted diseases.

Not until the recent past, the issues of homosexuality lesbianism and gays practices among the Nigerians are far from attracting any legal consequences. The Chairman of the Nigerian House of Representatives Committee on Human Rights disclosed that his committee on the bill titled: “An Act to make Provisions for Prohibition of Relationship Between Persons of the Same Sex” had been inundated with letters, petitions and complaints from international human rights bodies including Amnesty International. As a result of this trend, the committee will soon hold a public hearing on the proposed bill (Anon 2006: 7). Lobbyists are working relentlessly to influence the lawmakers to kill or water down regulations that may hinder its implementation if passed.

Significantly, various Nigerian constitutions since 1960 to date frowned at imposing any religion on the state, this is as a result of the fact that Nigeria is a multi-cultural and multi-religious nation with diverse religious beliefs and practices. The 1960, 1963 and 1999 constitutions granted the right to freedom of thought, conscience and religion. The 1999 constitution in addition to granting these rights, under section 38(4) states: “*Nothing in this section shall entitle any person to form, take part in the activity or be a member of a secret society*” (1999 Nigerian Constitution).

Gays, lesbians and bisexuals are far from enjoying their rights in Nigeria. The Church in Nigeria welcomes the Federal Government decision to push for legislation to out law homosexuality (da-

Costa 2006: 1). Islam teaches that chastity is a great virtue in a man or woman. Unchastity in any form is unlawful in Islam (Qur'an, 7:33). Significantly, the *Shari'ah* law adopted by Muslim states in the North of Nigeria approves stoning to death as punishment for homosexual act in line with the *Shari'ah* provision. *Shari'ah* takes cognisance of the harmful effect and consequence of social and cultural practices that affects the rights to life and human dignity attributable to any form of unnatural cohabitation. Its main aim is to bring about welfare, to allow virtue to prevail in the society, ensure decent life for all citizens and to perfect the human personality identified in the perfect man, (*al-insan al-Kamil*).

Despite some progress made towards the eradication of homosexual acts among Nigerians, some challenges remain to be tackled. One may be at a loss to ignore the positive roles the Islamic ethical principles can play toward the eradication of all forms of unspeakable natural acts among Nigerians. It is the Islamic teachings that forbid any forms of crimes against natural order that Nigerians will need and value bearing in mind the divine source of the Islamic orders. It therefore becomes binding on Muslim leaders and organizations to explore and bring to bear all the set Islamic approaches at correcting all forms of ills among mankind for the benefit of all Nigerians. In view of these realities the various Muslim leaders and organisations must therefore put a lot of efforts in place across Nigeria at reaching the hearts of their teeming members urging them to shun all vices or sexual abuses. Delay to act can be dangerous. There should be no time to waste at preserving the sanctity and ethical orders of the Islamic family life structures among Muslims in Nigeria.

Once, a Muslim wife whose husband secretly indulged in unnatural intercourse and was infected without the awareness of the wife. Later the wife got infected resulting into their death. Before the burial other Muslims are to be called in for washing or to handle the rites of the dead bodies of their departed souls. While washing the corpses, they too become infected. In reality an infected member of the Muslim Community inadvertently destroyed his family and others. Against this background, the unfolding scenario can not but place the Muslim organizations on their toes at exploring all the means to enlighten their members at the community, local, state and national levels on the need for their members to desist from all forms of reckless sexual practices. Poverty, drug abuse and prostitution are also responsible for the evil acts that could lead to incurable diseases, inhibiting the benefits Islamic family life structures offer.

The prevalence of the tide of the scourge of homosexuality among the Nigerian populace ranges from between one to three percent, whereas the goal of the Islamic order when fully applied gets the percentage to zero level. Strengthening the Islamic teachings among Nigerian Muslims can ensure

prevention, cure and total eradication of these evil acts resulting both in improved quality of marital life, human growth and development.

It is no secret that laws in Nigeria are poorly enforced. The proposed same sex marriage prohibition act 2006 cannot be an exception. Homosexuality practices are privately done with a moral resource that will affect the whole country should people think that to legalize homosexuality is a change for the better, they would have become akin to the animals who feed on their young during famine. The religion of Islam is an unavoidable human necessity in the pursuit of a corporate way of life. Lack of adequate knowledge of the Islamic teachings against gays, lesbianism and homosexuality in Nigeria may place the teeming Muslim population at a loss.

The Cities of Sodom and Gomorrah were utterly destroyed for unspeakable crimes committed by them not only secretly but openly and publicly. The whole tract on the east of the Red Sea, where in the cities of the people of prophet Lut situated on the highway to Syria is covered with sulphureous salts and is deadly to animal and plant life even now (Ali 1985: 535). It is a scene of utter destruction that awaits sinners of homosexuality of our time. Can we not learn wisdom from the destruction of those who committed vices against nature? The pains and agonies will be unbearable hence we must act and provide what it takes to prevent a calamity that may consume us all.

Conclusion

It is no exaggeration to assert from the foregoing submissions that Islam within its teachings, doctrines, codes and practices on marital life of a Muslim exerts a vast influence among men. Islam regards an ideal family unit life as the basic unit of civilization among mankind, hence it enjoins unselfish behavior and love of every one within the frame work of a well organized family life structure. Judging from the above, one can not but notice this fact that Islam has taken care of refining the habits and traditions of people through its teachings at ensuring ideal family life among the Muslims. The *Shari'ah* principles condition both the formulation and execution of a Muslim's social/marital life devoid of any act against nature. This is with a view to allowing virtues to prevail, to ensure decent life and to perfect the human personality in Muslims for an ideal Nigerian society. Islam insists that every crime has its due punishment hence it orders the Muslims to completely reject all unnatural crimes including homosexuality acts. Homosexuality is seen by Islam as not only a shameful act, inconsistent with any self respect, but an act that opens the road to many societal evils. Not only should it be avoided as a sin against humanity but any approach or

temptation to it should be avoided among Muslims. The need to imbibe the teachings of Islam against any act of unnatural acts for humanity as individual Nigerian Muslims or as part of a larger society is therefore as real and indispensable today as it was thousands of years back.

It follows therefore, that if Nigeria is to have a lasting victory over all forms of unnatural and immoral acts the best option open is for all the existing Islamic organizations (at both the community and national levels) to intensify their efforts at reaching the hearts of their teeming members to imbibe the Islamic culture and avoid all forms of evils. It means therefore that if Nigeria, the vast majority of whose members are Muslims, is to have a lasting solution to the threats of homosexuality, and lesbianism, the best option revolves on the provision of a conducive atmosphere for the Muslims to acculturate themselves with the Islamic teachings forbidding all forms of deceptive action among mankind.

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