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# Homosexuality Legalization in Arab Countries: A Shifting Paradigm or a Wake-up Call

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## Abstract

The study reported how the Arab world perceived homosexuality criminalization and decriminalization in opposition or in alignment with approaches determined in the pre and post-colonial eras in different European and American countries. The focus of the article was to explore the foundations of both homosexuality and anti-homosexuality legislation along with the historical background of the homosexuality issue. The study employed a meta-analysis of studies on homosexuality criminalization and decriminalization starting with the colonial period through the modern era. The methodology employed scientific literature in the analysis to make the study representative and not a priori stigmatizing. The analysis revolved around close readings of precolonial and postcolonial documents. The study looked at the historical evidence indicating the impact of imperial history on homosexuality as based on the dataset of 185 countries. The findings of the study underscored that the question of criminalizing or decriminalizing homosexuality in Arab countries remains debatable due to conflicting views of modernity on one hand and religious and cultural constraints on the other hand.

**Keywords:** Diversity, Heterosexuality, Homosexuality, Homophobia, LGBT, Legislations

## 1. Introduction

Homosexuality is the sexual attraction to one's own sex which people refer to as "gay" or "lesbian." For many years, homosexuality has been present in all different cultures. Each culture deals with this problem in a different way; some ban homosexuality and imprison Lesbian, Gay, Bisexual, Transgender (LGBT) advocates. Nowadays, more cultures have accepted LGBT and even legalized gay marriage; for example, in United States of America(USA), it is legal to be homosexual whereas it is illegal to be a gay in almost 80 different countries. "In January 2018, the Indian Supreme Court ordered a review of section 377 of the Indian penal code (IPC). ...In fact, this law was imposed during the British Raj over 150 years ago and has remained unchanged since. If we look at Singapore, or Malaysia, or Brunei, each country has a law, numbered section 377, or 377A, criminalizing homosexual conduct to some degree. ...These laws were also imposed during British imperial rule and have

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survived to the present” ( Han & O'Mahoney, 2018, p.8). Also, in Europe, there have been many discussions about homosexuals' rights and how the governments shouldn't interfere into people's private lives. Anti-homophobic laws have been issued which clearly reflects Europe's commitment to end homophobia and preserve sexual freedom and free speech. Homophobia is a social problem. “Various predispositions—religious, cultural, and postcolonial—influence the socio-political and religious disputes on homosexuality in sub-Saharan Africa. African religious and political opposition to same-sex intimate relations is driven by the desire to protect an "African identity" and the youth from an assumed Western "assault" of the global sexual rights movement. Growing democratic and human rights cultures reinforce the religious-cultural and political contestation of homosexuality as un-African and un-Christian *vis-à-vis* a human rights issue”( Kaoma,2018, p.4). However, more than 2.7 billion people are still living under governments that condemn homosexuality with imprisonment and lashes(Rossi & Lopez,2017). Homosexuality is still punishable by death in countries of the south, such as Iran, Saudi Arabia, Yemen, Sudan, Mauritania, and Nigeria (ILGA, 2014). As such, Arab countries should start discussing homosexuality and the rights of LGBT.

Normalizing homosexuality would be a problem that has been challenging societal and religious values in Arab countries due to culture and religion concerns. Homosexuals transfer HIV, yet HIV preventions and vaccinations are being increasingly used by normal people. Cases of violence are perpetrated against LGBT people especially in religious areas. Criminalizing homosexuality for the wellbeing of family, society structures and fabrics in the Arab world remains a necessity. The gay rights debate could be recast as a conflict among different held beliefs, mentalities, and traditions. Ordinary people are caught between two conflicting instincts. On the one hand, there is a common-sense perception that heterosexuality is the fundamental norm for humanity even if only it forms the backbone for the survival of humans and a natural distaste for homosexual practices. On the other hand, there is a desire to be open to diversity and to be non-judgmental.

Why is the issue of homosexuality still controversial? Why isn't a taboo to discuss homosexuals' rights anymore the way it used to be? The issue of homosexuality is an open and ongoing debate that has been going on since the beginning of time. It is a part of the much deeper controversy over the meaning and purpose of human sexuality and especially in the Arab world. Specifically, this study addressed the following questions:

1. Should homosexuality be legalized in the Arab world?
2. What threats might be repercussions of legalizing or not legalizing homosexuality in the Arab world?

My approach is not to criticize homosexuality for its toxicity but to explore how homosexuality has been recently perceived in some Arab countries, and how it was perceived throughout history. In pursuing this question, my analysis revolved around close readings of pre-colonial and postcolonial documents. For example, ‘sexual abnormalities had to be contained and punished, often by violent death” (Cameron, 2018, p.3).

Homosexuals have asserted their homosexuality with the word “pride,” and the LGBTQ+ movement was formed. Gay marriage is now legitimized in many western countries. However, homosexuals in the Middle East are still intimidated; for example, Yusuf Rizk, one of Egypt's youngest Gay leaders, who points out that “...most of the gay people in Egypt are even not out to their families – they are living in fear not living their lives” (as cited in Wirtschafter, 2016). On the other hand, there are others who are encouraged to come out and reveal themselves; for instance, in Lebanon, as it was stated in The New York Times article entitled “Coming out in Lebanon”, the reason behind the gay activism is the “culturally diverse society” (Boushnak & Boshnaq, 2017). This is a very interesting description of the Lebanese society which reflects a degree of westernization that has created the diverse cultures in Lebanese society. By westernization, we mean the extent of having the western culture entrenched in society (Thong, 2012), and this would be the sole incentive to adhere to Western ideals.

The incentive for homosexuality to be normalized is the nature of the ideology implemented. Capitalism acknowledges freedom of choice, speech, expression, etc. Westerners, in general, don't mind homosexuality because it doesn't intervene with their ideology, i.e., it's still within the framework of the capitalist ideology. Khazan (2016) reported that between 2 and 11 percent of adults have homosexual feelings. In other words, a tolerant society somehow encourages homosexuality to flourish. Conversely, moving on to homosexuality in the

Middle East, we know that most of the Arabs are Muslims, and the states are partially governed by the Capitalist ideology. Adamczyk (2016) argues that the religious context has a powerful influence on people and asserts the power of religion to Muslims who heavily correlate religion with the negative attitudes to homosexuality. Since %78 of Muslims regard their religion as important, it's self-evident to say that homosexual acts are not permitted, for homosexuality is against the public tradition which sets the principles for the acceptance of a certain notion.

It's quite paradoxical to know that laws regarded homosexuality as unnatural, yet they later considered it normal. Bolstering a similar claim, using Stephen Macedo's (2015) *Just Married* book, we find out that in 1988, 88% of Americans were against homosexuality legislation; in 2011, it fell to %45, which's not that low. This historical fact proves how faulty and not impeccable the human mind is, bearing in mind that democracy which is the ruling system of capitalism, gives the right to humans to unleash their sexual freedom. Human laws are faulty, and they emanate from the limited minds of humans, which would cast societies into the abyss. Most probably, sometime in the future, some countries would normalize marrying animals based on the premise of freedom.

Some defend homosexuality as more frequent nowadays, which means that in the Arab world, there are many homosexuals, but they haven't come out yet because of the strict legislation. Homophobia became a social problem, which is unhealthy for a society; as such, some believe that homophobia shall be restrained before some conflicts happen by engaging the citizens in activism; "Arab Spring movements ... more conducive to protest, such as anger, feelings of injustice, and pride" (Azab & Santoro, 2017). In accordance with the French slogan "liberté, égalité, fraternité" which means liberty, equality, and fraternity, humans have the right to do whatever they want, so being homosexual is a human right and preventing it is not human. Equal rights are equal rights. When people live in a civilized society, they do not discriminate against others based on their religion, sex or sexual orientation. Both gay and heterosexual couples deserve to be whoever they want to be; they deserve freedom just like everybody does. No matter what they are, they will have the same rights for everything; marriage, ownership, inheritance, and adoption. If people deny these rights for homosexual people, they will go under homophobia. Even though there are no conclusive studies showing that people were born with "gay gene," some recent studies have found that there are significant differences between the physiology of a straight male and a gay male. Researchers believe that being gay is not entirely environmental, but it is also a genetic component. If a gay person could choose to be straight, why wouldn't a straight person be able to choose to be gay? Cultural diversity makes people more open-minded to accept others irrespective of their sexuality, origin, and religion which will lead to fewer conflicts. Furthermore, in Lebanon, there have been cries for freedom of thought and expression; for example, the singer Hamed Sinno from the band "Mashrou Leila" has employed music, lyrics, and videos to address issues that are largely a taboo in Arab mainstream culture including sexuality, homosexuality, and politics.

Conversely, most Arab societies are patriarchal, which means the mentality is based on old traditions and religious thoughts asserting that family structures also reinforce male roles, so participation in family gatherings and religious observances is tied to masculinity (Herzog & Yahia-Younes, 2007). As such, it will be hard for society to accept homosexuals because they are not used to them being part of their society (Benstead, 2016). Homosexuals in the Arab world might find it hard to come out and to disclose their sexual drives to their parents because they feel that everyone is against them: Government, religion, and society are against homosexuals, which might cause some psychological problems such as isolation, anxiety, etc. Moreover, they might leave their country to have access to their gay rights and fit in another society. This means that homosexuality in the Arab world can also be a root cause of conflict. For example, the Lebanese band 'Mashrou Leila' was banned from doing a concert in Jordan because of homophobia. Homophobia is what Arab governments give to Islamists to keep them calm. Some governments are already aware of the fact that homosexuality in Arab countries is causing more problems, even political. However, some tend to avoid even discussing the feasibility of giving rights to the homosexuals based on the premise asserting that in Arab countries there are many political, poverty and economic issues. People won't focus on gays and their rights. "[W]e have a lot of problems here – torture, violations against street children, we are full of problems... To come in and talk about gays and lesbians, it is nice, but it's not the major issue" (Mohamed, 2015).

## 2. Literature Review

### Theoretical framework

Colonialism and Islamophobia have structured the opposition between LGBT and Muslim cultures( Rahman, 2018,p. 99). This article pursues a historical approach to contemporary homosexuality. The researcher suggests the need to study homosexuality as a phenomenon withdraws to the past as well as the present. The focus of the article was to explore the foundations of both homosexuality and anti-homosexuality legislation along with the historical background of the homosexuality issue. Through this approach, the study has drawn out how histories of homosexuality criminalization and decriminalization shaped legislation.

#### *2.1 Against the legalization of homosexuality*

The United Nations reported in 2015 medical practices to which LGBT are subjected, including so-called 'conversion' therapy, forced genital and anal examinations, forced and otherwise involuntary sterilization, and medically unnecessary surgery and treatment performed on intersex children (Knight & Wilson, 2016). Gay men who have sex with men (MSM) in low- and middle-income countries continue to bear a disproportionate burden of HIV infections compared to the general population, and research findings indicate a reemergence of the HIV epidemic among MSM in high-income countries (Arreola, Santos, Beck, Sundararaj, Wilson, Hebert & Ayala, 2015).

Death penalty for sexual intercourse between adults is only present in 4 different countries(Knight& Wilson,2016). Knight and Wilson (2016) added that homophobia is existent in Eastern Europe, and it had a negative outcome as a rise in HIV transmission percentage due to the lack of sex education was noticeably significant.

Funds targeting HIV prevention barely go to homosexual couples which explains the homophobic atmosphere that fears and discourages any potential increase in HIV infection percentages. Arreola (2015) added that homosexual men that have sexual intercourse with their partners present a higher rate of HIV infections within the medium and low classes in society when compared to heterosexual males along with a re-integration of HIV infections within the high-class society homosexual men. George (2017) also declared that people's will to protect homosexuals against social assault had faded drastically with homosexual rights issues being defeated.

A well-known Archbishop, who was hosted at Mega TV's show, further declared that homosexuality is a sinful act and unnatural and that one ought to struggle to overcome it. "I would tell them that humans ought to learn how to struggle," the Archbishop said. He added that just as people who decide to become monks turn against their nature and they succeed, it could be the same for homosexuals. "A person that intends on becoming a monk is out to fight against his own nature. To go against one's nature is very difficult, it is easier to overcome what's unnatural" (Andreou, 2018).

#### *2.2 Homosexuality as a crime*

Sex between two consenting adults of the same sex is considered a crime in 75 countries, which forms 39 % of UN members. However, sex between two consenting adults of the same-sex has been decriminalized in 118 countries or about 61 % of UN membership. The death penalty for sex between two consenting adults exists in five countries; Iran, Mauritania, Saudi Arabia, Sudan, and Yemen. Furthermore, three countries have never criminalized same-sex sexual activity between adults in general (Carroll & Itaborahy, 2015).

Crimes are being committed against LGBT who have been subjugated to deep knife cuts, anal rape and genital mutilation, stoning, and dismemberment. The hate-motivated killing of LGBT people has been recorded in all regions by the UN (Knight & Wilson, 2016). Eastern Europe's homophobia might be accompanied with an increase in HIV transmission due to the inadequacy of sex education and lack of services that should be ensured to stop the spread (Bridge, Lazarus, & Atun, 2010). However, less than 2 % of global HIV prevention funding is targeted toward MSM, and HIV prevention services only reach 10 % of MSM worldwide. Reduced access to HIV

services may be exacerbated by sexual stigma and criminalization of homophobia and may ultimately contribute to the high prevalence and incidence of HIV among MSM” (Arreola, Santos, Beck, Sundararaj, Wilson, Hebert & Ayala, 2015);

A judge rules against a student who said homosexuality is a sin (2017, Oct 29). Portrayals of normative or non-normative desire are more often found in literature, with physical acts of intimacy reserved for foreign media (Mourad, 2013). Although the Lebanese media landscape is among the freest in the region (Freedom House, 2015), homosexuality is commonly presented as comic relief or social threat to heterosexual men, broader society, and the entire nation (Jaber, 2016, p.1). On the same panel, drama displays the story of a real homosexual, instead of an anonymous person with a blurry face (Jaber, 2016, p.7). Lebanese laws are still the same, and homosexual behavior could lead a same-sex couple to be arrested, just like in the case of Nasser and Zeidan in 2015 (Jaber, 2016, p.10).

According to the results of a huge report published in 2015 by the Academy of Science of South Africa, homosexuality is not a choice, and sexual orientation is determined very early on. Biological gender is set in the first trimester of pregnancy, and psychological gender is set in the second trimester when the child is exposed to varying levels of testosterone. This report also stated that homosexuality is within the normal range of normal human sexuality; sexuality is very much like the genetic regions that determine the color of the hair or the height. Besides, the biological facts, no one would voluntarily choose to face the scrutiny and discrimination that come with not conforming to gender norms, and if being gay was causing this much trouble then by that logic they could ‘switch back’ to being straight. Access to marriage might be positively associated with psychological well-being in gay, lesbian, and bisexual persons (Wight, LeBlanc & Badgett, 2013). Moreover, more than 20 countries have established same-sex civil unions or registered partnerships, offering same-sex couples some or all rights of marriage (Itaborahy & Zhu, 2014; Vecho, Paul Poteat & Schneider, 2016).

### **2.3 Religion as main hindrance for homosexuality in the Arab world**

Homosexuality in the Arab World isn't still recognized and accepted. It challenges traditional, cultural, and religious beliefs (a reference to Quran and Bible documents). In other words, the Arab world believes that homosexuality goes against the nature of human beings. It runs counter to sacred writings. Many Christian denominations condemn homosexual acts as sinful and perceive homosexuality as morally unacceptable. The Catholic church views any sexual act not related to procreation by couple joined under the Sacrament of Matrimony as sinful. The Church states that "homosexual tendencies" are "objectively disordered" (Catholic Church, 1951).

Two people from the same sex can't have children. Within recent years, passionate debates have been carried on within American Christian denominations over the issue of accepting homosexuals as members in good standing within congregations and accepting actively practicing gay men and women as clergy. There are seven texts cited by Christians to condemn homosexuality: Noah and Ham (Genesis 9:20–27), Sodom and Gomorrah (Genesis 19:1–11) (Gnuse, 2015).

There are also films such as *Dangerous Living: Coming Out in the Developing World* which asserts the key role religion plays as a moral structure in society. Arab and Muslim views homosexuality as a purely "Western" creation. The starting line of the dialogue spoken by a yet unseen gay Egyptian man stating, "I was accused of being westernized" (Pullen, 2012, p. 44) is indicative of Arabs' view of westernizing homosexuality.

### **2.4 Traditions as hindrances for homosexuality**

It is traditionally known and accepted that marriage is made between a man and a woman. Legalization of gay marriage denies marriage its key role. Children have always been of utmost importance to the government, at both state and federal levels (Cameron, Cameron & Proctor, 2017). Thus, courts have always given special consideration to child welfare arguments in any legal context. In the battle over same-sex marriage, opponents have utilized the child welfare in justifying prohibitions against same-sex marriage. Gay marriage destroys the

traditional conception of a family's construction which shall encompass a mother, a father, and their biological kid. Gay marriage also weakens the power and undermines the significance of heterosexual families. Conversely, France decided to ban the words 'mother' and 'father' from all official documents under controversial plans to legalize gay marriage.

Children of homosexual parents face gender disorders. Some research suggests that children raised by lesbians or homosexual men are more likely to experience gender and sexual disorders (Stacey & Biblarz, 2017). Judith Stacey-- a sociologist and an advocate for same-sex civil marriage--reviewed the literature on child outcomes and found the following: Lesbian parenting may free daughters and sons from abroad but the uneven range of traditional gender prescriptions. She concludes her article based on studies that show that sons of lesbians are less masculine and that daughters of lesbians are more masculine. She also found that a "significantly greater proportion of young adult children raised by lesbian mothers are different from those raised by heterosexual mothers" (Stacey & Biblarz, 2017). Children of lesbians are more likely to report homoerotic attractions than those of straight couples. They face huge discrimination. Children in lesbian and gay families get bullied. The child is brought up by two men or two women and he goes to school with two men coming with him, one for his mom, and one for his dad, and- or two ladies, and they know that their children will be attacked. They get bullied, they get chased out, and they're harassed (Audience member, Vanessa, June 1998: "Gay moms and dads").

Seventy-nine records (51 gays, 28 lesbians) met inclusion criteria. Seventy-three subjects were diagnosed with one or more of the following defective mental conditions: depression, anxiety, post-traumatic stress disorder, eating disorders, autism spectrum disorder, and bipolar disorder. Fifty-nine (74.7%) reported suicidal ideation, 55.7% exhibited self-harm, and 24 (30.4%) had one or more suicide attempts. Forty-six (58.2%) subjects reported school victimization (Cameron, Cameron & Proctor, 2017).

### ***2.5 Sex with parents***

Five (29%) of our 17 adults with a homosexual parent reported "physical, sexual relations" with a parent, compared to 0.6% (28 of 4,623) of those who did not claim to have a homosexual parent. Sullins (2015) found a number of adverse results for children of same-sex parents; perhaps the greatest surprise was that experiencing childhood sexual abuse from a parent was higher for children of married same-sex couples (38%) than for the other three groups (0–7%)” (p. 22)

### ***2.6 Homosexuality Criminalization and decriminalization in Pre and Post-colonial Eras***

“From 1860 onwards, the British Empire spread a specific set of legal codes and common law throughout its colonies including the prominent examples of the colonial criminal codes of India and Queensland, both of which specifically criminalized male-to-male sexual relations, though by long-term imprisonment rather than death” (Han & O'Mahoney, 2018, p.10). Although Sharia law is supposed to be God's law, there are wide variations in what it is supposed to entail. While only a few countries have state-level Sharia law, many others mix it with other systems; some at the state and some at the regional level. Turning, briefly, to sub-Saharan Africa, and an excellent report on the impact of the introduction of Sharia Law for Muslims in Nigeria in 1960 in various northern states, we discover, "In Islam, sexual intercourse is lawful only if it takes place between a man and a woman who are married validly according to law" (Ostien & Umaru 2007:44). “ At a time when many in the West have already been celebrating the legalization of same-sex marriage, ... the most recent report released by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) shows that, although consensual homosexual conduct is legal in 124 states and territories, there are still 72 countries that continue the criminalization of homosexual relations”( Han & O'Mahoney, 2018, p.8)

“...in some countries, homosexual Introduction conduct can even lead to the death penalty. In September 2011, three men were executed for sodomy in Iran. These executions were all undertaken with reference to articles 108 and 110 of the Islamic penal code”( Han & O'Mahoney, 2018, p.9)”

“...several countries have successfully decriminalized consensual homosexual conduct ...The link between British colonialism and currently having anti-gay laws is strong. Of the 72 countries with such a law in 2018, at least 38 of them were once subject to some sort of British colonial rule”( Han & O'Mahoney, 2018, p.9).

“...in Latin America, where the Spanish were “shocked” by the homosexual behavior that they witnessed. ...the Spanish used the justifications of such “negative” portrayal of the “morally degraded...Homosexuality was also prevalent historically in Asia. ...in pre-modern China, homoerotic relationships between men, were often treated as an intellectual refinement seeking ... In the African context, ...all the early documentation of homosexuality in Africa was written by these European colonial actors, who overwhelmingly used moral rhetoric to describe homosexual acts as “unnatural” or “sinful”(Han & O'Mahoney, 2018, p.14).In opposition, in France, the law allows gay men and lesbian women to get legally get married. This law was put in 2014 and France became the 9<sup>th</sup> European country to allow same-sex marriage. “In contrast with the British experience, the other big colonial power – France – left a very different institutional legacy as regards consensual homosexual conduct”( Han & O'Mahoney, 2018, p.11).

Also, in the USA, sexual activity between consenting adults of the same sex as well as same-sex adolescents of a close age has been legal nationwide since 2003 pursuant to the U.S. Supreme Court ruling in *Lawrence v. Texas*. As of June 26, 2015, all states decriminalize and recognize marriage between same-sex couples because of the Supreme Court decision in *Obergefell v. Hodges*. Furthermore, unlike in the West, there is no generally accepted equivalent of the word ‘gay’ in Arabic, and there is no direct mention of such sexuality– certainly in Nigeria’s Sharia laws. According to Whittaker, “the term *al-mithliyya aljinsiyya*, literally ‘sexual same-ness’ has become used recently by serious newspapers and academic articles” (Whittaker 2011:16)

### ***2.7 Masculinity, homosexuality and homophobia***

Hamdi, Lachheb, and Anderson (2017) focused on homosexuality in Tunisia. Much like other Islamic countries, the law is based on the holy scripts. Since homosexuality is associated with femininity, many see that it goes against religion. Homosexual men are associated with ‘feminine’ attributes, which does not help their case, as this is also associated with weaknesses.

In Tunisia, the minister of human rights had announced that LGBT rights are in no way human rights. It is a mental illness that requires treatment. He does not agree with the United Nations and reaffirms his position by stating that Islam does not support this.

### ***2.8 Muslim gay men in Tunisia: Identity conflict***

Hamdi, Lachheb, and Anderson (2017) focused on the perspective of gay men on religion. It has become evident that same-sex relationships are illegal in Arab countries and are punishable by law. Most interpretations of Islam view homosexuality as unnatural. This causes these men to conceal their true identities for self-protection. This causes major identity issues and can be detrimental towards the mental health of the individual. So, one thing is correct; there is a mental illness; however, this is due to the extreme laws and homophobia imposed by traditions and the culture itself.

### ***2.9 A Phenomenological Study on Identifying Lesbians, Gays and Bisexuals in Kuwait***

Scull and Mousa (2017) interview members of the LGBT community living in Kuwait. Kuwait is one of the several countries in the Middle East which condemns homosexual acts and implements severe punishments. Islam is a religion open to interpretation, and in this situation, interprets homosexuality as a sin. Although some prefer to engage in homosexual relationships, it is still not accepted. The interviews were conducted to relatively address specific topics, such as the role of religion or the role of culture. For instance, in light of Kuwaiti culture, individuals represent not only themselves, but their entire family. So, if individuals come out as homosexuals, they are shaming the family and the entire community.

Same-sex marriage laws in the USA have been challenged. First, the supreme court did not approve of same-sex marriage and gave independent states the choice to legalize it or not. Indicated that same-sex marriage laws in the USA had been challenged ( Gerstmann, 2017). First, the supreme court did not approve of same-sex marriage and



gave independent states the choice to legalize it or not. Same-sex marriage laws in the USA have been challenged. First, the supreme court did not approve of same-sex marriage and gave independent states the choice to legalize it or not. Throughout the years, states started legalizing it until 37 states were approving of it in 2015. The focus was on children because it is believed that they may be psychologically damaged by having parents from the same sex. Some of the arguments presented were that children could be criticized at school and face the stigma of having parents of the same sex. A religious argument about marriage being procreative was also presented. Yet, there was no evidence for those claims. Research asserts that 26 cases are at courts, 19 of them had mentioned parenting and children in same-sex marriage as an opposition.

### ***2.10 Homosexuality and healthcare***

The white house banned conversion therapy for youth under government healthcare (Brinton, 2018). This is due to research that shows that sexuality can change. Furthermore, the American psychological association has published studies that do not find results for conversion therapies changing sexual orientations. In addition, these conversions therapies can be harmful due to hormones usage. This may result in psychological damage that will raise costs on healthcare. Brinton(2018) indicated that there should not be any legislation in conversion therapies until more clear evidence is provided and more research is carried out.

### ***2.11 Cases of Lebanon, Egypt, and Iran***

While neither the Lebanese nor the Egyptian laws explicitly mention same-sex sexual relations among the list of prohibited sexual practices, the laws are written vaguely enough to allow for the inclusion of a wide variety of practices if needed. Article 534 of the Lebanese Penal Code prohibits 'Any sexual intercourse contrary to the order of nature.' Lebanese and Egyptian laws do not precisely condemn same-sex relations, but they vaguely state that any sexual relation that opposes the order of nature is prohibited.

In many developing countries, sexual rights are commonly depicted as trivial concerns pertaining to wealthy citizens of a 'developed' Western world. The 'developing' world is often thought to have more pressing problems to deal with, such as poverty, violence, and corruption. As the prominent Egyptian attorney and human rights activist, Negad El Borai, pointed out in a statement, it is 'nice' to talk about gay and lesbian rights in Egypt, but the matter is ranked low in a hierarchy of critical human rights issues. Indeed, it is sometimes not considered to be a human rights issue at all. In numerous third world nations, sexual rights are regularly presented as unimportant concerns that only affect affluent citizens of a 'developed Western world.' The third world countries are frequently shown to have more important challenges to face, like 'poverty, violence, and corruption.' Negad El Borai, a well-known Egyptian lawyer and human rights activist, has argued about this and stated that while it is 'nice' to discuss homosexual rights in Egypt, other issues are deemed more important in the 'hierarchy' of crucial human rights problems. In reality, it is not thought by some to be a human rights issue by any means. Discussing and fighting for homosexual rights in Egypt and other developing countries are a luxury such nations can't afford because they have more serious and fundamental human rights issues they haven't even dealt with. Sometimes, homosexual rights aren't even deemed as such.

However, this increasing public display of homosexuals is provoking a reaction from Lebanon's influential political and sectarian groups. While Sunni activists were undermining the gathering in Beirut, a Christian church in Tripoli was planning a meeting to talk about approaches to "fix" gay people and force them into a more ordinary sexual behavior, as indicated by news reports. Also, Lebanon's most influential leader, Hezbollah Secretary General Hasan Nasrallah, deemed it important to comment, blaming occidental nations for 'exporting' such behavior to Lebanon. "Homosexual relations defy logic, human nature and the human mind" states Hezbollah Secretary General. "When Nasrallah goes on TV and is forced to dedicate part of his speech to homosexuality ... I think it's a good thing," says a homosexual living in Beirut.

It would be significant to shed light on a provided transcript of the Iranian President's remarks at Colombia University when he was asked a question regarding the execution of homosexuals in Iran. His response denied that there are any homosexuals in Iran. He added that capital punishment is necessary for anyone that could cause

the deterioration of the lives of youth around the world. He used illicit drug traffickers as an example, and he basically implied that he views homosexuals and drug traffickers in the same category of criminals. 76 homosexuals have been arrested for "Debauchery" in Egypt. Again, Egypt has no laws covering the legal issues of same-sex relations, however, engaging in homosexual acts may land you a prison sentence under a criminal category that does not characterize homosexual acts (Ballman, Leheney, Miller, Simmons, & Wilson, 2016).

### **2.12 Religions against homosexuality**

Quranic verses indicate that homosexuality should be banned:

1- And [We had sent] Lot when he said to his people, **"Do you commit such immorality** as no one has preceded you with from among the worlds? (80) **Indeed, you approach men with desire, instead of women. Rather, you are a transgressing people."**(81) [Al-Araf 80-81](#)

2- Do you approach males among the worlds (165). And leave what your Lord has created for you as mates? But you are a people transgressing."(166) Al-Shura 25

3. Punishment for Sodomy: Death

The punishment for sodomy can only be enforced if there are two witnesses. Usually, they are very hard to produce. By witness, most people agree that they must have seen the act with their own eyes including the penetration. This could be impossible to produce as some people argue.

## **3. Methodology**

The study employed a qualitative methodology design. Qualitative data were collected from the meta-analysis of the conducted studies. The analysis of descriptive quantitative and qualitative research was used to analyze the collected data qualitatively. The analyses and observations were employed to write up the findings needed to address the study questions. The study employed a meta-analysis of studies on homosexuality criminalization and decriminalization starting with colonial period through the modern era. The methodology employed scientific literature in the analysis to make the study representative and not a priori stigmatizing.

First, the study looked at the historical evidence of whether and how 185 colonies received their criminalization or decriminalization laws from the British Empire or French mandate. Then after sowing the impact of imperial history on the homosexuality issue, I discussed the homosexuality issues in certain Arab countries in the post-colonization and present periods. I found some clear-cut cases of direct imposition, and we also figured out that in some cases the present laws cannot be attributed to the British legacy. The evidence that I collected is based on the dataset of 185 countries. I employed systematic data analysis based on the influence of LGBT rights legislation. The framework of post-colonial studies along with its theoretical approach formed the theoretical framework of the present study (Mohanty 1994, Parashar 2011, Connell, 2018).

## **4. Results and Discussions**

Notable progress has been made concerning the acknowledgment of homosexuality in Lebanon. Ruling that it isn't a mental illness seems trivial, but such a step is significant in the Arab world. It remains to be said that we are a long way away from the acceptance of LGBTQ. Homosexuals are treated differently in different regions of the Arab world, and this seemed to be linked to how "open" such areas are to the western world. Even **Lebanon**, a relatively liberal country in the Arab world, can't fight off religious oppression and their views on homosexuality. However, it is true that developing countries in the Arab world have more urgent matters to discuss before homosexual rights. Homosexuality touches a minority, while the entire population must fight off problems such as poverty, violence, and gender equality. Nevertheless, violence against homosexuals must stop. One should examine many articles of law issued in different countries and states to be able to take sides. Also, while looking at the evidence with the legislation of homosexuality, we can find important organizations that support homosexuality and have evidence proving that homosexuality has a good impact on our society. To add, some laws have been put to control and prevent homosexuals from perpetrating bad homosexual acts, and therefore preventing everyone from doing such acts. However, medical records prove that being homosexual can cause diseases like Aids. It is argued that homosexuals commonly transfer HIV, yet HIV preventions and vaccinations

are being increasingly seen among normal people. Therefore, one cannot be strict with or against homosexuality. However, in certain contexts and certain issues related to homosexuality, one can defend his personal idea based on evidence.

A Lebanese judge challenged the legal basis of the arrest of men for same-sex conduct, declaring in a Metn court ruling last week that “homosexuals have a right to human and intimate relationships with whoever they want, without any interference or discrimination in terms of their sexual inclinations, as it is the case with other people” (Reid, 2017, p.1).

A Lebanese judge took on a different perspective about the legality of arresting same-sex conducts, by declaring a ruling that homosexuals, like straight people, are at liberty to enjoy same-sex relationships, without getting arrested or discriminated against by the court (Reid, 2017). The legality of homosexuality and same-sex relationships has been challenged by a Lebanese judge whereby claiming that homosexuals have the same right as straight people do without any discrimination (Reid, 2017).

In his ruling, Judge Maalouf referred to a penal code provision protecting freedom of expression, and Article 183 stipulates, “An act undertaken in exercise of a right without abuse shall not be regarded as an offense.” If no harm is done, there is no crime. Maalouf is not the first judge to question the interpretation of Article 534 (Reid, 2017, p.1).

Neither the Lebanese nor the Egyptian constitutions clearly indicate the prohibition of homosexual relations among the forbidden forms of sexual practices; the laws are ambiguous enough to permit the presence of various practices. However, article 534 of the Lebanese Penal Code clearly outlaws any unnatural sexual relations. However, two recent judicial rulings have intended to go in opposition for Article 534. In 2009, Lebanese judge Mounir Suleiman voiced his objection to the ambiguity of Article 534 during the trial of two men who had been suspected of engaging in same-sex sexual relations. Suleiman pointed out that not only does the definition of ‘nature’ change by the time ‘according to the mood of a society,’ but also humans are elements of nature, and their behavior should, therefore, not be considered contradictory to it. Two recent judicial rulings have aimed to erode article 534. Lebanese judge Mounir Suleiman challenged the article and opposed its vagueness; he considered its aim to be contradicting. Two judicial decisions have worked on undercutting article 534. In 2009, Lebanese judge Mounir Suleiman expressed his concern and opposition regarding the vagueness of the article during the judgment of two homosexual men. Suleiman stated that the meaning of ‘nature’ is bound to change over time depending on several societal factors and that people are part of this nature; thus, their attitudes should not be conflicting to it.

Portugal is now experiencing social and political environment of LGB acceptance as legislative changes are empowering LGB people to become more active agents in the fight against social discrimination and to stand up for their rights without fear or shame, thus contributing to the consolidation of a more just society in the country (Pereira & Monteiro 2017). Participants in the experiment consider the public display of affection as a way to express their freedom. Heterosexual participants in the experiment express that interacting with and becoming aware of the LGB community made them more active as peace mediators amongst other heterosexuals, raising awareness and preventing violence against homosexuals (Pereira & Monteiro 2017).

The USA supreme court declared in *Loving v. Virginia* in 1967 that marriage is one of the basic civil rights of human beings. They added that it is fundamental to everyone’s existence and survival. To deny it is surely to deprive all the State’s citizens of liberty without due process of law. Article 16 of the Universal Declaration of Human Rights guarantees that men and women of full age, without any limitation due to race, nationality or religion have the right to marry and to establish a family. Humans have the right to choose their partners regardless of their sexual orientation. An interpretation of sexual rights framed by an international group of women’s health advocates who were deeply engaged in the UN conferences held in the 1990s declared that sexual rights refer to the human rights of all persons with respect to the free and responsible expression of their sexuality and their control over their bodies. Human rights encompass the right to experience pleasurable sexuality.

Not all religions are against homosexuality. Homosexuality in Buddhist texts, contrary to other religions, is encouraged. Buddhism celebrates and encourages same-sex marriages. Jews are known as "the most liberal group of whites in America." They support laws protecting homosexuals from discrimination in housing, employment, and other aspects of public life. While Islamic scholars aren't afraid to express their extreme disapproval of homosexuals, deeming homosexuality as a sin, Quran only mentions homosexuals **once**, and it is done vaguely through the telling of the story of Lot and the Destruction of Sodom. This story featured two men who happened to be homosexuals but were also murderers and thieves which is why they were punished. While homosexuality in Islam was considered a no-no for the longest time, a small number of Islamic scholars have started re-examining Islamic teachings of same-sex relations and have concluded that the condemnation comes mainly from misinterpretation. However, evidence in the Quran about Islam's stance on homosexuality is far from clear which leads to the ongoing controversy.

Procreation is not the sole purpose of marriage. If the sole purpose of marriage was to procreate, then the ban on same-sex marriages should be extended to include hetero marriages that involve an infertile partner. Contraceptives should be removed altogether too!

## 5. Conclusions

After having read many articles about "Homosexuality," it is now clear that it is a debatable topic. That is, there is evidence proving and evidence refuting and rejecting why one should be with or against homosexuality. Like any other debatable issue, the legalization of homosexuality has its pros and cons, and one should be very critical to discuss the legalization of homosexuality. For instance, one should read many articles discussing different countries and states to be able to take sides. Also, while looking at the evidence endorsing the legislation of homosexuality, some international organizations support homosexuality and provide significant evidence proving that homosexuality has a good impact on societies. To add, some laws have been put to control everyone in the country and to prevent homosexuals from doing homosexual acts. However, medical records prove that being homosexual can cause diseases like Aids. Homosexuals transfer HIV, yet HIV preventions and vaccinations are being increasingly used by normal people. Therefore, one cannot be with or against homosexuality. Moussawi (2017) discusses the lives of gay men in Beirut. The cosmopolitan community of Beirut formed by middle to upper-class members seems to be more open to the tourists and middle to upper-class members of the society. However, Syrian and Palestinian refugees, working class people, and the transgendered people are not much accepted. According to the ethnographic study, there are many cases of violence perpetrated against LGBT people especially in religious areas, and even in non-friendly areas (gay clubs, gay bars...). There is a contrast among the societal members in Beirut; there are indications of change that is undergoing. Homosexuality in the Arab world isn't still recognized as acceptable.

"Queerness" is a western concept that has been imposed on the Arab World. Homosexuality is a "deviance" from the West to the Arab world and not its actual existence in the Arab world. The question of legalizing and normalizing homosexuality in Arab countries is still debatable and has a long way ahead. Homosexuality should not spread across the Arab countries because it would bring negative aspects and repercussions that arouse much tension. The 'developing' world is often thought to have more pressing problems to deal with, such as poverty, violence, and corruption.

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