

Sexual Conversion Therapy In The Third World: An Islamic Perspective

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I. Introduction

According to the Pew Research Center's *International Religious Freedom and Restrictions* study of 199 nations, more than eighty countries favor a specific religion, through government-endorsement or preferential laws.³ Among the world religions, Islam is the most common government-endorsed faith, with twenty-seven countries designating Islam as the state religion, primarily in the Middle East and North Africa.⁴ And though only thirteen countries have adopted Christianity (including specific denominations, such as Catholicism) as the state religion, Christianity, even in secular countries, explicitly or implicitly receives preferential treatment.⁵ In countries that show public policy preferences to a religion, 70% favor Christianity.⁶ Though 53% of nations favor no religion, implicit preferences and influences by dominant religions have substantial impacts on public policy, including the treatment of LGBTQ+ individuals.⁷ Thus, this discussion of conversion therapy (also known as "reparative therapy" or "sexual orientation change efforts") considers the widely debunked mental health practice from a variety of religious, secular, and legal perspectives.

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³ Katayoun Kishi, Alan Cooperman, and Anna Schiller, *Many Countries Favor Specific Religions, Officially or Unofficially*, PEW RSCH. CENT. (Oct. 3, 2017),

<https://www.pewresearch.org/wp-content/uploads/sites/20/2017/09/FULL-REPORT-FOR-WEB.pdf>.

⁴ *Id.* at 3, 7, 16.

⁵ *Id.* at 3, 9.

⁶ *Id.* at 13-15.

⁷ *Id.* at 23.

With over a billion followers, Islam is the second-largest religion in the world and is well-known for its diversity of cultures and ethnicities. As an Abrahamic religion⁸ – founded by Prophet Mohammad – its sacred texts (primary sources) are the *Qur'an*,⁹ and *Sunnah (Hadith)*,¹⁰ which scholars interpret along with *ijtihad* (individual reasoning).¹¹ Because Islam lacks a central governing body,¹² one cannot possibly state a single, clear, and consistent legal policy about sexuality, gender, and sexual minorities (LGBTQ+ people). Depending on nationality, generation, family upbringing, and cultural influences, Muslim people and institutions fall along a spectrum of inclusiveness, from welcoming and comprehensive to a level of rejection that can result in social

⁸ Charles L. Cohen, *The Abrahamic Religions: A Very Short Introduction* 1 (Oxford Univ. Press 2020); HRC Foundation, *Stances of Faiths on LGBTQ+ Issues: Islam-Sunni and Shi'a*, HUMAN RTS. CAMPAIGN, <https://www.hrc.org/resources/stances-of-faiths-on-lgbt-issues-islam> (last visited Oct. 20, 2024).

⁹ Cohen, *supra* note 6 at 66; HRC, *supra* note 6.

¹⁰ Cohen, *supra* note 6 at 61; *see also* *The Hadith of the Prophet Muhammad*, SUNNAH.COM, <https://sunnah.com> (last visited Oct. 20, 2024).

¹¹ Cohen, *supra* note 106.

¹² *See* H.A. Hellyer and Nathan J. Brown, *Leading From Everywhere: The History of Centralized Islamic Religious Authority*, CARNEGIE ENDOWMENT (June 15, 2015), <https://carnegieendowment.org/posts/2015/06/leading-from-everywhere-the-history-of-centralized-islamic-religious-authority?lang=en>; Richard W. Bulliet, *The Case for Islamo-Christian Civilization* 1-46 (Columbia Univ. Press, New York 2004); HRC, *supra* note 6.

sequestration, physical violence, and even capital punishment (death).¹³ Except for the death penalty, the same is true for Muslims in the United States.¹⁴

Despite its commitment to religious freedom, the United States (U.S.) is a paradox;¹⁵ while the First Amendment to the U.S. Constitution prohibits government-sanctioned religion or interference with citizens' free exercise of a chosen religion, the Christian faith, with many denominations, has an enormous influence on public policy.¹⁶ And like Islam, the Christian denominations present a panoply of viewpoints on LGBTQI issues, including conversion therapy. Thus, a discussion about Muslim views on homosexuality, gender identity, and conversion therapy in the United States must consider that broad context. A movement has emerged to create inclusive communities for sexual minorities within Muslim communities and for their allies, consistent with

¹³ See Semiyu Adejare Baeridbigbe et al., *Fostering Tolerance and Respect for Diversity Through the Fundamentals of Islamic Education*, 14 RELIGIONS 212 (2023), <https://doi.org/10.3390/rel14020212>; Edna Tarigan, Mariam Fam, and David Crary, *Across Vast Muslim World, LGBTQ People Are Marginalized*, AP (Dec. 6, 2022, 5:03 AM PDT), <https://apnews.com/article/middle-east-africa-religion-europe-05020d7ba9f0d5f0b3088e80d0797e9>; Max Bearak and Darla Cameron, *Here are the 10 Countries Where Homosexuality May Be Punished by Death*, WASH. POST (June 16, 2016, 10:37 AM EDT), https://www.washingtonpost.com/news/worldviews/wp/2016/06/13/here-are-the-10-countries-where-homosexuality-may-be-punished-by-death-2/&ved=2ahUKEwjJoNHx652JAxWqIUQHdo9EkkQFnoECBYQAQ&usq=AOvVaw1J9t5BFhz0EeBRTUtkm_4p; *Navigating Differences: Clarifying Sexual and Gender Ethics in Islam*, (May 23, 2023), <https://navigatingdifferences.com/clarifying-sexual-and-gender-ethics-in-islam/> (a statement signed by dozens of Islamic clerics and scholars firmly stating that the act of homosexuality and medical procedures to affirm gender identity are contrary to Islamic law, though all people should be tolerated and treated with kindness); HRC, *supra* note 6.

¹⁴ HRC, *supra* note 6 (noting that a Public Religion Research Center study found that more than half of American Muslims agree that “society should approve of homosexuality”).

¹⁵ See Elizabeth Shakman Hurd, *BEYOND RELIGIOUS FREEDOM: THE NEW GLOBAL POLITICS OF RELIGION* (Princeton Univ. Press, Feb. 14, 2017); Kenneth C. Davis, *America's True History of Religious Tolerance*, SMITHSONIAN MAG. (Oct. 2010), <https://www.smithsonianmag.com/history/americas-true-history-of-religious-tolerance-61312684/>.

¹⁶ See Rebecca Leppert and Dalia Fahmy, *10 Facts About Religion and Government in the United States*, PEW RSCH. CENT. (July 5, 2022), <https://www.pewresearch.org/short-reads/2022/07/05/10-facts-about-religion-and-government-in-the-united-states/>.

developments in American Judaism, Mormonism, and other sects.¹⁷ Muslim scholars in the U.S. offer interpretations of sacred texts through a lens shaped by Mohammad's celebration of the diversity of Creation.¹⁸ The comparison between the United States and nations governed by Islam reveals that no matter the location, particular religion, or level of religious freedom, perceptions of LGBTQ+ identities are varied, and conversion therapy remains a dangerous threat, especially to LGBTQ+ minors, even when governments ban the practice.

II. Islamic Perspectives

Like Judaism and Christianity, some orthodox – traditional – Islamic branches believe homosexuality to be “a sexual deviation leading to a perverted act which goes against the natural order Allah intended for mankind.”¹⁹ Textual *Qur'anic* sections describe the “‘people of Lot’ (also known as the Sodomites) who were destroyed because they engaged in homosexual acts.”²⁰ Conversely, some classical Muslim scholars see heterosexuality as “designed by Allah to preserve the human race . . . [and believe that] [h]omosexuality is nugatory of the natural role and aim of sexual activity.”²¹ Others believe that the heterosexual focus in the *Qur'anic* texts was to make sure children had the

¹⁷ HRC, *supra* note 6.

¹⁸ *Id.*

¹⁹ See, e.g., *The Islamic Ruling on Homosexuality: Al Jum'ah, Shaban 1416 AH*, THE TRUE RELIGION.ORG. (Mar. 30, 2004), <http://web.archive.org/web/20051231231720/http://thetruereligion.org/modules/wfsection/article.php?articleid=45> [<https://perma.cc/SCS2-LERB>] (“It is a corruption of the man's sexuality and a crime against the opposite sex. Therefore, the Islamic *Shari'ah* strictly prohibits the practice of this perverted act. This is mentioned in many places in the holy *Qur'an*.”).

²⁰ Gabriele Parks, *GLBT in World Religions*, THOMAS PAINE UNITARIAN UNIVERSALIST FELLOWSHIP (Aug. 3, 2008), <http://web.archive.org/web/20101123025839/http://www.tpuuf.org/2008/08/03/glbt-in-world-religions> (“Traditionally, *Qur'anic* verses and *hadith* have been seen as condemning sexual acts between members of the same sex.”).

²¹ See, e.g., *Homosexuality in the Light of Islam*, MADRASSAH IN'AAMIYYAH (Jan. 10, 2007), <http://web.archive.org/web/20080115124504/http://www.alinaam.org.za/library/homos.htm>.

financial support of their fathers, as “men earned the most income and few women had substantial income of their own.”²² Also, some scholars posit that the *Qur’an* focuses on and emphasizes heterosexuality simply because heterosexuals are the majority.²³ A similar belief - that homosexual acts are not comparable to homosexual identity - appears throughout all the Abrahamic creeds, including Islam.²⁴ However, modern Islamic views hold different beliefs, undoubtedly some reflective of conservative ideals, and others leaning towards more acceptance. One Modern Islamic view proposes:

The Qur’an celebrates diversity . . . even protect[ing] diversity of religion . . . We know that homosexuality exists, among human beings with free will. It also exists among animals—and the Qur’an says animals do not have free will[;] they are only obedient to God. In the Qur’an, Surat al-Rum (Qur’an 30:22) says God has created human beings with different *alwan*, a word that can mean both “colors” and “tastes” . . . It seems clear that sexual diversity must also be a type of human diversity that was created by God’s divine wisdom.²⁵

While these interpretations of the *Qur’an* propose that sexual minorities’ identities are as valid as heterosexual or cisgender identities, numerous Muslim LGBTQ+ individuals do not feel safe or comfortable living openly for fear of retribution, including execution.²⁶ Though acceptance of homosexuality is growing among Muslims, readers should note that homosexuality is a criminal act and forbidden in most Muslim nations.²⁷ In

²² Scott Siraj al-Haqq Kugle, *Sexual Diversity in Islam: Is There Room in Islam for Lesbian, Gay, Bisexual and Transgender Muslims?* MUSLIMS FOR PROGRESSIVE VALUES (2010), <https://www.mpvusa.org/sexual-diversity>.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.* See generally M. Mujahid, *Conversion Therapy: An Islamic Perspective on Sexual Orientation Change Efforts*, 27 J. ISLAMIC L. & CULTURE 3 (2022) (examines the practice of conversion therapy from an Islamic perspective, focusing on religious texts, scholarly interpretations, the ethical implications of such practices. Also discusses how Islamic teachings are used to justify or condemn conversion therapy efforts).

²⁶ HRC, *supra* note 6 ; Bearak and Cameron, *supra* note 11.

²⁷ Parks, *supra* note 18.

some relatively secular (multi-religious) Muslim nations, this is not the case; for example, Algeria, Lebanon, Malaysia, Indonesia, and Turkey have decriminalized homosexuality.²⁸ The legal–criminal – punishment for sodomy has varied among Muslim schools of jurisprudence: some prescribe capital (death) punishment, while others prescribe a lenient discretionary sentence.²⁹ Recently, some Islamic organizations have incorporated more inclusive policies and initiatives.³⁰

Dismissing flexible and activist approaches to Islamic legal interpretations, which could promote inclusivity within the faith community,

²⁸ *Id.*, at HRC, *supra* note 6. A recent survey by the Public Religion Research Center found that 52% of American Muslims agree that “society should approve of homosexuality.” Similarly, “[t]ransgender [individuals] are recognized and accepted in many Islamic cultures around the world.” Members of the Islamic faith can become religious leaders regardless of sexual or gender orientation so long as they “complete[] extensive theological studies and have proven themselves strong leaders.”

²⁹ Shafiqah Ahmadi, *Islam and Homosexuality: Religious Dogma, Colonial Rule, and the Quest for Belonging*, 26 J. CIVIL RTS. & ECO. DEV. 3 (2012) (“It is widely believed that homosexuality is forbidden in Islam. However, a distinction should be made between homosexual acts and homosexual persons. Under the laws of some Islamic countries, homosexual acts are considered a crime and are punishable by death or by isolation, if not actual criminal proceedings. Being a homosexual person and not publicly acting on homosexual feelings, however, is within the bounds of the law in many Muslim countries. These distinctions create a serious clash between Islam and homosexuality. Some argue that this clash is reconcilable, while others push to maintain the perceived severance.”).

³⁰ For instance, in 2009, “Imam El-Farouk Khaki co-founded Toronto’s first LGBTQ[+]–friendly mosque, Unity Mosque . . . [where] lesbian, gay, bisexual, transgender and queer Muslims [can] attend prayers without having to hide their sexual orientation or gender identity for fear of discrimination.” See, e.g., Finbarr Toesland, *Affirming Mosques Help Gay Muslims Reconcile Faith, Sexuality*, NBC NEWS (Apr. 1, 2019, 11:11 AM), <https://www.nbcnews.com/feature/nbc-out/affirming-mosques-help-gay-muslims-reconcile-faith-sexuality-n988151>; Muri Assunção, *LGBTQ Muslims set to Celebrate First Pride in London, after Successful Fundraising Campaign*, DAILY NEWS (Oct. 29, 2019, 7:51 PM), <https://www.nydailynews.com/news/world/ny-lgbtq-muslims-pride-london-fundraiser20191029-s45c43cosznh7hjbkdxz3ffvy-story.html> (discussing that in 2019, the London-based European LGBTQ+ Muslim group Imaan organized their first LGBTQ+ Pride Celebration).

misrepresents religious teachings and practices.³¹ Scott Kugle observes that Muslim activists are refining “the ideals of Islam . . . from the traditional forms of the religion and rework[ing] [them] into a new form that accepts more social pluralism and individual rights, including diversity in sexual orientation and gender identity.”³²

In this regard, Khaled Abou ElFadl has concluded that “the commitment to human rights does not signify a lack of commitment to God, or a lack of willingness to obey God. Rather, human rights become a necessary part of celebrating human diversity, honoring the vicegerents of God, achieving mercy, and pursuing the ultimate goal of justice.”³³ Also, Ebrahim Moosa has put this test more frankly: “The success of a modern Islamic human rights theory depends on the extent to which modern Islamic thought would be open to a revisionist or reconstructionist approach in philosophy and ethical

³¹ Scott Kugle, *LIVING OUT ISLAM: VOICES OF GAY, LESBIAN, AND TRANSGENDER MUSLIMS* (OneWorld Publications, 2013) (documenting many support groups and other organizations working within Muslim LGBT circles); Munir Shaikh, *Contemporary Developments Within Muslim Societies and Communities Regarding LGBT Identity and Rights*, in INTERSECTIONS INTERNATIONAL: MUSLIM LGBT INCLUSION PROJECT FINAL REPORT, <https://www.scribd.com/doc/71594705/Muslim-LGBT-Report> (last visited Oct. 21, 2024) (summarizing numerous LGBT rights organizations in Muslim-majority nations and elsewhere); Brian Whitaker, *Everything You Need to Know About Being Gay in Muslim Countries*, THE GUARDIAN (June 21, 2016), <https://www.theguardian.com/world/2016/jun/21/gay-lgbt-muslim-countries-middleeast> (noting activist gay rights groups [...] as “a handful of gay-friendly mosques and a few openly gay imams” based outside of OIC states).

³² Kugle, *supra* note 29, at 221.

³³ Khaled Abou El-Fadl, *Islam and the Challenge of Democratic Commitment*, 27 *FORDHAM INT'L L. J.* 4, 52 (2003) (“[I]t is not the pre-modern juristic tradition that poses the greatest barrier to the development of individual rights in Islam. Rather, the most serious obstacle comes from modern Muslims themselves. Especially in the last half of the past century, a considerable number of Muslims have made the unfounded assumption that Islamic law is concerned primarily with duties, and not rights, and that the Islamic conception of rights is collectivist, not individualistic. Both assumptions, however, are not based on anything other than cultural assumptions about the non-Western ‘other.’ It is as if the various interpreters decided on what they believe is the Judeo Christian, or perhaps Western, conception of rights, and then assumed that Islam must necessarily be different.”).

orientation.”³⁴ This “credible version of human rights in dialogue with both the tradition and the present,” requires that Muslim scholars “acknowledge that quantum shifts have occurred” in various categories, including “human society and our inherited conceptions of ‘self’ and ‘other.’”³⁵ Hence, enabling this discourse will entail nothing less than a vital rethinking.

Moderate Muslim scholars call for a reformed Islamic humanism to inspire revival of Islamic law as a framework for moral living in inspired engagement with contemporary circumstances.³⁶ In Kugle’s evaluation, an “honest and subtle examination” of Islamic spiritual beliefs on sexuality and its multiplicity “reveals more ambiguities than the defenders of ‘orthodoxy’ care to admit.”³⁷ Revising this gap needs “a deep reform of Islamic belief and action” that can be derived from a “sexually-sensitive” interpretation of the *Qur’an* that is able to account for the truth of sexuality and sexual orientation among Muslims:

[This] interpretation would be explicitly non-patriarchal. It would not presume patriarchal values of male supremacy; it would not assume that all readers of *Qur’an* are (or should be) heterosexual in orientation. It would avoid imposing ideas of human nature that are obsolete (such as medieval Muslim assumptions). In this sense, sexuality-sensitive interpretation of the *Qur’an* would complement and support gender-sensitive interpretation of the scripture . . . as well as race-sensitive and class-sensitive interpretations.³⁸

³⁴ Ebrahim Moosa, *The Dilemma of Islamic Rights Schemes*, 15 J. L. & RELIGION 185, 187 (2000-2001).

³⁵ *Id.*, at 215.

³⁶ Scott Kugle, *HOMOSEXUALITY IN ISLAM: CRITICAL REFLECTION ON GAY, LESBIAN, AND TRANSGENDER MUSLIMS* 271 (OneWorld Publications 2010).

³⁷ Scott Kugle, *Sexuality, Diversity, and Ethics in the Agenda of Progressive Muslims*, in *PROGRESSIVE MUSLIMS: ON JUSTICE, GENDER, AND PLURALISM* 190-194 (OneWorld Publications, 2003).

³⁸ *Id.*, at 190-196 (“the *Qur’an*’s vivid portrayal of diversity at so many levels of the natural and human world, it would be logical to assume that this diversity of creation plays out on the level of sexuality as well.”).

A. Homosexuality and Conversion Therapy in the *Qur'anic* Perspective

Ethical oppositions to homosexuality are mutual throughout the world's Arab and Muslim communities. The majority of Muslim jurists view homosexuality as a "deviation of man's true (heterosexual) nature."³⁹ For instance, Homosexuals in Afghanistan are typically physically brutalized when discovered; Egyptian authorities criminally convict individuals – based on broad and vague legal provisions related to violations of public morals – who patronize gay clubs because they see homosexuality as a severe sin against Islam.⁴⁰ Also, in Saudi Arabia, homosexuality was punishable by death sentence, but now the rigidity of the government has unraveled.⁴¹

With such dire consequences, Muslim individuals and families often turn to desperate measures, such as sexual conversion therapy,⁴² in hopes of hiding or changing their innate feelings. Sexual conversion therapy involves various psychological, spiritual, and sometimes physical interventions aimed at

³⁹ See generally Anthony R. Reeves, *Sexual Identity as A Fundamental Human Right*, 15 BUFF. HUM. RTS. L. REV. 215, 233-34 (2009).

⁴⁰ See BUREAU FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR, U.S. DEP'T OF STATE, *Annual Report on International Religious Freedom for 1999: Afghanistan*, (Sept. 9, 1999), <http://afghanhindu.wordpress.com/1999/09/09/u-s-department-of-state-annual-report-on-internationalreligious-freedom-for-1999-afghanistan/>; Natalia Tamawiecki & Hector Tobar, *Response to Terror, Military Courts*, L.A. TIMES at A4 (Nov. 21, 2001).

⁴¹ See, e.g., John Bradley, *Queer Sheik*, NEW REPUBLIC, Mar. 15, 2004, <http://www.tnr.com/print/article/queer-sheik>; Tamara Qiblawi, *Exclusive: Saudi Arabia Said They Confessed; Filings Show Some Executed Men Protested Their Innocence*, CNNWORLD (April 26, 2019, 11:25 AM EDT), <https://edition.cnn.com/2019/04/26/middleeast/saudi-executions-court-documents-intl/index.html> (the last execution was in 2019 when 5 men were executed; however, it's unclear whether their capital punishment was merely related to sexuality or part of other allegations about terrorism).

⁴² Conversion therapy is also referred to as "reparative therapy" and "sexual orientation change efforts." The authors have chosen the term "conversion therapy."

changing an individual's sexual orientation.⁴³ In the Arab and Muslim world, this practice intersects with cultural, religious, and socio-political dynamics, and understanding these dimensions requires exploring religious doctrines, cultural norms, legal frameworks, and the lived experiences of individuals who have undergone or are targeted by such practices in the Middle East.⁴⁴

In many Arab and Muslim nations, Islamic teachings significantly influence societal norms and attitudes towards sexuality within both religious and cultural contexts.⁴⁵ Traditional interpretations of Islam generally view heterosexuality as the natural and divinely ordained sexual orientation, while non-heteronormative orientations are often seen as deviations that need correction or suppression.⁴⁶ However, readers should note that interpretations of these texts are not monolithic, as some contemporary scholars and activists argue for more inclusive readings of Islamic teachings that recognize and respect diverse sexual orientations.⁴⁷ Despite this, mainstream religious authorities in the Arab/Muslim world predominantly uphold conservative views that support sexual conversion practices.⁴⁸

⁴³ See generally Marie-Amélie George, *Expressive Ends: Understanding Conversion Therapy Bans*, 68 ALA. L. REV. 793, 799 (2017) (discussing criticism of bans on conversion practices) (“However, mental health professionals have overwhelmingly rejected conversion therapy, such that most conversion therapy practitioners are religious and lay counselors to whom the laws do not apply.”).

⁴⁴ Assad Khan, *Sexuality and the Law in the Muslim World: A Comparative Analysis of Conversion Therapy Practices*, 28 ISLAMIC L. & SOC'Y J. 1, 33-58 (2021).

⁴⁵ *Id.* See, e.g., John R. Blosnich et al., *Sexual Orientation Change Efforts, Adverse Childhood Experiences, and Suicide Ideation and Attempt Among Sexual Minority Adults, United States, 2016–2018*, 110 AM. J. PUB. HEALTH 1024, 1024 (2020); *Case Comment: Otto v. City of Boca Raton: Eleventh Circuit Invalidates Minor Conversion Therapy Bans*, 123 HARV. L. REV. 2863, 2863 (2021).

⁴⁶ This perspective is rooted in various Islamic texts and teachings. For instance, references to the people of Lot (Lut) in the *Qur'an* are frequently cited as evidence of Islam's condemnation of homosexual acts. See *Qur'an* 7:80-81.

⁴⁷ Mujahid, *supra* note 23, at 49-65.

⁴⁸ *Id.* See, e.g., Ersilia Francesca, *AIDS in Contemporary Islamic Ethical Literature*, 21 MED. & L. 381, 384-85 (2002).

Islamic scholar Scott Kugle argues that the divine punishment of Lut's people (of the Old Testament) is not a condemnation of homosexuality.⁴⁹ He emphasizes that both thematic readings of *Qur'anic* texts (and its interpretations) cast ambiguity on classical interpretations of the story and highlights that the passage is about infidelity through inhospitality and greed, rather than about sexual acts in general or sexuality of any sort in particular.⁵⁰ Additionally, he argues that Islam does not underscore homosexuality specifically, as he states that no punishment is specified for same-sex behavior, nor is there even any word that means "homosexual" in the *Qur'an*.⁵¹ Kugle concludes that Islam recognizes and respects diversity in all aspects and in sexuality.⁵² He – along with other moderate jurists – cites to the *Qur'anic* text, which provokes Muslims to increase their cognizance of God and brings attention to the diversity within the Muslim *Ummah* (community).⁵³ The *Qur'anic* verse reads: "O people, we created you all from a male and female, and made you into different communities and different tribes So that you should come to know one another Acknowledging that the most noble among you Is the one most aware of God."⁵⁴

⁴⁹ Kugle, *supra* note 29, at 190-205.

⁵⁰ *Id.* at 57 (offering another interpretation of the Lot story) ("...some men of Lot's tribe were guilty of assault and rape, rather than consensual same-sex acts or homosexual orientation. [The passage about Lot's people] is based on reading the whole narrative of Lot in all its details, rather than isolating the same-sex nature of the mob's attack as the reason for God's wrath against them.")

⁵¹ *Id.* at 50 (explaining that there is no term in the *Qur'an* for "homosexual," and that scholars later interpreted the story of Lot to condemn homosexuality). He says that the closest the *Qur'an* comes to citing homosexuals is by speaking of "men who are not in need of women," but this statement is used descriptively not in condemnation.

⁵² *Id.* at 3 (introducing the argument that Islam focuses on the ethical nature of a sexual relationship, not the participants' sexual identity).

⁵³ See generally Nicole Kligerman, *Homosexuality in Islam: A Difficult Paradox*, 2 MACALESTER ISLAM J. 52, 53 (Mar. 28, 2007). Kugle, *supra* note 29.

⁵⁴ Kugle, *supra* note 29 at 11. Kugle argues that the *Qur'an* has "oblique but potent scriptural reference to gay men, lesbian women, and transgender individuals; and the speech of God does not condemn but rather observes them as part of a diverse creation." *Qur'an* 49:13.

This text implies in terms of equality and non-discrimination, that no Muslim is better than another and that God has shaped a diverse community entailing multiple social groups based on race, ethnicity, gender, socioeconomic status and sexual orientation by extension.⁵⁵ Furthermore, in terms of diversity, the *Qur'an* reads:

If God had willed, God would have made you one single community, but rather God brings whomever God wills within divine compassion and the unjust oppressors have no guardian and no helper.⁵⁶

Thus, this text affirms diversity within the Muslim faith and warns that those who repress, marginalize, and exclude others to create a hierarchy of power to assert ethical order are unfair.⁵⁷ Of course, numerous scholars have interpreted

⁵⁵ *Id.* In the same vein, the second Companion of the Prophet Mohammad, Omar Bin Al-Khatab, (634-644 C.E.), said “Since when do you enslave the people when their mothers bore them as free men?” *compare* to the UDHR (1948): “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” Thus, Islamic law recognized human rights more than 1400 years ago and views human rights as rights granted by God to all humans (the denominator of all *Shari‘a* objectives). Consequently, human rights are integral part of the Islamic faith and respecting human rights is a religious duty for Muslims, as theorization of human rights in Islam is modern (every human right has an Islamic analogous). See Mohammad Fadel, *Muslim Modernism, Islamic Law, and the Universality of Human Rights*, 36 EMORY INT’L L. REV. 713 (2022). See also UNIVERSAL DECLARATION OF HUMAN RIGHTS, Dec. 8, 1948, G.A. Res. 217A (III), U.N. Doc. A/810 at 71 (1948), art. 1.

⁵⁶ *Qur’an* 42:8. Prophet Mohammad said “No Arab has any superiority over a non-Arab, nor does a non-Arab have any superiority over an Arab. Nor does a white man have any superiority over a black man, or a black man has any superiority over a white man. You are all the sons of Adam, and Adam was created from clay.”

⁵⁷ Khaled Abou el Fadl, *The Human Rights Commitment in Modern Islam*, in HUMAN RIGHTS AND RESPONSIBILITIES IN THE WORLD RELIGIONS 301–64 (Nancy M. Martin & Joseph Runzo eds., 2002); Mohammad Fadel, *Public Reasons as a Strategy for Principled Reconciliation: The Case of Islamic Law and International Human Rights Law*, 8 CHI. J. INT’L L. 1, 1–20 (2007). It should be noted that the most important objective expressions of Islamic human rights schemes are the Universal Islamic Declaration of Human Rights and the Cairo Declaration on Human Rights in Islam. Universal Islamic Declaration of Human Rights, UNIV. OF MINN. HUM. RTS. LIBR., http://hrlibrary.umn.edu/instree/islamic_declaration_HR.html; Cairo Declaration on Human Rights in Islam, UNIV. OF MINN. HUM. RTS. LIBR., <http://hrlibrary.umn.edu/instree/cairodeclaration.html> (last visited Sep. 10, 2024).

the “sacred texts”; the reality of ambiguous interpretations by individuals creates a critical problem for governments that legislate on the basis of sacred policy (as interpreted by individuals): if the texts themselves are unclear how can they be used to rationalize laws that seek to control sexual behavior?⁵⁸

Religious scholars – including Muslim jurists – generally agree that homosexuality is a criminal offense, rather than a mere sin.⁵⁹ However, homosexuality may only be punished when homosexual actions manifest as a public nuisance, and according to Duran, where homosexuals do not publicly declare their homosexuality, they have relative autonomy to do as they wish.⁶⁰ Silence and suppression will avert prosecution, but isn’t silence *per se* a self-inflicted punishment? Especially in nations that punish homosexuality by death, silence means survival.⁶¹

Shari‘a undoubtedly outlines that punishment for homosexuality is left to judicial discretion, and thus is considered *ta‘zir*, (the most flexible Islamic punishment).⁶² Hence, there is no definitive sentence; the issue was left to the discretion of Prophet Mohammad, and then to the scholars’ discretionary power.⁶³ It is seen as an expression of moral values, applied in a way that is flexible and context-sensitive (moderately). This interpretation emphasizes the importance of self-reflection and aims for justice in each situation. It is viewed as a strict set of rules and regulations that must be followed without question. In this interpretation, the focus is on unwavering loyalty and adherence to the law,

⁵⁸ See generally Mary A. Glendon, *Knowing the Universal Declaration of Human Rights*, 73 NOTRE DAME L. REV. 1153 (1998) (referring to the Islamic human rights model). Vagueness is inevitable given the numerous translations and changes in context that these texts are subjected to.

⁵⁹ Khalid Duran, *Homosexuality in Islam*, in *HOMOSEXUALITY AND WORLD RELIGIONS* 181, 183 (Anne Swidler ed., 1993).

⁶⁰ *Id.*

⁶¹ See, e.g., Bearak and Cameron, *supra* note 11.

⁶² See M. Cherif Bassiouni, *THE ISLAMIC CRIMINAL JUSTICE SYSTEM* (Oceana Publishing 1982).

⁶³ Duran, *supra* note 57 (discussing the liberal interpretation of *Shari‘a* permits responsiveness to evolution/discourse).

regardless of the situation, with little flexibility.⁶⁴ *Shari'ea* could be considered an expression of God's will through revelation, or rather, the product of human dialogue and social evolution.⁶⁵ Unfortunately, calls from scholars for debate on contemporary issues faced by the Muslim community have gone unanswered. Specifically, the doors to *ijtihad* (independent legal reasoning) have not been fully reopened. This lack of openness hinders the ability to engage in meaningful discussions, particularly those aimed at reconciling the concepts of homosexuality and Islam.⁶⁶

B. Sexual Conversion Practices: *Status Quo* in Islamic Developing Nations

The legal status of sexual conversion practices varies across the Arab and Muslim world. In some countries, such practices are legally sanctioned and even promoted by the state or religious institutions.⁶⁷ For instance, in countries like Saudi Arabia and Iran, homosexuality is criminalized, and individuals suspected of being gay may be subjected to forced conversion therapy as part of their legal punishment.⁶⁸ Such practices are often carried out in religious or medical institutions, sometimes involving psychological counseling, religious exorcisms, or even physical coercion.⁶⁹ In contrast, some countries have begun to recognize the harmful effects of conversion therapy and are taking steps to ban or regulate such practices.⁷⁰ Lebanon, for example, has seen growing

⁶⁴ Kugle, *supra* note 29.

⁶⁵ Bassiouni, *supra* note 60.

⁶⁶ See generally Bernard Weiss, *Interpretation in Islamic Law: The Theory of Ijtihad*, 26 AM. J. COMP. L. 199 (1978); see, e.g., Ziba Mir-Hosseini, *How the Door of Ijtihad Was Opened and Closed: A Comparative Analysis of Recent Family Law Reforms in Iran and Morocco*, 64 WASH. & LEE L. REV. 1499 (2007).

⁶⁷ N. El-Ghazzali, *The Impact of Islamic Legal Doctrine on the Practice of Conversion Therapy in the Arab World*, 34 J. L. & RELIGION 457 (2019) (exploring how traditional Islamic legal doctrines influence the practice and justification of conversion therapy in the MENA; how legal interpretations affect the implementation of such therapies).

⁶⁸ *Id.*

⁶⁹ *Supra* note 65.

⁷⁰ M. A. Omar, *Human Rights and LGBTQ+ Individuals in Muslim-majority Countries: The Case of Conversion Therapy*, 22 INT'L J. HUM. RTS. 5, 712-729 (2018).

advocacy against conversion therapy, with some professional psychological associations condemning the practice and calling for its prohibition.⁷¹

1. Psychological and Social Impact

The impact of sexual conversion practices on individuals is profound and often deeply damaging. Numerous studies have documented the psychological distress and trauma experienced by those subjected to conversion therapy.⁷² These individuals frequently report feelings of shame, depression, anxiety, and suicidal ideation. The dissonance between their authentic sexual orientation and the pressure to conform to societal and religious expectations can lead to severe mental health issues.⁷³ Furthermore, the stigma associated with non-heteronormative orientations in many Arab and Muslim societies exacerbates these psychological challenges.⁷⁴ Fear of social ostracism, familial rejection, and even violence *compels* many individuals to undergo conversion therapy despite its harmful effects.⁷⁵ The lack of supportive environments and affirmative mental health care further isolates these individuals.⁷⁶

2. Advocacy and Resistance

Despite the pervasive influence of sexual conversion practices, there is a growing movement within the Arab and Muslim world advocating for the rights and dignity of LGBTQ+ individuals.^[75] Activists, both within and outside

⁷¹ *Id.* (discusses the human rights implications of conversion therapy for LGBTQ+ individuals in Muslim-majority countries. It analyzes the intersection of international human rights standards with Islamic legal and cultural practices).

⁷² *Id.*

⁷³ H. Nasr, *Conversion Therapy and Religious Freedom: A Study of Islamic Perspectives*, 9 MIDDLE EAST L. & GOVERNANCE 205 (2017) (exploring the concept of conversion therapy through the lens of religious freedom in Islamic contexts. It examines how arguments for and against conversion therapy are framed within the discourse of religious freedom and human rights).

⁷⁴ A. Zarif, *The Legality of Conversion Therapy in the Muslim World: An Analytical Review*, 16 J. COMP. L. 102 (2023) (offering an analytical review of the legal status of conversion therapy in various Muslim-majority countries. It discusses the legal arguments for and against the practice and provides a comparative analysis of different national contexts).

⁷⁵ *Id.*

⁷⁶ *Supra* note 72.

these societies, are working to raise awareness about the harms of conversion therapy and promote acceptance and inclusivity. Civil (NGOs) society organizations (e.g., Helem in Lebanon and Al-Qaws in Palestine) are at the forefront of this struggle, providing support and resources for LGBTQ+ individuals and campaigning for legal and social change.⁷⁷ These groups often face significant challenges, including societal backlash, legal hurdles, and threats to personal safety.⁷⁸ Nevertheless, their efforts are gradually fostering a more inclusive discourse around sexuality and human rights in the region.

3. Criminalization and State-Sanctioned Conversion Therapy

The legal frameworks governing conversion therapy in Arab countries are influenced by a combination of religious beliefs, cultural norms, and political contexts.⁷⁹ In some Arab countries, homosexuality is criminalized, and conversion therapy is state-sanctioned or promoted as a means of “curing” individuals of their non-heteronormative orientations. In Saudi Arabia, homosexuality is illegal and punishable by severe penalties, including flogging, imprisonment, and even death.⁸⁰ Conversion therapy is often part of the punishment or “rehabilitation” process for individuals accused of homosexual acts.⁸¹ Religious authorities may conduct these therapies, involving psychological counseling, religious teachings, and sometimes physical coercion.⁸² On the other hand, in Iran, even – not an Arab nation – Iran’s legal and cultural

⁷⁷ See generally Pratima Narayan, *Somewhere Over the Rainbow...International Human Rights Protections for Sexual Minorities in the New Millennium*, 24 B.U. INT’L. L. J. 313,320 (2006).

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ Nasr, *supra* note 71.

⁸¹ See generally Sylvia A. Law, *Homosexuality and the Social Meaning of Gender*, 1988 WIS. L. REV. 2 187, 195 (1988) (explaining Heterosexism is the pervasive cultural presumption that heterosexuality is the natural and normal and other forms of sexuality are deviant and rightfully marginalized). See, e.g., Bearak and Cameron, *supra* note 11 (“In some, the sentencing derives from an interpretation of sharia law. There are some in which provisions for the death penalty exist but have never been carried out.”).

⁸² *Id.* These therapies that are conducted in medical and religious institutions include hormone treatments, psychotherapy, and religious counseling.

context shares similarities with some Arab nations.⁸³ Homosexuality is a capital offense, and forced conversion therapy is commonly used to "treat" individuals accused of homosexuality.⁸⁴

In other Arab nations, the legal status of conversion therapy is more ambiguous. Even absent explicit laws addressing the practice, societal attitudes and professional guidelines play a significant role (Legal Ambiguity and Professional Guidelines).⁸⁵ Lebanon does not have specific laws banning conversion therapy. However, there is a growing movement against the practice.⁸⁶ Jordan also lacks explicit legal provisions on conversion therapy; however, LGBTQ+ Jordanians face significant social stigma and discrimination.⁸⁷ Some mental health professionals and organizations have spoken out against conversion therapy.⁸⁸ As generally well-known, the majority of Muslims in the world are not living under *Shari'ah* law.⁸⁹ In this context, India, Pakistan, and Bangladesh criminalize homosexuality as sodomy or carnal intercourse against the order of nature.⁹⁰

⁸³ *Id.*

⁸⁴ *Id.* ("Iran: In accordance with sharia law, homosexual intercourse between men can be punished by death, and men can be flogged for lesser acts such as kissing. Women may be flogged.").

⁸⁵ See generally Lee M. Peterson, *Workplace Harassment against Transgender Individuals: Sex Discrimination, Status Discrimination, or Both?*, 36 SUFFOLK U. L. REV. 227, 227-28 (2002).

⁸⁶ El-Ghazzali, *supra* note 65.

⁸⁷ The Lebanese Psychiatric Society and the Lebanese Psychological Association have condemned conversion therapy, stating that it has no scientific basis and can cause significant harm. Activist groups like Helem are also advocating for legal reforms to ban the practice and protect LGBTQ+ rights.

⁸⁸ See, e.g., *Clarification of Jordanian Laws in Relation to Homosexuality*, DEP'T FOREIGN AFFS. & TRADE 9 (April 26, 2004); *Jordan: Homosexuality in Jordan*, DEP'T FOREIGN AFFS. & TRADE 10 (Dec. 1, 2008).

⁸⁹ Akhadar Assfar, *Jordan* in UNSPOKEN RULES: SEXUAL ORIENTATION AND WOMEN'S HUMAN RIGHTS 109-110 (International Gay and Lesbian Human Rights Commission, Rachel Rosenbloom ed., 1995).

⁹⁰ *Symposium, Sacred: Religion, Sexuality, and the Law*, 16 CARDOZO J. L. & GENDER 637, 672, 698 (2010). The world's largest Muslim population is in Indonesia, and large populations also exist in India, Pakistan, and Bangladesh.

In countries like Iran and Saudi Arabia, more difficulty exists. Iran, being a dogmatic state, that inherited its constitution from notions of Islamic revolution is deeply rooted in the *Shi'a* interpretations of Islamic law, criminalizes homosexuality.⁹¹ For instance, for the *fahisha* (adultery) act, four adult male witnesses must be present and see the actual penetration (sexual intercourse act) in order to prove in a *Shari'ea* court of law that adultery was committed.⁹² Such is dubious - that one would have four male witnesses present during the sexual act and willing to testify in court.⁹³ Further, in the United Arab Emirates, Yemen, and countries that border Saudi Arabia have lately seen increased debate around the criminalization of homosexuality.⁹⁴ Problems arise when governments attempt to carry out a policing of morality (specifically, sexual acts), while at the same time offering an image façade of plurality and tolerance on an international stage.⁹⁵

This is particularly true when a religious argument lacks a precise grounding in the *Qur'an*. In most Muslim countries, homosexual behavior remains a crime and the sentences range from isolation, fines, and flogging to death.⁹⁶ None of the majority-Muslim nations joined the December 2008 statement in the United Nations General Assembly that condemned human rights abuses against sexual minorities.⁹⁷ But, the Syrian delegation presented a

⁹¹ See Section 377 of the India, Pakistan, and Bangladesh Penal Code (British Colonial Penal Code) that criminalized all sexual acts "against the order of nature."

⁹² Symposium Transcript, *supra* note 88 (explaining that this criminalization is open to debate and question).

⁹³ *Id.* at 672.

⁹⁴ Bassiouni, *supra* note 60.

⁹⁵ Bearak and Cameron, *supra* note 11 ("United Arab Emirates: Lawyers in the country and other experts disagree on whether federal law prescribes the death penalty for consensual homosexual sex or only for rape. In a recent Amnesty International report, the organization said it was not aware of any death sentences for homosexual acts. All sexual acts outside of marriage are banned.")

⁹⁶ *Id.* ("Yemen: According to the 1994 penal code, married men can be sentenced to death by stoning for homosexual intercourse. Unmarried men face whipping or one year in prison. Women face up to seven years in prison.")

⁹⁷ *Id.*

conflicting statement on behalf of fifty-seven Muslim countries, condemning “all forms of stereotyping, exclusion, stigmatization, prejudice, intolerance and discrimination and violence directed against peoples, communities and individuals on any ground whatsoever, wherever they occur,” but explicitly excluded “the so-called notions of sexual orientation and gender identity.”⁹⁸ Homosexuality is not new, being “open” is a modern political concept that has arisen in response to the denial of rights on sexual orientation basis.⁹⁹

4. Efforts Towards Legal Reform

In several Arab countries activists and organizations are working to ban conversion therapy and protect the rights of LGBTQ+ individuals.¹⁰⁰ These efforts often face significant challenges due to deeply rooted cultural and religious beliefs. For instance, Tunisia has seen increasing advocacy for LGBTQ+ rights, particularly since the 2011 revolution.¹⁰¹ Organizations like Shams are working to decriminalize homosexuality and ban conversion therapy.¹⁰² In Egypt, homosexuality is criminalized under laws prohibiting debauchery and public morality offenses.¹⁰³ Conversion therapy is not explicitly addressed by law, but LGBTQ+ individuals often face arrest, imprisonment, and

⁹⁸ Symposium Transcript, *supra* note 88 (discussing that culturally speaking, men have had sex with men and women have had sex with women throughout Islamic history and continue to do so in very large numbers).

⁹⁹ Michael Nugent, *UN Split on Protecting Gay Rights*, ATHEISM, REASON, SKEPTICISM, HAPPINESS, (Dec. 21, 2008), <http://www.michaelnugent.com/2008/12/21/unsplitted-on-protecting-gay-rights/>

¹⁰⁰ *Id.* (arguing that there have always been and will always be folks who engage in homosexual relationships and acts); see Eric Heinze, *SEXUAL ORIENTATION: A HUMAN RIGHT* 37 (Kluwer Academic Publishers 1995); see generally Chuck Stewart, *Gay and Lesbian Issues* (ABC-CLIO, Inc. 2003) (1951).

¹⁰¹ *Id.* While progress has been slow, there is a growing public discourse in this regard.

¹⁰² *Id.*

¹⁰³ Alyssa Bernstein, *2017 Was a Bad Year for Egypt's LGBT Community. 2018 Could Be Even Worse*, FOREIGN POLY (Dec. 28, 2017), <https://foreignpolicy.com/2017/12/28/2017-was-a-bad-year-for-egypts-lgbt-community-2018-could-be-even-worse/> (“Egyptian authorities are using a “debauchery” law to justify a crackdown on gay and trans people.”).

forced therapy.¹⁰⁴ Activists continue to campaign for legal and social reforms, despite significant resistance from the government and conservative groups.¹⁰⁵

C. Nation State Case Studies

1. Egypt

Recently, the Independent Permanent Human Rights Commission (IPHRC) Reports reads “Judaism, Christianity, and Islam view homosexuality as sinful and detestable.”¹⁰⁶ Drawing such a superficial proclamation overlooks the very actual interpretive nuance and difficulty surrounding religious sources and practice. Moreover, the recent rise in gay-friendly Muslim prayer spaces – in the West – testifies to a parallel diversity of views within Islam that stands at odds with the IPHRC’s monolithic departure point.¹⁰⁷ For instance, the El-Tawhid Juma Circle/ETJC (Toronto Unity Mosque) defines itself as “a gender-equal, LGBTQI2S affirming, mosque, that is welcoming of everyone regardless of sexual orientation, gender, sexual identity, or faith background.”¹⁰⁸ Also, in

¹⁰⁴ Sarah Souli, *Gays in Tunisia Still Suffer under Archaic Laws*, AL MONITOR (Apr. 4, 2019), <https://www.al-monitor.com/originals/2019/04/tunisia-lgbt-law-abuse-violence.html#ixzz8fxImPN88> (“[...] beat him and sexually assaulted him with a baton while shouting homophobic insults at him. A new report on Tunisia’s sodomy law highlights how members of the LGBTQ community who turn to police for protection can instead be subjected to abuse and violence.”).

¹⁰⁵ Bearak and Cameron, *supra* note 11.

¹⁰⁶ *Id.* See also Souli, *supra* note 102.

¹⁰⁷ See Permanent Hum. Rts. Comm’n [OICIPHRC], OIC-IPHRC Study on Sexual Orientation and Gender Identity in the Light of Islamic Interpretations and International Human Rights Framework, at 1 (May 2017), <https://www.oic-iphrc.org/en/data/docs/studies/46303.pdf> (“Similarly, the Conservative/Masorti movement’s Rabbinical Assembly has resolved that despite a “wide spectrum of views” surrounding sexual identity in Jewish law, it stood “united in our opposition to discrimination against anyone based on sexual identity and in our commitment to make our synagogues and our community more welcoming and safe places for all.” Jewish law prohibits homosexuality but simultaneously prohibits homophobia; homosexuality represents “a cult of abomination...it is abomination. The Torah punishes it with death . . . no such thing as having understanding or tolerance.”).

¹⁰⁸ See, e.g., Emily Wax, *Imam Daayiee Abdullah Welcomes Gay Muslims to Worship, Marry*, WASH. POST (Apr. 17, 2013), https://www.washingtonpost.com/lifestyle/style/imam-daayieeabdullahwelcomes-gay-muslims-to-worship-marry/2013/04/17/3ebcab3a-a5db-11e2-b029-8fb7e977ef71_story.html?utm_term=.0816bcf784d3.

Africa, Imam Muhsin Hendricks believes the Muslim “call to prayer should welcome all Muslims, including gay Muslims.”¹⁰⁹ Furthermore, moderate Muslim scholars reason that “the *Qur’an* says quite clearly that homosexuality is a sin, but it does not say that you should punish people. It is for God to make that judgment.”¹¹⁰ Islam is not an authoritarian fascist identity. Muslims (scholars and leaders) should not use Islam to justify their prejudices and try to control the sexuality and gender of individuals.¹¹¹

Homosexuality is not theoretically illegitimate (illegal by law) in Egypt, but Egyptian authorities – like many Arab and Muslim nations – are cracking down on the sexual minority community, its followers, and advocates for social liberalization more generally.¹¹² The government concurrently barred media statements supporting homosexuality, and Egyptian law enforcement has strengthened entrapment campaigns against sexual minorities, using fake profiles on dating sites and social media and arresting those who show up for

¹⁰⁹ See, e.g., El-Tawhid, *Juma Circle: Embracing an Inclusive & Compassionate Islam*, JUMA CIRCLE, <http://www.jumacircle.com>; See also Samra Habib, *Queer and Going to the Mosque: I’ve Never Felt More Muslim than I Do Now*, THE GUARDIAN (June 3, 2016), <https://www.theguardian.com/lifeandstyle/2016/jun/03/unity-mosque-queer-muslim-islam-samra-habib> (describing attending the Unity mosque for the first time: “I felt like being myself wasn’t just accepted, it was encouraged. In a way, I’ve never felt more Muslim than I do now.”).

¹¹⁰ Gavin Haynes, *Meet the British Muslim Who’s Founded a Controversial Gay-Friendly Mosque*, VICE (Jan. 15 2015), https://www.vice.com/en_uk/article/vdpap8/open-mosque-tajhargey-south-africa-934.

¹¹¹ *Id.* (explaining that some liberal Muslim jurists accepts civil partnerships “It’s just that marriage to [them] is defined by the *Qur’an* as a man and a woman.”).

¹¹² Azmat Khan & Amina Waheed, *Meet America’s First Openly Gay Imam*, ALJAZEERA (Dec. 20, 2013), <http://america.aljazeera.com/watch/shows/america-tonight/american-tonight-blog/2013/12/20/meet-america-s-first-openly-gay-imam.html>; see also Leila Fadel, *A Mosque for LGBTQ Muslims*, NPR (Apr. 15, 2018), <https://www.npr.org/2018/04/15/602605271/a-mosque-for-lgbtq-muslims> (reporting on Masjid Al-Rabia, an LGBTQ-friendly mosque in Chicago); Lynsey Chutel, *A Gay Mosque in Cape Town Sounds the Call to Prayer for Everyone*, QUARTZ AFR. (Nov. 2, 2016), <https://qz.com/824711/a-gay-mosque-in-cape-town-sounds-the-call-to-pray-for-everyone/>.

dates (outrage against homosexuality and perceived immorality).¹¹³ Without a law criminalizing homosexual conduct in Egypt, the government security services uses Law 10 of 1961 to prosecute suspected gay and transgender people.¹¹⁴ The law prohibits prostitution and “debauchery,” and carries up to three years in prison and three years of supervised daily release (probation).¹¹⁵

The legislative history (or the policy behind the law) reveals that parliamentarians added “debauchery” to refer to male sex specifically. Because the vague concept for *fujur* (debauchery), is not defined in the statute, the law is very broad and use ambiguous concepts and terms to allow the police and

¹¹³ See Paula Gerber, *Countries that Still Criminalize Homosexuality: Middle East*, ANITGAYLAWS.ORG, <https://antigaylaws.org/regional/middle-east/> (last visited Oct. 20, 2024) (“In the Middle Eastern region, there are 13 countries that still criminalize homosexuality. Of these 8 have ratified the ICCPR, but none have submitted themselves to the jurisdiction of the UN Human Rights Committee by ratifying the Optional Protocol to the ICCPR.”).

¹¹⁴ See, e.g., *The Trap: Punishing Sexual Difference in Egypt Report*, EGYPTIAN INITIATIVE FOR PERSONAL RIGHTS (Nov. 22, 2017) <https://eipr.org/en/publications/trap-punishing-sexual-difference-egypt> (documents a four-year period in which Egyptian police have escalated a targeted crackdown on people whose sexualities or sexual practices, conversation therapy, actual or perceived, differ from those considered normative in Egyptian society). See Ruth Michaelson, *LGBT people in Egypt targeted in wave of arrests and violence*, THE GUARDIAN (Oct. 8, 2017) <https://www.theguardian.com/world/2017/oct/08/lgbt-people-egypt-targeted-wave-arrests-violence> (discussing that government immediately arrested over 60 men and women for suspected gay conduct or for waving the flag. Police performed anal examinations on some, a scientifically-debunked procedure to determine whether they had engaged in anal sex) (“Homosexuality is not illegal under Egyptian law, but homosexual acts in public are illegal, and members of the LGBT community are often arrested on euphemistic charges, such as “debauchery.” The country’s parliament is now debating criminalizing homosexuality, with a punishment of up to 15 years in prison.”).

¹¹⁵ See, e.g., *Egypt LGBT Crackdown: 16 Men Jailed for Three Years on ‘Debauchery’ Charges*, INDEPENDENT, Nov. 29, 2017, <https://www.independent.co.uk/news/world/middle-east/egypt-lgbt-crackdown-men-jailed-gay-debauchery-charges-africa-latest-homophobia-government-a8083016.html> (“A court in Cairo has sentenced [...] to jail for three years after finding them guilty of “inciting debauchery” and “abnormal sexual relations”... These sentences strike at the very heart of being human and are another example of the ongoing persecution of LGBTI people and the wider crackdown on human rights by Egyptian authorities...While there are no specific laws against homosexuality in Egypt, discrimination against individuals perceived to be LGBT is rife, as are arrests on debauchery and immorality charges.”).

prosecutors to use it against LGBT-identified Egyptians and their supporters.¹¹⁶ Law 10 of 1961 forbids inciting, soliciting, or maintaining premises for debauchery or prostitution.¹¹⁷ For example, it imposes: punishment by imprisonment for a period not less than three months and not exceeding three years and a heavy fine in the following cases:

Whoever lets or offers in whatever fashion a residence or place run for the purpose of debauchery or prostitution, or for the purpose of housing one or more persons, if they are to his knowledge practicing debauchery or prostitution, [. . .] Whoever habitually engages in debauchery or prostitution. Upon the apprehension of a person in the last category, it is permitted to send him for a medical examination. If it is discovered that he is carrying an infectious venereal disease, it is permitted to detain him in a therapeutic institute until his cure is completed.¹¹⁸

Under the Mubarak administration, the Egyptian government has been using the Penal Code to imprison men suspected of having male sexual conduct.¹¹⁹ The Egyptian Penal Code reads:

Detention for a period of not less than six months and not exceeding five years, or paying a fine of not less than five hundred pounds and not exceeding one thousand pounds shall be the penalty inflicted on whoever exploits and uses the religion in advocating and propagating by talk or in writing, or by any other method, extremist thoughts with the aim of instigating sedition and division or disdaining and

¹¹⁶ Egypt: Law No. 10/1961, on Combating of Prostitution, 1961, <https://www.refworld.org/legal/legislation/natlegbod/1961/en/102795> (last visited Oct. 20, 2024). The administration has also started using this act, to silence and punish media commentators and artists.

¹¹⁷ *Egypt LGBT Crackdown*, *supra* note 113. (discussing that in 2008, the government arrested more than a dozen men suspected of contracting HIV, and, as the law permits, forcibly tested them and convicted some of them).

¹¹⁸ *Id.*

¹¹⁹ *Id.*, at art. 9(a)(b)(c).

contemning any of the heavenly religions or the sects belonging thereto, or prejudicing national unity or social peace.

Whoever is found on a public road or a traveled and frequented place inciting the passersby with signals or words to commit indecency shall be punished with imprisonment for a period not exceeding one month...

Whoever commits in public a scandalous act against shame shall be punished with detention for a period not exceeding one year or a fine not exceeding three hundred pounds (and be under probation).¹²⁰

The 2011 uprisings in Egypt interrupted the government's suppression of the LGBT community, and hence, the LGBT community became more out and vocal, and generating social media campaigns, as fear of tyranny decreased.¹²¹ Unfortunately, The LGBT community's newfound openness was short-lived, however. The current al-Sisi, regime, has expanded arrests of gay and trans individuals under various Egyptian laws, citing those against "insulting public morals" or "inciting sexual perversion."¹²² Egypt is, of course, not the

¹²⁰ See, e.g., Caroline Hawley, *Anger over Egypt Gay Trial*, BBC NEWS (Aug. 15, 2001), http://news.bbc.co.uk/2/hi/middle_east/1493041.stm ("The trial of 52 gay Egyptian men accused of offending religion and practicing debauchery has attracted international concern . . . they were subjected to internal medical examinations to see if they had gay sex.").

¹²¹ See Egypt: Penal Code, No. 58 of 1937, art. 98(f), 269bis, 278, <https://www.refworld.org/legal/legislation/natlegbod/1937/en/119651> (last visited Oct. 20, 2024). It also reads "If the felon recurs to committing this crime within one year of the first crime, the penalty shall become imprisonment for a period not exceeding six months and a fine not exceeding fifty pounds. A ruling of conviction shall necessitate placing the convict under police supervision for a period equal to that of the penalty."

¹²² See generally Antoun Issa, *The Politics behind Egypt's LGBT Crackdown*, HUFFINGTON POST (Nov. 6, 2017), https://www.huffpost.com/entry/the-politics-behind-egypts-lgbt-crackdown_b_5a00926ae4b0d467d4c226fa (explaining that the current government still upholds conservative religious, social values and Islamic morals) ("At a time of high tension between the state and the nation's Islamists, reasserting Islamic legitimacy is more crucial than ever for the Egyptian government, and it turns to the old playbook of accommodating conservative Muslim views on social policy...").

only country with widespread anti-gay and anti-free speech prosecutions. Recently, the United Nations condemned suppressions in Indonesia and Azerbaijan, as well as in Egypt.¹²³ Even in Lebanon – the most gay-friendly Arab nation – the police target the LGBT community.¹²⁴ However, if Egypt is to create a positive international image, it can't keep repressing dissenting views.¹²⁵

2. Other Examples from Arab Nations: Status Quo

In Afghanistan, “A person who commits adultery or pederasty (intercourse between males regardless of age) shall be sentenced to long imprisonment.”¹²⁶ In Kuwait, the Penal Codes reads, “Consensual intercourse between men of full age (from the age of 21) shall be punishable with a term of imprisonment of up to seven years, and such relations with a man under 21 years of age are criminalized . . .”¹²⁷ In Lebanon, the law says “Any sexual

¹²³ *Id.*

¹²⁴ See U.N. *Condemns Anti-gay Crackdowns in Egypt, Azerbaijan, Indonesia*, REUTERS (Oct. 13, 2017), <https://www.reuters.com/article/us-un-rights-gay/u-n-condemns-anti-gay-crackdowns-in-egypt-azerbaijan-indonesia-idUSKBN1CH1ZQ/> (explaining that Egypt's laws against debauchery are similar to many across the Middle East and other post-colonial countries) (“Arresting or detaining people based on their actual or perceived sexual orientation or gender identity is by definition arbitrary and violates international law.”).

¹²⁵ See, e.g., Colin Stewart, *Report: Lebanon Targets Gay Men in 3 Raids, 45 Arrests*, 76 CRIMES (Aug. 15, 2014), <https://76crimes.com/2014/08/15/report-lebanon-targets-gay-men-in-3-raids-45-arrests/> (“... that overall the General Prosecution is not interested in charging the detainees with [“having unnatural sex”], ... However, in this particular case charge the detainees under public indecency (article 521).”).

¹²⁶ See generally Avi Asher-Schapiro, *As Egypt Arrests and Tortures Gay People, It Enlists the Help of Pro-LGBTQ P.R. Firm in Washington*, THE INTERCEPT (Dec. 6 2017), <https://theintercept.com/2017/12/06/egypt-gay-lgbt-rights-apco/> (“Egypt's police were only going after aggressive public displays of homosexual behavior.”).

¹²⁷ Afghanistan Penal Code 1976 (Book II § 2, Chap. 8: Adultery, Pederasty, and Violations of Honor), art. 427. In the same vein, it should be noted that in Iraq, it has been reported that *Shari'ah* judges have sentenced people to death for committing homosexual acts and that militias frequently have kidnapped, threatened and killed LGBT people.

intercourse against nature is punished with up to one year of imprisonment.¹²⁸

In Oman, the criminal code reads:

The following are deemed as disgracing crimes: [...] Homosexual and lesbian intercourses. Anyone who commits erotic acts with a person of the same sex shall be sentenced to imprisonment from six months to three years. The suspects of homosexual or lesbian intercourse shall be prosecuted without a prior complaint, if the act results in a public scandal. The suspects of lesbian intercourse among ascendants, descendants or sisters shall only be prosecuted upon a complaint from a relative or a relative by marriage fourth-degree removed.¹²⁹

In Qatar, sexual acts with a female under the age of 16 are prohibited, and sexual acts with a male are prohibited by the Qatari Criminal Law.¹³⁰ Along with the civil Penal Code, Islamic *Shari'ea* Law is in force in Qatar, although only applicable to Muslims.¹³¹ The *Zina* (adultery) offence makes any sexual act by a married person outside of marriage punishable by death, while sexual acts by non-married persons are punishable by flogging – both offences no matter if they were heterosexual or homosexual (death for any sexual act by a married person outside of marriage, flogging for sexual acts by non-married persons).¹³²

Furthermore, there is no codified Penal Law in Saudi-Arabia, instead, the country applies strict – in accurate interpretation – of Islamic Law.¹³³ According to the *Hanbali* interpretation, sodomy is criminalized (and punished by stoning to death for a married man, while the penalty for an unmarried man is 100 blows of the whip as well as banishment for a year).¹³⁴ The Syrian Penal

¹²⁸ Kuwait Penal Code No. 16 of June 2, 1960, as amended in 1976, art. 193.

¹²⁹ Lebanon Penal Code of 1943, art. 534.

¹³⁰ Omani Penal Code of 1974, arts. 33 & 233.

¹³¹ Qatari Penal Code (Law No. (II) of 2004), arts. 281 & 285.

¹³² *Id.*

¹³³ Bassiouni, *supra* note 60.

¹³⁴ *Id.*

Code says, “Any unnatural sexual intercourse shall be punished with a term of imprisonment of up to three years.”¹³⁵

All sexual acts outside of heterosexual marriage are banned in the United Arab Emirates.¹³⁶ However, whether sodomy is punished with death the penalty remains in dispute.¹³⁷ The Arabic text of article 354 is vaguely phrased

¹³⁵ *Id.* For a non-Muslim, who commits sodomy with a Muslim, the penalty is death by stoning. Moreover, all sexual relations outside of marriage illegal in Saudi-Arabia according to the *Shari'e* law, including sexual relations between women. Also, the Iranian Penal Code reads “Sodomy is sexual intercourse with a male. In case of sodomy both the active (Top) and the passive (Bottom) persons will be condemned to its punishment. Punishment for sodomy is killing; the *Shari'e* a judge decides on how to carry out the killing (may act according to his own knowledge which is derived through customary methods). Sodomy involves killing if both the active and passive persons are mature, of sound mind and have free will. If a mature man of sound mind commits sexual intercourse with an immature person, the doer will be killed and the passive one will be subject to *Ta'azir* of 74 lashes if not under duress. If an immature person commits sexual intercourse with another immature person, both of them will be subject to *Ta'azir* of 74 lashes unless one of them was under duress.” Regarding the proof and evidence in court, the law says “By confessing after four lashes to having committed sodomy, punishment is established against the one making the confession. A confession made before receiving four lashes (to having committed sodomy) does not involve punishment of “*Had*” but the confessor will be subject to *Ta'azir* (lesser punishments). It should be noted that “A confession is valid only if the confessor is mature, of sound mind, has will and intention. Sodomy is proved by the testimony of four righteous men who might have observed it. If less than four righteous men testify, sodomy is not proved and the witnesses shall be condemned to punishment for *Qazf* (malicious accusation). Testimony of women alone or together with a man does not prove sodomy.” “Punishment for *Tafhiẓ* (the rubbing of the thighs or buttocks) and the like committed by two men without entry, shall be hundred lashes for each of them . . . If two men not related by blood stand naked. . . without any necessity, both of them will be subject to *Ta'azir* of up to 99 lashes. If the one committing *Tafhiẓ* and the like or a homosexual man, repents before the giving of testimony by the witnesses, his punishment will be quashed; if he repents after the giving of testimony, the punishment will not be quashed. If sodomy or *Tafhiẓ* is proved by confession and thereafter he repents the judge may request the leader to pardon him.” Also, the Criminal Code reads “*Mosabegeh* (lesbianism) is homosexuality of women by genitals. The ways of proving lesbianism in court are the same by which the homosexuality (of men) is proved. Punishment for lesbianism is hundred (100) lashes for each party . . . will be established vis-a-vis someone who is mature, of sound mind, has free will and intention (no distinction between the doer and the subject as well as a Muslim or non-Muslim). If the act of lesbianism is repeated three lashes and punishment is enforced each time, death sentence will be issued the fourth time.” Iran Penal Code 1991, arts. 108-134 (Book II, Punishment).

¹³⁶ Syrian Penal Code of 1949, art. 520.

¹³⁷ *Id.*

and can be interpreted in various ways. Some scholars indicate that it punishes rape of a woman or forced sodomy with a man, while others indicate that it punishes rape on women and sodomy between men.¹³⁸ Apart from federal law, consensual sodomy is criminalized in the Emirates of Dubai and Abu Dhabi, as the Dubai Penal Code punishes sodomy with a penalty of up to 14 years imprisonment, while the Abu Dhabi Penal Code punishes such acts with a penalty of up to ten years imprisonment.¹³⁹ Sexual reassignment surgery is not prohibited or illegal in the UAE (its legality has been public contemporarily).¹⁴⁰

Finally, the criminal law in Yemen defines homosexuality as “Homosexuality between men is defined as penetration into the anus.”¹⁴¹ Unmarried men shall be punished with 100 lashes of the whip or a maximum of one year of imprisonment, married men with death by stoning.¹⁴² “Homosexuality between women is defined as sexual stimulation by rubbing. The penalty for premeditated commission shall be up to three years of

¹³⁸ Federal Law No. 3 of 1987 (on the Issuance of the Emirati Penal Code), art. 354. It reads “Without prejudice to the provisions of the Juvenile Delinquents and Homeless Law, whoever resorts to coercion in sexual intercourse with a female or homosexuality with a male, shall be punished by the death penalty. A case of coercion shall arise if the victim at the time of the crime was under fourteen years of age.”

¹³⁹ Whether sodomy is punished with death penalty remains in dispute. *See, e.g.,* Mohammad Fairouz, *The UAE’s Position on Gay Rights is Actually Surprisingly Progressive – and I Should Know*, INDEPENDENT (July 24, 2017), <https://www.independent.co.uk/voices/uae-middle-east-dubai-gay-trans-queer-lgbtq-rights-east-west-divide-language-a7856746.html> (“Article 354 of the UAE Penal Code, which remains unclear in the original Arabic and in translation. It condemns “coercive sodomy or intercourse with a female” but can (and has by international sources) be reimagined to present a case for the persecution of consensual same sex relationships between adults. But it takes a stretch to read the law as a criminalization of consensual sex with the Arabic word for “coercive” syntactically placed as it is. And despite what some might think, the death penalty has never been invoked or carried out as a punishment for homosexuality or sodomy in the whole history of the country.”).

¹⁴⁰ Federal Decree Law No. (15) of 2020 amending Certain Provisions of the Federal Law No. (3) of 1987 (Dubai Penal Code, art. 80; Abu Dhabi Penal Code, art. 177).

¹⁴¹ Fairouz, *supra* note 137.

¹⁴² *Id.*

imprisonment; where the offence has been committed under duress, the perpetrator shall be punishable with up to seven years detention.”¹⁴³

In sum, the legal status of sexual conversion therapy in the Arab world varies significantly across different countries, reflecting a complex interplay of religious, cultural, and political factors. In many cases, conversion therapy is either explicitly or implicitly endorsed by the state, particularly in countries where homosexuality is criminalized. However, there is a growing movement within the region advocating for the rights and dignity of sexual minorities and calling for the prohibition of harmful practices like conversion therapy. Legal reform in this area requires not only changes in legislation but also shifts in societal attitudes and increased support for sexual minorities rights.

Islam and homosexuality can be reconciled by examining the experience of Muslim sexual minorities from the intersection of their religious, gender, and sexual orientation identities. Both divine identity and sexual/gender identity are essential basics of personal identity and a close aspect of an individual's private life. In examining the identities of Muslim sexuality, we must recognize that power exerted over this community and tyranny of this community does not reside “out there” but is fixed in the very institutions and affairs that shape our lives. Religious doctrine, legal institutions, cultural practices, and traditions that endorse or ban homosexuality are influenced by and employ impact on legal structures, social hierarchies, political systems, and even personal dealings. Hence, how homosexuality is observed and interpreted within the context of Islam is multifaceted and multi-dimensional. Given that the *Qur'an* does not precisely address homosexuality, that there is an ambiguity with *Shari'ah* and its *Qur'anic* and *Sunnab* interpretation, and that Islamic law adapts to community values yielding to the political tides, it is imperative that the global Muslim community willingly address the status of homosexuality in

¹⁴³ Yemen Penal Code 1994, art. 264.

Islam. It is necessary for the Muslim community to engage in understanding sexuality in Islam because silence exacerbates its taboo status and results in harsh punishments of isolation, imprisonment and, at times, death.

Thus, individual discussion of “just religion” or “just gender” or “just sexuality” fails to correctly capture the experience of Muslim sexual minorities.¹⁴⁴ We must move away from the tendency to treat religion and sexual orientation as equally limited groups of experience and analysis because this practice misrepresents the experiences of sexual minorities while tentatively removing them from the debates of religious and sexual orientation discrimination. Moreover, investigating discrimination through a single-axis agenda only marginalizes sexual minorities (multiply-burdened) while distorting analysis of spiritual discrimination or discrimination based on sexual orientation because it only embodies a subset of a community.

We need to recognize that in most cases, many sources of disempowerment, as not being accepted by family, community, and mosques precisely, and observed as a criminal act under some penal codes and a social (moral) value under positive laws generally will affect the lives of Muslim sexual minorities in tangible ways. Even within the non-Muslim LGBT community, awareness of how multiple identities, (e.g., religion, race/ethnicity, class, and gender expression/identity) affect discrimination is needed to diminish division within the larger LGBT community that should be inclusive of Muslims.¹⁴⁵ The experiences of Muslim sexual minorities represent practices with multidimensional implications. Incidents of violence or discrimination cannot be

¹⁴⁴ *Id.* at art. 268 (explaining that the rights and freedoms of sexual minorities are strongly influenced by the prevailing cultural traditions and religious mores of people living in the region – particularly Islam (and its inaccurate interpretations)).

¹⁴⁵ Athena D. Mutua, *The Rise, Development and Future Directions of Critical Race Theory and Related Scholarship*, 84 *DENV. U. L. REV.* 329, 343 (2006). Darren Hutchinson, *Out Yet Unseen: A Racial Critique of Gay and Lesbian Legal Theory and Political Discourse*, 29 *CONN. L. REV.* 561, 608 (1997) (discussing the recentering of gay and lesbian political discourse toward multidimensionality).

inspected only through the lens of religion, sexuality, race, or class, but rather the intersection of all of these characteristics. Once we recognize and understand the entangled nature of homophobia especially within Islam, Western societies, and globally, then we will be able to improve the social context we live and function (goal) within.

III. The United States: A Secular Nation With Deep Religious Influences

The United States is a land of paradoxes. For example, the Declaration of Independence notes that “all men are created equal”; yet, in 1776 the slave trade thrived in the British colonies. The interaction of religion and government offers another obtuse relationship. To understand how religion guides the conversion therapy controversy in the United States, one must understand the conflict between the Constitutional rights of religious zealots and the duties of the secular government.

When the British, Spanish, and French imposed their colonies on Indigenous peoples of the North American continent, the settlers came for varied reasons. Some, such as the Puritans of the Massachusetts Bay Colony, fled religious persecution, ironically creating a colony that persecuted non-Puritans.¹⁴⁶ Other colonies were established for secular goals and to build profits for venture capitalists, such as the Virginia Company.¹⁴⁷ And the Georgia Colony began as a penal colony to provide imprisoned debtors new opportunities,¹⁴⁸ much like Australia.¹⁴⁹ From the beginning, what would become

¹⁴⁶ See generally Eric Heinze, *SEXUAL ORIENTATION: A HUMAN RIGHT* 37 (Kluwer Academic Publishers 1995).

¹⁴⁷ *Religion and the Founding of the American Republic*, Part 1, LIBRARY OF CONGRESS, <https://www.loc.gov/exhibits/religion/rel01.html>, (last visited Oct. 13, 2024).

¹⁴⁸ *Evolution of the Virginia Colony, 1611-1624*, LIBRARY OF CONGRESS, <https://www.loc.gov/classroom-materials/united-states-history-primary-source-timeline/colonial-settlement-1600-1763/virginia-colony-1611-1624/> (last visited Oct. 13, 2024)

¹⁴⁹ *Establishing the Georgia Colony, 1732 – 1750* LIBRARY OF CONGRESS, <https://www.loc.gov/classroom-materials/united-states-history-primary-source-timeline/colonial-settlement-1600-1763/georgia-colony-1732-1750/> (last visited Oct. 13, 2024).

the United States was filled with numerous religious affiliations and non-affiliations, against the backdrop of ancient native tribes with spiritual practices never imagined by Europeans.

When the United States of America, claimed independence from the British and later won the Revolutionary War, the colonies struggled for coherence until the U.S. Constitution, ratified in 1789, created what resembles, at least structurally, the United States today. However, the Bill of Rights, the first ten amendments of the U.S. Constitution, wasn't ratified until two years later. Drafting the original document, the "founding fathers" specifically rejected the notion that the United States should have a state religion.¹⁵⁰ In fact, the only mention of religion in the U.S. Constitution is at Article VI, prohibiting a religious test for "qualification to office or public trust." With growing conflict between Federalists (seeking a strong central government) and Anti-Federalists (seeking stronger state autonomy), the factions found compromise through a Bill of Rights that would safeguard individual liberties, such as free speech and unlawful search and seizure.¹⁵¹ The First Amendment states that, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof"

Given this context – a nation founded by immigrants with deep and diverse religious views governed by a federal system that diffused religious control over government – the political controversies and litigation seen today arise from this paradox. Conversion therapy is no exception. The U.S. battles the collision of protecting children from the well-studied horrors of conversion

¹⁵⁰ *1788-1810 Early European Settlement*, PARLIAMENT OF NEW SOUTH WALES, <https://www.parliament.nsw.gov.au/about/Pages/1788-to-1810-Early-European-Settlement.aspx#:~:text=The%20first%20settlement%2C%20at%20Sydney,warships%2C%20in%20January%2C%201788> (last visited Oct. 13, 2024).

¹⁵¹ Erin Kelly, *American is Not a Christian Nation and Never Has Been*, PRESIDENTIAL SYSTEM (June 28, 2019), <https://presidentialsystem.org/2019/06/28/the-u-s-constitution-doesnt-establish-a-christian-nation/>

therapy and the First Amendment call to protect religious autonomy, which for some religious groups may implore the use of that very therapy.

This section proceeds with a brief history of LGBTQ+ rights and conversion therapy in the United States, followed by discussions of religious viewpoints and secular viewpoints.

A. History: Anti-LGBTQ Roots Run Deep in America

[T]o the clergy we were sinners; to the government, felons; and to the psychiatrists, sick.¹⁵²

Like the Arab region, conversion therapy, also known as reparative therapy or Sexual Orientation Change Efforts (“SOCE”), refers to pseudoscientific practices aimed at changing an individual’s sexual orientation or gender identity.¹⁵³ In the United States the development, growth, and fizzling out of the refuted practice is a complex entanglement between psychology, religion, politics, and Constitutional law. Psychologists, misapplying Freud’s theories in a behaviorist construct, popularized conversion therapy at a time when politics peddled Cold War fear against homosexuality and religious groups rejected anything contrary to a white, heterosexual, nuclear family.¹⁵⁴ Even after psychologists moved away from the idea that homosexuality was a mental illness, politicians and religious groups, especially Evangelicals,¹⁵⁵ continued abusing the LGBT community for majoritarian protectionism.

¹⁵² *The Bill of Rights: The 1st Ten Amendments*, BILL OF RIGHTS INSTITUTE, <https://billofrightsinstitute.org/primary-sources/bill-of-rights> (last visited Oct. 13, 2024).

¹⁵³ Franklin Kamney, *How it All Started*, 13 J. Gay & Lesb. Ment. Health 76, 77 (2009).

¹⁵⁴ *Report of the American Psychological Association Task Force on Appropriate Therapeutic Responses to Sexual Orientation* 22, AMERICAN PSYCH. ASSOC., (2009), <https://www.apa.org/pi/lgbt/resources/therapeutic-response.pdf>.

¹⁵⁵ Sam Ashworth et al., *The Pernicious Myth of Conversion Therapy: How Love in Action Perpetrated a Fraud on America*, 3-4, THE MATTACHINE SOC’Y OF WASHINGTON, DC. (Oct. 12, 2018), <https://www.nclrights.org/wp-content/uploads/2018/11/Mattachine-Society-Conversion-Therapy-White-Paper-Redacted.pdf>.

However, anti-LGBT American sentiment that gave rise to conversion therapy has deeper roots. Despite the presence of “two spirit” Indigenous identities that existed long before North America’s colonization,¹⁵⁶ disdain for homosexuality in America¹⁵⁷ can be traced to the Massachusetts Bay Colony’s Puritan norms, which stressed heterosexual roles in the nuclear family.¹⁵⁸ Those highly conservative, Protestant views were echoed throughout the American Colonies, as reflected by the Virginia Colony’s 1624 execution of Richard Cornish for sodomy, and the first adoption of an anti-sodomy law by North Carolina in 1715, when it adopted the Common Law of England.¹⁵⁹

Two hundred and fifty years later, the first effort at a veiled gay social movement appeared in the United States, through the poems and books of the “Calamites,” a counterpart to the British Uranians who idealized the image of

¹⁵⁶ National Association of Evangelicals, *What is an Evangelical?*, NAE.ORG, <https://www.nae.org/what-is-an-evangelical/> (last visited Oct. 6, 2024); National Association of Evangelicals, *NAE Denominations and Networks*, NAE.org, (accessed Oct. 6, 2024), <https://www.nae.org/wp-content/uploads/2022/01/NAE-Denominational-Network-Diagram.pdf> (Evangelicals consist of eleven Protestant theological traditions: Reformed, Free Church, Baptist, Anabaptist, Pietist, Wesleyan, Holiness, Pentecostal, Charismatic, Non/Interdenominational, and Adventist. Among those are forty specific denominations.).

¹⁵⁷ Bonnie J. Morris, *A Brief History of Lesbian, Gay, Bisexual, and Transgender Social Movements*, AM. PSYCH. ASSOC. (July 21, 2017, last updated March 16, 2023), <https://www.apa.org/topics/lgbtq/history>; Din Quoc Nguyen, *Freud’s Effect on Christian Views of Homosexuality*, EMORY UNIV. SCHOLARS BLOG (April 20, 2015), <https://scholarblogs.emory.edu/basicproblems002/2015/04/20/freuds-effect-on-christian-view-of-homosexuality-and-its-implications/>; *Two-Spirit*, INDIAN HEALTH SERVICE, <https://www.ihs.gov/lgbt/twospirit/#:~:text=Traditionally%2C%20Native%20American%20Two%2DSpirit,a%20distinct%2C%20alternative%20gender%20status> (last visited Oct. 5, 2024); Brian Joseph Gilley, *BECOMING TWO-SPIRIT: GAY IDENTITY AND SOCIAL ACCEPTANCE IN INDIAN COUNTRY* (U. Neb. Press 2006).

¹⁵⁸ The author may refer to the United States as “America” for ease of reference while recognizing that North, Central, and South America encompass many histories and cultures.

¹⁵⁹ Brett Jackson, *Revealing Zion’s Daughters: Women in Puritan Jurisprudence*, 6 THE GETTYSBURG HIST. J. 13 (2008); Joel R. Beeke, *The Puritan Family*, Christian Study Library (accessed Oct. 5, 2024), <https://www.christianstudylibrary.org/article/puritan-family>.

adolescent boys and hoped to revive the Greek concept of *paiderasteia*.¹⁶⁰ As argued by Bader, the work of the Calamites and Uranians was not merely a closeted way to write about same-sex attraction, but rather, the literature was “part of a consciously adopted artistic/cultural strategy for homosexual emancipation.”¹⁶¹ Nevertheless, their works likely stymied any progress for which an LGBT rights movement might have hoped. Though there were a few key LGBT liberation uprisings in the United States during the early 20th Century, none were considered successful until the Stonewall Riots of New York City in 1969.¹⁶² Meanwhile, since at least 1890 and into the 21st Century, respected psychologists advocated for conversion therapy under the behaviorist

¹⁶⁰ Minutes of the Council and General Court of Colonial Virginia 1622-1623, 1670-1676 (ed. H.R. McIlwaine 1924); see also Jonathan Katz, *GAY AMERICAN HISTORY* (1976); N.C. Gen. Stats. § 4-1 (2024); OutHistory, *William Blackstone “Crime Against Nature,” 1772* (citing William Blackstone, *Commentaries on the Laws of England*. Book The Fourth . . . Reprinted From The British Copy, Page For Page With The Last Edition 215-17 (Philadelphia, Robert Bell, 1772). As described by Blackstone, sodomy had been a common law crime since at least the reign of King Edward III (1327-1377), and English Parliament first adopted an Anti-Buggery Act in 1533 under the Reign of Henry VIII. It was repealed by Queen Mary in 1533, in hopes of leaving the matter to the Church but reinstated by Queen Elizabeth the I in 1562. Pecking, *Dansbury* (1763). *THE STATUTES AT LARGE: FROM THE FIRST YEAR OF QUEEN MARY, TO THE THIRTY-FIFTH YEAR OF QUEEN ELIZABETH, VOL. 6. GREAT BRITAIN. 208–9; 25 Hen. 8. c. 6, Pickering Statutes at Large, vol. 4* (1763), <https://archive.org/details/statutesatlarge14britgoog/page/n297/mode/2up?view=theater>; *Pickering Statutes at Large, vol. 6* (available at <https://books.google.co.uk/books?id=dvouAAAAIAAJ&pg=PA208#v=onepage&q&f=false>). The author would be remiss to not acknowledge the Massachusetts Bay Colony’s 1649 execution of Sarah White Norman, a lesbian.

¹⁶¹ See Timothy d’Arch-Smith, *LOVE IN EARNEST: SOME NOTES ON THE LIVES AND WRITINGS OF ENGLISH ‘URANIAN’ POETS FROM 1889 TO 1930* (Routledge & Kegan and Paul 1970); Wayne Dynes Dynes, *THE ENCYCLOPEDIA OF HOMOSEXUALITY. VOLUME II 1353* (Routledge, Abingdon and New York, 2016; David Galloway and Christian Sabisch, *CALAMUS: MALE HOMOSEXUALITY IN TWENTIETH-CENTURY LITERATURE: AN INTERNATIONAL ANTHOLOGY* (William Morrow & Company 1982); Walt Whitman, *LEAVES OF GRASS* (Am. Renaissance Books 2009) (*Leaves of Grass* is widely available from many publishers, as it has entered the public domain in the United States.); Betsy Erkill, *WALT WHITMAN’S SONGS OF MALE INTIMACY AND LOVE*, Iowa Whitman Series (Univ. Iowa Press 2011); D.H. Mader, *The Greek Mirror*, 49 J. HOMOSEXUALITY 377 (2005).

¹⁶² Mader, *supra* note 159.

construct school of psychology, including cruel aversion techniques, such as shock therapy and nausea inducing medications.¹⁶³

The early 20th Century saw heightened criminalization and medicalization of homosexuality, creating justifications for conversion therapy.¹⁶⁴ Throughout the early 20th Century, more and more jurisdictions in the U.S. passed laws making homosexuality a crime, alongside other acts of “sodomy.”¹⁶⁵ In 1952, coincidental to the Lavender Scare,¹⁶⁶ the American Psychological Association essentially approved conversion therapy by adding “homosexuality” as a mental health disorder.¹⁶⁷ Finally in 1973, the homosexuality diagnosis was technically removed from the DSM.¹⁶⁸ Yet, for another fourteen years, homosexuality had simply been relabeled as “sexual orientation disturbance,” “ego-dystonic homosexuality,” and “sexual disorder not otherwise specified.”¹⁶⁹

¹⁶³ PBS, *Milestones in the American Gay Rights Movement*, AM. EXP., <https://www.pbs.org/wgbh/americanexperience/features/stonewall-milestones-american-gay-rights-movement/> (accessed Oct. 4, 2024)

¹⁶⁴ See e.g. Prince Morton, *Sexual Perversion of Vice? A Pathological and Therapeutic Inquiry*, 25 J. NERVOUS AND MENTAL DISEASES 237 (1890); Robert L. Spitzer, *Can Gay Men and Lesbians Change Their Sexual Orientation*, 32 ARCHIVES OF SEXUAL BEHAV. 403 (2003); see also Douglas C. Haldeman, *The Practice and Ethics of Sexual Orientation Conversion Therapy*, 62 J. CONSULTING & CLINICAL PSYCH. 221, 221-22 (1994); Ashworth, *supra* note 153 at 10-12.

¹⁶⁵ Jack Drescher, *Queer Diagnoses: Parallels and Contrasts in the History of Homosexuality, Gender Variance, and the Diagnostic and Statistical Manual*, 39 ARCHIVES SEXUAL BEHAV. 427, 428-30 (2010)

¹⁶⁶ Richard Weinmeyer, *The Decriminalization of Sodomy in the United States*, AMA J. OF ETHICS, (November 2014); , *Getting Rid of Sodomy Laws: History and Strategy that Led to the Lawrence Decision*, ACLU (June 26, 2003), <https://www.aclu.org/documents/getting-rid-sodomy-laws-history-and-strategy-led-lawrence-decision>; Louis Crompton, *Homosexuals and the Death Penalty in Colonial America*, 1 J. OF HOMOSEXUALITY 277 (1976); *Lawrence v. Texas*, 539 U.S. 558 (2003).

¹⁶⁷ David K. Johnson, *THE LAVENDER SCARE* (Univ. Chicago Press, Reprint Ed. May 15, 2006); Ashworth, *supra* note 153, 5-8. The Lavender Scare was a time of moral panic about the possibility of homosexuals working in the federal government. Fearing their susceptibility to blackmail by Russian operatives, Senator Joseph McCarthy and other powerful political figures persecuted federal employees suspected of being gay or lesbian or even associating with gays or lesbians.

¹⁶⁸ Greta LaFleur, *THE NATURAL HISTORY OF SEXUALITY IN AMERICA* (John Hopkins Univ. Press 2018).

¹⁶⁹ Robert Paul Cabaj, *Working with LGBTQ Patients*, PSYCHIATRY.ORG, <https://www.psychiatry.org/psychiatrists/diversity/education/best-practice-highlights/w>

When the medical community stopped persecuting the LGBT community, Evangelical Christians filled the void. The AIDS crisis of the 1980's and 1990's created a sense of urgency, inflamed by the Moral Majority's and Focus on the Family's cruel rhetoric.¹⁷⁰ Ministry-based conversion therapy, conducted by religious and conservative ex-gay ministries such as Love in Action¹⁷¹ and the now defunct Exodus International,¹⁷² became the dominant sources for the harmful practice.¹⁷³

However, readers must not dismiss the personal efforts for conformity that many individuals have made for centuries and still do today. Though the state legislative trend calls for banning conversion therapy conducted by licensed

orking-with-lgbtq-patients#:~:text=DSM%2DI%20(1952)%20-,as%20a%20sociopathic%20personality%20disturbance.&text=DSM%2DII%20(1974)%20-,of%20"sexual%20orientation%20disturbance" (last visited Oct. 5, 2024)

¹⁷⁰ *Id.*; The World Health Organization's *International Classification of Diseases* included "ego-dystonic sexual orientation" until 2019; Ashworth, *supra* n. 153 at 11.

¹⁷¹ Ashworth, *supra* note 153 at 14; Mark R. Kowalewski, *Religious Constructions of the AIDS Crisis*, 51 SOCIO. ANALYSIS 91, 92-93 (Spring 1990); James C. Dobson, *Is AIDS a Result of God's Punishment?*, DOBSON DIGITAL LIBRARY, <https://dobsonlibrary.com/resource/article/2d96f2e6-0aef-4a0b-a12f-8021de13b214> (last visited Oct. 6, 2024) (stating, "AIDS is only one avenue by which sickness and death befall those who play Russian roulette with God's moral imperatives."); Religious News Service, *Koop Criticizes Evangelical Leaders on AIDS Stands*, LOS ANGELES TIMES ARCHIVES (June 10, 1989), <https://www.latimes.com/archives/la-xpm-1989-06-10-me-1321-story.html>.

¹⁷² Casey Sanchez, *Memphis Love in Action Offers Residential Program to "Cure" Homosexuality*, INTELLIGENCE RPT. (Jan. 1, 2003), [https://www.splcenter.org/fighting-hate/intelligence-report/2003/memphis-area-love-in-action-offers-residential-program-\"cure\"-homosexuality](https://www.splcenter.org/fighting-hate/intelligence-report/2003/memphis-area-love-in-action-offers-residential-program-\); Ashworth, *supra* note 153 at 11-34.

¹⁷³ Ed Payne, *Group Apologizes to Gay Community, Shuts Down "Cure" Ministry*, CNN.com (July 8, 2013), <https://www.cnn.com/2013/06/20/us/exodus-international-shutdown/index.html>; Victoria Whitley Berry and Sarah McMamon, *Former "Ex-Gay" Leaders Denounce "Conversion Therapy" In a New Documentary*, MORNING EDITION, NPR.ORG (Aug. 2, 2021), <https://www.npr.org/2021/08/02/1022837295/former-ex-gay-leaders-denounce-conversion-therapy-in-a-new-documentary>; see also Kristine Stolakis, *Pray Away* (Exec. Prods. Ryan Murphy and Jason Blum Documentary 2021), <https://www.imdb.com/title/tt11224358/>.

medical professionals, the First Amendment's Free Exercise clause shields families that allow the abusive practice when spiritual counselors provide the service.¹⁷⁴ The Williams Institute at UCLA estimates that approximately 698,000 Americans have undergone conversion therapy and that there are more than 1000 "therapists in the United States willing to provide the service."¹⁷⁵ Conversion therapy may not be thriving in the United States, but it still occurs daily.¹⁷⁶

B. Relation to Particular Religious Denominations

United States citizens adhere to countless religious traditions, including none at all. According to the Pew Research Center, the pre-dominant faiths are: Evangelical, Non-Evangelical Protestant, Catholic, Mormon, Orthodox Christian, Jehovah's Witnesses, Jewish, Muslim, Buddhist, and Hindu.¹⁷⁷ While Evangelical Christians and Jehovah's Witnesses are the most adamantly opposed to LGBTQ+ acceptance and protection and have been the most ardent supporters of conversion therapy, other Christian denominations have had evolving views.¹⁷⁸ Similarly, the Jewish and Muslim stance, at least in the United

¹⁷⁴ Randall Balmer, *The Real Origins of the Religious Right*, POLITICO.COM (May 27, 2014), <https://www.politico.com/magazine/story/2014/05/religious-right-real-origins-107133/>; J. Stryker, AR Jonsen, *THE SOCIAL IMPACT OF AIDS IN THE UNITED STATES*, Chpt. 5 (Ntn'l Academies Press, Washington D.C. 1993); Anthony M. Petro, *AFTER THE WRATH OF GOD: AIDS, SEXUALITY & AMERICAN RELIGION* (Oxford U. Press, Cambridge July 15, 2015); Stephen Vider, *A Half-Century of Conflict Over Attempts to "Cure" Gay People*, TIME.COM (Feb. 12, 2015), <https://time.com/3705745/history-therapy-hadden/>; Tanya Erzen, *Straight to Jesus: SEXUAL AND CHRISTIAN CONVERSIONS IN THE EX-GAY MOVEMENT* 2-3 (Univ. Cal. Press 2006).

¹⁷⁵ Jamie Ducharme, *Conversion Therapy Still Happens in Almost Every State*, TIME (Dec. 12, 2023), <https://time.com/6344824/how-common-is-conversion-therapy-united-states/>.

¹⁷⁶ Christy Mallory et al., *Conversion Therapy and LGBT Youth*, UCLA, THE WILLIAMS INSTITUTE (June 2019, accessed Oct. 6, 2024), <https://williamsinstitute.law.ucla.edu/publications/conversion-therapy-and-lgbt-youth/>

¹⁷⁷ *Supra* note 173.

¹⁷⁸ *Religious Landscape Study*, PEW RSCH. CENT., (2014), <https://www.pewresearch.org/religious-landscape-study/database/>; Jones authored the section about the United States and will not revisit the excellent work from 'Arafa about Muslim perspectives.

States, has varied by particular sect.¹⁷⁹ Yet, Hindus and Buddhists have not made broad statements on these issues.

Conversion therapy has been closely associated with certain religious denominations, particularly Evangelical Christian groups, including Jehovah's Witnesses.¹⁸⁰ These groups often view homosexuality as sinful or contrary to religious teachings and promote conversion therapy as a means of aligning one's sexual orientation with religious beliefs.¹⁸¹ Organizations like Love in Action and Exodus International, which were affiliated with evangelical churches, played a significant role in promoting and providing conversion therapy services. Though Exodus International closed with an apology in 2013, Love in Action and other organizations, such as Focus on the Family, still advocate for or provide conversion therapy.¹⁸²

Non-Evangelical Christian faiths in the United States have also had a role in promoting conversion therapy. The Catholic Church has historically viewed homosexuality as "intrinsically disordered," but its stance on conversion therapy has been more nuanced.¹⁸³ While not officially endorsing conversion therapy, some Catholic groups have supported or provided such services. And at least as to gender conformity, the Catholic Church recently released the *Dignitas*

¹⁷⁹ Caryle Murphy, *Most U.S. Christian Groups Grow More Accepting of Homosexuality*, PEW RSCH. CENT. (Dec. 18, 2015), <https://www.pewresearch.org/short-reads/2015/12/18/most-u-s-christian-groups-grow-more-accepting-of-homosexuality/>; David J. Neumann, "A Definitive But Unsatisfying Answer": *The Evangelical Response to Gay Christians*, 32 RELIGION AND AM. CULTURE 108 (Winter 2022); *supra* note 176.

¹⁸⁰ Roberta Rosenthal Kall, *THE MYTH OF THE CULTURAL JEW: CULTURE AND LAW IN JEWISH TRADITION* 157-192 (Oxford Academic 2015).

¹⁸¹ Douglas C. Haldeman, *Gay Rights, Patient Rights: The Implications of Sexual Orientation Conversion Therapy*, 33 PROF. PSYCH.: RSCH. & PRAC. 260, 260-61 (2002); S. J. Creek & Jennifer L. Dunn, "Be Ye Transformed": *The Sexual Storytelling of Ex-gay Participants*, 80 SOCIO. FOCUS 197, 198-99 (2014).

¹⁸² *Id.*

¹⁸³ Michael Bussee, *Going from Gay to Straight? An Interview with the Founder of Exodus*, PSYCH. TODAY (June 19, 2013), <https://www.psychologytoday.com/us/blog/gay-and-lesbian-well-being/201306/going-gay-straight>.

Infinita, which condemns surrogacy, gender-affirming surgery, and gender identity theory.¹⁸⁴ The Eastern Orthodox Church holds similar views.¹⁸⁵

Meanwhile, the Church of Jesus Christ of Latter-day Saints has historically condemned homosexual behavior, and the church has supported conversion therapy efforts in the past.¹⁸⁶ However, in recent years, the church has distanced itself from conversion therapy practices and supported bans on the practice for minors.¹⁸⁷ Despite the move towards LGBTQ compassion, some tie the Church's decision not to an acceptance of diverse sexuality or gender but rather to the evidence that the practice increases the risk of suicide among LGBTQ youth.¹⁸⁸

¹⁸⁴ Catechism of the Catholic Church para. 2357 (2nd ed. 1997); Fr. Hugh Barbour, O. Praem, *The Church and "Gay Conversion" Therapy*, CATHOLIC ANSWERS, CATHOLIC.COM, <https://www.catholic.com/qa/the-church-and-gay-conversion-therapy> (last visited Oct. 6, 2024); Stephen McNulty, *When Will the Church Reject Transgender Conversion Therapy?*, CATHOLIC NEWS REP. (July 23, 2024), <https://www.ncronline.org/opinion/guest-voices/when-will-church-reject-transgender-conversion-therapy>.

¹⁸⁵ Christopher White, *Vatican Condemns Surrogacy, Gender-Affirming Surgery, and Gender Theory in New Doctrinal Note*, NAT'L CATHOLIC REP. (April 8, 2024), <https://www.ncronline.org/vatican/vatican-news/vatican-human-dignity-document-condemns-sex-change-gender-theory-and-surrogacy>; *Declaration "Dignitas Infinita" on Human Dignity*, ¶¶55–60 (April 8, 2024), <https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2024/04/08/0284/00588.html#en>.

¹⁸⁶ Alan Cooperman et al., *Orthodox Christianity in the 21st Century*, 51–60, PEW RSCH. CENT. (Nov. 8, 2017), <https://www.pewresearch.org/wp-content/uploads/sites/20/2017/12/Orthodoxy-II-FULL-REPORT-12-5.pdf>.

¹⁸⁷ Gregory A. Prince, *GAY RIGHTS AND THE MORMON CHURCH: INTENDED ACTIONS, UNINTENDED CONSEQUENCES* 1–2 (Univ. Utah Press 2019).

¹⁸⁸ Daniel Burke, *Mormon Church Backs LGBT Rights – With One Condition*, CNN (Jan. 28, 2015), <https://www.cnn.com/2015/01/27/us/mormon-church-lgbt-laws/index.html>; *The Church Continues to Oppose Conversion Therapy*, THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, (Oct. 25, 2019), <https://newsroom.churchofjesuschrist.org/article/statement-proposed-rule-sexual-orientation-gender-identity-change#:~:text=“The%20Church%20denounces%20any%20therapy,%20but%20throughout%20the%20world.”&text=“The%20Church%20denounces%20any%20therapy%20that,an%20individual%20to%20abusive%20practices.”>

In the United States, there are four prominent denominations of Judaism: Reform, Reconstructionist, Conservative, and Orthodox. Their respective views on homosexuality are diverse, with Reform and Conservative Judaism opposing conversion therapy.¹⁸⁹ The Reconstructionist Rabbinical College became the first Jewish seminary to adopt a non-discrimination policy based on sexual orientation, opening the door to more acceptance among Reconstructionist Jews.¹⁹⁰ However, the Orthodox Jewish sect strongly opposes homosexuality and transgender identities, and despite the trend in conversion therapy bans, many Rabbis and groups still offer the service.¹⁹¹ One Orthodox group, Jewish Institute for Global Awareness (formerly known as JONAH), continued offering conversion therapy despite a 2015 court order to cease; the court dissolved the organization in 2019 for violating the injunction.¹⁹²

¹⁸⁹ Tara Law, *Why the LDS Church Joined LGBTQ Advocates in Supporting Utah's Conversion Therapy Ban*, TIME (Nov. 29, 2019), <https://time.com/5741789/utah-conversion-therapy-ban-lds/>.

¹⁹⁰ Bob Gluck, *The Reconstructionist Experience of LGBTQ Inclusion and the Ordination Struggle Among Progressive Orthodox Jews*, EVOLVE (Oct. 29, 2018), <https://evolve.reconstructingjudaism.org/lgbtq-ordination/>.

¹⁹¹ Matt Lebovic, *In the US, Gay Conversion Therapy Continues in Some Orthodox Communities*, THE TIMES OF ISRAEL (July 18, 2019), <https://www.timesofisrael.com/in-the-us-gay-conversion-therapy-continues-in-some-orthodox-communities/>; Jayson Littman, *Once Upon a Gay: A Journey Through the Ex-Gay Movement*, HUFFINGTON POST (Nov. 2, 2011), https://www.huffpost.com/entry/jewish-ex-gay-movement_b_1105011; Jayson Littman, *Wanted: Orthodox Rabbis to Sign Anti-Gay Declaration*, HUFFINGTON POST (Nov. 28, 2011, updated Dec. 6, 2017), https://www.huffpost.com/entry/orthodox-rabbis-homosexuality-declaration_b_1114090; *Orthodox Judaism and LGBTQ Issues*, MY JEWISH LEARNING, <https://www.myjewishlearning.com/article/orthodox-judaism-and-lgbtq-issues/> (last visited Oct. 10, 2024).

¹⁹² *Judge Orders "Conversion Therapy" Provider to Permanently Cease Operations Once Again*, SOUTHERN POVERTY LAW CENT. (June 12, 2019), <https://www.splcenter.org/news/2019/06/12/judge-orders-conversion-therapy-provider-permanently-cesses-operations-once-again>; Miki Katoni, *"It's Still an Emergency": The Vulnerability of Queer Orthodox Jews*, N.Y. TIMES (May 18, 2023), https://www.nytimes.com/2023/05/18/opinion/conversion-therapy-queer-orthodox-jewish.html&ved=2ahUKEwiT3Z-s7omJAxWmDEQIHR4sHWwQFnoECBIQAQ&usg=AOvVaw2PTp20hh_y8h_a-bARdbfI.

LGBTQ+ advocates still voice concerns about the maltreatment and conversion therapy perpetrated by the Orthodox Jewish community.¹⁹³

C. Secular Perspectives

Without a government-endorsed religion in the U.S., secular viewpoints should be paramount. From a secular perspective, mainstream medical and mental health organizations widely regard conversion therapy as ineffective and potentially harmful.¹⁹⁴ The American Psychological Association, American Medical Association, American Academy of Pediatrics, and American Academy of Child & Adolescent Psychiatry have all issued statements opposing conversion therapy.¹⁹⁵

Medical experts argue that conversion therapy is based on the flawed premise that sexual orientation and gender identity are choices that can be changed.¹⁹⁶ Scientific studies have shown that sexual orientation and gender identity are complex traits influenced by biological, environmental, and developmental factors.¹⁹⁷ Meanwhile, human rights organizations, such as the United Nations, view conversion therapy as a violation of individual autonomy and dignity.¹⁹⁸ They argue that such practices perpetuate stigma and discrimination against LGBTQ+ individuals, which is consistent with the

¹⁹³ Katoni, *supra* note 190.

¹⁹⁴ *Supra* note 152.

¹⁹⁵ *Id.*; *LGBTQ Change Efforts (So-Called "Conversion Therapy")*, AM. MED. ASS'N, <https://www.ama-assn.org/system/files/conversion-therapy-issue-brief.pdf> (last visited Oct. 6, 2024); *Conversion Therapy*, AM. ACADEMY OF CHILD & ADOLESCENT PSYCH. (Feb. 2018); Jason Rafferty et al., *Policy Statement: Ensuring Comprehensive Care and Support for Transgender and Gender-Diverse Children and Adolescents*, 142 PEDIATRICS 2162 (Oct. 2018), <https://publications.aap.org/pediatrics/article/142/4/e20182162/37381/Ensuring-Comprehensive-Care-and-Support-for>.

¹⁹⁶ *Supra* note 152.

¹⁹⁷ J. Michael Bailey et al., *Sexual Orientation, Controversy, and Science*, 17 PSYCH. SCI. PUB. INT. 45, 46 (2016).

¹⁹⁸ U.N. Off. High Comm'r for Hum. Rts. *Born Free and Equal: Sexual Orientation, Gender Identity and Sex Characteristics in International Human Rights Law* 35-38, 48, 52 (2d ed. 2019), https://www.ohchr.org/sites/default/files/Documents/Publications/Born_Free_and_Equal_WEB.pdf.

medical literature.¹⁹⁹ Thus, mental health professionals emphasize the importance of affirmative therapy approaches that help LGBTQ+ individuals accept and embrace their identities rather than attempting to change them.²⁰⁰ These approaches focus on addressing the stress and mental health challenges that may arise from societal stigma and discrimination.²⁰¹

D. Current Legal Status in each U.S. State and Territory

The United States has a complicated legal system, a parallel of one federal umbrella over fifty states, territories, and protectorates. States acquired the right to govern issues not reserved for the federal government, such as health care and education.²⁰² However, through the Fourteenth Amendment, citizens may bring claims against states or territorial government actors when those jurisdictions take action or create laws that infringe on U.S. Constitutional rights. The federal government also has a long reach into states' rights by virtue of the Commerce Clause²⁰³ and the offer of federal funding to assist programs otherwise controlled by the state, such as education and transportation.²⁰⁴

In the case of conversion therapy, plaintiffs who advocate for conversion therapy have argued that local and state bans on the practice violate two First Amendment rights – the right to free speech and the right to free exercise of religion. Plaintiffs have also argued that the bans are overly vague or would be applied arbitrarily.

¹⁹⁹ *Id.* at 52-53.

²⁰⁰ Am. Psych. Ass'n, *Guidelines for Psychological Practice with Lesbian, Gay, and Bisexual Clients*, 67 AM. PSYCH. 10, 11 (Aug. 29, 2011); Kate L.M. Hendricks and Weston Donaldson, *Recommendations for Use of Affirmative Psychotherapy With LGBT Older Adults*, 73. J. CLINICAL PSYCH. 945 (Aug. 2017); Julian Burger and John E. Panchankis, *State of the Science: LGBTQ-Affirmative Psychotherapy*, BEHAV. THERAPY (Feb. 2024)024, <https://doi.org/10.1016/j.beth.2024.02.011>.

²⁰¹ Am. Psych. Ass'n, *supra* note 198.

²⁰² U.S. Const. amend. X..

²⁰³ U.S. Const. art. VIII, sec. 1, cls. 3.

²⁰⁴ *The Power of the Purse*, U.S. HOUSE OF REPRESENTATIVES, <https://history.house.gov/institution/origins-development/power-of-the-purse/> (last visited Oct. 13, 2024).

This section first addresses which jurisdictions allow or have banned conversion therapy, and then it discusses the current status of litigation.

1. Jurisdictions that allow LGBT conversion therapy

As of 2024, conversion therapy for minors remains legal in just over half the U.S. states and territories.²⁰⁵ These jurisdictions have not passed laws explicitly banning the practice, although some may have introduced bills that have not yet passed, and in others, Governors have signed executive orders that prohibit the use of state funds to pay for conversion therapy.²⁰⁶ The following U.S. states currently allow conversion therapy:²⁰⁷

1. Alabama (ban prohibited by U.S. Circuit Court of Appeals for the 11th Circuit)²⁰⁸
2. Alaska
3. Arizona (partial ban for minors that limits use of government funds)²⁰⁹
4. Arkansas
5. Florida (ban prohibited by U.S. Circuit Court of Appeals for the 11th Circuit)²¹⁰
6. Georgia (ban prohibited by U.S. Circuit Court of Appeals for the 11th Circuit)²¹¹
7. Idaho
8. Indiana
9. Iowa
10. Kansas

²⁰⁵ *Equality Maps: Conversion Therapy Laws*, MOVEMENT ADVANCEMENT PROJECT (last updated Sept. 18, 2024), https://www.lgbtmap.org/equality-maps/conversion_therapy.

²⁰⁶ See generally Nicole Kligerman, *Homosexuality in Islam: A Difficult Paradox*, 2 MACALESTER ISLAM J. 52, 53 (Mar. 28, 2007). Kugle, *supra* note 29.

²⁰⁷ Kugle, *supra* note 29 at 11. Kugle argues that the *Qur'an* has “oblique but potent scriptural reference to gay men, lesbian women, and transgender individuals; and the speech of God does not condemn but rather observes them as part of a diverse creation.” *Qur'an* 49:13.

²⁰⁸ *Id.*

²⁰⁹ *Supra* note 56.

²¹⁰ *Otto v. City of Boca Raton*, 981 F.3d 854 (11th Cir. 2020), *rehearing denied* 41 F.4th 1271 (11th Cir. 2022) (originally filed as *Hamilton v. City of Boca Raton*, 353 F. Supp.3d 1237 (S.D. Fla. 2019)).

²¹¹ Protecting Young People From Conversion Therapy, Ariz. Exec. Order No. 2023-13 (June 27, 2023).

11. Kentucky (partial ban for minors that limits use of government funds)²¹²
12. Louisiana
13. Mississippi
14. Missouri
15. Montana
16. Nebraska
17. North Carolina (partial ban for minors)²¹³
18. North Dakota (partial ban for minors)²¹⁴
19. Ohio
20. Oklahoma
21. Puerto Rico (banned for minors by executive order)²¹⁵
22. South Carolina
23. South Dakota
24. Tennessee
25. Texas
26. West Virginia
27. Wisconsin (partial ban for minors)
28. Wyoming

States with the most conversion therapy practitioners are Texas, Minnesota, Missouri, and Ohio.²¹⁶ Even in states where conversion therapy is legal, many professional organizations prohibit their members from practicing it,²¹⁷ and some cities and counties within these states have enacted local bans on conversion therapy for minors.²¹⁸

²¹² *Supra* note 203.

²¹³ *Id.*

²¹⁴ Relating to Protecting Minors From Conversion Therapy, Ky. Exec. Order No. 2024-632 (Sept. 18, 2024).

²¹⁵ Protecting Minors from Conversion Therapy, N.C. Exec. Order No. 97 (Aug. 2, 2019).

²¹⁶ N.D. Admin. Code 75.5-02-06.1-01 (2024) (this regulation became effective on April 1, 2021; however, it only impacts licensing of social workers who perform mental health counseling).

²¹⁷ Orden Ejecutiva Del Gobernador de Puerto Rico, Hon. Ricardo A. Rosselló Nevares, Para Prohibir Terapias de Conversión o Reparativas Para Cambia la Orientación Sexual o Identidad de Género de MEiores de Edad, Puerto Rico Exec. Order No. OE-2019-16 (March 27, 2019).

²¹⁸ *Supra* note 203; *It's Still Happening Report*, THE TREVOR PROJECT (Dec. 12, 2023), [/https://www.thetrevorproject.org/wp-content/uploads/2023/12/FINAL_Its-Still-Happening-Report.pdf](https://www.thetrevorproject.org/wp-content/uploads/2023/12/FINAL_Its-Still-Happening-Report.pdf) (note that Pennsylvania is no longer among the top states with conversion therapy practitioners since regulations were enacted in May 2024; see *infra* note 231).

However, ministers and other clergy, who usually are not licensed as mental health care providers may still conduct conversion therapy within their faiths, as the First Amendment of the U.S. Constitution prohibits most government interference with religious practice.

2. States that ban LGBT conversion therapy

As of October 2024, twenty-three states, the District of Columbia, Puerto Rico, and more than one hundred municipalities covering more than half the U.S. population have enacted laws or regulations banning conversion therapy for minors.⁵⁷ Meanwhile, recent polling revealed that a majority of Americans oppose conversion therapy.²¹⁹ Yet, more than 1300 therapists still offer conversion therapy in the U.S. These jurisdictions include:

1. California²²⁰
2. Colorado²²¹
3. Connecticut²²²
4. Delaware²²³
5. Hawaii²²⁴
6. Illinois²²⁵
7. Maine²²⁶
8. Maryland²²⁷
9. Massachusetts²²⁸
10. Michigan²²⁹

²¹⁹ Anrew R. Flores, Christy Mallory, and Kerith J. Conron, *Public Attitudes About Emergent Issues in LGBTQ Rights: Conversion Therapy and Religious Refusals*, 7 RSCH. & POL. 205316802096687 (Oct. 26, 2020), <https://doi.org/10.1177/2053168020966874>; Peter Moore, *Only 8% of Americans Think Gay Conversion Therapy Works*, YOUGov (June 12, 2014, 11:13 AM GMT-7), <https://today.yougov.com/society/articles/9616-gay-conversion-therapy>.

²²⁰ Cal. Bus. & Prof. Code § 865 (2024)

²²¹ Colo. Rev. Stat. § 12-245-228 (2024).

²²² Conn. Gen. Stat. § 19a-907 (2024).

²²³ Del. Code Ann. tit. 24, § 3510 (2024).

²²⁴ Haw. Rev. Stat. § 453J-1 (2024).

²²⁵ 405 Ill. Comp. Stat. 48/1 (2024).

²²⁶ Me. Stat. Ann. tit. 32, § 59-C (2024).

²²⁷ Md. Code Ann., Health Occ. § 1-212.1 (2024).

²²⁸ Mass. Gen. Laws ch. 112, § 275 (2024).

²²⁹ Mich. Comp. Laws § 330.1901a (2024).

11. Minnesota²³⁰
12. Nevada²³¹
13. New Hampshire²³²
14. New Jersey²³³
15. New Mexico²³⁴
16. New York²³⁵
17. Oregon²³⁶
18. Pennsylvania (by regulation only)²³⁷
19. Rhode Island²³⁸
20. Utah²³⁹
21. Vermont²⁴⁰
22. Virginia²⁴¹
23. Washington²⁴²

District of Columbia²⁴³ (the only ban that prohibits conversion therapy for adults and minors)

3. Pending Legislation

Several states have introduced bills to ban conversion therapy, but these have not yet been enacted into law. As of 2024, pending legislation includes:

²³⁰ Minn. Stat. § 214.078 (2024)

²³¹ 2024 Nev. Rev. Stat. § 629.600.

²³² N.H. Rev. Stat. Ann. (West) § 332-L:2 (2024).

²³³ N.J. Stat. Ann. § 45:1-55 (West 2024).

²³⁴ N.M. Stat. Ann. § 61-1-3.3 (2024).

²³⁵ N.Y. Educ. Law § 6509-e (McKinney 2024).

²³⁶ Or. Rev. Stat. § 675.850 (2024).

²³⁷ Pennsylvania Boards of Nursing, Medicine, Social Workers, Marriage and Family Therapists and Professional Counselors, and Psychology and Osteopathic Medicine have each adopted regulations banning their licensees from conducting conversion therapy. The practice had previously been limited by Executive Order 2022-02 (Aug. 16, 2022), 4 Pa. Cons. Stat., Part I, Ch 7, Subch. FFF. 49 Pa. Cons. Stat. § 16.63 (2024); 49 Pa. Cons. Stat. § 21.416 (2024); 49 Pa. Cons. Stat. § 25.218 (2024); 49 Pa. Cons. Stat. § 41.62 (2024); 49 Pa. Cons. Stat. § 47.5 (2024).

²³⁸ 23 R.I. Gen. Laws § 23-94-3 (2024).

²³⁹ Utah Code § 58-1-509.

²⁴⁰ Vt. Stat. Ann. tit. 18, § 8351 (2024).

²⁴¹ Va. Code Ann. § 54.1-2409.5 (2024).

²⁴² Wash. Rev. Code § 18.130.180 (2024).

²⁴³ D.C. Code § 7-1231.14a (2024).

1. Missouri: House Bill 2119, introduced in 2022, proposes to ban conversion therapy for minors.²⁴⁴
2. Ohio: Senate Bill 50, introduced in 2023, seeks to prohibit conversion therapy for minors.⁶³ Ohio is reported as having the fifth highest rate of conversion therapy in the country.²⁴⁵

4. Court Cases

Readers may benefit from a brief primer on the U.S. federal court system, especially those who are more familiar with civil law justice systems. In the U.S., federal courts may only hear federal issues (U.S. Constitutional provision, federal regulations, or federal statutes) or cases that satisfy subject matter jurisdiction based on diversity of citizenship and that have a dispute valued at \$75,000 or more.²⁴⁶ The federal court hierarchy begins at the lowest trial court level, the U.S. District Courts. The U.S. District Courts sit within U.S. Circuit Courts of Appeals, of which there are thirteen. U.S. District Court opinions have no controlling or precedential value; however, all U.S. District Courts within a Circuit must follow opinions from its home Circuit Court of Appeals. In other words, Circuit Courts of Appeals do not control each other or the District Courts within other Circuits. The U.S. Supreme Court opinions are the final word on a matter.²⁴⁷ The hierarchy sometimes creates conflicts or “circuit splits” between Circuit Courts of Appeals that have considered the same

²⁴⁴ Susan Tebben, *Ohio Ranks in Top 5 States for “Conversion Therapy”*, (Dec. 20, 2023, 4:55 AM EDT), <https://ohiocapitaljournal.com/2023/12/20/ohio-ranks-in-top-5-states-for-conversion-therapy-study-finds/>.

²⁴⁵ U.S. Const. art. III; 28 U.S.C. § 1332.

²⁴⁶ See *Court Role and Structure*, U.S. COURTS,

<https://www.uscourts.gov/about-federal-courts/court-role-and-structure> (last visited Oct. 13, 2024); *Understanding Stare Decisis*, AM. BAR ASSOC. (Dec. 16, 2022),

https://www.americanbar.org/groups/public_education/publications/preview_home/understand-stare-decisis/.

²⁴⁷ Legal Information Institute, *Circuit Splits*, CORNELL LAW SCHOOL,

https://www.law.cornell.edu/wex/circuit_split#:~:text=Circuit%20split%20arises%20when%20two,receive%20different%20treatment%20across%20jurisdictions (last visited Oct. 13, 2024).

issues but have made different legal interpretations. Usually, the U.S. Supreme Court will grant a petition for a writ of certiorari (final appellate review) for the sake of resolving inconsistent applications of law.²⁴⁸ As for conversion therapy bans, the United States currently has a circuit split. Three U.S. Circuit Courts of Appeals have considered whether conversion therapy bans violate mental health counselors' right to free speech or exercise of religion: the 9th, 10th, and 11th.

i. Otto v. City of Boca Raton

Therapists challenged conversion therapy bans in Boca Raton and Palm Beach County, Florida. The ordinances prohibited therapists from engaging in "counseling or any therapy" aimed at changing a minor's sexual orientation or gender identity. Of interest, the plaintiffs argued against the term "conversion therapy," complaining that it evoked images of shock therapy, involuntary camps, and chemical castration; they argued that those practices were abandoned long ago. The Court referred to the practice as "sexual orientation change efforts." The plaintiffs claimed that the local ordinances violated the free speech rights under the First Amendment and that Florida law preempts local law. The U.S. District Court for the Southern District of Florida denied the plaintiffs' request for a temporary injunction, and plaintiffs made an interlocutory appeal to the United States Circuit Court of Appeals for the 11th Circuit. With a strict scrutiny analysis, the 11th Circuit ruled that the bans violated the First Amendment. On remand, the District Court lifted a stay and granted the preliminary injunction.²⁴⁹ However, the case never went to trial. The City and County accepted Offers of Judgment, settling with each plaintiff for \$50,000, mooted the pending Motion to Dismiss and Plaintiffs' Motion for Jurisdictional Discovery.²⁵⁰ On February 13, 2024, the plaintiffs filed an appeal of the Magistrates Report and Recommendation regarding attorney fees and

²⁴⁸ *Otto v. City of Boca Raton*, 2022 U.S. Dist. LEXIS 148319 (Aug. 18, 2022).

²⁴⁹ *Otto v. City of Boca Raton*, 9:18-cv-80771-RLR, Doc. 205 (S.D. Fla. March 9, 2023).

²⁵⁰ *Id.* at Doc. 221 (S.D. Fla. Nov. 1, 2023); *Otto v. City of Boca Raton*, 24-10537 (Feb. 21, 2024).

costs, and that appeal remains pending.²⁵¹ Dozens of municipalities in the 11th Circuit had adopted conversion therapy bans, which are moot as a result of the *Otto* ruling.²⁵² Though neither Alabama, Georgia, or local governments in either state have banned conversion therapy, the *Otto* ruling applies there because they are within the 11th Circuit.

ii. *Tingley v. Ferguson*²⁵³

This case challenged Washington Revised Code 18.130.020(4), which bans licensed mental health providers from practicing conversion therapy on minors. The U.S. Circuit Court of Appeals for the 9th Circuit upheld the ban, relying on its precedent *Pickup v. Brown*.²⁵⁴ In *Pickup*, the 9th Circuit upheld California's ban on conversion therapy.²⁵⁵ Unlike the 11th Circuit in *Otto*, Both *Pickup* and *Tingley* explain that therapists' mode of treatment is not a matter of free speech but rather is conduct merely incidental to speech, which may be regulated. The 9th Circuit also ruled that the Washington law did not burden religious exercise because it is viewpoint neutral and generally applicable. The U.S. Supreme Court denied certiorari.²⁵⁶ The 9th Circuit includes Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington.

²⁵¹ *Otto v. City of Boca Raton*, 981 F.3d 854 (11th Cir. 2020), *rehearing denied* 41 F.4th 1271 (11th Cir. 2022) (originally filed as *Hamilton v. City of Boca Raton*, 353 F. Supp.3d 1237 (S.D. Fla. 2019)); *see also Vazgo v. City of Tampa*, 415 F. Supp.3d 1087 (M.D. Fla. 2019), *aff'g* No. 19-14387, 2023 U.S. App. LEXIS 2678, 2023 WL 1466603 (Feb. 22, 2023) (a similar case that challenged a Tampa, Florida ordinance in which the 11th Circuit affirmed the M.D. of Fla.'s ruling that the ordinance was preempted by state regulation of healthcare).

²⁵² *Tingley v. Ferguson*, 47 F.4th 1055 (9th Cir. 2022), petition for cert. filed, 144 S.Ct. 33 (2023)

²⁵³ 740 F.3d 1208 (9th Cir. 2014).

²⁵⁴ *Id.*

²⁵⁵ *Supra* note 246.

²⁵⁶ *Chiles v. Salazar*, Civil Action No. 1:22-cv-02287-CNS-STV, 2022 U.S. Dist. LEXIS 227887 (D. Colo. Dec. 19, 2022), *aff'g* Nos. 22-1445 & 23-1002, 2024 U.S. App. LEXIS 23181 (10th Cir. Sep. 12, 2024). The author has shifted to the present tense for these case explanations because the case is still pending review at the U.S. Supreme Court, and thus, the Plaintiff still offers the same arguments.

iii. *Chiles v. Salazar*²⁵⁷

Similar to *Otto* and *Tingley*, the Plaintiff in this case from Colorado alleges that Colorado's Minor Conversion Therapy Act²⁵⁸ violates her right, as a mental health counselor, to free speech, as well as her and her clients' free exercise of religion.²⁵⁹ She also claims that the statute is vague and that the State will arbitrarily apply it, violating the 14th Amendment.²⁶⁰ On Plaintiff's motion for a preliminary injunction to enforce the statute, the U.S. District Court for the District of Colorado denied her standing to bring third-party claims for her clients.²⁶¹ As to the free speech claim, the U.S. District Court for the District of Colorado found as the *Tingley* court did – prohibiting conversion therapy is a prohibition of conduct, not speech.²⁶² The Court held that the law is generally applicable and does not target religious beliefs or practices.²⁶³ It also found that the law is not vague and is not arbitrarily applied.²⁶⁴ The U.S. Circuit Court of Appeals for the 10th Circuit affirmed the District Court ruling, including an affirmation that Plaintiff had standing (Defendants had cross-appealed on that issue).²⁶⁵ Plaintiff has filed for appeal to the U.S. Supreme Court, and as of this

²⁵⁷ Colo. Rev. Stat. §§ 12-245-202, 12-245-101 (Lexis Advance through all legislation from the 2024 Regular Session and the Second Extraordinary Session (2024)).

²⁵⁸ *Supra* note 250 at *14-16.

²⁵⁹ *Id.* at *40-42.

²⁶⁰ *Id.*

²⁶¹ *Id.* at *18-25.

²⁶² *Id.* at *30-40.

²⁶³ *Id.*

²⁶⁴ *Chiles v. Salazar*, Nos. 22-1445, 23-1002, 2024 U.S. App. LEXIS 23181, *12-23 (10th Cir. Sep. 12, 2024) (the case has been designated for publication in the Federal Reporter, but a citation has not been set).

²⁶⁵ For a list of cases set for the Court's next conference period see Scotus Blog, *Petitions We're Watching*,

<https://www.scotusblog.com/case-files/petitions-were-watching/?sort=pname> (last visited Oct. 13, 2024); *Chiles v. Salazar*, Nos. 22-1445, Docs. 74 and 81 (Sept. 30, 2024) (the U.S. District Court for the District Court of Colorado has stayed further proceedings pending appeal of the 10th Circuit ruling to the United States Supreme Court).

writing, the Court has not scheduled the case for conference. The District Court has stayed the case pending U.S. Supreme Court review.²⁶⁶

IV. Conclusion

The examination of sexual conversion therapy in religious and secular nations, particularly those influenced by Islamic and Christian traditions, reveals a complex and evolving landscape. While many countries, both religious and secular, continue to struggle with accepting LGBTQ+ identities, advocates persevere. Even in Islamic nations movements continue growing towards more inclusive interpretations of religious texts and reconciliation with legal reforms. However, the path forward remains challenging, with LGBTQ+ individuals in many nations still facing severe discrimination, legal persecution, and the dangers of conversion therapy. The diversity of perspectives within Islamic thought, from traditional condemnation to progressive acceptance, mirrors similar debates in other religious traditions, including Christianity, the predominant religion in the United States. As advocacy efforts continue and societies grapple with these issues, the intersection of religion, culture, and human rights will remain a critical area of focus in the ongoing struggle for LGBTQ+ equality worldwide.

²⁶⁶ *Id.*