



University of Tehran Press

Woman in Development and Politics

Unconventional Sexual Orientations from the Islamic Perspectives to International Human Rights Practices and State laws

Maryam Ahmadinejad^{1✉} | Elahe Marandi²

1. Corresponding Author, Assistant Professor, Women Research Center, Alzahra University, Tehran, Iran. Email: m.ahmadinejad@alzahra.ac.ir
2. Assistant Professor of the Department of Law, Faculty of Social Sciences and Economics, Alzahra University, Tehran, Iran. Email: e.marandi@alzahra.ac.ir

Article Info

Article type:

Research Article

Article history:

Received 8 November 2023

Received in revised form 6

June 2024

Accepted 29 June 2024

Published online 06 October

2024

Keywords:

Islam, Human Rights,

Homosexuality,

Gender Equality, Family.

ABSTRACT

Introduction

Today the foundation of the family has been seriously threatened by the prevalence of homosexuality as an unconventional sexual orientation in the human world. In recent years, this unnatural issue has been violating international taboos, despite the strict stance and prohibitions against homosexuality in religions, particularly within the context of Islam. We are currently observing that the European Court of Human Rights, among other international human rights bodies, is opposed to any discrimination against the civil institutions of homosexuals in comparison to the sacred institution of the family in the field of international law; while homosexuality threatens morality, health and the human race.

Methodology:

In order to address the inquiries, the current research was conducted using a descriptive-analytical approach, with a legal perspective. This study sought the Islamic perspective on this significant deviation from many authentic Shiite texts and sources. Then the case law and documents concerning international human rights were assessed. The judgments of this international judicial body were emphasized due to the multiplicity of existing procedures in this regard in the cases of the European Court of Human Rights. Lastly, the domestic laws of several countries were presented as an example to better clarify the issue.

Results:

In several verses of the Holy Quran, homosexuality is depicted as a form of prostitution and depravity that separates the clean human race. The significance of the subjects addressed in these verses is demonstrated by the repeated recitation of this narrative in the Holy Quran; because such behaviors are not only unjustifiable, but they also violate the fundamental principles of the creation of the two sexes. Some homosexual acts (Lavai) are more strictly prohibited from illegitimate natural relationships (Adultery) according to Shiite Imams, and they are regarded as a disbelief. The practice of homosexuality among Lot's people became epidemic, and the Holy Quran's testimony was unprecedented until that time. Homosexuals endeavored to emulate the behavior of others, and when they were unsuccessful in achieving this, they retaliated by punishing them. Therefore, it is imperative to underscore that it is crime that advances when this inaccurate tendency is established, and it is not subject to any constraints.

Furthermore, the hadiths cited indicate that one of the inherent repercussions of homosexuality is that an individual's sexual orientation undergoes a transformation. This is quite evident in the practice of homosexuals in the past and present, as the tendency to the opposite sex is lost. The reluctance of the opposite sex was declared by Lot's supporters when he invited them to marry women. This can be regarded as one of the penalties that naturally occur to the perpetrators of these acts, making their instinctual desire an aberrant desire. Nevertheless, it is disheartening to observe that certain international organizations have also endorsed and recognized

homosexuality, from the identification of civil partnerships based on homosexuality to the breaking of the taboo surrounding these historical offenses and the eradication of the criminalization that existed in the majority of societies towards these actions. In order to establish the sacred institution of marriage for this relationship that is illegitimate and against creation, both in custom and in law, it is imperative to prohibit discrimination and grant equal rights to the family in its usual, historical, and correct sense. The fake family is recognized for two same-sex couples. It is a prime example of the unrelenting assault on the family by advocates of homosexuality in the realms of inheritance, childbearing, and adoption. International human rights organizations prioritize gender equality in relation to homosexuality. This is despite the fact that homosexuality was illegal in the majority of the negotiating countries and was even deemed a crime in many of those countries at the time of the approval of many of these documents and conventions that reference gender equality. It can be confidently asserted that the approvers did not intend to broaden the definition of this term to include homosexuality at the time of document approval. Finally, it is important to consider the significant taboo-breaking that is being systematically accomplished by certain international organizations, particularly the European Court of Human Rights, by advocating for or promoting the criminalization of hate crimes against homosexuality. Therefore, this criminalization has been implemented in the domestic laws of certain countries that are founded on secularism.

In the interim, numerous countries worldwide and within the European continent continue to define the family as a union between a single man and a single woman, and they have yet to acknowledge homosexuality. In addition, numerous nations have implemented domestic laws that criminalize homosexuality and have imposed a variety of penalties, including imprisonment, flogging, and the death penalty. They are adamantly opposed to this anti-family stance. In their historical practice, numerous countries that have legalized the institution of marriage for homosexuals have criminalized such activities.

Conclusion:

The recent increase in the number of individuals who support homosexuality is cause for concern. Following the establishment of new standards in the family field, these perspectives have been able to guarantee homosexuals plural rights in different societies. In addition to this concern, the procedure of certain international bodies is also coordinated with these opinions, with the intention of exerting pressure on the countries to acknowledge this historical error. Throughout history and from the very beginning in the case of Lot's people, the viewpoints based on homosexuality have not set a limit for themselves and have always attempted to bring others along with them. From breaking the taboo to decriminalizing and subsequently legalizing same-sex marriage and granting various rights, including redefining "gender equality" to provide equality for homosexuals and granting the right to prohibit discrimination to them, to requiring countries to criminalize the crime of hatred towards homosexuality, all of these actions indicate that non-confrontation with this thinking will result in the destruction of the traditional and legitimate concept of the family. Based on this, there will be an increase in the pressure exerted by international organizations that advocate for human rights on countries where the family is the fundamental institution of their society in its eternal and historical sense in the near future. This is despite the fact that the future conflict over the issue of the "family" will not be tolerated in any form for countries whose intellectual foundation is based on Islamic doctrines; because in the Islamic religion, the establishment of a family and marriage is a sacrosanct institution that is only accomplished through a legal union between a man and a woman. Moreover the Islamic punishments for immoral deeds are among the most severe punishments specified by the religious lawgiver. This is particularly true for homosexuals. Consequently, Islam has not only forbade the acceptance of such tendencies, but has also imposed the most severe penalties for them, stating, "Come not near to shameful deeds."

Cite this article: Ghaderzadeh. O., khairandish,F.(2024).Thematic analysis of the Dimensions and Sources of Gender socialization in the Context of Patriarchy.*Women in Development and Politics*, 22(3), 713-745.

DOI: <https://doi.org/10.22059/jwdp.2024.367853.1008397>



© The Author(s).

Publisher: University of Tehran Press.

DOI: <https://doi.org/10.22059/jwdp.2024.367853.1008397>
