

# **The Islamic View of Combating AIDS**

**The Juridical Society**

**in cooperation with**

**The International Islamic Committee for  
Woman & Child (*IICWC*)**

## **Preface**

Praise be to Allah for legislating the standard of correct human behavior, and peace and blessings be upon Prophet Muhammad - who established the rules of safety, honor and chastity wisely, the best of Allah's creation - his family, Companions and true followers to the Day of Reckoning.

The Secretary General of the International Islamic Council for Da`wa and Relief (Coordination Office in Cairo) and the founding authority of the Council at its last meeting in Amman asked the Principal Shar`iyyah Society for Qur'an and Sunnah Scholars in Egypt, the prominent member of the Council, to issue a corroborative Islamic point of view adhering to the basic sources, legislative texts and elements of faith, in cooperation with the International Islamic Committee for Woman and Child (one of the committees of the International Islamic Council for Da'wa and Relief).

Hence, a meeting with all interested and specialized people in this matter was held. It was attended by the Federation of Islamic Medical Associations, some members of the Islamic Research Academy, as well as members of the International Islamic Committee for Woman and Child. Among them there were women specializing in education and law, and the Union of Islamic Universities.

The Scholars' Commission has issued this booklet to outline the Islamic method of combating AIDS (Acquired Immune Deficiency Syndrome). Moreover, it exposes the philosophy and policies of the UN in the fight against AIDS. The UN is an important arena of conflict between different lifestyles. We will shed light on the freedom, which the West adopts in satisfying sexual desires away from the regulations of religion

and ethics. This serves the objectives of the Protocols of the Elders of Zion, where it stated, "We must work to break down morality everywhere, facilitating our control. Freud is one of us, and would continue to expose sexual relations in the light of the sun so that there would be nothing sacred in the eyes of young people, and his main concern will be to satisfy the largest sexual instincts, and then break down morals." The International Islamic Committee for Woman and Child provided us with most of the documented information on this issue.

A staff of scholars, however, took the responsibility of outlining the Islamic values, principles and legislation that indicates its independence and humanity's need for it, especially in this era. People are fascinated with the strongest materialistic civilization without looking for the truth, even if it is with the weak.

May Almighty Allah guide humanity to guidance and righteousness that He sent down on His glorified Apostles.

***Prof. Dr. Muhammad Al-Mahdi***

***President***

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## **Introduction**

**The contents of the program of the UN in combating this disease lead to further spread of the disease instead of facing it with scientific criteria, and this in turn leads to the subsequent elimination of ethics and values in the Muslim nation. This is in line with the libertinism and immorality of the Western civilization, which calls for caution and is vigilant when discussing these programs adopted by the UN in international conferences, arguing that the countries that signed the document are obligated to implement its programs. It attempts to introduce these programs as one of the human rights it adopts. However, the most important principles of the UN are to respect the privacy, beliefs and social institutions of peoples. Therefore, we chose to provide the vision prevailing in these conferences, followed by the method of Islam that seeks to prevent this disease and organize family life and society, in a way that guarantees the happiness and stability of the human race.**

## **The UN's Means of Combating AIDS**

The UN's means of combating AIDS include the following:

### **1. Imposing sex education in schools**

The UN defines sex education as, "Providing complete and accurate information on safe and responsible sexual and reproductive behavior,<sup>1</sup> including voluntary, appropriate and effective male methods for the prevention of HIV/AIDS and other sexually transmitted diseases through, inter alia, abstinence and use of condoms."<sup>2</sup>

We mention a part of the program of sex education in a British secondary school, which is available at the British Library entitled, "Why talk about homosexuality in the secondary schools?"

"Sex education at school was strictly heterosexual with the focus completely on the biological aspects rather than pleasure and there was absolutely no mention of same sex love."

Thus, the sex education program should cope with the physical effects of homophobia and that young lesbian and gay people often find themselves facing an erosion of their self-confidence and esteem. Coming to terms with being 'different' and coping with the difficult feelings associated with identifying oneself as homosexual is very hard.

There are four things that cause homophobia:

- 1. Not reporting homosexual experiences or feelings.**
- 2. Being negative about types of sexual behavior, such as oral or anal sex.**
- 3. Adhering to strong religious beliefs which disapprove of sex (outside or before marriage) and/or homosexuality.**
- 4. Lack of social contact with homosexuals.**

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<sup>1</sup> Definition of safe sex: It is the use of contraceptives and means that prevent sexually transmitted infections, but responsible sex is the voluntary use of such means with the agreement of the other partner. (as in a training manual for adolescents, issued by the International Federation of the Red Cross [IFRC] and the Red Crescent Societies [RCS]) – Amman – Al Ettehad 2001 p.112), for further details on safe sex, see Part I: How to protect yourself from the infection of the HIV infection?

<sup>2</sup> The 1995 Beijing Platform for Action, item 108, paragraph L.

Homophobia makes schools unsafe for young lesbian and gay people, but if we helped them to do the so-called process (coming out) i.e. to identify himself/herself as gay or lesbian and to tell this to others, it will be useful.

There are three main topics related to the (coming out) schools must be aware of:

1. Coming out is necessary and it is a positive experience for most young people growing up as gay and lesbian.
2. Many homosexuals fear negative reactions.
3. Supporting and ensuring safety is necessary when declaring the 'coming out'.

This ensures access to the final stage of the process; (coming out) involves being openly lesbian or gay recognizing that it is a central aspect of 'who I am' and 'how I want to live my life'. Young people begin to feel that homosexuality is a valid way of life and develop a sense of contentment with being lesbian or gay. They often have the experience of falling in love at this time and, perhaps as a result, feel more confident, fulfilled and able to combat the social stigma that they may suffer from.<sup>3</sup>

**Sexual education program in Tanzania<sup>4</sup> (ages 6 to 13)**

This is a school program of sex education, which has applied to schools in Tanzania since the end of the year (2003), which claimed to circulate in all areas after the experience in the capital Dar es Salaam:<sup>5</sup>

## **First: Students**

### **A. Children ranging from 6-9 years**

#### **Objectives**

It is to define the genitals and their functions, and explain the various developments of the body, as well as venereal diseases, especially AIDS.

#### **Teaching method**

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<sup>3</sup> [www.avert.org/media/pdfs/homosexualityinschool.pdf](http://www.avert.org/media/pdfs/homosexualityinschool.pdf)

<sup>4</sup> The same program was issued to the area of the Middle East and North Africa from the IFRC and RCS entitled: "Working with youth... a training manual for youth."

<sup>5</sup> [www.ccbtr.or.tz](http://www.ccbtr.or.tz)

- The teacher shows some photographs of the genitalia of a male and a female to the children and then asks them about what they saw. At the same time, she asks a boy and a girl to take off their underwear.
- Forming a working group on the functions of the genitalia, and the changes that occur to it, along with health care for the body.

## **B. Children ranging from 10-12 years**

### Objectives

It is to achieve body awareness, and education about early sexual relations.

### Teaching method

1. The teacher asks the class to close their eyes and think of the genitals of a male and a female.
2. She asks a female pupil to draw the genitals of a male, and a male to draw the genitals of a female, with distinction of the parts on the drawing.
3. They comment and describe the drawing, and bring comparative photographs of male and female children and adults. Then, she asks pupils about the differences in the structure of each of them.
4. The school teacher is to explain the early sexual relations and introductions to it, describing the results of it such as pregnancy and sexually transmitted diseases and how to avoid them, while explaining the meaning of underage pregnancy and sexually transmitted diseases, particularly AIDS:
  1. The teacher holds a dialogue about the things that take part in exciting children sexually, and how sexual temptation happens.
  2. An Open dialogue on how to avoid early pregnancy.
  3. An open dialogue on AIDS and describing its symptoms, while advising the students in the case of one of these symptoms appearing to visit the nearest hospital, and to honestly tell his sexual partner about these symptoms.

## **Second: Teachers**

Preparing a workshop to teach teachers how to explain the curriculum.

### Objectives

It is to define and describe the functions of the genitals of a male and a female, and realizing the importance of sex education and reproductive health education for children.

### Session 1: Raising questions

- Teachers are asked about what questions the children raise concerning the genitals, and, if they are able to answer.
- Teachers are divided into groups and each group is asked to draw the internal and external genitals of a male and a female, to be able to manage and deliver information to students
- Teachers, then, are asked, if they find it important for children to know this kind of information at that early age.

### Session 2: Transmission of AIDS

- Each teacher has to mention a safe and unsafe sexual behavior and classify sexual behaviors as either safe or unsafe.
- Teachers receive practical training on the use of condoms.

### Session 3: Negotiation with the partner

- The way by which teachers explain to students the possibility of negotiating with the partner on the use of condoms.
- Assumption of a sexual relationship between two students to show how the teachers' react to it.<sup>6</sup>

We will soon know the terms: safe sex, condoms, partner, reproductive health, and sex education, that are loaded with the outlook of Western sexual libertinism, as the reason for the rampancy of diseases, not to eliminate it.

As confirmed by Dr Victor Blair, director of the UNESCO Regional Office in Beirut: "Programs related to AIDS and sexually transmitted diseases give the opportunity to present and discuss other topics that young people do not often talk

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<sup>6</sup> [www.ccbrrt.or.tz](http://www.ccbrrt.or.tz)

about, such as: sex and sexual life, and the conflict raging between flaming erotic desire and mores, and the desire to engage in dangerous behavior."<sup>7</sup>

Sex education is to be spread focusing on trying to reduce the problems arising from absolute sexual orientation. It provides sexual information for boys and adolescents, with the means to reduce diseases, unwanted pregnancy, or even abort it. Hence, reproductive and sexual health which is one of the most important items of international covenants of the UN is the main entrance to the codification of sexual orientation or chaos. It is spread in developing nations and simultaneously provides them with contraceptives, and also transfers technology to these countries so that they will be capable of producing and distributing high quality contraceptives locally.

### **Review**

There is a trend towards educating the young and adolescents about the nature of the sexual relationship, the use of contraceptives and condoms, and the establishment of legitimate full relations, even homosexuality. This one-sided path will lead to the destruction of humanity and disorder of the norms of the universe. Thus, the trend is against the nature that Almighty Allah created man with. Previous nations that indulged in these abominations faced imminent punishment and destruction. When weakened nations followed their whims and immoral attitudes including committing homosexuality, they were destroyed. Almighty Allah says, addressing His Prophet Lut,

*(Go you in unto the males of the mankind. And leave those whom Allah has created for you to be your wives? Nay, you are a trespassing people!. They said, "If you cease not. O Lut! Verily, you will be one of those who are driven out!. He said, I am, indeed, of those who disapprove with severe anger and fury your action (of sodomy). My Lord! Save me and my family from what they do. So We saved him and his family, all. Except an*

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<sup>7</sup> Ibid. p. 5.

*old woman (his wife) among those who remained behind. Then afterward We destroyed the others. And We rained on them a rain (of torment). And how evil was the rain of those who had been warned. Verily, in this is indeed a sign, yet most of them are not believers.)*

*(Ash-Shu`ara': 165-174)*

However, we see that UN charters and the world media promote these fallacious concepts and distorted ideologies, till the applications of these concepts have been applied on other cultures through school curricula, religious institutions and NGOs, as well as the media. When these external pressures and challenges encounter vulnerable target communities, they find opportunities to extend broader and perhaps rooted legitimacy. This is what we find on the subject of sex education, which is encircling our values and customs and is putting pressure to accept the terms and their applications.

## **2. End the stigma of PLHIV**

The philosophy of international documents was based on a concept that: the association of AIDS with illicit sex and homosexuality stigmatizes AIDS patients; particularly in the countries whose intellectual and religious fabric prohibits homosexuality and sex outside of marriage. Therefore, those patients compound their illness. As AIDS is a taboo, it makes the patient imprisoned behind bars of silence. Thus, the taboos that stigmatize the patient and require silence - in accordance with the philosophy of international documents - is among the major obstacles that impede efforts to prevent the spread of the disease. So getting rid of discrimination towards the AIDS patient is one of the most important human rights issues. The most important rights are:

- The right to confidentiality of the workers living and affected by HIV/AIDS regarding health status.

- **The Right of non-discrimination for the abuse of the human rights in the area of HIV/AIDS concerning discrimination in respect of employment and occupation.**<sup>8</sup>

**It has been one of the recommendations of an international study entitled, "PLHIV involvement in country-coordinating mechanisms" that "PLHIV also need resources to enable them to build capacity and develop the skills they need to do this work against social stigma through support campaigns for policies and laws that serve patients."**<sup>9</sup>

### **A workshop held to remove the stigma**

**Workers in the application of the UN programs in combating AIDS are trying to convince people that illicit sexual activity dominates our societies, and is a part of the social texture. They do this as a base to accept the policies of the UN in combating AIDS, not to reject it. It came in a research entitled, 'The contribution of social sciences to the field of prevention and care for AIDS patients to remove the moral stigma' that stated, "We must clarify – during the general awareness of the disease - that there are common and diverse sexual behavior in societies. Sodomy as a sexual behavior exists in all societies, and is a part of the social texture. It is a social interaction that expresses the human race, because accepting these postulates would help in the success of social policies."**<sup>10</sup>

### **Review**

**It seems clear that an attempt is being made here to suggest that Islamic societies have become similar to Western ones which do not consider the taboo of sexual orientation and homosexuality– in a step towards removing the stigma associated with the disease.**

**UN efforts to remove the stigma vary from the beginning when they try to impose neutral terminologies. They mean to palliate values and not to criminalize behavior that leads to**

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<sup>8</sup> Working with young people (HIV, and sex-transmitted diseases) - the IFRC and RCS - the National Library – Amman 2001 – pp. 102-3

<sup>9</sup> [www.hivinfo.org](http://www.hivinfo.org)

<sup>10</sup> Dr. Ali Abu Leilah - Regional Workshop on the Cultural Perspective of the AIDS Virus for Sustainable Development in African Arab Countries - Cairo (May 20-24, 2000).

the existence and spread of AIDS. UN documents show respect to homosexuals. It calls them homosexuals, yet refers to them by same-sex relations. Furthermore, when referring to prostitution, the second cause of the spread of AIDS, they call it women working in the sex trade.

I think that such sensitivity - in the use of terms that do not refer to legitimate criminalization - is meant to accept such a behavior as natural or at least, will not be condemned or stigmatized. Hence, the disease caused by such behavior is not to be stigmatized.

Therefore, the greatest danger in the philosophy of the UN in combating AIDS is to link it to the issue of human rights.<sup>11</sup> It insists, as a necessity, on the integration of AIDS patients in the society regardless of the cause of the illness. It is not allowed - according to the UN policies - that they be isolated or prevented from living a normal life. Moreover, even any job applicant is not required to have a check-up lest he discovers he has AIDS and is then ostracized within the work place.

In this context, we believe that the stigma is associated with the causes of the disease. Thus, when it occurs through adultery or homosexuality, it is a stigma and the patient is stigmatized. However, when it may have been through an infected blood transfusion by mistake or infected from a mother to her child, it will not be a stigma in itself and the patient will also not be stigmatized. The patient and the illness are indivisible, as demonstrated by,

*(Say, 'Shall I seek a lord other than Allah, while He is the Lord of all things? No person earns any (sin) except against himself (only), and no bearer of burdens shall bear the burden of another. Then unto your Lord is your return, so He will tell you that wherein you have been differing.)*

*(Al-An`am: 164)*

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<sup>11</sup> The annual report of UNAIDS in 2006 declared that the practical policies needed to prevent AIDS are: to ensure that human rights are reserved, protected and respected, and it means to end racial discrimination.

AIDS<sup>12</sup> often comes through the behavior which is banned by all religions and even moral systems.

So, this disease remains rejected consciously and psychologically in the Arab and Islamic world. Yet, there is no one who was firmly opposed to such policies – which spread promiscuity - equalizes AIDS through blood transfusion to homosexuality or sex outside of marriage.

### **3. Breaking the silence: Frightening equation**

The UN believes that the patient's silence about his illness is a major cause of the spread of the disease. Therefore, it focuses their policies on the need to break the silence, i.e. the patient talks about his illness. It attributes the cause of silence to traditions, values and cultures. Therefore, the equation which the UN adapts is "Breaking the silence."

Furthermore, the UN holds workshops and training courses in many countries - especially Southern countries - targeting the youth. These courses are held under titles including: increase HIV/AIDS awareness among young people.

For example: The UN Population Fund in Lebanon launched a school campaign addressing 1000 student (boys and girls aged 12-17 years old) within the framework of the activities of the project, "Break the Silence about Sexual Health Issues for Young People... Let's talk", and focus on matters at puberty and the physiological and psychological changes, and how to prevent sexually transmitted diseases, including (AIDS), and it was done by the National Program against AIDS.

On assessing the reactions of adolescents to the course, the information they acquired and their change of behavior, the outcome was satisfactory for those who were responsible for the workshop.

### **4. Recruitment of religious discourse**

The UN adopts a policy concerning the use of religious leaders for reasons, such as:

- a. To give the green light to all institutions in society to talk about such matters that must be discussed according to specific frameworks in conservative societies. In this

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<sup>12</sup> [www.islamonline.net](http://www.islamonline.net), Open Dialogue, Monday 8<sup>th</sup> Dec, 2003.

regard, we mention a statement issued by Mr. Walid Badawi, Senior Policy Adviser, Regional Bureau for Arab States, UN Development Program issued in a press release,<sup>13</sup> "In September 2002, we held a workshop in Sanaa, with the aim of obtaining the support of Arab governments in the strategy of combating AIDS. Indeed, we came to a unified vision of the need to break the silence, and involve other groups in society. Yet, the people of art and media, NGOs and representatives of UNDP have shown their fear of the reactions of religious leaders during the various meetings that we held. They asserted the urgent need for a green light from Muslim and Christian religious leaders as they make up a major force that authorizes anyone to move to break the silence, so we decided in the light of the strategy to defer this important sector of society until the end, after we have paved the way and shape the foundations with the other groups in society."

b. Religious leaders may be impeding the programs pursued by the UN with its different strategies in the society. This is because the attitudes of religious leaders are originally derived from legitimate texts.

This seemed clear in a workshop held between the Syrian Ministry of Health and UNICEF to strengthen the role of religious leaders in youth and children AIDS prevention campaigns, where there was a person who raised the question: "We are talking about removing the stigma ... and Allah proceeded to cut off the hand of the thief, and it is cut out off to be stigmatized to deter the others although Islamic law keeps human health secure."

When Dr. Emad Ad-Dakar, the director of the National Program in combating AIDS in Syria, was asked about seeking help from the religious leaders, he replied that there are four million people attending 8000 mosques, 120 Qur'anic institutes, and 22 institutes for legal sciences, which is a matter of many connotations at a time when there is a lot of criticism directed at the media for its malfunction. Hence, it

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<sup>13</sup> An interview in *Al-Abram* newspaper, issue Jan 7, 2004

became urgent not only to open dialogue with the religious leaders but also to train them on social and health issues often subsumed under the term (silent) in a conservative society.

"Do you have specific programs for the religious leaders?" an attendant asked. Dr Emad replied, "Yes, all participants of religious leaders will be trained through consecutive workshops to begin field work through sermons, seminars and interaction with the society to disseminate such concepts."<sup>14</sup>

For the sake of removing the stigma of this disease and breaking the silence, the UN sought the help of the religious leaders to renew religious discourse when dealing with people living with AIDS in order to be acceptable, considerate and merciful, not punitive or stigmatizing.

There was a document issued by UNICEF in 2003, entitled **What Religious Leaders Can Do about HIV/AIDS: Action for Children and Young People**, which states,

Religious leaders are in the unique position of being able to:

- Increase public knowledge and influence opinion.
- Support enlightened attitudes, opinions, policies and laws.
- Redirect charitable sources for spiritual and social care and raise new funds for prevention and for care and support. Thus, the role of religious leaders is to break the silence, end discrimination and rejection, and call for reconciliation and care.

It has divided the roles; each one has his role within the system. When religions suffice to provide moral guidance in this regard to ensure that sexual abstinence and mutual fidelity are cornerstones of HIV prevention, the educational curricula and media propagate for the use of condom as it referred to in the document which stated that "if some religious leaders are uncomfortable to propagate the use of

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<sup>14</sup> ([www.hivinfo.org/arabic/asp/ya-studies.asp](http://www.hivinfo.org/arabic/asp/ya-studies.asp)) Ferial Zahra, an interview with Dr. Emad Ad-Dakar

the condom as a part of the prevention plan, then let this role be done by the governments and other organizations."<sup>15</sup>

**Strive not to impose value judgments!**

For example, the terms 'AIDS victim' and 'AIDS sufferer' indicate powerlessness and increase stigma, whereas 'person living with HIV or AIDS' emphasizes life and hope. 'Forgiveness' implies guilt, whereas 'reconciliation' emphasizes the settlement of differences without blame.

### **Seriousness of the Cairo Declaration of Religious Leaders in the Arab States in Response to the HIV/AIDS Epidemic**

This colloquium was part of a series of regional religious leaders' activities being implemented by the HIV/AIDS Regional Program in the Arab States (HARPAS) in close collaboration with the UN Development Program (UNDP) and UNAIDS. This is under the auspices of the General Secretariat of the League of Arab States that held the Conference in Cairo in which those who attended the conference issued a declaration named: "The Cairo Declaration of Religious Leaders in the Arab States in Response to the HIV/AIDS Epidemic. This declaration was preceded by the agreement of Religious Leaders in the Arab Countries in the fight against HIV/AIDS, Damascus, July 2003.

Anyone who observes the terms of the declaration realizes that they serve the interests of the prevalence of Western concepts aimed at changing the values and cultures that criminalize sex outside of marriage because they seek to:

- **Reject and emphasize the necessity to abolish all forms of discrimination, isolation, marginalization, and stigmatization of people living with HIV/AIDS, while insisting on defending their basic freedoms and human rights. This is so regardless of the cause or source of the disease. It seems to give the green light to those who do such things to continue his crime because there is no deterrent penalty or reprimand, but only disapproval of his behavior. It just calls him to repent. It informs him that society deals well with his disease. It will consolidate him and treat him like a**

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<sup>15</sup> <http://www.unicef.org/childsurvival/files/religious-leaders-aids.pdf>

brother. He will attain all spiritual and materialistic support, care and compassion. However, the word sinful was mentioned in only one case:

We view as sinful anything that may cause infection through intention or negligence - as a result of not using all possible preventive means available, in accordance with heavenly laws.<sup>16</sup>

It is failing to take the necessary precautions (i.e. the use of condoms) during illicit sexual relations resulting in the transmission of the disease.

- Also, asserting that AIDS patients have all human rights (regardless of the cause of infection). Those who condemn the vice that caused the transmission of the disease, or those who call for compulsory medical examinations, will be blamed for discrimination and human rights violations. Sexual orientation (including homosexuality) laid down in the Universal Declaration of Human Rights is one of his rights, so this item is an obstacle to the application of the teaching regulations of Islam that protect society from vice..

Teaching safe sex in schools - as stipulated in the Cairo Declaration and as stipulated in international conventions when handling the issue of AIDS through teaching safe sex (is the practice of sexual activity in a manner that reduces the risk of infection with sexually transmitted diseases) - to children would lead to the spread of vice among children due to their instinctive tendency to test all they learn. What indicates the seriousness of this item is stated in the *Al-Hayat*, under the title Egyptian Students Are Promised to Have Sexual Culture with Arabic Properties: "Such a declaration (the Cairo Declaration of Religious Leaders) may be a prelude to accept the integration of sexual and reproductive health issues in the curricula of adolescents. It is a step that faced violent opposition after the 1994 International Conference on Population and Development held in Cairo in September,

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<sup>16</sup> This is the term according to the declaration that bears a different view than the author thought, translator.

which the traditionalists counted as an invitation to immorality because of the principles of sexual health."<sup>17</sup>

- Talking about the cause of AIDS in the mass media as contained in the Declaration, leads to the removal of the barrier of phobia and shame of the disease, and this leads to the prevalence of obscenity, especially among adolescents, with their instinctive tendency to imitate, and this can be inferred from various studies.
- Mosques and churches handle the AIDS issue like any other disease, saying that people who are close to PLHA may think HIV is a punishment from Allah due to a sin. This is not correct. It would break the barrier of phobia and shame of the disease, encouraging the prevalence of vice.
- The declaration admits that adultery and sex trafficking exist, through the item: "We emphasize the importance of reaching out to vulnerable groups which are more at risk of being infected by HIV/AIDS and/or spreading it, including commercial sex workers and their clients, injecting drug users, men having sex with men, and those who are involved in harmful practices. We emphasize the importance of diverse approaches and the means to reach out to those groups,
- This represents an admission on our part because the mere mention of these groups may mean the approval of their behavior. Moreover, avoiding taking any form of punishment, or signing any penalty as a deterrent to them lead to horrible disasters striking the nation.
- The declaration gives priority to the interest of the individual over that of the community. This contradicts the objectives of Islamic Law.

## **Results of the Cairo Declaration**

Building upon the intention expressed in the Cairo Declaration and utilizing two Religious Leaders against AIDS Kits (one specifically for Muslim leaders and the other for Christian ones) supervised by the UN developmental regional program. The Muslim kits contain an address to the religious

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<sup>17</sup> Amina Khairy, *Al Hayat* newspaper, on Dec 21, 2004.

leaders, an address to young people, an address to the community and an address to PLHA. The kits provide the same provision of the UN's means (ABC) in fighting AIDS.<sup>18</sup>

Similarly, the Christian kits provide the same messages. Then, a number of training courses for religious leaders were held in Damascus, Tripoli (Libya), Morocco, Yemen, and Kuwait for training on the Muslim and Christian kits.

Also, the UN Development Fund held a workshop for Arab religious leaders and women in Tripoli, Libya, issued by the Tripoli Declaration for Regional Women Religious Leaders Training on HIV/AIDS), which provided some recommendations from which the most serious was the need to introduce sex education in schools.

Even non-Arab Islamic countries such as Pakistan, have had their share of attempts to recruit religious discourse. It holds workshops targeting religious leaders. It also made kits similar to the Islamic kits to fight AIDS.<sup>19</sup>

In Bangladesh, in December 2003 - in the framework of support for policy-makers and religious figures - the UN Population Fund and the Ministry of Religious Affairs hosted a conference of imams to train religious leaders in the field of reproductive health and women's rights and the control of communicable disease such as HIV/AIDS.

Thus, the application of this policy is in accordance with the provisions of international conventions, which assert the importance of the recourse to the religious leaders.<sup>20</sup>

## **5. Political commitment by countries to acknowledge the vision and plans of the UN in combating HIV/AIDS**

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18 See (UN learning strategy on HIV/AIDS) p. 21 The kits issued by the UN Development Fund adopted the same ways with slight modification, adding chastity with abstinence, and marriage with mutual fidelity, with an emphasis on the use of condoms for those who insist on committing illicit sex.

19 Pakistan asks for the help of religious leaders in combating AIDS through preaching and Qur'anic posters for guidance - *Asharq Al Amsat* – Sunday, July 23, 2006 – Issues 99, 100

<sup>20</sup> Example: (item 108/h - Beijing): to provide workshops, education and training of specialists in the prevention of HIV, and other diseases transmitted through sexual contact and its consequences for both women and men of all ages, for parents and decision-makers and opinion leaders at all levels of the local community, including religious and traditional authorities."

The work of the UN system seems to be one on all issues, whether to work on both parallels with governmental or civic systems, or to shackle the countries with binding treaties from which they cannot escape. On December 1, 2000, the Secretary-General of the UN issued a message on the occasion of World AIDS Day, and he focused clearly on the political obligation of countries. At its twenty-sixth special session (from 25-27 2001), the General Assembly adopted a Declaration of Commitment on HIV/AIDS.

In the course of binding political obligation and shackling state approval of the declarations and conventions, the UN held an international conference on AIDS and STIs in Africa on September 13, 2003. A working group approved a set of guiding principles called 'Three Ones' which are:

- a. One agreed on AIDS action framework that provides the basis for coordinating the work of all partners;
- b. One national AIDS coordinating authority, with a broad-based multi-sector mandate; and,
- c. One agreed country-level monitoring and evaluation system.

### **Rejection of the Muslims and Christians to the conclusion of the conference**

In 2006, the General Assembly held in New York from May 31 – June 2, 2006 a conference to review the progress made in the implementation of the Declaration of Commitment on HIV/AIDS until the end of 2005. It was mentioned, for example, in one of its provisions (item 29), "Commit ourselves to intensifying efforts to enact, strengthen or enforce, as appropriate legislation, regulations and other measures to eliminate all forms of discrimination against and to ensure the full enjoyment of all human rights and fundamental freedom by people living with HIV and members of vulnerable groups...while respecting their privacy and confidentiality; and developing strategies to remove stigma and the social exclusion connected with the epidemic."

Concerning the issue of the final statement of the Conference, some African, Catholic and Islamic countries, particularly Egypt, refused to include in the declaration any

reference that the epidemic is spreading faster among the groups most vulnerable to HIV infection, including homosexuals, prostitutes and injecting drug users. Reference to these groups<sup>21</sup> could be interpreted as approval of their conduct. It was also opposed to promoting the use of condoms for fear that this represents recognition of illicit relations.

The Egyptian Ministry of Foreign Affairs issued a statement to show its refusal to legalize some behaviors that contradict Islamic Law under the pretext of treating AIDS. Egypt's Assistant Foreign Minister for Multilateral International Affairs, Naela Gabr said: "Egypt did not object to the declaration including any goals or time plan to guarantee the right to treatment and prevention. However, it rejected the attempt of some parties to exploit the issue of AIDS as a pretext to impose the abhorrent Western values on Islamic and Arab societies." Naela Gabr explained that the values of the Egyptian society stemming from Arabism and Islam, are not negotiable, ensuring her country's refusal to pressure delegations to force them to accept illicit relations, which is against the values of Arab and Islamic communities. She added, "These pressures were exercised at a time when the same parties refuse to recognize that the causes of AIDS include illicit behavioral practices."<sup>22</sup>

Kofi Annan expressed his disappointment<sup>23</sup> when he said, "Most countries had not met their targets that were outlined in the Declaration at the General Assembly's special session on AIDS in 2001. These goals have not been met as desired in most countries." He thought it was a must to mention the most vulnerable to that disease i.e. homosexuals, prostitutes and drug addicts.<sup>24</sup> According to an interview with Kofi Annan, he

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<sup>21</sup> Stated in the Cairo Declaration of Religious Leaders in the Arab States in Response to the HIV/AIDS Epidemic, December 2004.

<sup>22</sup> HIV/AIDS Epidemiology Annual Report 2006.

<sup>23</sup> [www.bbcarbic.com](http://www.bbcarbic.com)

<sup>24</sup> The UN insists on the necessity of recognition of homosexuals and prostitutes, because - in accordance with its vision - not to recognize such groups or the negative recognition of them when criminalizing their behavior - will marginalize and exclude them from positive treatment with awareness campaigns and prevention. Dr. Wahid Al Qurshishi (Review and analysis of laws relating to AIDS) - Tunisia's report - the Office of the peace for Human Rights - September 2005.

said, "Some of the salient features of the 2001 declaration were focus on (9%) young people (15-24 years old) and taking steps to educate them about the HIV virus and how the virus can infect them."

The systems of the UN adhere to the political commitment method to support the strategies of the program of the Regional Office of WHO for Eastern Mediterranean countries to face AIDS and sexually-transmitted diseases.

It shows that there are three levels of international action in fighting AIDS:

- Work at the UN and its specialized agencies level
- Work at the regional level, such as the Eastern Mediterranean Region
- Work at the national level, through the establishment of its own national program in the fight against HIV/AIDS.

## **6. UN Funding for AIDS programs**

On World AIDS Day in 2006, the speech of the UN Secretary-General, Kofi Annan, was clear as he focused on the financial dimension when he highlighted, "There is a substantial increase in funding, with eight billion dollars available for AIDS efforts in developing countries annually - compared to 300 million dollars a decade ago."

As for the direction of these huge funds, the executive director of the UN programs designed to combat AIDS, Peter Piot, said, "It was half the funds allocated for prevention methods such as the ABC approach – Abstinence, Be faithful and use of condoms. Hence, it lets condoms be available to all."

### **Funding for AIDS programs in poor countries**

International financial institutions fund AIDS programs in poor countries in many different forms:

1. Co-operation with UN agencies on the disease.
2. Co-operation with governments through the establishment of specialized programs in the fight against AIDS.
3. Co-operation with civil society organizations and these tracks are also the work of the UN, where meetings are

divided into two parts: a special section for the official delegations representing countries and national governments, and a parallel section for civil society organizations. It often makes this section an observer of governments; and thus, the institutions of civil society have become an agent of the UN thanks to the large amounts of funding that those organizations sought to take. Finally, it will be a tool of the UN in implementing the vision, policy and ideas of the UN.

"Foreign funding was only one of the most important mechanisms and means of external penetration that was legalized under the banner of international legitimacy to reshape the background of communities around the world. Due to the existence of power centers of cultural and social attitudes this process of penetration was helped. Those centers are ready to cooperate and show their ability to pass and propagate the external agendas. They do not object to share the funding with governments which seek to confirm their integration into the global system through the admission of its global policies whether in trade or human rights."<sup>25</sup>

Threats to cut off grants is clear when the funding institutions of the UN gave a message that it is necessary to make use of the prescription provided by these international organizations, both working to break the silence in order to remove the stigma of HIV/AIDS patients, or when international funding organizations publish that information about AIDS or lessen its clout, and it does not mean weakening the awareness of the disease, but contributing to its rampancy. Yet, international aid could be withheld.

## Epilogue

It was mentioned in the HIV/AIDS Epidemiology Annual Report in 2006 of the UN program: "The moral goals in the fight against AIDS include: abstinence and delaying sex among young people, and uniting the sexual relationship, and reducing the number of sexual partners in the relationship, as

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<sup>25</sup> Dr. Nadia Mustafa Mahmoud (Women's issues from the national perspectives to the globalization of national agendas) [www.islamonline.net](http://www.islamonline.net), Aug 4, 2003.

well as the correct and consistent use of condoms especially in the areas where there is an AIDS outbreak, and requires the effective prevention of AIDS by changing endemic habits and social customs concerning sex, as the practice of unsafe sex has contributed to the rampancy of the disease in Africa. So persuading those who are sexually active to reduce the number of partners and to unify their partner, will be fatal and cause the success of long-term prevention efforts against AIDS."

It was also stated in the program of the global campaign against AIDS in 2000 by the UN:

"There are ABC (Abstain, Be faithful, correct and consistent use of Condoms where appropriate) strategies to prevent the sexual transmission of HIV.

**First: Abstain<sup>26</sup>**

In the language of the UN, it means:

- Self masturbation.
- Mutual masturbation.
- Safe sex
- Oral sex without ejaculation.

**Second: Be faithful**

"Partner" in the charters of the UN's means any kind of co-habitation between two people: a man and a woman (even without a legitimate union), or sex between two gays or two lesbians.

**Third: Using condoms**

In the charter of the Population Conference in Cairo 1994, it was mentioned under the item of AIDS treatment, "Promotion and the reliable supply and distribution of high-quality condoms should become integral components of all reproductive health-care services. All relevant international organizations, especially the World Health Organization, should significantly increase their procurement. Governments

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<sup>26</sup> See (Nursing care for AIDS patients) – Egypt – 1997, page 18.

and the international community should provide all means to reduce the spread and rate of transmission of HIV/AIDS infection. Condoms and drugs for the prevention and treatment of sexually transmitted diseases should be made widely available and affordable and should be included in all essential drug lists.<sup>27</sup>

The UN institutions and organizations interested in health affairs hurried to call for the distribution of condoms to schoolchildren, university students and soldiers in the army and prisons. They did not try to call people to adhere to values and morality, or to call for early marriage<sup>28</sup> in order to control the flaming erotic desire of the youth and rationalizing it.

There is not what we might call 'safe sex' as condoms are not secure in the sense referred to. Using condoms does not prevent AIDS or most sexually transmitted diseases. Furthermore, international agencies classified condoms as medium-risk sexual activities. It is not classified as low-risk sexual activity.<sup>29</sup>

### **Do condoms prevent AIDS?**

It is well-known that we cannot rely upon the claim that using condoms prevent the transmission of AIDS or other sexual transmitted diseases. Using condoms reduces the rate of transmission of these diseases to some extent, but it does not necessarily prevent HIV infection, since the microscopic pores in condoms allow the virus to pass through, as it is bigger than the virus. Therefore, the person becomes a target for HIV infection, especially in the presence of ulcers on the genitals. In addition, the condom would tear during sexual intercourse leading to infection. After sexual intercourse, the condom expands and allows liquid, carrying the virus, to leak from it.

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<sup>27</sup> The UN – The Declaration and the Beijing Platform for Action with the Political Declaration and the Final Document of the Beijing Conference after five years - New York - Department of Public Information of the UN - in 2002.

<sup>28</sup> Unfortunately, the overall policies of the UN and its documentation are in the direction of the fight against early marriage and violence against children, while encouraging teenage sex through sex education programs.

<sup>29</sup> For more details, see: nursing care for patients infected with HIV/AIDS – UNICEF.

Many studies have proved that using condoms does not absolutely<sup>30</sup> prevent the transmission of HIV, and the findings of these studies were established by the AIDS News Service and issued by the AIDS Information Center in the United States.

The policies adopted for distributing condoms in Africa and other developing countries suggest that using condoms is completely safe. Therefore, it uses the name of condom, to give it a protective characteristic, whereas the fact is that one out of every ten using condoms - in the case of correct use – is infected. There are also a large proportion of fatal diseases.

For this reason experts resist the policy of propagating the use of condoms as a preventive method against AIDS, saying, "What would you do if you play the sport of jumping in the air and it was said to you that the parachute works at the rate of 90%, would you still play this sport?"

Therefore, we believe that propagating the use of condoms is not effective in preventing AIDS, as it does not protect against the disease. In fact, the executive director of the UN Population Fund spoke about the use of condoms in 2003, saying, "Linking HIV/AIDS with sexual and reproductive health care is the overarching strategy for reaching more people cost-effectively and moving towards the goal of universal access to prevention, treatment, care and support by 2010."

We wonder about delaying of the age of practice, as policies run in the opposite direction. Under the cover of personal freedom and human rights, successive conferences continue to devote items<sup>31</sup> to take down the process of sexual education to the years before the first practice. That has

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30 Condom use leads to contraception, but it does not protect from AIDS, the average size of the pores of the condom is 5 microns, and the HIV virus that causes AIDS is 0.1 microns.

<sup>31</sup> Of those items: "Putting specific programs for men of all ages, and teenagers. They aim at providing complete and accurate information on safe sexual and reproductive behavior. That includes the voluntary use of medical means and active means to have protection against HIV and other sexually-transmitted diseases. All of these come through many ways such as abstaining and using condoms (item 108/ g - Beijing). Now there is an urgent need to prevent unwanted pregnancies, and the rapid spread of AIDS, other sexually-transmitted diseases, and the prevalence of sexual abuse and violence. Therefore, governments should establish their national policies on the basis of increased understanding of the need for a responsible sexual life and the reality of current sexual behavior. (item 7-37 - a document of the population conference.)

brought about a reduction in the age of practice, because of experimentation that results from education. Still, the policies of the UN aim at distributing the largest possible amounts of condoms, which may cause contraception - taking into account sexual education for teenagers - but it certainly does not prevent the transmission of AIDS.<sup>32</sup>

What is placed under the title (sex education) which is emphasized by the UN secretary general and most of the speeches of the participants from Western countries at the UN Conference in June 2006, shows that the Western concept of the word is education. This form of education aims at lifting the barriers of values and other impediments - according to the UN perspective - that socially fight the spread of sexual libertinism at various levels and among all ages, and this is consistent with what is known about other international conferences.<sup>33</sup>

### **Dealing with AIDS Globally**

The West as a dominant civilization imposes this philosophy on us and on the entire world by globalizing it. In addition, the West sets the UN seals and emblems upon it.<sup>34</sup> Although the basic function of the UN – stipulated in the UN Charter – is to preserve the human and cultural diversity of nations and peoples, its policies force all nations and people everywhere to follow specific means in combating AIDS. It has been proved that such means are useless whether in Western countries - the origin of the disease - or in the countries that adopted such means.

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<sup>32</sup> Both, the Catholic Church and the Vatican reject the use of condoms and believe that AIDS has greatly increased because of the availability of those condoms. In an interview of the BBC radio with Cardinal Alfonso López Trujillo concerning condom use when he said, "The condom does not protect against HIV and AIDS." The World Health Organization found that the message of the Cardinal is serious therefore it responded, " Consistent and correct condom use reduces the risk of HIV infection by 90%". Therefore, there is that 10% where due to different causes, a risk remains. The cardinal said, "If 10 persons out of 100 can contract an illness like this, which is mortal, what should the attitude of the Health Ministries be? And so, this is simply what I said. A warning should be put on these products, such as, "This is not safe", or "This is not completely safe". This is a responsibility, especially towards the poor countries. See: Aids News Service, Aids Information Center, September 2, 1994. See: Report of the UN 2006. Report on the Global AIDS Epidemic - Chapter 6.

<sup>33</sup> Nabil Shabib, AIDS; *Tabunat al-madaniyah al-madiyah*, "AIDS, the mill of material civilization", www.Islamonline.net, 19/7/2001

<sup>34</sup> UNAIDS 2004

If the Western ideologies, philosophies, and even its practices, were limited to it, we would not pay much of our attention to them, as that is their own right to choose and become different. Almighty Allah says,

*(If thy Lord had so willed, He could have made mankind one people: but they will not cease to dispute. Except those on whom the Lord has bestowed His Mercy: and for this did He create them: and the Word of the Lord shall be fulfilled, 'I will fill Hell with jinn and men all together.)*

*(Hud: 118 - 119)*

What attracted our attention to these philosophies is that we have been urged to accept such philosophies and practices in the Islamic world, through international conventions issued by the UN, which practice the form of diplomacy known as 'carrot and stick' to pass it and apply it.

### **Fixing on the consequences not the causes**

One of the most important aspects of Western culture; devoted to the UN philosophy of combating the AIDS epidemic, is to deal with the consequences of the disease, and even to codify its causes. On this basis, they are dealing with the consequences of the problem of spreading AIDS, not with its causes such as the prevalence of obscenity and the widespread use of drugs.

The basic difference between Islamic and Western perspectives when combating AIDS is that Islam puts radical solutions for treating problems, as it prevents the causes of the disease by prohibiting adultery, homosexuality and whatever leads to them. This is real protection against sexual diseases.

### **Islam and AIDS**

The Islamic methodology of combating AIDS is based on a group of philosophical and dogmatic postulates in sociology and social relations. In addition, it relies on a set of fundamental rules regarding the three origins: the human being, the universe and life. The origins that shaped in the light of its relationship with Allah and a governing law identify

the sources of legislation, the standard of what is right and the shape of social relations between people. In this respect, we would witness the unifying of Allah, the Lord of the worlds, the standard of Islamic Law and compassion among human beings that govern the relations among people. Through this general framework, the Islamic method combats AIDS, as it protects the body as one of the most important objectives of Islam and one of the most important ways of achieving power as the Prophet (peace be upon him) mentioned in his saying, "A strong believer is better and dearer to Allah than a weak one."<sup>35</sup>

The most important differences between the Islamic methodology and UN policies when treating the AIDS epidemic are restricted to the Islamic methodology of working on eradicating the sources of the disease, treating its sources and surrounding its evils. On the other hand, UN policies retain the sources of the disease - by defending so-called gay rights and sexual orientation - and deal with the consequences. For example, these policies adopt spreading condoms as a means of preserving the freedom of individuals at the expense of the rights of nations, peoples and countries which exert great efforts to resist the Western lifestyle that is being imposed on human beings.

### **Islam refines human instincts**

Islam takes into account the human instincts and opened a moderate door for them to unload energy and enjoy pleasures. The libido is one of the most important of these instincts; therefore, Islam identified an honorable and pure framework for it through the engagement of men and women under a strong covenant surrounded by love, cordiality and mercy. Islam acknowledges that such engagement is one of the necessities of life just like food and clothing, so Almighty Allah says, (*...They are your garments and ye are their garments...*) (Al-Baqarah: 187)

Moreover, the Qur'anic expression on the origin of creation clarifies that Almighty Allah created us from a single person and created, of like nature, his mate. This clearly indicates

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<sup>35</sup> Reported by Muslim.

agreement in the organic and physical tendencies, desires and needs, whether it means that woman is a part of man, so they both need each other to be complete, or that both were created from the same origin. This expression confirms the natural intimacy and cordiality related between them. The husband and wife takes one name in Islam *Zawj* (couple) that means their disengagement is inconceivable. Islam has set lofty goals for marriage.

### Objectives of marriage

1. One of the most important objectives is the survival of progeny and the succession of generations, Almighty Allah says,

*(O mankind! Reverence your Guardian-Lord, who created you from a single person, created, of like nature, His mate, and from them twain scattered (like seeds) countless men and women.) (An-Nisa': 1)*

And, He says,

*(And Allah has made for you mates (and companions) of your own nature, and made for you, out of them, sons and daughters and grandchildren...)*

*(An-Nahl: 72)*

And, He says,

*(Your wives are as a tilth unto you; so approach your tilth when or how you will.)*

*(Al- Baqarah: 223)*

Hence, why would a farmer cultivate land without intending to have a crop? Therefore, our Prophet Muhammad (peace be upon him) said, "Marry the one who is fertile and affectionate, for verily I will be proud of your great number before (other) nations on the Day of Judgment."<sup>36</sup>

2. One of the objectives of marriage is to maintain chastity and sexual satisfaction for both spouses so that neither of

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<sup>36</sup> Reported by An-Nasa'i.

them would think about treason, deviation and violating the other's honor.

3. Another of its objectives is to achieve affability and physical peace for both of them to have the ability to do fruitful work and produce what will be useful for himself and his nation. Almighty Allah says,

*(And among His Signs is this, that He created for you mates from among yourselves, that you may dwell in tranquility with them, and He has put love and mercy between your (hearts): verily in that are Signs for those who reflect.)*

*(Ar-Rum: 21)*

## **Facilitating marriage in Islam**

In order to achieve these goals, Islam has facilitated marriage to prevent corruption. In Islam, the women are not considered as a commodity to be bought and sold, but 'Dower' as a token of love and assurance to his would be wife at the time of marriage. Therefore, the Prophet (peace be upon him) encouraged people not to put barriers by asking for high dowries. He (peace be upon him) said, "The one (amongst women) who receives the least amount of *mahr* is the most blessed."<sup>37</sup>

In the light these facilities and instructions, Islam closed all the doors to shameful deeds and violating honor. Therefore, the punishment for adultery in Islam is cruel and the means of proving it are difficult in order to preserve the human dignity away from calumny and defamation without evidence.

## **Unacceptable Conditions in Islamic Law**

### **1. Same-sex marriage**

From these principles we understand that there is no way to create a family but through a man and a woman. In addition, there is no way in Islam for same-sex marriage or committing any act other than what is legislated. Islam is decisive about any other act, and described it like a wild animal from which we have to escape. Almighty Allah says, *(Come not nigh to shameful deeds whether open or secret.)* (Al-An`am: 151)

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<sup>37</sup> Reported by Ahmad.

The Prophet (peace be upon him) warned about health risks and public epidemics due to the prevalence of illegal sexual intercourse in any society, and said, "Whenever adultery and homosexuality becomes spread in a society, and they make it public then plague and other diseases which were not previously known to their predecessors will appear and spread among them."<sup>38</sup>

The term "plague" applies to diseases such as AIDS. In addition, the emergence of obscenity and making it public through legalizing homosexuality and considering it a human right is the reason behind this plague. The Qur'an considers homosexuality as something obscene, which none in all nations had committed before the people of Lut (peace be upon him). Almighty Allah says,

*(We also (sent) Lut: he said to his people, 'Do you commit lewdness (sodomy) such as no people in creation (ever) committed before you?! For you practice your lusts on men in preference to women: you are indeed a people transgressing beyond bounds.)*

*(Al-A`raf: 80-81)*

Their Prophet (peace be upon him) rebuked this heinous act repeatedly,

*(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 limits)!*

*(Ash-Shu`ara': 165-166)*

When they insisted on their behavior and considered Lut (peace be upon him) and his followers among those who want to be pure (of sins). They also mocked at the Divine warnings, Almighty Allah ordered His prophet Lut (peace be upon him) to travel in a part of the night with his followers, as his nation's punishment would occur in the morning. Then, the penalty occurred, as Almighty Allah says,

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<sup>38</sup> Reported by Ibn Majah.

*(When Our Decree issued, We turned (the cities) upside down, and rained down on them brimstones hard as baked clay, spread, layer on layer. Marked as from the Lord: Nor are they ever far from those who do wrong!)*

*(Hud: 82-83)*

Thus, the Qur'an warns whoever commits the deeds of Lut's nation that Almighty Allah will sink them into the earth, rain stones of baked clay upon them, and describes them as wrongdoers, and this punishment is never far from the wrongdoers.

This is the punishment for sodomy, and researchers agree entirely that more than 80% of those afflicted with AIDS are homosexuals. Therefore, we believe, as we are proud of being Muslims and the inimitability of our Islamic law, that the first advice we have to declare publicly before the rulers and the ruling and the young is that we have to confirm that this is a crime and whoever commits it should be scorned. Moreover, criminal laws in all Arab countries should include a penalty for this heinous act. These laws should have a preventive penalty against those afflicted persons who spread this epidemic in our countries and want to reside therein. Thus, we ensure that this fatal disease will be uprooted.

### **Prescribed penalty for homosexuality**

All scholars agree that this crime is illegal and they also agree on the necessity of treating its perpetrators harshly, but they estimated the penalty differently and there are three points of view:

#### **1. Death sentence**

Death is the penalty for the homosexuals: The positive and negative partners alike sentenced to death even if they are not married, as Prophet Muhammad (peace be upon him) said, "Whoever you find doing the deed of the people of Lut, kill the one who does it and the one to whom it is done."<sup>39</sup>

It has been reported that Ali ibn Abi Talib stoned those who committed this sin whether they were married or not. In

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<sup>39</sup> Reported by Abu Dawud.

addition, it has been reported that Abu Bakr put a rule of killing those who commit this sin by the sword, and then to burn them, because of the magnitude of this sin. Moreover, Omar and Othman believed in demolishing a wall over both of them. Ibn Abbas (may Allah be pleased with him) said that they should be thrown from the highest building in the district.

## 2. The adulterer penalty

The penalty for homosexuality is the same as that of adultery or fornication; lashing and expulsion for the single person and stoning for those who are married. This penalty is based on the Hadith of Prophet Muhammad (peace be upon him), which reads, "Anyone (married or unmarried) found to have committed same-sex intercourse should be punished as an adulterer."<sup>40</sup>

## 3. Discretion penalty

Discretionary punishment in the personal opinion of Abu Hanifah and As-Shafi'i<sup>41</sup>

## 2. Having anal sex with the wife

Having anal sex with one's wife is a crime and a major sin as Almighty Allah determined only one place for this process, which is the place of giving birth; He says, (*Your wives are as a tilth unto you; so approach your tilth when or how you will*) (Al Baqarah: 223) And, the Prophet (peace be upon him) said, "Allah will not look at whoever has sex with his wife in the anus."<sup>42</sup>

## 3. Lesbianism

Islam also prohibited lesbianism. Imam Ahmad, Muslim, Abu Dawud, and At-Tirmidhi said that the Prophet (peace be upon him) said in a long hadith, "...nor should two women lie naked under the same cover."<sup>43</sup>

Allah the Almighty says,

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<sup>40</sup> Reported by Al-Bayhaqi.

<sup>41</sup> Sayyid Sabiq, *Fiqh As-Sunah*, v. 2, p. 432-4.

<sup>42</sup> Reported by Ad-Darami.

<sup>43</sup> Reported by Muslim

*(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.)*

*(An-Nisa': 15)*

Some scholars explained that it was revealed because of lesbianism, the sin the Qur'an called obscenity. The Qur'an ordered us to isolate such women away from the society until death or repentance.

#### **4. Prostitution (Sex Trade)**

Islam emphasizes the prohibition of prostitution. Islam alludes to the head of hypocrisy in Al-Madinah that he was working in the sex trade and forced his slave girls to practice prostitution to earn an unlawful fee. However, those girls hated such practices and desired chastity; Almighty Allah says,

*(...But force not your maids to prostitution when they desire chastity, in order that you may make a gain in the goods of this life. But if anyone compels them, yet, after such compulsion, is Allah Oft-Forgiving, Most Merciful (to them).)*

*(An-Nur: 33)*

That is because Allah prohibited coming close to adultery in the verse, which reads,

*(Nor come nigh to adultery: for it is a shameful (deed) and an evil, opening the road (to other evils).)*

*(Al-Isra': 32)*

Therefore, how could He let people have whorehouses and trade in sex?

#### **5. Overspreading Obscenity**

In order to characterize the nation with chastity and abstinence, Islam prohibited promoting adultery. Islam also banned broadcasting anything that flames the erotic desires and encourages people to commit obscenity through the media. Allah says,

*(Those who love (to see) scandal published broadcast among the Believers, will have a grievous Penalty in this life and in the Hereafter: Allah knows, and you know not.)*

*(An-Nur: 19)*

Islam surrounds Muslims with modesty to prevent them from getting involved in that which describes the charms of women or talks about concubinary and love. Islam also prevents the novels, movies and plays in which women appear in an attractive way. In addition, it warned the women who do so that they will have a bad end. The Prophet (peace be upon him) said, "There are two types of people who will be punished in Hell and whom I have not seen: Men having whips like the tails of cows and they will be beating people with them, and, women who will be dressed but appear to be naked, inviting to evil; and they themselves will be inclined to it. Their heads will appear like the humps of the Bactrian camel inclined to one side. They will not enter Paradise and they will not smell its fragrance, which is perceptible from such and such a distance."<sup>44</sup>

### **Some means of prevention**

1. Asking women not to be complacent in speech so as not to excite immoral men, is one of the legitimate means for prevention and chastity. Almighty Allah says,

*(Be not too complacent of speech, lest one in whose heart is a disease should be moved with desire: but speak ye a speech (that is) just.)*

*(Al-Ahzab: 32)*

This verse permits women to speak in a good way and it shows that the voice of women is not generally forbidden.

2. No man must be alone with a marriageable woman. The Messenger of Allah (peace be upon him) said, "No man must be alone with a woman except in the presence of her (Mahram). No woman should travel except in the company of a (Mahram)."<sup>45</sup> Islam has focused on this principle with respect to the relatives of the husband or wife from those who are not unmarriageable. Many people tolerate it as in the case

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<sup>44</sup> Reported by Muslim.

<sup>45</sup> Reported by Muslim.

of the husband's brother or the wife's cousin. The Messenger of Allah (peace be upon him) said, "Avoid (entering a place) in which are women (uncovered or simply to mix with them in seclusion)." A man from the Ansar said, 'Tell me about the brother of a woman's husband.' He replied, 'The brother of a woman's husband is death.'"<sup>46</sup>

3. Covering all of her body. Her clothes should not be transparent and should not show more than the face and her two hands except before unmarriageable persons. Almighty Allah says,

*(And say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except what (must ordinarily) appear thereof; that they should draw their veils over their bosoms...)*

*(An-Nur: 31)*

`A'ishah narrated that once Asma' the daughter of Abu Bakr entered upon the Prophet (peace be upon him) dressed in clothing made of thin cloth. Observing this, the Prophet (peace be upon him) turned away his face from her, and said, "Asma', when a woman reaches the age of menstruation, it is not appropriate that anything besides this and this is visible of her. He said this while pointing towards his face and his hands."<sup>47</sup>

4. Avoiding women to adorn themselves, strutting or applying perfume while walking down the streets so as not to be exposed to harm by immoral men as Almighty Allah the Almighty says, *(that is most convenient, that they should be known (as such) and not molested.)* (Al-Ahzab: 59) Musa ibn Yassar said that a woman passed by Abu Hurayrah and her scent was overpowering. He said, "O female slave of al-Jabbar, are you going to the mosque?' She said, 'Yes.' He said, 'And have you put on perfume because of that?' She said, 'Yes.' He said, 'Go back and wash yourself, for I heard the Messenger of Allah (peace be upon him) say, 'If a woman comes out to the mosque and her fragrance is overpowering, Allah

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<sup>46</sup> Reported by Al Bukhari.

<sup>47</sup> Reported by Abu Dawud.

will not accept any prayer from her until she goes home and washes herself."<sup>48</sup>

5. Lowering one's gaze for both men and women, for a look is one of the poisoned arrows of Iblis. Allah the Almighty says,

*(Say to the believing men that they should lower their gaze and guard their modesty: that will make for greater purity for them: And Allah is well acquainted with all that they do. And say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except what (must ordinarily) appear thereof; that they should draw their veils over their bosoms.)*

*(An-Nur: 30-31)*

The Prophet (peace be upon him) classified lowering one's gaze as a right of the street imposed on those who sit in the streets. He (peace be upon him) was asked about the sudden glance so he said, "Lower your eyes."<sup>49</sup>

6. Asking for permission before entering people's homes, so that the person who enters the place will not see what should be hidden. Allah the Almighty says,

*(O you who believe! enter not houses other than your own, until ye have asked permission and saluted those in them: that is best for you, in order that ye may heed (what is seemly). If ye find no one in the house, enter not until permission is given to you: if ye are asked to go back, go back: that makes for greater purity for yourselves: and Allah knows well all that ye do.)*

*(An-Nur: 27-28)*

7. Ordering children who have not come of age to ask their parents' permission at times of sleep and rest, and the Qur'an refers to three occasions as Almighty Allah says,

*(O you who believe! Let those whom your right hands possess, and the (children) among you who have not come of age ask your permission (before they come to*

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<sup>48</sup> Reported by Ibn Majah.

<sup>49</sup> Reported by Abu Dawud.

*your presence), on three occasions: Before morning prayer; the while ye doff your clothes for the noonday heat; and after the late night prayer: These are your three times of undress: Outside those times it is not wrong for you or for them to move about attending to each other: Thus does Allah make clear the Signs to you: For Allah is full of knowledge and wisdom.)*

*(An-Nur: 58)*

But, after the children come of age, they have to ask permission all the time as Almighty Allah says,

*(But when the children among you come of age, let them (also) ask for permission, as do those senior to them (in age): Thus does Allah make clear His Signs to you: for Allah is full of knowledge and wisdom.)*

*(An-Nur: 59)*

## **Sexual education in Islam**

Islam is distinguished by its comprehensiveness with regard to all aspects of a Muslim's life even before his birth. Islam is interested in marriage and reproduction with no shame to talk about all the concerns of the private life of a Muslim.

Islam is an integrated method of life dealing with the spirit, soul, mind and body of the human being; therefore, it was not possible that Islam would neglect any important aspect of the human being. This side is the libido and Islam legitimated controlling rules to preserve the solidity of communities and to maintain the life and continuity of nations. Therefore, Islam gives great interest in what is related to the libido and made it a part of public education, which is very important at the same time for the youth, both males and females. This aspect is related to the prevailing social culture and the intellectual, educational and religious values of the society. That is briefed in:

Islam provides Muslims with information and forming ideas about sex that are appropriate to his age. That is an urgent step, as it relates to a natural instinct and an urgent psychological and physical need. Human beings, by reaching

a specific age, will start to search, whether or not his family is aware. What should be said is that the responsibility of family, school and university, and the society as a whole is to teach this important and dangerous culture with a well-planned and organized method. In addition, this method has to take into account the status of the young man or woman, and allow him to gain knowledge and perception gradually and to preserve him from dispersion and deviation. Islam allows this and provides it in the purest and clearest form and this exists in books of science and jurisprudence, which Muslim children learn at a very early age. It is well noted the likeness of the pure language in the books of scholars about the Qur'an and the Sunnah. This language uses intimation, not declaration - in the best way possible - and at the same time, it uses the most polite words that achieve the purpose, such as the Qur'anic verse, which reads,

*(O you who believe! Approach not the prayer when you are in a drunken state until you know (the meaning) of what you utter, nor when you are in a state of Janaba, (i.e. in a state of sexual impurity and have not yet taken a bath) except when traveling on the road (without enough water, or just passing through a mosque), till you wash your whole body. And if you are ill, or on a journey, or one of you comes after answering the call of nature, or you have been in contact with women (by sexual relations) and you find no water, perform Tayammum with clean earth and rub therewith your faces and hands (Tayammum). Truly, Allah is Ever Oft Pardoning, Oft Forgiving.)*

*(An-Nisa': 43)*

And, Ibn `Abbas (may Allah be pleased with him) narrated that Umar went before the Messenger of Allah (peace be upon him) and said "O Messenger of Allah (peace be upon him) I am destroyed!" The Messenger of Allah (peace be upon him) asked, 'What has destroyed you?' Umar replied, 'Last night I had anal sex.' The Messenger of Allah (peace be upon him) did not give a reply to Umar, and then Almighty Allah sent down this revelation, (*Your wives are as a tilth unto you; so approach your tilth*

*when or how you will; but do some good act for your souls beforehand* (Al-Baqarah: 223). Then, the Prophet (peace be upon him) said to him, 'Have intercourse in the vagina and from behind but not in the anus or at the time of menstruation...'<sup>50</sup> to the end of this well-mannered sentence.

### **Qur'anic description of different forms of libido**

The Qur'anic context describes every detail of sexual life exaltedly and virtuously. This context does not arouse people's desires and does not lead to grave consequences. There are many examples of this, including the context of the rules of ablution, washing, touching women and having sexual intercourse, in various places of the Qur'an. It was also mentioned in the context of seduction and desire, as in the details of the story of Yusuf (peace be upon him), where the Qur'an contains accurate and expressive details that do not lead to grave consequences like those in seductive novels. In addition, there are rules of the glance, chastity, lowering one's gaze and preserving the private parts; and they refer to a natural point of weakness in the human being and warn against deviating from its constructive and correct way. Through this context we see the importance of the libido for both males and females in the Qur'an as it describes human desires. Allah says,

*(Beautified for men is the love of things they covet; women, children, much of gold and silver (wealth), branded beautiful horses, cattle and well-tilled land. This is the pleasure of the present world's life; but Allah has the excellent return (Paradise with flowing rivers, etc.) with Him.)*

*(Al `Imran: 14)*

Then, the Qur'an describes the nature of attraction between both the male and female and establishes the concept of individual responsibility in preserving the self and others from adultery and the behavior that leads to it. After that, it describes the attractive nature of intercourse between

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<sup>50</sup> Reported by At-Tirmidhi.

humans as a high level of humanitarian integration and not just an evil libido, which the people satisfy.

### **The objective of this education**

The objective of this education is to teach the boy and girl and enlighten them, by the age of awareness, about issues related to sex, instinct and marriage. This would be useful when the child gets older and understands the nature of life, as he will know what is allowed and what is forbidden. Thus, he would abide by Islamic behavior and not chase desires or be deprived by following the path of degradation.

This is the responsibility of parents and institutions that have the responsibility of social upbringing. The father has to speak with his son, the mother with her daughter and the institutions that assist in raising the children should provide a suitable atmosphere of purity and chastity to establish a Muslim generation far removed from what may arouse confusion and excitement. Islamic Law declares that this responsibility lies mainly in the institution of the family.

Ibn `Umar (may Allah be pleased with him) narrated, "The Messenger of Allah (peace be upon him) said, 'All of you are guardians and are responsible for your subjects. The ruler is a guardian of his subjects, the man is a guardian of his family, the woman is a guardian and is responsible for her husband's house and his offspring; and so all of you are guardians and are responsible for your subjects.'<sup>51</sup>

### **Its special framework**

It is necessary to create a special framework when working with the elements of education so that the children, male and female, would receive an appropriate amount of these elements. Such elements should agree with their age, cultural level and awareness and practices, as well as the customs and traditions of the age.

The objective behind that is to keep them away from the fabricated tales they might hear from ignorant sources. These tales have a negative impact on their understanding and perspectives of close relationships. Many academic studies

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<sup>51</sup> Reported by Al-Bukhari.

warn against the grave consequences of leaving teenagers to face puberty alone, without any previous preparation.

### **Steps of education and upbringing**

There is no particular age when parents should tell their children about this issue, but should follow the steps throughout the child's life. These steps are manifest when explaining the process of sexual maturation starting from childhood. During the period of childhood, the parents have to explain the changes that are taking place in the teenager's body. When the child matures, the parents have to explain the general meaning of marriage and its importance in the universe for the continuation of the generations. It is natural that, at the beginning of adolescence, the teenager starts asking about marriage and sexual intercourse, and it is best if the child finds the answer with the father or mother. Teenagers would behave differently if they took this information from another source. Parents should focus on religious duties and avoiding wrong doings.

### **Levels of education**

1. Children between 7 and 10 years of age should learn the ethics of asking permission and the etiquettes of looking. This level makes them respect things that are prohibited.
2. Explaining physiological changes that appear on teenagers and how these changes often take place between 10 and 14 years. At that time, we must separate their beds.
3. Explaining the general meaning of marriage and its importance in life to maintain the continuation of generations. Usually, this level takes place when the child reaches 17 years and older. During this period, the teenager should receive sufficient information about the duties of the husband towards his wife, and the duties of the wife towards her husband. Teenagers should be informed about the burdens and costs of forming a family as well as the goals of marriage.

### **Important miscellaneous tips and hints**

1. Speaking about such matters should be done with the people who need it. It would be affective for the child -

whether male or female – when he reaches the appropriate age but it will be of no value if he received this knowledge before that age.

2. Presenting these issues to young people with a method that would be in accordance with their condition and needs, as those who are in the beginning of the age of adolescence - for example – are not like those who are about to marry.
3. Providing appropriate clothes for children. They should be in accordance with their age and needs and should be provided by the institution of social upbringing, which is closest to the children, such as the family. This is a suitable level for providing information for the child and to answer his questions. If he is not given information appropriately, he will search for it in sources that may be unsafe or illegal. In fact, providing information in a progressive way is considered as a means of protection and immunity for young people against the effects of the devils and seductive rogues.
4. Following the Qur'an and Sunnah when speaking about such matters as much as possible. Doing so is a means to attain the objective with the highest good manners, so the young person will learn about sex together with good manners. Modesty is still a branch of faith and will remain so till the Day of Judgment.
5. Taking care of being obsessed about these subjects, because exceeding the limits of thoughts in such issues leads to grave consequences and takes him onto a deviated path.

### **The family and fostering the virtues**

The most important intellectual and psychological effects of the family are the growth of children under social systems that preserve their psychological safety and teach them the basic principles of life such as cooperation and compassion. The family is the best natural incubator for the child, as it is full of the required intimacy and warmth and is also full of compassion and care, which other means of social upbringing lack.

The family is a haven for individuals, not only by taking care of their bodies, but also by correcting their religious and moral values. The responsibility of the family begins before the formation of the fetus, with the best selection of the spouse and making it a priority to have religious and moral criteria.

Abu Hurayrah (may Allah be pleased with him) narrated, The Messenger of Allah (peace be upon him) said, "A woman is married for four things: for her wealth, for her lineage, for her beauty or for her piety. Select the pious, may you be blessed!"<sup>52</sup>

And, he (peace be upon him) said, "When someone whose religion and character you are pleased with proposes to any of you, marry him. If you do not there will be *fitnah* and great *fasād* (discord or adultery and fornication) on earth!"<sup>53</sup>

This responsibility continues by teaching the family members faith, worship and ethics and training them to practice what they learn. This should continue until the children reach maturity and fulfill their religious and legal responsibilities for their actions.

All religions consider the family, consisting of spouses and children, as the basic unit of the society, and if it is good, the society will be good. Therefore, it is a religious duty to preserve and strengthen family ties, as many families are being destroyed by HIV. The infected person transmits the virus to his/her spouse and then to the children. This will lead the entire family to death and loss rather than provide them with security and protection. Therefore, anyone who exposes himself to the AIDS infection leads his family to lose its breadwinner and the children will carry the disease that leads them to death after a long period of suffering. The Prophet (peace be upon him) said, "Neglecting one's own dependents is reason enough for a man to commit a sin."<sup>54</sup> We see that prevention against AIDS is a religious duty, a social imposition and national commitment.

## Recommendations and Advice

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<sup>52</sup> Reported by Al-Bukhari..

<sup>53</sup> Reported by Al-Bayhaqi.

<sup>54</sup> Reported by Abu Dawud.

The people in charge have to feel the responsibility that the Prophet (peace be upon him) put on their shoulders, when he said, "The ruler is a guardian and responsible for his subjects."<sup>55</sup>

And said, "Allah will ask every shepherd (or responsible person) about his flock (those for whom he was responsible), whether he took care of them or neglected them..."

They should know that:

1. It is necessary to have powerful legislation to annihilate this epidemic from all Islamic countries through prohibiting and criminalizing adultery, homosexuality, anal sex, lesbianism, and all types of sexual permissiveness. In addition, they have to apply Allah's punishment on adulterers, perverts and sex traffickers.
2. In order to avoid these abominations, we have to lay siege around their reasons, such as privacy, unlimited mixing and suspicious relations outside Islamic law. Strictly, we have to impose censorship on the media to maintain values and ethics, and observe meaningful words and true news.
3. All foreigners coming to reside in Islamic countries are required to prove they are not carrying this virus.
4. We have to make educational reform on all levels, to be in accordance with our Islamic values, and religion should be a basic subject. In addition, we have to enable specialized scholars to perform their role in all areas, clubs and youth centers.
5. We have to close bars, places where wine is made and stop drug trafficking.
6. Mass media has an important role to play in making people aware of the risks of AIDS and the ways that should be followed to prevent it. It should exhort to chastity and avoid showing anything that arouses the sexual instinct.

### **The missions of preachers**

1. Constant awareness - in different ways - regarding what Allah legislated in terms of values and morality and the risks of following the desires that He warned about. These

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<sup>55</sup> Reported by Al-Bukhari.

risks are not only limited to losing the hereafter, but also Allah delays the punishment in the present life by afflicting the individuals with these serious diseases. Also, the society will be afflicted by plagues and other diseases, which were not previously known to their predecessors and these will appear and spread among them as the Prophet (peace be upon him) said. These facts are now apparent and diseases such as AIDS, gonorrhoea and syphilis are known to be the results of moral deviation.

2. The callers have to explain the serious consequences of AIDS and the necessity of fighting its spread by all available means. They have to inform people about what was said by specialists in Medicine and Statistics concerning the imminent danger facing the Islamic nation. This danger threatens the health and morals of the nation and the deep-rooted traditions that have protected them throughout these years against epidemics and diseases.
3. Urging practicing Muslims who have been wrongly afflicted by this disease to be patient, satisfied and seek recovery, from Allah. That is because His Command, when He intends a thing, is only that He says to it, "Be!" and it is! Prophet Ibrahim (peace be upon him) declared, (*And when I am ill, it is He Who cures me..*) (Ash-Shu`ara': 80)
4. It is necessary to punish those who have been afflicted with this disease through illegal intercourse, even if the punishment was to rebuke them. This is according to the Hanafi School. Also, they should be urged to repent and regret quickly, and to do many good deeds. Then, Allah would forgive their sins, as the door to repentance is open for sinners who repent. Allah says,  
(*But, without doubt, I am (also) He that forgives again and again, to those who repent, believe, and do right, who, - in fine, are ready to receive true guidance.*)  
(*Ta-Ha: 82*)
5. Warning people who have infected others, as Islam detests harming. The Prophet (peace be upon him) said, "It

is not allowed to do harm or to allow being harmed."<sup>56</sup> The greatest sins are polytheism and harming people. Allah (Exalted be He) says,

*(And those who harm believing men and women undeservedly, bear (on themselves) a calumny and a glaring sin.)*

*(Al-Ahzab: 58)*

People should not harm their relatives such as their children and spouses. A patient should disclose his illness when he gets married or is treated at the dentist or in the case of blood donation or any other act that may lead to transmitting the disease.

6. Urging parents to take care of the behavior of their children, whether inside or outside the house, and to protect them from such wrongful behavior and its grave consequences. This could be achieved by constant control on what they see on the satellite, the internet and in the media. In addition, the guidance and directions of the Qur'an should strengthen them. These are the most important recommendations that Allah recommended to parents, spouses and those who are in charge. Allah says,

*(O you who believe! Ward off from yourselves and your families a Fire (Hell) whose fuel is men and stones, over which are (appointed) angels stern (and) severe, who disobey not, (from executing) the Commands they receive from Allah, but do that which they are commanded.)*

*(At-Tahrim: 6)*

Qatadah said, "Ask them to obey Allah and prohibit them from disobeying Him."

7. Hoping for the reward of the Lord of the Worlds and His promise for whoever does righteousness to give him a good life, grant him good enjoyment for an appointed term and protect him from the delusion and misery ahead with the permanent bliss of paradise.

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<sup>56</sup> Reported by Ibn Majah.

8. Drawing attention that Islam prohibits having anal sex with one's wife, or sex during the time of menstruation. For these are certain causes of being afflicted with diseases and inflammation for both spouses and these diseases may lead to grave consequences.
9. Uniting for the sake of putting an end to this disease. This was wonderfully demonstrated in the Prophet's (peace be upon him) saying, "The likeness of the man who observes the limits prescribed by Allah and that of the man who transgresses them is like the people who get on board a ship after casting lots. Some of them are in its lower deck and some of them are in its upper (deck). When those who are in its lower (deck) require water, they go to the occupants of the upper deck, and say to them, 'If we make a hole in the bottom of the ship, we shall not harm you.' If they (the occupants of the upper deck) leave them to carry out their design they all will be drowned. But, if they do not let them go ahead (with their plan), they will all remain safe."<sup>57</sup>
10. Recognizing the responsibility of the Divine Covenant that Allah took from them and making them the leaders of opinion and the advocators of good. Almighty Allah says,  
*(Let there arise out of you a group of people inviting to all that is good (Islam), enjoining Al-Ma'ruf (i.e. Islamic Monotheism and all that Islam orders one to do) and forbidding Al-Munkar (polytheism and disbelief and all that Islam has forbidden). And it is they who are the successful.)*

*(Al `Imran: 104)*

Allah describes callers that they will attain felicity and that they are better in speech,

*(Who is better in speech than one who calls (men) to Allah, works righteousness, and says, "I am of those who bow in Islam?)*

*(Fussilat: 33)*

They carry the flames of enlightenment and guidance, and their duty is to unveil falsity of the falsifiers. The Prophet (peace be upon him) said about them, "The learned are the heirs of the prophets who bequeath neither a dinar nor a dirham but

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<sup>57</sup> Reported by Al Bukhari.

**only that of knowledge; and he who acquires it, has in fact acquired an abundant portion."**<sup>58</sup>

**11. It is useful to prepare a specially educated team as full-time workers. This team should have the spirit of public service and should include both males and females. This team will be qualified through a brief training course on the facts and magnitude of the problem. The team should be provided with the necessary information and skills that qualify it to educate others. Then, this group of volunteers will give a series of educational lectures to make it clear to the youth, according to their age, about sexually transmitted diseases and the gravity of their symptoms, how they spread and the ways to prevent them. In addition, pictures and figures that agree with Islamic law in content and presentation should be used to support the lectures. This would be achieved through coordination and integration with official and voluntary bodies.**

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<sup>58</sup> *Reported by Abu Dawud.*

## **Medical and jurisprudential appendix**

The Islamic Organization for Medical Sciences held a seminar entitled *Islamic vision for Social Problems of AIDS* from Jumada Al-Akhirah 23-25, (1414 A.H), December 6-8 (1993). The seminar focused on the following:

1. The medical aspects of AIDS in terms of its causes, methods of transmission and gravity.
2. Judicial aspects, which include:
  - Ruling on isolating AIDS patients.
  - Ruling on intending to transmit infection.
  - Rights of the afflicted spouse and his/her duties.
3. Rulings on abortion for a mother afflicted with AIDS.
4. Legality to bring up a sound infant by a mother afflicted with AIDS.
5. Right of a healthy spouse to request a divorce from the afflicted one.
6. Right of marital cohabitation.
7. Considering AIDS as a deadly disease.

Throughout the three-day seminar that was spent in research and discussions, it ended its final session that was held in the Islamic Medical Center – with the following views and recommendations:

### **1. Isolating the patient**

The available medical information at present asserts that infection with HIV (AIDS) is not transmitted through cohabitation, touching, breathing, insects, eating and drinking together, latrines, swimming pools, seats, food utensils, or any other aspect of everyday life. The infection is mainly transmitted by one of the following methods:

- Any form of sexual contact
- Transfusion of contaminated blood or its derivatives
- Using contaminated syringes, especially among drug users
- Transmission from the afflicted mother to her child

Based on what was previously mentioned, the isolation of afflicted students, workers or others from their healthy colleagues is not warranted.

### **2. Intending to transmit infection**

Intending to transmit the AIDS infection to someone who is not infected is forbidden and a major sin, and doing so deserves worldly punishment. This punishment varies according to the gravity of the act and its effect on individuals and society.

If the intention of such a person is to spread this insidious disease in the community, doing so is a kind of banditry and corruption on earth. This person deserves one of the penalties mentioned in the banditry verse, which reads,

*(The punishment of those who wage war against Allah and His Messenger and do mischief in the land is only that they shall be killed or crucified or their hands and their feet be cut off on the opposite sides, or be exiled from the land. That is their disgrace in this world, and a great torment is theirs in the Hereafter.)*

*(Al-Ma'idah; 33)*

But, if their intention is to infect a specific person, and it is done in a way that often spreads the disease, and leads to the death of the infected person, the person should be sentenced to death.

However, if the intention is to infect a specific person, and he becomes infected but does not die, the guilty person should be punished with a suitable discretionary punishment. In the case of death, the guilty person should pay blood money to the causality's heirs.

If the intention is to infect a specific person and the person is not infected, the guilty person should be punished with a discretionary punishment.

### 3. Mothers infected with AIDS having an abortion

The Islamic Organization for Medical Sciences held a seminar on *Reproduction in the Light of Islam*, and reached the following conclusion on the issue of abortion.

"The fetus is alive from the beginning of a pregnancy, and his life is respected at all stages, particularly when the breath is breathed into the soul. It is not allowed to transgress this fetus by abortion without a medical reason. However, some participants offered another perspective; it is possible to

abort before forty days have passed, especially when there are valid excuses."

The seminar concluded that this provision applies to pregnant mothers infected with the AIDS virus.

#### 4. Legality to bring up the healthy infant by a mother afflicted with AIDS

Present medical data indicates that there is no risk if a confirmed infected mother has custody of her healthy infant and that it is like normal intimacy and co-existence. The seminar believes that there is no legal prohibition against the afflicted mother raising her infant if she is able to bring him a wet nurse and provide him with alternative nutrition instead of his mother's milk.

#### 5. Right of the healthy spouse to request a divorce from the afflicted one

The seminar confirms the right of both spouses to request a divorce from the afflicted spouse, as AIDS is an infectious disease that is transmitted through sexual intercourse.

#### 6. Right of marital cohabitation

If one spouse is afflicted with AIDS, the other healthy one has the right to refrain from sexual intercourse, as it is known that sexual intercourse is the main means of transmission.

#### 7. AIDS as a deadly disease

AIDS is not counted as a deadly disease but when the patient cannot lead his normal life and death becomes his ultimate destiny.

## Conclusion

Praise be to Allah for His help and peace be upon the best of human beings and upon all those who follow the guidance of the Qur'an.

The reader may have found – without any doubt - that the purpose of these conferences is to prevent the spread of fornication, and to inculcate the values that are enshrined in the Revelation. The means adopted by the UN may be partly valid in Western countries but they have destructive effects on the morals of our nation, which has no entity without its morals.

A nation is nothing more than its morals,  
So if there's no morality, there's no nation.

We realize the value of the advice of the Prophet (peace be upon him) who took great care of his nation, and said, "I am not leaving behind me a more harmful trial for men than women."

And, "So beware of the beguilements of the world and those of women. The first trial of Banu Israel was through women."

And, "You will follow the traditions of the people before you even if they enter the house of a lizard, you will follow them."

People are misled by the Western civilization and its calls for dissolution, homosexuality and prostitution, while distancing themselves from the fate and divine punishment mentioned in the verse, which reads,

*(Verily, those who like that (the crime of) illegal sexual intercourse should be propagated among those who believe, they will have a painful torment in this world and in the Hereafter. And Allah knows and you know not.)*

*(An-Nur: 19)*

We ask Allah to make all sincere efforts bring about the rise of the nation according to its deep-rooted heritage and sound morals. One of the most prominent of these morals is modesty, because modesty is always good, as the Prophet (peace be upon him) told us.

