

## **A Critical Appraisal of Public Responses to Gays and Lesbians in the Contemporary Nigeria in Islamic Perspective**

Kamal - deen Olawale Sulaiman

### **Abstract**

*The drift of Nigerians in gay and lesbianism has reached an embarrassing and disgusting status in the Nigeria milieu due to the clamour and public pronouncement by gays and lesbians for the legality of the disastrous crime in the Nigeria constitution. This has aroused national consciousness and generated hot debates at various levels. This study therefore intends to critically appraise the public responses to Gays and Lesbians in the contemporary practice in Nigeria and in the Islamic perspective. This research work is purely from written sources which comprise of books, journals, internet as well as the Qur'an and the Bible. The study revealed that, the Islamic laws and other religions recognize legal sexual intercourse between couple of the opposite sex only. Also, Islam commands purity of sex with legal opposite sex. And it is agreed by all Islamic jurists that sodomy is a sexual sin. The study recommends that the LGBT in Nigeria and their supporters over the globe should reflect on the consequences of sodomy according to scriptural revelations. It's also concluded that it is conspicuous that Islamic ruling on homosexuality carries severe punishment whether the act was accomplished with same sex or animal. This accounts for the reasons why the Muslims and some Christians brutally attacked its plea for legality in the Nigerian constitution.*

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**Kamal-deen Olawale Sulaiman**, Department of Religious Studies, Ekiti University, Ado-Ekiti, Nigeria. Email: drsulaimanko@yahoo.com

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**Editor's Note:** Though this paper carries a number of subjective and faith based statements not necessarily based on scientific investigations, it is being published to give the other side of the story maintaining the independent character of this journal.

## **Introduction**

In Nigeria today, there was a recent convention of gay advocates in Ibadan under the auspices of a body called 'Alliance Rights Nigeria'. It is this political liberty that has now given impetus to lesbians and homosexuals to join hands in the formation of an audacious all Nigeria movement that will promote what they now term "the right to be different."<sup>1</sup>

As a first step, they are now striving for official recognition and a redefinition of sexual orientation beyond the unity of convention and moral values. Investigation reveals that the Alliance Rights Nigeria (an umbrella body of same sex advocates) held its latest annual convention in Ibadan between 21<sup>st</sup> and 22<sup>nd</sup> March 2003<sup>2</sup>. Probably the national parent body of all lesbian and homosexual associations, Alliance Rights Nigeria has mapped out strategy for creating public awareness on what it called the rights of sexual minorities and the menace of HIV/AIDS.

However, the appointment of an openly gay bishop in the Church of England has pitted the church provinces in Africa against those in Canada, the US and in England<sup>3</sup>. The African opposition is led by the church of Nigeria whose Primate, Archbishop Peter Akinola, sees the appointment as a "satanic attack on the church of God."<sup>4</sup> Lesbianism and gays is part of growing movement in the vast net of Anglican churches spanning the globe, which expect the church to slough of its remnants of medieval thinking and catch up with the real world by accepting heterosexuals and homosexuals as equals.<sup>5</sup>

However, some Islamic scholars and researchers have submitted different opinions on the reasons for the involvement of some Nigerians in the major sin (homosexuality). The views expressed range from psychological, spiritual, social to influential status. Undoubtedly, the scourge of gay and lesbianism constitute menace to the healthy socio-religious environment of Nigeria. Therefore, the Muslims and Christians have demanded for punitive measure against its practice to pre-empt divine colossal destruction of the country as it happened to the ancient disobedient people of Prophet Lot, according to scriptural revelations. This paper therefore intends to critically appraise the public responses to Gays and Lesbians in contemporary Nigeria in Islamic Perspective.

### What is gay and Lesbianism

Ethnologically, the word 'lesbian' originally referred to an inhabitant of the Island of Lesbos, in ancient Greece<sup>6</sup>. The term has come to have its current meaning due to the ancient Greek lyric poet, Sapphon, who lived in the Island. Some of her poems concerned love between women<sup>7</sup>. Whether Sapphon was herself a lesbian, in the modern meaning of the term or simply a poet who described lesbians is open to questions. While she indeed wrote poems about love between women, there is some dispute as to just how far to interpret her writings in this fashion.

The association with Sapphon led to the term *sophism* being used as another term for lesbianism. Many other terms have been used to describe lesbianism over the past two hundred years, such as *armor*, *urmingism*, *tribalism*, and others.<sup>8</sup> According to the Longman Dictionary<sup>9</sup> and Oxford World Power Dictionary<sup>10</sup>, gay is synonymously defined as: "If someone, especially a man, is gay, they are sexually attracted to people of the same sex". Sodomy and homosexuality are relative concepts to gay. They are sexual perversion in which a man puts his sex organ into someone's anus, especially that of another man<sup>11</sup>.

However, lesbianism is the act of practicing unconventional gratification by a woman with another woman or women. A lesbian according to the same dictionary source Longman Dictionary<sup>12</sup> is: "A woman who is sexually attracted to other women".

One golden thread running through the above conceptual analysis is that gay is peculiar to masculine gender because it is sexual gratification between a man and another man who may also relate between themselves as husband and wife while lesbianism involves amorous accomplishment within the feminine gender alone who may also in addition to the abnormal sensual appetite between same sex establishes conjugal relationship. As such, a man, out of the two gays assumes feminine responsibilities of women and vice versa as applicable to lesbianism.

Other relative concepts which come into limelight of public discussion are bisexuality and bestiality. These have been explained by experts in sexuality education and psychologists as sexual aberration experienced or perpetuated by the victim: Bisexuality involves sexual attraction to both men and women while bestiality is a wild display of copulation (especially a man) with animal<sup>13</sup>.

In nutshell, a lesbian is a homosexual woman while a gay is the man. Lesbian finds herself sexually attracted to another woman, instead of a person of the opposite sex, viz. man.

Similarly, a gay finds himself sexually attracted to his fellow man instead of a woman.

### **The Origin**

The practice and prevalence of homosexuality in the world have attracted divergent historical facts on its origin. Some scholars attributed the origin and practice of homosexuality to Graeco-Roman epoch especially in the Plato Republic<sup>14</sup>. It was also explained the ancient Greek inscriptions demonstrated the ancient individual's homo-sexual trait. The first homosexual couple recorded in human history in 2400BCE were Egyptians, Niankhkhnum and Khkhnum hotep<sup>15</sup>. In Africa, it's often regarded as a western import. Gay culture, especially, was never a tradition in any part of Nigeria. The belief was that it was introduced into Northern Nigeria by two influences, beginning from the British who colonized the territory. The practice was then accentuated in the early public schools, all male in most cases, where elderly boys abused young boys.<sup>16</sup> Apart from the colonial masters, Lebanese and Syrian businessmen in the North were believed to have started the act with their drivers, cleaners and gardeners. It later became a pastime among top government officials and businessmen who considered it as an avenue to excel<sup>17</sup>. In the Northern part of Nigeria, there are people called '*dan daudu*', which is typical Hausa term. It means 'men who are wives of men'. In the olden days, to show your immense wealth it was easy to have a harem of wives. However, to show that you are truly rich, you have to keep a stable of men. You had to take care of your '*dan daudu*' and their families - if they had them and be like a mentor to them. These wealthy men would have sexual relationships with these '*dan daudu*'.<sup>18</sup>

The situation in the North of the country has deteriorated in recent years because of the introduction of Shari'ah law. In the state of Zamfara, a man was flogged thirty-six lashes for having had sexual intercourse with another man. There are no laws regarding same sex relationship between women, but lesbians have also suffered persecution.

The culture continues to grow till date. One puzzling question that demands answer about sodomy is: what pleasure does a man derive from having sex with a man like him? The general opinion is that some people do it for ritual. It is believed that gays get money and power from the act. While others make connections through it, individuals do it for one thing or the other.<sup>19</sup> One notable fact about the gays and lesbians in Nigeria is that, they tend to hide the fact from their friends and family because they are often ostracised or even thrown out of the family home. Similarly, in other parts of the world, especially Europe, lesbianism and sodomy have legal teeth. For instance, the New Zealand, an organisation

called Unitarian Association Supporting Legal. Equity for Gays and Lesbians has been operating without hitches. The country's Human Right Act of 1983 "makes it unlawful to discriminate either directly or indirectly against a person on the grounds of their sexual orientation" and "this applies in the areas of employment, access to public places, provision of goods and services, accommodation and educational facilities." When a homosexual or lesbian in New Zealand has cause to feel discriminated against, the step to take is to seek for "assistance from the Human Rights Commission" failing which "these commission may decide to take the matter to the Complaints Review Tribunal for a hearing."<sup>20</sup>

### **The Practice of Gay and Lesbian in Nigeria**

Homosexuality is alien to most Nigerian communities and therefore the practice of Gay and Lesbian constitute a cultural shock to Nigerian national values and ethics. However, the Lesbian, Gay, Bisexual and Transgender (LGBT) group in Nigeria have been facing sporadic challenges in Nigeria to wipe them from existence. The negative protest against the proliferation of the group is presumed to be anchored on the basis of religious rulings. That is, Christianity and Islam. At various levels, the sodomites have staged protest demanding for fundamental human rights in the spirit of Nigeria constitution<sup>21</sup>. The Right Defense; homosexual group also protested against humiliation of Gays and Lesbians.

On Thursday, 17th of May, 2012, Nigerian LGBT in Diaspora, demonstrated their passionate support for same sex survival in Nigeria<sup>22</sup>. The protagonists of the same sex laws held a rally in United Kingdom (London). The rally was critical of Nigerian; Homophobia, Biphobia and Transphobia and a communique was delivered to the Nigerian High Commission to register their grievances on the challenged of their in alienable human rights. The legislature and executive of the Nigerian government had since started legal deliberation on the Anti same sex marriage bill.

According to P.M News,<sup>23</sup> Gays and Lesbians in Nigeria have enjoyed allied assent through the approval of homosexual relationships by the U.S president (Obama) on the 9th May, 2012. The homosexual activists in Nigeria under the aegis of Narconon, Nigeria presumed that legal infliction of punishment on homosexual person or group is unconstitutional. Under the cloak of fundamental human rights and freedom, the homosexual activists in Nigeria constituted themselves into group and conducted national conferences in Lagos, Southwest zone and Abuja in Nigeria<sup>24</sup>.

Gays and Lesbians do not consider the act as criminal act under human right as decided by the National Assembly of Nigeria on the 29th of November, 2011 when indecent sexual and couple relationships were criminalized. This was clearly expounded by a member of Narconon; Ibrahim Kunle in his statement: "Nigeria has not in anyway recorded a case of criminality attached to the activities of same sex in the society"<sup>25</sup>. He continued:

*Many critics based their argument against the practices of homosexual on the passion for religious extremism, since Gays and Lesbians do not cause harm to the society as a whole or other individuals within that societies there is no issue of right or wrong". In Nigeria today, same sex sexual activities is illegal according to chapter 21, Articles 214 and 217 of the Nigerian Penal code and can be punished by imprisonment of up to 14 years throughout Nigeria<sup>26</sup>.*

On the basis of the insignificance status accorded to Gay and Lesbianism by Narconon activists, they rather encouraged the Federal Government to address the perennial security threat, corruption, Kidnapping, unemployment syndrome etc. Consequently, after hot debate at various levels in Nigeria, on the 20th of June, 2013 the House of Representatives finally endorsed a bill prohibiting same-sex marriage in the country with penalty of 14 years jail term<sup>27</sup>. Section 5 (1) of the bill states that "Persons that enter into a same gender marriage (man-man or woman-woman) or civil union contract commits an offence and are jointly liable on conviction to a term of 14 years imprisonment each".

The bill specifically restricts churches mosque and "any other place in Nigeria from solemnizing such marriages. An acceptable marriage according to the bill is: (only marriage contract between a man and a woman either under Islamic law, customary law and marriage as valid in Nigeria. The bill also prohibits the registration or participation in gay club activities in the country. Similarly societies and organization that "directly or indirectly make a public show of same sex a various relationship commit an offence". The penalty for gay club activities is 10 years imprisonment sanctions. Persons who preside over such marriage are equally guilty. Section 5 (3) of the bill provides, "Any person or group of peoples that administers witness, screen, shields, abets and aids the solemnization of a same sex marriage contract or civil union or support the registration of gay club, societies and commits an offence are liable on conviction to a term of 10 years imprisonment".

### **Islamic Perspective of Gay and Lesbian**

Some religions practiced in Nigeria such as Islam and Christianity also have religious interpretations of gay and lesbianism. While lesbianism is not directly traceable in the Qur'an, gay or sodomy is linguistically translated as *Al-Liwat'*, while a lesbian is *Sihaq*. The Qur'anic explanation of the heretical sodomy is conspicuous in the following passages on the people of Lot:

*And his people came rushing towards him, and they had been long in the habit of practicing abominations. He said. "O my people! Here are my daughters; they are purer for you (if ye marry)! Now fear Allah, and cover me not with disgrace about my guests! Is there not among you a single right - minded man?" (Q 11:78). "They said: "Well dost thou know we have no need of thy daughters: indeed thou knowest quite well what we want!" (Q, 11:79).*

The above verses described the abominable lusty desires (sodomy) perpetuated by the people of Lot. This is corroborated by AbdulRahman<sup>28</sup> when he defines sodomy or homosexuality as: "an unnatural act of sex to satisfy one's passion. The people of Lot from (Prophet Lot) were materially very advanced. In spite of the warning from Prophet Lot they committed sodomy". The Biblical expression in Leviticus 18 verse 22: discussed the nature of homosexuality and its abhorrence: "Thou shall not lie with mankind as with woman kind: It is abomination"

However, Islam and Christianity corroborated historical antecedents on the origin of homosexuality, especially gay. While the Qur'an does not make particular reference to Lesbianism and its origin, the following Qur'anic verse makes discreet reference to the unprecedented iniquities perpetuated by the people of Lot in the city of Sodom as the first Sodomites on earth.

*"Of all the creatures in the World, will ye approach males. And leave those whom Allah Has created for you to be your Mates? Nay ye are a people transgressing (all limit) " (Q26:165-166)*

However, apart from the homosexuality, the people of Lot were embarrassingly involved in the commission of other vices such as robbery exploitative practices in public and private places. The city of sodom was a point of reference where Prophet Lot was sent to preach the worship of one God and play a divine reformatory mission on their immoral and insolent nature. The people arrogantly refuted Lot's plea and continued the homosexual abomination<sup>29</sup>. Prophet Lot's wife maliciously acted against the divine mission of her husband

and supported the indecent acts of the people of Sodom. When the angels came to Lot as his guests he was reluctant to receive them He felt embarrassed to host them to pre-empt homosexual attempt with the guests by his people. He said; "By Allah I had never come to know such wicked people on the face of This earth as (the people of) this town".

Those angels were instructed not to destroy them till their prophet witnesses against them. Lot brought the guests home while his wife advanced her treacherous plan to inform the sodomites of their presence. The Qur'an makes replete reference to the embarrassing lusty advances by Lot's people.

*And the people of the city came rejoicing. Lot said, These are my guests do not disgrace me. And fear Allah and do not put me to shame. They said; Have we not forbidden you to plead for the people He said "These are my daughters (to marry) if you must act so (Qur'an 15:67-71)*

Gay and Lesbianism are abomination considered to be major sin as examined in the preceding section on the people of Lot. The Qur'anic assertion on the gravity of the sinful act is reflected in the various verses of the Qur'an:

*If any of your women are guilty of lewdness, take the evidence of four (reliable) witnesses from amongst you against them and if they testify, confine them to houses until death do claim them, or Allah ordain for them some (other) way (Q4:15). If two persons among you are guilty of lewdness, punish them both, if they repent and amend, leave them alone, for. Allah is off-returning, most merciful (Q4:16).*

The above verse (Q4:15) clarifies the production of four witness against a woman charged of lewdness as the basis of implementing punishment for adultery while the subsequent verse requests for physical punishment for men who engage in same-sex activity. In the earlier Qur'anic passages cited on Lot (Qur'an 7:80-84) the lusty desires of the people of Lot towards their male counterparts was met with divine stiff punishment. Lot accuses the men of Sodom of engaging, in homosexual behaviour. Allah eventually caught them with devastating punishment with shower of brimstones on the sodomites. Islam commands purity of sex with legal opposite sex. However, it is agreed by all Islamic jurists that sodomy is a sexual sin but have divergent opinions on the ruling for its punishment. Imam Abu Hanifah sees the act of sodomy as not applicable to adultery; therefore, he does not identify punishment of Hadd on the sinner except through the application of Ta'ir<sup>29</sup>. Citing a relevant quotation from the Hadith of the Prophet Muhammad, Imam Malik supported the application Hadd punishment on the offender regardless of the marital status of the offender. It is reported

by Abu Hurairah that the messenger of Allah said: "If you find someone who is committing an act of the commitment of lot (that is homosexuality) kill the one on top and one below" In another statement it says "kill the doer and the one with whom the act is committed" <sup>30</sup>. In addition to the above the Prophet (S.A.W) was reported to have said: "He is cursed, the one who has intercourse with a woman in her reaction" <sup>31</sup>. Islamic Jurists have divergent opinions on the punishment for bestiality. Imam Malik, Abu Hanifah and Zahir opined that Ta'azir should determine the punishment. While the jurists mentioned considered the flesh of the animal involved in bestiality as lawful when slaughtered, Imam Hanbal and Shafii hold that hadd punishment of stoning to death should be carried on the victims (the man and animal). In this case, the animal is not lawful for consumption. The jurists who hold this opinion predicated their ruling on the following Hadith of the Prophet narrated by Imam Ahmed from Ibn Abbas that the Prophet said: "Whoever you find committing the act of the people of Lot, then you should kill them both: the one who did it and the one with whom he did it"<sup>33</sup>. There are yet some other distinct Islamic jurists who ruled that only the individual involved in bestiality will be punished and not the innocent animal victim<sup>33</sup>.

### Observations

Some people say that a person may be born with homosexual tendencies. One thing to know is that everyone is a free agent. God lays before us two paths and has given us knowledge of where these paths lead to. One is the path to which the devil calls us. We must avoid that. One is the path leading to paradise. We must stick to that one. Everyone experiences evil prompting from time to time. We must resist those with all our might. If one feels a tendency to do something that God prohibits, he or she should seek help from Allah Almighty our great creator, by making more prayers to him to help one to bypass the crisis, and by making the divine requests “*dua*”, and also from a community of loving, caring, believers who would understand his or her difficulty and help him or her overcome it. A common ploy of the devil is to convince people that they cannot avoid sin. Then they do not even try. But Allah promises that the devil can have no lasting power over those who sincerely seek Allah (*Quran 15:42*)

Finally, our bodies are given to us in trust from God. One should not use his or her body contrary to the user guide provided by its Maker. Consenting adults also need God’s consent.

Also, arguments in favor of tolerance to homosexuals are based on the assumption that homosexual behavior is biologically based and not merely learned from society.

Scientifically speaking, sex is a means to an end and the end being the propagation of the human race. This end can never be fulfilled by sex between males (in the case of gays) or between females (in the case of lesbians). Therefore, the general conclusion is that homosexuality is irrational and illogical.

If we consider the construction of the bodies of the male and female, what is noticed at once is that the construction of a body of a male (the penis and the anus with no vagina) does not accommodate having sex with another male. Nor does the construction of a body of a female (no penis, a vagina) accommodate sex with another female. What is obvious to common sense is that the construction and location of specific sexual organs in the bodies of a male and a female accommodate sex between a male and a female and not among members of the same sex. Therefore, the conclusion once again is that homosexuality is an unnatural and an irrational behavior.

### **Conclusion**

This study revealed that, the Islamic laws and other religions recognize legal sexual intercourse between couple of the opposite sex only. Also, Islam commands purity of sex with legal opposite sex. And it is agreed by all Islamic jurists that sodomy is a sexual sin. The Qur'an makes replete references to the disgusting abomination perpetuated by the people of Lot and the devastating chastisement which overtook them as a result of their persistence commission of sodomy in their religion. The study recommends that, the LGBT in Nigeria and their supporters all over the globe should reflect on the consequences of sodomy according to scriptural revelations. The paper also concludes that, it is conspicuous that Islamic ruling on homosexuality carries severe punishment whether the act was accomplished with same sex or animal. This accounts for the reasons while, the Muslims and some Christians brutally attacked its plea for legality in the Nigerian constitution.

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