A Pre-Modern Defense of the Hadiths on Sodomy: An Annotated Translation and Analysis of al-Suyuti’s *Attaining the Hoped-for in Service of the Messenger* (ṣ)

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Abstract

This article provides an annotated translation of a treatise written by the famous scholar Jalal al-Dīn al-Suyūṭī (d. 911/1505) in defense of the hadiths condemning sodomy (*liwāṭ*). The article situates such a defense within the current discourse on Islam and homosexuality, summarizing the main arguments for and against the prohibition of *liwāṭ* as well as how the “traditionalist” and “Progressive” camps have constructed their arguments.

Introduction

The “act of the people of Lot” (*liwāṭ* or *lūṭiyah*) has long stood out among sins in Islamic thought, partly due to the Qurʾan’s singular condemnation for these people and their iniquities, what it calls “a gross indecency such as none in the world committed before you: Indeed you come with desire unto men instead of women” (Q. 8:80-81 and Q. 27:55), and to this fiercely condemned practice’s persistence in Muslim societies. The knot of issues making up the question of “Islam and Homosexuality” is complex indeed. This study focuses on the specific thread of sodomy (*liwāṭ*).2

While Muslim scholars compiled impressive lists of the different sins and obscenities indulged by Lot’s people, their juridical discourse on *liwāṭ*, which they classified as an action as opposed to an inclination or a desire, remained distinctly focused: “inserting the penis (*dhakar*, sometimes *hashfah* [glans]) into a man’s anus.” The Shafiʿis, Hanbalis, and Hanafis included anal sex with women other than wives and concubines in this definition as well (anal sex with wives or concubines was impermissible, but it was not treated as seriously as *liwāṭ*). The discourse on *liwāṭ* thus differs significantly from most discussions surrounding LGBTQ issues, which focus far more on identity, relationships, and inclinations than on physical acts.

Like *zinā* (fornication or adultery), *liwāṭ* was a penetrative act of the penis. As with *zinā*, any act that did not involve this penetration fell into a lower category of offense. Sex acts between women (e.g., *siḥāq*) thus were lesser offenses. As in the case of heterosexual activity, other same-sex contact was condemned and could even be punished by a judge’s discretion. But nothing matched *liwāṭ*, “the greatest indecency” (*al-fāḥishah al-kubrā*), either in moral condemnation or in the severity of punishment.

The main Sunni opinions on the punishment are as follows, listed from the most to the least severe:

1) Both the active and passive partners are killed (on the basis of the Hadith of Killing the Active/Passive Partner, see below). This was an early position of al-Shafiʿi (d. 204/820) and Ibn Hanbal (d. 241/855), and is the main Maliki position (death by stoning).

2) *Liwāṭ* is punished exactly like *zinā*: The married person (*muḥsan*) is stoned to death; the never-married person is lashed 100 times and exiled for a year. This is the main opinion of the late Hanbali school and an opinion of the Shafiʿi and Hanafi schools (held by al-Shaybani [d. 189/804], Abu Yusuf [d. 182/798], al-Tahawi [d. 321/932], and others).

3) *Liwāṭ* is punished similarly to *zinā*, but not exactly. The active partner is executed by a sword; the passive partner is punished with 100 lashes and exiled for one year. This is the dominant opinion in the later Shafiʿi school.

4) *Liwāṭ* is punished by the judge’s discretionary punishment (*taʿzīr*). The judicial authority has the discretion (*siyāsah*) to execute a repeat offender to protect public order. This is the main historical Hanafi opinion, rooted in Abu Hanifah’s (d. 150/767) own opinion.

The evidence for the Shariah’s positions on *liwāṭ* and its punishment come from (1) the Qur’an’s clear condemnation of “going to men out of desire instead of women”; (2) numerous hadiths condemning and prescribing severe
punishments for it; (3) legal analogy on the basis of zinā; and (4) a variety of legal opinions from the Companions and Successors, presumably based on their understanding of the Qur‘an, the Sunnah, and the proper deployment of legal reasoning. Their rulings range from treating liwāṭ like zinā to considering it distinct, and their prescribed punishments range from execution by stoning, burning, or throwing the perpetrator from tall buildings to corporal punishment (e.g., lashing).12

According to the leading Hanafi scholars, such as Ibn Humam (d. 861/1457), the tremendous disagreement among the Companions and Successors over this act’s punishment is evidence that the offense is not one of the hudūd crimes (offenses that infringe upon the “rights of God” and have set punishments in the Qur‘an or Hadith). According to this perspective, those hadiths specifying the death penalty for liwāṭ must either be unreliable or they must not be interpreted as a general rule. If the Prophet had truly identified it as a hudūd crime and set a punishment for it, such variation in opinions would not have existed. So reasoned many Hanafis.

Doubt over the proper punishment was enhanced by the flaws that Muslim Hadith critics identified in the main hadiths on the topic. Even some non-Hanafis, such as the Shafi‘i hadith scholar Ibn Hajar al-‘Asqalani (d. 852/1449), admitted that the principal hadiths used as evidence to classify liwāṭ as a hudūd offense were not sufficiently reliable for that task. But only the Hanafis rejected analogy as a means to include crimes under the rubric of hudūd offenses. Shafi‘i had no problem with doing this, so Ibn Hajar and others still insisted that both liwāṭ and bestiality were hudūd crimes on the basis of their analogy with zinā.13

The criticism of the hadiths surrounding these practices took place against the backdrop of this debate, which was – and remains – in essence, an intra-Sunni one over the nature of liwāṭ and its proper punishment. There has been no debate, to my knowledge, over the prohibited nature of anal sex between men. The Shafi‘i scholars Fakhr al-Din al-Razi (d. 606/1210), al-Nawawi (d. 676/1277), and al-Haytami (d. 974/1566) all list “Liwāṭ being ḥarām” as one of Islami’s axiomatic tenets (ma‘lūm min al-dīn bi al-ḍarūrah), as do the Hanafi Badr al-Rashid (d. 767/1366), the Hanbali al-Buhuti (d. 1051/1641) and the Zahiri Ibn Hazm (d. 456/1064). Al-Bayhaqi (d. 458/1066), al-Qurtubi (d. 671/1272), al-San‘ani (d. 1768), and others have stated that there is consensus on its prohibition.14

Attempts by Progressive scholars to reconceptualize how the Islamic tradition should view the knot of issues surrounding homosexuality (or, inverted, the problem of heteronormativity) have rested on four main pillars: (1) attempts to reinterpret the Qur‘anic story of Lot’s people as a condemna-
tion of male rape instead of as a condemnation of sodomy; (2) illustrating how Sunni hadith scholars had dismissed the hadiths condemning liwāṭ as unreliable; (3) the claim that Muslim jurists built their whole structure of law regarding liwāṭ on a limited, patriarchal understanding of the Qur’anic story; and (4) that Muslim scholars were prisoners of a patriarchal and heteronormative narrative. Mobeen Vaid has already addressed the argument that this story should be reread (see his article in this volume). The present study examines the hadiths on liwāṭ primarily through a treatise devoted to defending them by the famous Cairean scholar Jalal al-Din al-Suyuti (d. 911/1505).

On one hand, the Hadith/Sunnah pillar of what can be termed “the Progressive argument” on homosexuality is redundant, for Muslim scholars have long held that scriptural texts must be interpreted according to their evident meaning unless some compelling external or internal evidence suggests otherwise. The plain language meaning of the Qur’án’s condemnation of men who “go unto men out of desire instead of women” does not readily afford any interpretations other than the obvious one, and the Qur’án provides no signs that would compel a reader to consider an alternative interpretation. Provided that the Hadith/Sunnah corpus or the first principles of reason do not provide such evidence, the evident reading of the Qur’án stands as is: a condemnation of men “going unto men out of desire instead of women.” Furthermore, while one might challenge the authenticity of the cited hadiths, there is certainly no hadith evidence that liwāṭ is anything but sodomy.

From another perspective, the Hadith/Sunnah pillar of the Progressive argument is crucial. Since the Islamic tradition has consistently rejected important elements of LGBTQ identities and lifestyles, many advocates of a Progressive revision have jettisoned that tradition and tried to elaborate a new interpretation based solely on a radical rereading of the Qur’án. More influential figures, however, have attempted to engage the tradition and show how it can be recast to support their argument. Scholars who have pursued this strategy have had to accept the traditional Muslim conception of the Sunnah as the authoritative lens through which the Qur’án is read. Since hadiths seem to make it clear that this unprecedented “gross indecency” condemned in the Qur’án is conventionally termed sodomy (see below), it is very difficult to promote a rereading that breaks with this understanding. For Progressive purposes, the hadiths thus either have to be shown to be unreliable according to Sunni hadith criticism, or their meaning must be recast. Otherwise, not only do these hadiths clearly condemn liwāṭ and prescribe punishments for it, but they also lock the traditional Muslim understanding of the whole “Sodom and Gomorrah” narrative in place. As early Muslim scholars recognized: “The Sunnah rules over the Book of God.”
Ratings of Ibn ‘Abbas’ Hadith of Killing the Active/Passive Partner
The most famous hadith on liwāṭ, narrated from the Prophet by Ibn ʿAbbas, reads: “Whoever you have found committing the act of the people of Lot, kill the active and passive partner. And whoever you have found to have had sex with an animal, kill him and kill the animal.” (The italicized portion will be referred to as the “Bestiality Clause.”)

This hadith was declared ṣaḥīḥ by Ibn al-Jarud (d. 307/919-20), al-Tabari (d. 310/923), al-Hakim al-Naysaburi (d. 405/1014), Ibn al-Talla’ (d. 497/1104), Diya’ al-Din al-Maqdisi (d. 643/1245), Zayn al-Din al-ʿIraqi (d. 806/1404) and al-Suyuti, all of whom are listed in the text of al-Suyuti’s treatise below. It was also judged ṣaḥīḥ or reliable by al-Ajurri (d. 360/970; in fact, it is one of the hadiths he presents as suitable for use “as proof”), Ibn ʿAbd al-Hadi of Damascus (d. 744/1343), al-Zarkashi al-Hanbali (d. 772/1370; the various narrations on the topic all compensate for each other’s weaknesses, he says), Ibn Qayyim al-Jawziyyah (d. 751/1350; it meets al-Bukhari’s standard, and Ibn Hanbal used it as proof, he says), Ibn Hajar al-Haytami (it has a ṣaḥīḥ sanad), Ibn al-Amir al-Sanʿani (d. 1768), and Muhammad Nasir al-Din al-Albani (d. 1999). Even the early Hanafi hadith scholar Abu Jaʿfar al-Tahawi (d. 321/932), who held that liwāṭ should be punished like a ḥudūd crime, uses this particular hadith as the last nail in the coffin of those who disagree with him.

Other Reliable Hadiths Condemning Liwāṭ
From the perspective of Sunni hadith criticism, the most reliable condemnation actually comes from another hadith narrated from the Prophet by Ibn ʿAbbas:

God has cursed those who slaughter to other than God, and God has cursed those who alter the signposts (or boundary markers) in the land, and God has cursed those who lead the blind off the path, and God has cursed those who curse their parents, and God has cursed those who take as patrons those who are not their patrons (tawallā ghayr mawālīhi), and God has cursed those who commit the act of the people of Lot, and God has cursed those who commit the act of the people of Lot, and God has cursed those who commit the act of the people of Lot. (Some versions contain a clause cursing those who commit bestiality as well).

Another version contains almost the same content but is phrased as “Cursed are those who commit the act of the people of Lot…” Versions of this hadith are found in the Muṣannaf of ʿAbd al-Razzaq al-Sanʿani (d. 211/827), the Musnad of Abd b. Ḥumayd (d. 249/863), the Musnad of Ibn Hanbal, the Musnad of al-Harith b. Abi Usamah (d. 282/895-6), the Dhamm
al-Malāhī of Ibn Abi al-Dunya (d. 281/894), the Sunan al-Kubrā of al-Nasaʾi (d. 303/915), the Musnad of Abu Ya’la al-Mawsili (d. 307/919-20), the Ṣaḥīḥ of Ibn Hibban (d. 354/965), the Masāwiʾ al-Akhlāq of al-Kharaʾiti (d. 327/939), the Muʿjam al-Awsaṭ and the Muʿjam al-Kabīr of al-Tabarani (d. 360/971), the Mustadrak of al-Hakim, the Sunan al-Kubrā of his student al-Bayhaqi, the Ḥilyat al-Awliyāʾ of their contemporary Abu Nuʿaym al-Isbahabi (d. 430/1038), the Tārīkh Baghdād of his student al-Khatib al-Baghdadi (d. 463/1071), and the Mukhtārah of Diyaʾ al-Din al-Maqdisi (d. 643/1245).

This hadith has been judged ṣaḥīḥ by Ibn Hibban, al-Hakim, and Diyaʾ al-Din al-Maqdisi (by its inclusion in his Mukhtārah), Nur al-Din al-Haythami (d. 807/1405) (“its transmitters are used in the Ṣaḥīḥ”), as well as by al-Albānī and Ahmad al-Ghumari (d. 1960).

**Summary of the Muslim Critiques of Ibn ʿAbbas’ Hadith**

Pre-modern criticism of this hadith centers on the person of ʿAmr b. Abi ʿAmr (d. 144/761-62), a client of al-Muttalib b. ʿAbdallah and member of the Quraysh tribe from the Successors’ generation. A junior Successor, ʿAmr narrated hadiths mainly from the long-lived Companion Anas b. Malik and other Successors like Saʿīd b. Abi Saʿīd al-Maqburi (his occasional narrations from the Companion Jabir b. ʿAbdallah come through an intermediary, al-Muttalib, as he sometimes specifies). His narrations from ʿIkrimah are rare. Although criticized by some, he was generally held in high regard by critics. Al-Bukhārī (d. 256/870) used him for ten narrations in the Ṣaḥīḥ, and Muslim (d. 260/875) used him for five in his collection. But neither used his narrations from ʿIkrimah ← Ibn ʿAbbas ← the Prophet (s), nor did al-Nasaʾi in his Mujtabā. Among the Six Books, ʿAmr’s narrations from ʿIkrimah appear in the three Sunans of al-Tirmidhī (d. 279/892), Abu Dawūd (d. 275/889), and Ibn Majah (d. 273/886).

Abu Dawūd uses the chain for a hadith on the obligation to perform the greater ablution (ghusl) on Fridays, for a hadith on reading the Qurʾān during prayer, and for an unusual hadith about how to ask permission to enter homes (which Abu Dawūd notes is contradicted by a better report from Ibn ʿAbbas) Ibn Majah uses the chain for a hadith on a debt issue. Along with al-Tirmidhī, their only other use of the ʿAmr ← ʿIkrimah chain is for the Hadith of Killing the Active/Passive Partner. ʿAmr b. Abi ʿAmr was thus a hadith transmitter in fairly good standing among early Sunni hadith critics. Ibn Hanbal and Abu Hatim al-Rāzī (d. 277/890) said: “There is nothing wrong with him (laysa bihi baʾs),” and Abu Zurʾa al-Rāzī (d. 264/878) said he was reliable (thiqah).
But 'Amr was criticized, in particular, for his narrations from 'Ikrimah. Ibn Hanbal’s close colleague Ibn Ma’in (d. 233/848) said that ‘Amr’s hadiths were “not strong,” and al-Nasa’i agreed. Al-‘Ijli (d. 261/875) said he was reliable but that scholars considered his narration of the Bestiality Clause to be unsubstantiated. Ibn Ma’in also noted that this hadith was considered unacceptable from him, including the report’s main liwāṭ clause. Al-Bukhari doubted whether he had heard the Bestiality Clause from ‘Ikrimah. In fact, he was not convinced that ‘Amr had heard any hadiths directly from ‘Ikrimah. Al-Juzajani (d. 259/873) declared him to be highly inconsistent in his narrations (muḍṭarib al-ḥadīth). Later scholars like al-Dhahabi (d. 748/1348) considered ‘Amr ṣadūq (honest), and Ibn Hajar al-‘Asqalani noted that his hadiths were included in the Ṣaḥīḥayn.43 Ibn Dihya (d. 633/1235) used ‘Amr as the textbook example of a narrator of ḥasan hadīths.44

The vast majority of criticism surrounding ‘Amr b. Abi ‘Amr and his narration of this particular hadith only concerns the Bestiality Clause. The main objection stems from the fact that reliable narrators reported that Ibn ‘Abbās advocated a contradictory ruling, namely, that bestiality was not a ḥudūd crime. This is the main criticism raised by al-Bukhari, al-Tirmidhi, Abu Dawud, and the Hanafi al-Tahawi which they note when they bring up the opinion attributed to Ibn ‘Abbās’, via the narration of ‘Asim b. Bahdalah ← Abu Razin ← Ibn ‘Abbās, that the person who commits bestiality is not subject to the ḥudūd punishment.45 Beyond general questions of ‘Amr’s reliability or his having heard directly from ‘Ikrimah, the only other criticism of the liwāṭ portion is al-Tirmidhi’s remark on conflicting evidence over the proper punishment for liwāṭ; that the hadith in which the Prophet names those who commit the act of Lot’s people as a “group cursed by God” does not ordain their execution.

Aside from these criticisms, the main focus of al-Suyuti’s treatise is to criticize Ibn Hajar al-‘Asqalani, the leading hadith critic of the Mamluk period. Like al-Suyuti, he adhered to the Shafi’i school and thus, in theory, supported categorizing liwāṭ as a ḥudūd crime. Al-Suyuti focuses on Ibn Hajar’s criticism that the Hadith of Killing the Active/Passive Partner is “disagreed upon in terms of its attestation,” and al-Suyuti’s defense of the hadith is premised entirely on the shape and form of this critical comment. But Ibn Hajar’s criticisms were more extensive. Certainly, at one point in his voluminous writings he seems to downplay the hadith’s flaws, noting that its transmitters are “deemed reliable” (mawthūq) but that there is disagreement on it.46 But he states in his Fath al-Bārī that this hadith, as well as the one from ‘Ali that specifies stoning (see below), are both weak (da ṯ). It is impossible to see how al-Suyuti’s attempt to clarify Ibn Hajar’s first comment, detailed in the treatise presented here, could apply to such an unambiguous criticism. This does not mean that Ibn
Hajar was conceding to the Hanafis on liwāṭ not being a hudūd crime, for he writes that the main evidence in this regard is not any hadiths, but rather that the act is analogous to adultery/fornication (zinā). At another point in the Fatḥ he states that both the liwāṭ and bestiality clauses are “not sound” (lam yaṣiḥ), but that both acts fall under zinā.48

More recent criticism of this hadith has moved beyond the person of ʿAmr to that of ʿIkrimah himself. This is a major component of the most comprehensive critique of the hadiths on liwāṭ, namely, that offered by Scott Siraj al-Haqq Kugle in his Homosexuality in Islam.49 ʿIkrimah (d. 105/723-24), the freeman (mawla) of Ibn ʿAbbas, was probably a North African Berber. He was given as a slave to Ibn ʿAbbas in Basra, but his owner quickly freed him. ʿIkrimah traveled widely in the entourage of leading early Muslims, including to Marv and Yemen, and was sought out as an authority on matters of religion.

Criticism of ʿIkrimah is not novel. Since the first centuries of Islam, his reliability as a scholar and hadith transmitter has been questioned due to his alleged espousal of Kharijite beliefs, accepting gifts from rulers, and transmitting false material (kadhib). Yet he had many, many advocates. Al-Tabari, Ibn Mandah (d. 395/1004-05), Ibn Hibban, and Ibn ʿAbd al-Barr (d. 473/1070), and others all defended him. The best summary of this discussion, as well as the best defense, can be found in Ibn Hajar’s Huda al-Sāri.50 A recent revival of the anti-ʿIkrimah line has come from the United Kingdom-based Hanafi scholar Atabek Shukurov,51 to which another United Kingdom Hanafi scholar, Mufti Zameel, has provided a comprehensive rebuttal.52

The Progressive argument has generally reproduced the intra-Sunni polemics over the hadiths prescribing harsh punishments for liwāṭ. Kugle summarizes them well when he observes that those hadiths “that directly affect legal rulings on homosexuality” are “not forged reports that should be dismissed, but rather reports with solitary chains of transmission, the application of which should be assessed…..”53 They are not forgeries, but they also are not reliable enough to convince many Sunni scholars that liwāṭ should be treated as a hudūd crime. The Hanafi scholar al-Jassas (d. 370/981) made this same argument.54

**Progressive Contributions to Criticism of the Hadiths on Liwāṭ**

Kugle introduces several novel criticisms as well. The first builds on existing accusations that ʿIkrimah was a Kharijite, contending that his Kharijism led him to treat sexual offenses with particular severity. But his only evidence is the Hadith of Killing the Active/Passive Partner and the overall uncompromis-
ing nature of Kharijite beliefs. Although he explains that this group believed that Muslims who committed grave sins like *zinā* ceased to be believers, Kugle does not investigate ʿIkrimah’s stance on this question. In a famous hadith of incredible relevance to Kugle’s argument, ʿIkrimah narrates from Ibn ʿAbbas, from the Prophet, that one who commits *zinā*, theft, drinks alcohol, or commits murder is not a believer when committing those acts. But this hadith can hardly be dismissed as a Kharijite invention, for the majority of its narrations come not through ʿIkrimah, but from the Prophet by Abu Hurayrah, who was not accused of Kharijism (they are included in all the Six Books). More importantly, ʿIkrimah’s version features striking tones of leniency. Unlike those who transmitted it from Abu Hurayrah, ʿIkrimah asks Ibn ʿAbbas to explain how committing such sins can erase a Muslim’s faith and, crucially, how repenting restores it. For from being a ruthless puritan on sexual sins, ʿIkrimah is our source for the teaching that any apostasy involved in committing these sins can be remedied by repentance.

The most significant objection to Kugle’s enhanced criticisms of ʿIkrimah is that it contradicts his overall strategy of constructing an acceptance of homosexuality within the Sunni legal tradition. Rejecting all evidence narrated by ʿIkrimah would contradict the agreed upon tenets of Sunni hadith criticism (since al-Bukhari considered him reliable and used him in his *Ṣaḥīḥ*) and Sunni law (he is relied upon as a transmitter of evidence in all Sunni schools). An argument based on excluding ʿIkrimah would thus hardly be Sunni.

A second element of Kugle’s criticism of hadiths on *liwāṭ* does not affect the hadiths examined in this study; however, it does merit examination. He claims that one of the features of a hadith’s text (*matn*) that revealed it as a forgery according to Muslim scholars was the Prophet’s supposed uses of the proper names of groups, sects, or schools of thought that emerged decades after his death. This would apply to hadiths that use sodomite (*lūṭ*) or sodomy (*lūṭīyah, liwāṭ*). While Kugle admits that this does not apply to the wording “the act of the people of Lot,” which is used in the main hadiths examined in this study. Moreover, Kugle provides no reference for this alleged rule of *matn* criticism. In fact, although Sunni hadith critics did at times cite anachronisms in a hadith’s wording as a factor for declaring them forged, many hadiths that Sunnis have long considered reliable contain what some might consider anachronistic references, such as the Prophet gesturing to Iraq (where the Kharijites first emerged) and fortelling that a group interpreted as being the Kharijites will “come out” (*yakhruju*) from there. This is in great part due to the fact that Muslims have believed that, as a prophet, Muhammad (s) was granted access to the unseen by God.
Aside from this, anachronism does not always entail forgery. Often, as in the case of the hadiths on *liwāṭ*, narrations with non-anachronistic wordings (e.g., the act of the people of Lot) are transmitted alongside counterparts with anachronistic wording (e.g., *lūṭīyah*). It may simply be that as the proper nouns for sects or certain acts became common, less fastidious narrators substituted them for their non-anachronistic counterparts. This would have been permitted by hadith scholars, who generally allowed narrating a hadith by its general meaning (*al-riwāyah bi al-maʿnā*) and not necessarily word for word, provided that the transmitter understood its meaning and kept it intact.62

The example mentioned by Kugle, namely, hadiths in which the Prophet condemns the Qadariyyah (those who believe in human free will), perfectly demonstrates this.63 For every hadith in the main Sunni collections (and Ibn Hanbal’s *Musnad*) in which the Prophet condemns them by their proper name, there is a corresponding narration in which he refers to them as “the people of *qadar*” or “those who disbelieve in *qadar*.” In fact, Muslim scholars consider these latter narrations to be the most reliable ones.64

One of Kugle’s main lines of argument is that “there is nothing intrinsic” in the cited hadiths “to encourage us to see the deed of Lot’s Tribe as involving sex.”65 In the case of the hadith that lists those whom God has cursed, he suggests that the common thread is that those deeds either infringe on God’s rights or injure others. He argues that, in the context of this hadith, same-sex rape makes more sense as the meaning of “the act of the people of Lot” than mere anal sex between men66 and that introducing the Bestiality Clause into these hadiths was intended to “deflect” the interpretation of this “act” of Lot’s people toward anal intercourse.67

There are three flaws in this argument. First, the hadiths he discusses provide absolutely no evidence that this Qur’anic story should be read in any way other than the plain language meaning of general male-male sexual contact. Kugle’s decision to read the hadiths’ mention of this particular act in another light (i.e., that it was rape) simply imports a baseless interpretive choice from one text into another. The argument thus circles back to its anchorless point of departure: Muslim scholars misconstrued and “misapplied” hadiths mentioning the “act of the people of Lot” because they misread the Qur’an’s Lot pericope.68 But the only way to establish the Progressive reading of the Lot pericope in the first place is to provide some internal evidence from the Qur’an (lacking, as shown by Vaid) or external evidence from the Sunnah. But as laid out by Kugle, any mention of this act in the external hadith evidence can only be read to support the Progressive argument if one already assumes the Qur’an has been misread.
Second, the claim that male-male anal sex is out of place in a list of cursed deeds due to the insult they cause to the Divine or injuries they cause to others ignores the historical place that sodomy has occupied in human norm making. As Kugle suggests, such a list has a common theme of disrupting or inverting the proper order of human relations with each other and with God. For him, this act could not constitute such a transgression, while male rape could. But this betrays a parochial rootedness in the modern liberal conviction that only the transgression of personal autonomy renders a sex act morally wrong.

In fact, Kugle’s mistake is not following through on his insight. Ancient law codes condemned sodomy precisely because it was understood as violating the gender and property order established when humans settled into agricultural communities. Far from being an addition intended to shift the narrative on the act of Lot’s people, the Bestiality Clause might actually predate it. From the world historical perspective, it is even more suited for this list because that particular taboo is one of humanity’s oldest, originating with the beginning of settled agriculture. It is not surprising to find sodomy and bestiality paired together, as in Leviticus 18:22-23. These two rules draw primal boundaries for newly settled human communities with nascent societal gender divisions: A taboo on same-sex acts emphasizes the primary distinction among humans, whereas the taboo on bestiality reinforces the distinction between humans and the animals surrounding them.

Finally, Kugle’s assertion that only the “patriarchal” interpretation of this story leads us to read references to “the act of the people of Lot” in the Hadith as primarily sexual ignores a manifest reality: If this reading was wrong, it was wrong as far back as anyone can reliably date the intellectual artifacts of the Islamic tradition (other than the Qur’an itself). Kugle admits that by the time Hadith collection and compilation had begun and hadiths were being “used in making legal decisions,” this act was clearly understood as male-male sexual penetration. But the most recent, historical critical (i.e., non-Muslim) scholarship on the hadith tradition and early Islamic law has shown that the era referred to here by Kugle was none other than that of the late 600s, when the junior Companions were still alive. Not only does this leave very little time for Muslims to have totally misunderstood the story, but it also begs the question of precisely what more authentic understanding of the Qur’an we could hope to have than that of junior Companions and Successors.

According to the methods developed by the German Orientalist Joseph Schacht (d. 1969), which Kugle tentatively embraces, the most historically reliable reports are those attributed to the Muslims living during the mid-eighth
century (atbāʿ al-tābiʿīn), like Ibn Jurayj (d. 150/767) and Malik b. Anas (179/795). According to Schacht, their legal opinions were later pushed back to various Companions, attributions to whom are thus less historically reliable. Finally, these opinions had been pushed back into the Prophet’s mouth by the early- and mid-ninth century.72

Although the main hadiths dealing with the subject refer to it as “the act of the people of Lot” or sodomy without providing any description of what that meant, some do offer details. One quotes the Prophet as saying: “Whoever has sex with (waqaʿa) a man, kill him.” Another has: “Concerning the person who commits the act of the people of Lot, and concerning the man who is had sex with (yuʿāfī nafṣīhi), [the Prophet] said: ‘He is killed.’”73 Another hadith reads: “A woman does not engage directly with (tubāshiru) another woman except that they are committing fornication (zāniyatān), nor does a man engage directly with another man except that they are committing fornication.”74 A Companion’s ruling that, all things being equal, Schacht would consider as more historically reliable than a hadith, describes Caliph Abu Bakr and other Companions discussing how to punish a man “who is screwed like a woman” (yunkaḥu kamā tunkaḥu al-marʿah).75

These hadiths appear in later sources during the tenth and eleventh centuries, so they could well have been forged after the early period of Hadith collection. Turning away from Schacht’s outdated methodology to the most recent Western scholarship on dating reports, we find that reports circulating as early as the late 600s and early 700s clearly understood “the act of the people of Lot” as male-male anal sex. Reports appearing in the earliest surviving sources, such as the Muṣannaf of ‘Abd al-Razzaq al-Sanʿani (d. 211/827), offer no graphic details, but they all address it as a direct analog to zinā. ‘Abd al-Razzaq quotes his teacher Ibn Jurayj as describing how its punishment is exactly that as specified for zinā in the Qur’an and well-known hadiths (i.e., a married partner is stoned; a never-married partner is lashed 100 times and exiled for a year).76 In the Muṣannaf of Ibn Abi Shaybah (d. 235/849), Ibn Jurayj reports from his teacher, ‘Ata’ b. Abi Rabah of Makkah (d. 114/732): “Concerning a man who comes sexually (yaʿīn) to a man, his proper treatment (sunnuṭuḥu) is that of a woman.”77 These reports offer no hint that the act was understood as anything other than the male-male counterpart of heterosexual fornication.

As the German scholar Harald Motzki has demonstrated using his combined isnād/matn analysis, there is little reason to presume that reports narrated by ‘Abd al-Razzaq ← Ibn Jurayj ← ‘Ata’ were forged by anyone in that chain. As a result, states Motzki, this material can be seen as authentic representations of Muslim legal scholarship in Makkah during the late seventh and early eighth
For our purposes, this means that even during the lifetime of the longest living Companions, this act was understood as sodomy.

Jalal al-Din al-Suyuti: Author of Bulugh al-Ma’mūl

Jalal al-Din ‘Abd al-Rahman b. Abi Bakr al-Suyuti was born in 849/1445 in Cairo. His father, the first one in his family to pursue the life of scholar, was from Asyut (Upper Egypt) and served as a judge there; his mother was a Circassian slave. Al-Suyuti eventually voyaged down the Nile to settle in Cairo. Although his father died when he was only five, the boy received an excellent education under the supervision of prominent scholars close to the family and, at the age of seventeen, received permission to issue fatwas from the Shafi’i school by the noted scholar ‘Alam al-Din Salih al-Bulqini (d. 868/1464), chief judge of Egypt. He studied with other leading scholars in Cairo as well, including the Shafi’i jurist Sharaf al-Din Yahya al-Munawi (d. 871/1467) (whose great-grandson ‘Abd al-Ra’uf would write a commentary on al-Suyuti’s Jāmiʿ al-Ṣaghīr) and the famous Jalal al-Din al-Mahalli (d. 864/1459) (whose Tafsīr al-Suyūṭī would complete, thereby producing the well-known Tafsīr al-Jalālayn). Although al-Suyuti was a Shafi’i in law, he also studied Hanafi law. As part of the regular curriculum, he studied Ash’ari/ Maturidi theology and logic with Shams al-Din Muhammad al-Marzubani (d. 867/1463) and others.

At the age of eighteen, al-Suyuti inherited his father’s position of teaching law at the Shaykhuniyyah Mosque. Later on, he taught Hadith there as well; was appointed administrator of the Baybarsiyah and the Barquq Nasiri Sufi lodges; and was initiated, at least symbolically, into the Shadhili, Qadiri, and Suhrawardi Sufi orders. He also spent a great deal of time teaching Hadith in the Great Mosque of Ibn Tulun.

Other than travelling to Makkah in 1464 and again in 1468-69 for hajj and some internal travel in Egypt, there is no evidence that al-Suyuti voyaged elsewhere. There is also no evidence that he married, although he did write a panegyric poem for one Ghusun, who seems to have been a concubine who died while pregnant. The fact that upon his death his books were left as a trust under his mother’s supervision suggests that he had no surviving children.

In terms of his scholarly and ideological inclinations, al-Suyuti felt contempt for the science of speculative theology (kalām) and advocated fideistic submission (tafwīḍ) to scriptural references to God’s nature and the unseen. Famously, he opposed the use of logic in the Islamic sciences. Al-Suyuti’s early career was marked by involvement in numerous scholarly disputes, such as the
permissibility of reading the books of Ibn ʿArabi and other controversial mystics (they were pious saints, but their books should not be allowed to laymen), the permissibility of studying logic, the possibility of unrestricted *ijtihād* (see below), as well as social conflicts among Cairo’s elite.

Al-Suyuti was heavily criticized for allegedly claiming that he had attained the rank of unrestricted *mujtahid* (*mujtahid muṭlaq*), which was widely understood as meaning a scholar capable of deriving law and theology directly from Islam’s sources without adherence to any existing tradition or school. As he explained to his student al-Shaʿrani (d. 973/1565) as well as in his writings, this description was actually that of an independent *mujtahid* (*mujtahid mustaqqill*). He agreed with most scholars that this latter rank had not been possible since around 1000 CE. Al-Suyuti acknowledged that he had claimed to have reached this rare level of *mujtahid muṭlaq*, but he insisted that this rank, the highest possible one in his latter days, consisted of deriving rulings independently but within an affiliation to a certain school of law (*mujtahid muntasib*). In this, he argued, he was like such earlier leading Shafiʿi jurists as al-Muzani (d. 264/878), al-Juwayni (d. 478/1085), and Taqi al-Din al-Subki (d. 756/1356). Al-Shaʿrani reports that his teacher never gave a fatwa outside the Shafiʿi school of law.81

Al-Suyuti redefines the adjective *prolific*. Scholars have come up with various final tallies of his books and treatises, but the median count of his works is over 600, 392 of which have been published.82 The fields of Qur’anic sciences, Arabic grammar and rhetoric, as well as history were certainly some of his more pronounced passions. But the collection and discussion of hadiths dominated his oeuvre perhaps more than any other subject. His student al-Dawudi says that he was the most knowledgeable of his time in Hadith and its sciences, and al-Suyuti himself claimed to have memorized 200,000 hadiths, adding that there might not be more than that in the world.

His effort to compile all of the extant hadiths in one massive compendium, the *Jāmiʿ al-Kabīr*, was cut short by his death. What survived is published in thirty large volumes, covering around nine-tenths of an alphabetized ordering of Prophetic sayings (he never began the section on Prophetic actions).83 While working on this massive project, al-Suyuti seemingly extracted all of the hadiths that quoted the Prophet’s speech, as opposed to his actions, and compiled them in a smaller work entitled *Jāmiʿ al-Ṣaghīr* (10,031 hadiths in the published version). He himself wrote an addendum with hadiths that he had missed (*Al-Ziyādah*), but did not incorporate them into the original.84

In the late 1480s, by then in his forties, al-Suyuti began withdrawing from public life. When he argued with the Sufis of the Baybarsiyyah lodge (he disputed their claim to be Sufis because they were not adopting the saints’ manners
and ethics), he was dismissed. Reports exist that the Mamluk sultan then sought to have him killed. Al-Suyuti went into hiding for several months until the sultan died, whereupon he retired permanently to his house on Rawḍa Island in the Nile (today part of Cairo) to write in seclusion, perhaps leaving home only to access books. He stayed there until his death in 911/1505, aged sixty-one.

In addition to the controversy over his claims of *ijtihād*, al-Suyuti was heavily criticized (and is still scoffed at) for claiming to be the renewer (*mujaddid*) of the tenth Islamic century. Yet his claim was not as arrogant as is often portrayed, for he writes in his autobiography: “This poor soul in need of God’s bounty hopes that God would bestow upon him the blessing of being the *mujaddid* at the start of the century.”

This could be seen as a sign of ego-tism, but few contemporaneous scholars could hope for this mantle with a more reasonable expectation of receiving it. His admirers wrote that al-Suyuti’s writings had spread as far is India during his own lifetime. His learning and, even more, his astoundingly prolific output were quickly seen by many as miraculous signs from God of his worthiness. But al-Suyuti was an abrasive man who was confident of his abilities and quick to point out other’s shortcomings. As Saleh writes: “His arrogance and combative personality made it virtually impossible for other scholars to appreciate his undeniable accomplishments.”

We know little of where the treatise presented here, *Bulūgh al-Ma’mūl*, stood in al-Suyuti’s career. The text includes no hints as to when or exactly why it was composed, other than as part of the longrunning “Hanafis v. Other Schools” debate over the criminal rating of *liwāṭ*. At one point in his life, al-Suyuti became very exercised over the continued operation of a certain house of ill repute in Cairo, where “all sorts of corruption occurred, like fornication, sodomy, drinking, and playing music….” But there is nothing remarkable here, for few Muslim scholars would have reacted differently.

**The Structure of Attaining the Hoped-for in Service of the Messenger**

The outline of al-Suyuti’s treatise is as follows:

1. Presentation of the Hadith of Killing the Active/Passive Partner and related hadiths via Ibn ʿAbbas, Abu Hurayrah, and Jabir, along with critical approval of their reliability.
2. Discussion of the criticisms of ʿAmr b. Abi ʿAmr’s narration and responses mitigating them, adding that other narrations compensate for his flaws. Thus ʿAmr’s hadith should be considered *ṣaḥīḥ*.
3. Presentation of other hadiths attesting to the content of ʿAmr b. Abi ʿAmr’s narration of the Hadith of Killing the Active/Passive Partner.
4. Presentation of supporting Companion reports.
5. Contextualization of criticisms of ʿAmr b. Abi ʿAmr and the argument that he is reliable.
6. Response to Ibn Hajar’s comment that the hadith is “disagreed on in terms of its attestation.”
7. Conclusion: People should be wary of speaking about hadiths without knowledge of the Hadith sciences.

The Text of Bulūgh al-Maʾmūl Relied on for this Translation

There are two published editions of Al-Ḥāwī li al-Fatāwī, a collection of al-Suyuti’s fatwas that he compiled himself. The Dar al-Kutub al-ʿIlmiyyah edition (henceforth, DKI), edited by a team of scholars, relied on a selection of manuscripts and includes a limited critical apparatus. The Dar al-Kitab al-ʿArabi edition (henceforth, DKA), which lacks any mention of the sources relied on, seems to have relied on only one manuscript. Unfortunately, that manuscript also seems to be an outlier. As such, this translation is based on the DKI edition of the Ḥāwī.

Endnotes


4. Khaled El-Rouayheb, Before Homosexuality in the Arabic-Islamic World, 1500-1800 (Chicago: University of Chicago Press, 2005), 124, 136-39. The definition of liwāṭ in the late Shafiʿi school included the clause “… in the anus, whether of a man or a woman.” A hadith in Ibn Hanbal’s Al-Musnad refers to anal sex with one’s wife as “the lesser liwāṭ” (al-lūṭīyah al-ṣaghrāʾ), and this wording is attested
even earlier in the Kitāb al-Taḥrīsh of Dirar b. ʿAmr (d. 200/815). In the Hanafi, Shafiʿi, and Maliki schools, anal sex with one’s wife or slavegirl is only punished by discretionary punishment (taʿzīr) (in the Shafiʿi school, one opinion is that this is only done if the man repeats the act after a warning). Al-Shaʿrani (d. 973/1565) states that some scholars allowed anal sex with male slaves, but he provides no name or reference. The Hanafi scholar al-Kawakibi (d. 1096/1685) also reported that “there are those” who consider anal sex with male slaves to be permissible on the basis of the Quran’s permission of sex with slaves (normally read as slave women), but again with no mention of who these scholars were. These may be references to the early Shafiʿi scholar Abu Sahl Ahmad al-Abiwardi (d. 385/995), who held that a man who commits liwāṭ with his male slave should only receive a discretionary punishment, since the slave was his property, and this introduced an ambiguity (shubhah), which drops the offense from the realm of the ḥudūd. Ibn Hajar al-Haytami states that the ulama had come to consensus that liwāṭ with one’s male slave was the same as with a free man; Muhammad Nawawi b. ʿUmar al-Jawi, Qūt al-Ḥabīb al-Gharīb (Cairo: Matbaʿat Mustafa al-Babi al-Halabi, 1938), 246; Musnad of Ibn Hanbal (Maymaniyyah print), 2:182; Dirar b. ʿAmr, Kitāb al-Taḥrīsh, ed. Hüseyin Hansu and Mehmet Keskin (Istanbul: Sharikat Dar al-Irshad; Beirut: Dar Ibn Hazm, 2014), 132; Muhammad Anwar Shah Kashmiri and Ahmad ‘Ali al-Saharanpuri, Jāmiʿ al-Tirmidhī al-Muḥashshā (Karachi: Qadimi Kutubkhane, n.d.), 338; Salih ʿAbd al-Salam al-Abi, Al-Thamar al-Dānī fi Taqrīb al-Maʿānī Ḥāshiyat Risālat Ibn Abī Zayd al-Qayrawānī, 2d ed. (Cairo: Mustafa al-Babi al-Halabi, 1944), 438; al-Suyuti, Al-Ashbāh wa al-Naẓāʿir, ed. Muhammad al-Muʿtasim al-Baghdadi (Beirut: Dar Ibn Abi al-Dunya, 1419/1993), 746; Taj al-Din al-Subki, Ṭabaqāt al-Shāfiʿīyah al-Kubrā, ed. ʿAbd al-Salih Muhammad al-Huluw and Mahmud Muhammad al-Tanahi, 2d ed. (Cairo: Hijr, 1413/1992), 4:45-46; al-Haytami, Al-Zawājir, 2:299; Muhammad b. Hasan al-Kawakibi, Al-Fawāʾid al-Salāḥyān Sharḥ al-Fawāʾid al-Saniyyah, 2 vols. (Cairo: al-Maṭbaʿah al-Amiriyyah, 1322 AH), 2:355.

5. Ibn al-Hajj (d. 737/1336) of Cairo, who was famously conservative, divided sodomy (lūṭīyah) into three levels: (1) pleasure from looking at other men/boys, which was harām; 2) sexual contact short of anal sex, which was as bad as the latter if repeated; and 3) anal sex (i.e., al-fāḥishah al-kubrā); Ibn al-Hajj al-Maliki, Al-Madkhal, 2 vols. (Beirut: Dar al-Fikr, [1990]), 2:8. This tripartite division might come from Abu Bakr Ibn Abī al-Dunya (d. 281/894), who cites one Abu Sahl as describing how there will be three types of lūṭī folk: one that gazes, one that “clasps hands,” and one that does “that act.” See Abu Bakr Ibn Abī al-Dunya, Dhamm al-Malāḥī, ed. ʿAmr ʿAbd al-Munʿim Salim (Cairo: Dar Ibn Taymiyyah, 1416/1996), 98. I thank Muntasir Zaman for this citation. See also Abu Bakr Muhammad b. al-Husayn al-Ajurri (d. 360/970), Dhamm al-Liwāʾ, ed. Majdi al-Sayyid Ibrahim (Cairo: Maktatab al-Qurʾān, n.d.), 72.


24. In the _Musnad_ of Ibn Hanbal there is a similar hadith narrated from ‘Ali in which he reads from his _ṣaḥīfah_ that the Prophet said: “God has cursed those who slaughter to other than God, God has cursed those who steal signposts in the land, and God has cursed those who curse their fathers, and God has cursed those who give refuge to a murderer” (la ‘ana Allāh man dhabaḥa li ghayr Allāh la ‘ana Allāh man saraqa manār al-ard wa la ‘ana Allāh man la ‘ana wālīdahu wa la ‘ana Allāh man awā muḥditan); _Musnad_ of Ibn Hanbal, 1:108, 118, 152.


is: … ʿAbd al-ʿAziz b. Muhammad – ʿAmr b. Abi ʿAmr – ʿIkrimah – Ibn ʿAbbas – the Prophet, with the wording: laʾana Allāh manʾ amilaʾ amal qawm lūṭ laʾana Allāh manʾ amilaʾ amal qawm lūṭ laʾana Allāh manʾ amilaʾ amal qawm lūṭ.ʿAl-Nasaʾi must have omitted the earlier part of the list of things God has cursed, as the whole matn by this isnād is in al-Bayhaqi, Sunan, 8:403. Al-Ajurri includes the narration by this isnād with only the wording: laʾana Allāh man waqaʿaʾaʾ alā bahīma wa laʾana Allāh manʾ amilaʾ amal qawm lūṭ; as well as once with the full list; al-Ajurri, Dhamm al-Liwāṭ, 46-47.


ghayr mawālīhi la'ana Allāh man ghayyara tukhūm al-arḍ la'ana Allāh man kammaha a'mā 'an al-ṭariq wa la'ana Allāh man wa'ana Allāh man waq'a a'alā bahīma wa la'ana Allāh man 'amila 'amal qawm lūṭ wa la'ana Allāh man 'amila 'amal qawm lūṭ la'ana Allāh man 'amila 'amal qawm lūṭ. See also, for almost identical chains, al-Khara'ī, Masāwi' al-Akhlaq, 201.


38. Al-Khatib al-Baghdadi, Tārīkh Baghdād, ed. Mustafa 'Abd al-Qadir 'Ata, 14 vols. (Beirut: Dar al-Kutub al-'Ilmiyyah, 1417/1997), 5:90. The key part of the isnād is: al-A’ marsh – Abu’ Salih – Abu Hurayrah – the Prophet, with the wording: mal'ūn man sabba abāhu mal'ūn man sabba ummahā mal'ūn man dhabaḥa li ghayr Allāh mal'ūn man ghayyara tukhūm al-arḍ mal'ūn man kammaha a'mā 'an al-ṭariq. Al-Khatib calls this munkar, notes that "it is not reliably established by this isnād (lā yathbutu bi-hādhā al-isnād)," and places the blame on a later narrator: Ahmad b. al-'Abbas al-Khallal.


47. Ibn Hajar, Fath al-Bārī, 12:139.


49. Kugle, Homosexuality in Islam, 105-10.


52. See http://ahlussunnah.boards.net/thread/499/response-atabek-ikrimah-mawl-ibn
56. See ʿṢāḥih al-Bukhārī: kitāb al-muḥāribīn min ahl al-kufr..., bāb ithm al-zinā.
60. ʿṢāḥih al-Bukhārī: kitāb istitābat al-murtaddīn... bāb man taraka qitāl al-khawāwirī.
61. The Qurʾān states that God only makes knowledge of the unseen (al-ghayb) available to those whom He chooses (Q. 72:26). In another verse the Prophet is made to say: “I do not know what will be done with me or with you all” (Q. 46:9), and in another: “I do not tell you all that mine are the treasures of the world, nor do I know the unseen” (Q. 6:50). Aishah is reported to have said that anyone who claimed that the Prophet knew what would happen tomorrow was lying against God; ʿṢāḥih al-Bukhārī: kitāb al-tawḥīd, bāb qawl Allāh taʿālā ʿālim al-ghayb...). But numerous hadiths describe the Prophet knowing future events, such as one in which God teaches him “all that is in the heavens and the earth”; Jāmiʿ al-Tirmidhī: kitāb al-tafsīr, bāb min sūrat ṣād. Muslim scholars have thus concluded that the Prophet either had qualified knowledge of the unseen or that God granted him this knowledge at a particular time in his life, often thought to be during his Ascension to Heaven from Jerusalem. See, for example, Ibn ʿAsakir, Tārīkh Madīnat Dimashq, ed. ʿUmar al-ʿAmrawi, 80 vols. (Beirut: Dar al-Fikr, 1995-97), 11:5. Debate over the Prophet’s knowledge of the unseen has proven tempestuous between the Deobandi and Barelwi schools of thought in South Asia. See Usha Sanyal, “Are Wahhabis Kafirs? Ahmad Riza Khan Barelwi and His Sword of the Haramayn,” in Islamic Legal Interpretation, ed. Muhammad Khalid Masud, BrinkleyMessick and David S. Powers (Cambridge, MA: Harvard University Press, 1996), 210-12.
62. Al-Khatīb al-Baghdadi, Al-Jamiʿ li Ikhtilāf al-Rāwī wa Ādāb al-Sāmiʿ, ed. Muhammad Raʿfat Saʿīd, 2 vols. (Mansoura: Egypt: Dar al-Wafaʿ, 1422/2002), 2:81. The practice of transmitting the general meaning a hadith (al-riwāyah biʿ al-ma nā) was widely accepted among hadith transmitters of the second/eighth and third/ninth centuries. It was eventually accepted unanimously, as noted by leading scholars like al-Khatib al-Baghdadi (d. 463/1071) and Ibn al-Salah (d. 643/1245). Some early Muslim scholars insisted on repeating hadiths exactly as they had heard them. Ibn Sirin (d. 110/728) even reportedly repeated grammatical errors in hadiths they had heard; al-Khatib, Al-Jāmiʿ, 2:71, 78-79; cf. Jāmiʿ al-
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64. For the versions of these hadiths with the non-anachronistic wordings, see *Sunan Ibn Mājah*: introduction, bāb fī al-qadar; *Musnad Ibn Ḥanbal*, 2:125.


66. Ibid., 120.

67. Ibid., 122.

68. Ibid., 121.


71. Ibid.


82. Saleh, “Al-Suyuti and His Works,” 83, 89.

83. Here al-Suyuti may have been following in the footsteps of his exemplar, Ibn Hajar, who, according to al-Suyuti, wrote a book called *Al-Jāmiʿ al-Kabīr min
Sunan al-Bashīr al-Nadhīr: Many scholars have pointed out al-Suyuti’s failure to exhaust all the extant hadiths in his Jāmi‘ al-Kabīr. The Egyptian al-Munawi (d. 1031/1622) estimated that al-Suyuti had captured no more than two thirds of the extant Prophetic sayings in his Jāmi‘ al-Kabīr, and he compiled his Jāmi‘ al-Azhar min Ḥadīth al-Nabī al-Anwar to include additional material that al-Suyuti had missed in the part of his work that he had completed. Al-Munawi then also picked up where had al-Suyuti left off (around the hadith “man taraka…”). The Moroccan hadith scholar Abu al-ʿAla’ al-Fasi (d. 1769) wrote in over 5,000 hadiths in the margins of his copy of the Jāmi‘ al-Kabīr. Meanwhile, the Indian scholar ʿAli b. ʿAbd al-Malik al-Muttaqi al-Hindi (d. 975/1567) built on al-Suyuti’s Jāmi‘ al-Ṣaghīr. He added more hadiths, including those describing the Prophet’s actions, and then arranged all the material according to topic in his huge Kanz al-ʿUmmāl fī Sunan al-Aqwāl wa al-Afʿāl; Muhammad b. Jaʿfar al-Kattani, Salwat al-Anfās wa Muḥādathat al-ʿAṣyaṣ mimman Uqbira min al-ʿUlamā’ wa al-Ṣulāḥāʾ bi Fās, ed. ʿAbdallah al-Kamil al-Kattani et al., 4 vols. (Casablanca: Dar al-Thaqafah, 2004), 1:150; al-Suyuti, Al-Jāmi‘ al-Azhar min Ḥadīth al-Nabī al-Anwar (Cairo: al-Markaz al-ʿArabi li al-Bahth wa al-Nashr, 1980), 1:1-10.

84. This task was performed in the twentieth century by Yusuf al-Nabhani (d. 1932), who titled the resulting work Al-Fatḥ al-Kabīr fī Ḍamm al-Ziyādah ilā al-Jāmi‘ al-Ṣaghīr.


86. Saleh, “Al-Suyuti and His Works,” 78.

87. Al-Suyuti, Al-Taḥadduth bi Niʿmat Allāh, 175.


Attaining the Hoped-for in Service of the Messenger (may God’s peace and blessings be upon him)

{In the name of God, the Most Gracious, the Most Merciful. And praise be to God, and peace be upon His elect servants.)\(^1\)

Question: The hadith “Whomever you all have found committing the action of the people of Lot, kill the active and the passive partners”\(^2\) appears among the hadiths of Ibn ʿAbbas, Abu Hurayrah, and Jabir.

The hadith of Ibn ʿAbbas was included by Abu Dawud,\(^3\) al-Tirmidhi,\(^4\) al-Nasaʾi [in his Sunan al-Kubrā],\(^5\) Ibn Majah,\(^6\) Ibn Abi al-Dunya in the Dhamm al-Malāḥī (The Condemnation of Distractions),\(^7\) Abu Yaʿla [al-Mawsili]\(^8\) and

A group of the leading hadith scholars (aʾimmat al-ḥuffāẓ) have declared the hadith ṣaḥīḥ, [among them] al-Hakim, as we have already mentioned; Ibn al-Jarud, since he included it in his Muntaqā and restricted himself in that book to what is ṣaḥīḥ; and al-Diya’, since he included it in his Mukhtārah and restricted himself in that book to what is ṣaḥīḥ but did not appear in the Ṣaḥīḥayn. And it has been said that what is ṣaḥīḥ in that book is stronger than what is [declared] ṣaḥīḥ in the Mustadrak. Ibn al-Talla’ also declared it ṣaḥīḥ in his Aḥkām, as quoted from him by the hadith master Ibn Hajar in his work documenting the hadiths used by al-Rafiʿi in his Muharrar in Shafiʿi law.

And when the hadith master Abu al-Fadl al-ʿIraqi reported in his commentary on al-Tirmidhi that al-Hakim ranked it as ṣaḥīḥ, he affirmed that ruling and provided as well numerous transmissions bolstering its isnād.

The hadith of Abu Hurayrah was included by Ibn Majah, al-Bazzar, Ibn Jarir [al-Tabari] and al-Hakim, who rated it as ṣaḥīḥ as well, and also by Ibn al-Talla’ (NB: It is also included in al-Tirmidhi’s Jāmiʿ). But the hadith master Ibn Hajar added a corrective comment to Ibn al-Talla’ s rating of ṣaḥīḥ for the hadith: “The hadith of Abu Hurayrah is not reliable (lam yaṣiḥḥa).” I say, however, that Ibn Jarir [al-Tabari] rated as ṣaḥīḥ both the hadith of Abu Hurayrah and that of Ibn ʿAbbas in his Tahdhīb al-Āthār, and perhaps this is what led al-Hakim to rate the hadith of Abu Hurayrah as ṣaḥīḥ. But Ibn ʿAbbas’ hadith has been established [as sufficiently reliable] (thabata), and al-Dhahabi noted, regarding al-Hakim’s ṣaḥīḥ rating for Abu Hurayrah’s hadith: “In its chain is ʿAsim b. ʿUmar al-ʿUmari, and he is weak (ḍaʿīf).” And the hadith master al-ʿIraqi apologized on behalf of [al-Hakim] by saying that he included it only as an attestation (shāhid) for the hadith of Ibn ʿAbbas.

As for the hadith of Jabir, al-Tirmidhi alluded to it when he said, after [presenting] the hadith of Ibn ʿAbbas: “And on this subject there are also [hadiths] from Jabir and Abu Hurayrah.” And al-ʿIraqi said in his commentary [on al-Tirmidhi’s Jāmiʿ]: Ibn Hazm transmitted it from a path via Muhammad b. al-Qasim, from Yahya b. Ayyub, from ʿAbbad b. Kathir, from [ʿAbdallah b. Muhammad b. ʿAqil, from Jabir, that the Messenger of God, may God’s peace and blessings be upon him, said: “Whoever has committed the action of the people of Lot, kill him”]. Ibn Wahb transmitted it from Yahya b. Ayyub, from a man, from Ibn ʿAqil.

Al-Harith b. Abi Usamah also included the hadith of Jabir in his Musnad, as did Ibn Jarir [al-Tabari] in his Tahdhīb al-Āthār, from the path of ʿAbbad b.
Kathir, from ‘Abdallah b. Muhammad b. ‘Aqil, from Jabir, that: “I heard the Messenger of God (s) say, while on the pulpit: ‘Whoever has committed the act of the people of Lot, kill him.’ And I saw another path for that hadith from the hadiths of ‘Ali, which escaped both the masters al-‘Iraqi and Ibn Hajar. Ibn Jarir [al-Tabari] said, in his *Tahdhib al-Āthār*: Muhammad b. Ma’mar al-Bahrani narrated to me, saying: Yahya b. ‘Abdallah b. Bakr narrated to us, saying: Husayn b. Zayd narrated to us, from Ja’far b. Muhammad, from his father, from his grandfather, from ‘Ali, who said: The Messenger of God (s) said: ‘The person who has committed the act of the people of Lot is stoned, whether he is *muḥṣan* or not (*yurjamu man ‘amilam ‘amal qawm Lūṭ uḥṣina aw lam yuḥṣan*).’

**NOTE:** Al-Hakim only needed to resort to an attesting text for his *ṣaḥīḥ* rating of this hadith because of its transmitter from ‘Ikrimah, from Ibn ‘Abbas, [namely] ‘Amr b. Abi ‘Amr, the freeman (*mawlā*) of al-Muttalib. The majority (*jumhūr*) has deemed him reliable (*thiqah*), including Malik, al-Bukhari, and Muslim, who included his hadiths in the main hadiths of the *Ṣaḥīḥayn* (i.e., as opposed to corroborating narrations). Abu Dawud and al-Nasa’i considered him weak (*daʿʿafahu*), and because of that al-Nasa’i rejected this hadith. Yahya 33 said: “He was weakened.” Al-Dhahabi said in his *Mīzān*, after reporting all of this, that “he was not at all weakened, nor was he weak. Yes, he is not as reliable as al-Zuhri and the like.” He continued: “And Ahmad b. Abi Maryam transmitted from Ibn Ma’in that he said: ‘Amr b. Abi ‘Amr is reliable, but he is criticized for the hadith of ‘Ikrimah, from Ibn ‘Abbas that the Prophet (s) said: ‘Kill the active and passive partner.’” Al-Dhahabi commented on that: “His hadith is *sāliḥ hasan*, falling short of the highest levels of *ṣaḥīḥ*.”

What is established in the hadith sciences is that [a transmitter] of that description, if a parallel or attesting [transmission] if found for him, his hadith is rated as sound. For this reason, al-Hakim needed to provide the hadith of Abu Hurayrah so that it could serve as an attestation for the hadith of Ibn ‘Abbas. Although Abu Hurayrah’s hadith did not meet the condition of *ṣaḥīḥ*, he only cited it as an attestation and not as a primary hadith (*asl*) to complete the rating of Ibn ‘Abbas’s hadith as *ṣaḥīḥ*. The hadith master Abu al-Fadl al-‘Iraqi produced numerous paths for Ibn ‘Abbas’ hadith to bolster al-Hakim’s *ṣaḥīḥ* rating of it. He said:

It has also appeared via the transmission of Dawud b. al-Husayn, ‘Abbad b. Mansur and Husayn b. ‘Abdallah, [all] from ‘Ikrimah. So these three corroborate ‘Amr b. Abi ‘Amr. Ahmad [Ibn Hanbal] included Dawud’s narration in his *Musnad* with the aforementioned wording, and it was included by Ibn Jarir [al-Tabari] and al-Bayhaqi in his *Sunan*, with the wording: “Whoever has sex with (*waqa’a*) a man, kill him.” And the narration of ‘Abbad was included by al-Bayhaqi with the wording: “Concerning the person who
commits the act of the people of Lot, and concerning the man who is had sex with (yu’tā fī nafsihi), [the Prophet] said: ‘He is killed.’ And Ibn Jarir [al-Tabari] included it in his Tahdhīb al-Āthār with the wording: “The Prophet (s) said, ‘Kill the active and the passive partner in the act of Lot (al-lūṭīyah).’” Al-Tabarani included Husayn’s narration in the Mu jam al-Kabīr with the previous wording.

Al-‘Iraqi also produced two other paths for Abu Hurayrah’s hadith, one of them in the Mustadrak [of al-Hakim] and the Mu jam al-Awsat of al-Tabarani, and the second in al-Tabarani’s Mu jam al-Awsat. But these two have wordings that differ with the previous wording. He then produced the hadith of Jabir, as discussed earlier, and then said: “And on this topic, [there are hadiths] from Abu Musa al-Ash’ari in al-Bayhaqi’s [books] and from Ayyub in al-Tabarani’s Mu jam al-Kabīr.” This is the sum of the attesting texts that al-‘Iraqi presented to authenticate the hadith of Ibn ʿAbbas.

I have said: I have found another attestation in addition to those. Abu Nuʿaym said in his Hilyat:

Abu Muhammad Talhah and Abu Ishaq Saʿd narrated to us: “Muhammad b. Ishaq al-Naqid reported to us, both (sic) saying: Muhammad b. ʿUthman b. Abi Shaybah narrated to us: My father narrated to us: Wakiʿ narrated to us: Muhammad b. Qays narrated to us, from Abu Hasin (ʿUthman b. Asim al-Asadi), from Abu ʿAbd al-Rahman, that ʿUthman looked out over the people (ashrafa ʿalā) on the day he was attacked in his house (yawm al-dār) and said: ‘Have you all not come to know that killing is not due except for four cases: A man who has apostatized after having entered Islam, who has committed the act of the people of Lot?’”

[Abu Bakr] Ibn Abi Shaybah said in his Muṣannaf, “Wakiʿ narrated to us: Muhammad b. Qays narrated to us, from Abu Hasin, from Abu ʿAbd al-Rahman that ʿUthman looked out over the people on the day he was attacked in his house and said: ‘Have you all not come to know that the blood of a Muslim person does not become licit except for four things: a man who has committed the act of the people of Lot (sic)?’ This isnād is saḥīḥ, and ʿUthman’s, may God be pleased with him, statement to the people ‘Have you all not come to know’ is evidence for that [fact] being well known among them, just as the first three reasons mentioned with it. And Ibn Abi Shaybah said: “Ghassan b. Mudar narrated to us, from Saʿid b. Yazid, from Abu Nadra: Ibn ʿAbbas was asked what the punishment (ḥadd) of the sodomite (lūṭī), and he said: ‘The highest building in the town is sought out, and he is thrown from it backwards, and then this is followed by stoning.’” And ʿAbd al-Razzaq said in his
Muṣannaf⁵¹: from Ibn Jurayj (taḥwīl)⁵²; and Ibn Abi Shaybah⁵³ said: Muhammad b. Bakr narrated to us, from Ibn Jurayj, who said: ʿAbdallāh b. ʿUthman b. Khuthaym reported to me that he heard Mujahid and Saʿid id b. Jubayr narrate from Ibn ʿAbbas that he said, concerning the virgin who is found committing sodomy (lūṭīyah), that he is stoned. And Ibn Abi Shaybah said:

Wakiʿ narrated to us from Ibn Abī Layla, from al-Qasim Abū al-Walid, from Yazid b. Qays, that ʿAli stoned a sodomite. He also said: Wakiʿ narrated to us, from Sufyān, from Jabir, from Mujahid, concerning the sodomite: He is stoned whether he was married (uḥṣana) or not. He said: Yazid narrated to us: Hammad b. Salāma reported to us, from Hammad b. Abī Sulaymān, from Ibrāhīm [al-Naḳḥaʾi], concerning the sodomite: If anyone were to be stoned twice, it would be this person. And [Ibn Abi Shaybah] said: ʿAbd al-ʿAʾla narrated to us, from Saʿid id, from Qatadah, from ʿUbayd Allah b. ʿAbdallāh b. Maʿmar concerning the sodomite: Stoning is the requirement for him, the death of the people of Lot. And he said: ʿAbd al-ʿAʾla narrated to us, from Saʿid id, from Qatadah, from Jabir b. Zayd, who said: The prohibition/inviolability (ḥurma) of the buttocks (al-dubur) is greater than the prohibition/inviolability of the vagina (farj). And Qatadah said: We understand it as [requiring] stoning.

[Al-Suyūṭi concludes], all of these reports (āthār) are attestations for bolstering the Hadith of Ibn ʿAbbas.

And how could Yahya,⁵⁴ Abu Dawūd, and al-Nasāʾi be relied upon regarding the weakness of the hadith’s narrator (i.e., ʿAmr b. Abī ʿAmr), assuming he alone had narrated it, when the leading imams had declared him reliable, among them Malik, al-Bukhari, and Muslim, all of whom are considered superior to every hadith master in their own age and the ages after? And they included hadiths through him in the primary (uṣūl) hadiths [in their books]. Al-Dhahabi said in his Mūqīzah:

Those who were used for hadiths by the two Shaykhs (i.e., al-Bukhari and Muslim) or by one of them fall into two groups: (1) those that the two of them used as proof in their primary hadiths and (2) those they used for parallel narrations or for attestation texts to be taken into consideration. As for a transmitter used as proof by both [imams] or only by one of them, but who was neither deemed reliable [by other critics] nor found fault with,⁵⁵ he is reliable and his hadiths [are] strong. As for a transmitter who was used by both as proof or only by one and who had been criticized, sometimes that criticism is characterized by bad-faith or bias (taʿannut), while the majority agrees on him being reliable. In this case, that transmitter’s hadiths are strong as well. And sometimes the criticism⁵⁶ of that transmitter’s laxity or inaccurate retention (ḥifẓihī) merits consideration. This transmitter’s hadiths do not fall
below the level of *hasan*, which can be called among the lower levels of *ṣaḥīḥ*. And there is not in the two books, by God’s praise, a man who was used as proof by al-Bukhari or Muslim in their primary hadiths whose transmissions were weak. Rather, they are either *hasan* or *ṣaḥīḥ*. And among those whom al-Bukhari or Muslim used for their attesting or parallel [corroborating] narrations are some with some problem [in] their retention (*ḥifẓ*) and some hesitation in declaring them reliable. So everyone whose hadiths were used in the *Ṣaḥīḥayn* has passed the test (*qafaza al-qanṭarah*, literally “jumped over the viaduct”), so there is no turning away from him except with clear proof (*burhān*). Yes, [the category of] *ṣaḥīḥ* consists of levels, and reliable transmitters fall into classes.

Thus ends al-Dhahabi’s discussion in the *Mūqiẓah*. He also mentioned in his *Mīzān* that ‘Amr b. Abi ʿAmr’s hadiths “were included in the *Ṣaḥīḥayn* among the primary hadiths.” So how can his hadiths be ruled weak, as you see in al-Dhahabi’s discussion here, when he was not even alone in narrating the hadith? Indeed, there are corroborating narrations from ‘Ikrimah, and his hadith also has attesting texts from the transmission of a number of Companions. So it was for this reason that those hadith masters who declared it *ṣaḥīḥ* did so, and they did not pay heed to the weak rating of those who declared its narrator weak. Al-Hakim needed to produce an attesting text for the hadith because, [taken] at their lowest level, ‘Amr’s hadiths are *ḥasan*, so they require attestation to raise them up to the level of *ṣaḥīḥ*. And God knows best.

**ANOTHER NOTE:** The hadith master Ibn Hajar mentioned in his indexing (*takhrīj*) of the hadiths of al-Rafiʿi[*s Muḥarrar*] that the above-mentioned hadith of Ibn ʿAbbas is “disagreed on in terms of its attestation (*mukhtalaf fī thubūṭihī*),” and in this he draws attention to an important point of knowledge in the field of the technical terms of Hadith study (*iṣṭilāḥ al-ḥadīth*). I wanted to clarify this point, since those with no awareness of the science of Hadith will not understand Ibn Hajar’s intention in that, and one might misunderstand it as impugning the Hadith, as those with no knowledge of the science concluded from al-Tirmidhi’s statement regarding the Hadith “I am the abode of wisdom and ‘Ali is its gate,” in some of the recensions (*nusakh*) [of his *Jāmiʿ*] that “This hadith is *munkar*.”

Such people thought, based on that, that al-Tirmidhi meant that the hadith is false (*bāṭil*) or forged, [this being due to] their lack of knowledge regarding the technical terms of Hadith and their ignorance that *munkar* is one of the types of weak hadiths that appear. It is not from among the categories of false or forged hadiths. Rather, scholars adopted that phrase as a technical term, making it a label for a defined type of weak hadith, just as grammarians made “*mawsūl*” (relative pronoun) a technical label for one type of definite nouns.
(al-maʿrifah). And it occurred in the case of al-Khatib al-Baghdadi in his History [of Baghdad] that he transmitted a false hadith and said after it, “This hadith is munkar.” So al-Dhahabi took issue with him in the Mizān: “What a shock from al-Khatib,” how he used the phrase munkar on this false report. Rather, munkar is used for [hadiths like] the Hadith of the Two Great Buckets (qullatayn). And in his Mizān, he described as munkar a number of hadiths from the Musnad of Ahmad [Ibn Hanbal], the Sunan of Abu Dawud and other relied-upon books, indeed, even from the Ṣaḥiḥayn as well.

But this only means what is understood by the hadith masters, namely, that the property of munkar (nakāra) stems from being an isolated transmission (fardīyah). And being an isolated transmission does not entail that the hadith’s matn is weak, let alone false. One school of thought, such as [that of] Ibn al-Salah, views the terms munkar and anomalous (shādhdh) as synonyms [in describing reports]. How many hadiths are there in the Ṣaḥiḥayn that have been described as anomalous, such as Muslim’s hadith denying the reading of the basmalah [aloud] in prayer? For indeed Imam al-Shafi’i, may God be pleased with him, ruled that it was anomalous. And it is not for you to say that they (i.e., al-Bukhari and Muslim) required as a condition for the ṣaḥīḥ rating that the hadith not be anomalous, for how would that be correct if it is included in the Ṣaḥiḥ while it is ruled anomalous?

This is also due to your lack of knowledge regarding weakness [in hadiths]. For, indeed, Ibn al-Salah, when he mentioned the definition (ḏābiḍ) of the saḥiḥ category and set as a condition that it not be shādhdh, said at the end of his discussion: “This is the [condition] for the hadith that is judged to be saḥiḥ without any disagreement among the people of Hadith.” So he alluded to this being the definition for the level of saḥiḥ by agreement (al-ṣaḥiḥ al-muttafaq ‘alayhi). But another type of saḥiḥ does fit into that definition, namely, the disagreed-upon saḥiḥ (al-ṣaḥiḥ al-mukhtalaf fīhi). For this reason al-Zarkashi said in his commentary on the Mukhtaṣar of Ibn al-Salah: “[The category of] disagreed-upon saḥiḥ falls outside this definition.” Then Ibn al-Salah mentioned other important points of knowledge, among them that the [category of] saḥiḥ subdivides into agreed upon and disagreed upon and as well as well-known (mashhūr) and rare (gharīb), and he clarified all that.

Al-Zarkashi said in his commentary and the hadith master Ibn Hajar said in his Remarks [on Ibn al-Salah] at that point that al-Hakim mentioned in his Introduction (Madkhal) that saḥiḥ hadiths are divided into ten categories, five agreed upon and five disagreed upon. The first type of the first [category] is what both al-Bukhari and Muslim chose, and that is the first level of the saḥiḥ, which is narrated by a well-known Companion who has two transmitters [narrating] from him. And the hadiths transmitted by this criterion do not number
ten thousand. The second: the ṣaḥīḥ hadith narrated by an upstanding, accurate (ḍābit) transmitter from the upstanding, accurate (ḍābit) transmitter, back to the Companion, but who only has one transmitter [who narrates] from him. Third: reports from a group among the Successors that only have one transmitter [narrating] from each of them. Fourth: those solitary narrations of limited attestation that are transmitted by reliable, upstanding narrators and narrated by one of the reliable transmitters alone without other paths recorded in the books [of Hadith].

As for the five categories whose soundness is disagreed on, the first is the cast (mursal) hadith, which is considered ṣaḥīḥ by the scholars of Kufa. Second: the transmission of obfuscators (mudallisiṣīn) when they do not specify hearing transmissions directly. In other words, they do not specify their direct audition (samāʿ). This type is ṣaḥīḥ according to a number of scholars. Third: a report narrated by a reliable transmitter from an imam of the Muslims, who then provides an isnād [back to the Prophet] for that report, and then a group of reliable transmitters narrate it from him but via casting (irsāl). Fourth: the transmission by a hadith scholar (muḥaddith) with sound audition and sound writing, whose upstanding character seems evident, except that he neither understands what he narrates nor retains it exactly (lā yahfazuhu). Indeed, this category is ṣaḥīḥ according to most scholars of Hadith, although some of them do not see that is proof (ḥujjah). Fifth: transmissions from heretics (mubtadiʿah) and people with various agendas, for their transmissions are accepted according to the people of knowledge if they are truthful (ṣādiqīn). Al-Hakim said: “I mentioned these categories so that no one would mistake that only what al-Bukhari and Muslim included [in their books] is ṣaḥīḥ.”

Once you have understood this, [you will see that, concerning] the statement of the hadith master Ibn Hajar that “the hadith of Ibn ʿAbbas is disagreed on in terms of its attestation,” he wanted to show that it fell into the category of disagreed upon ṣaḥīḥ and not agreed upon ṣaḥīḥ. His intention was to complete the point of knowledge, since his method in that book is that, if a hadith fell into the first category, he noted it as being well attested, and if it was from the second category, he drew attention to that. And there are in that noble book precious gems from the craft of Hadith that only one with in-depth knowledge of that science, like its author, would recognize.

So let the person be wary of daring to speak about the hadiths of the Messenger of God (s) without knowledge, and let him apply himself assiduously to attain that science until he becomes competent, his feet become firm, and he delves deeply into it so that he not fall under the hadith: “Whoever speaks
without knowledge, he is cursed by the angels of the heavens and Earth.”

And let him not be deluded just because no one repudiated him in this earthly life, for after death the message will come to him either in the grave or on the Bridge, where the Prophet (s) will dispute with him, saying:

How do you speculate about my hadiths and speak about that which you have no knowledge? For either you reject something that I said or you attribute to me what I have not said. Have you not read what was revealed to me: “And pursue not that of which you have no knowledge; hearing, sight and the heart, all of these shall be questioned.” (Q. 17:36)

O what an embarrassment for him on that day! O what a scandal for him, this, if he dies a Muslim, and otherwise he will be punished! And refuge be sought with God from a vile finale (sū’ al-khātimah) [to the affairs of this world]. As the preachers say in the pulpits in some of their sermons: “And sins, how many sins a servant [of God] is punished for because of a vile end.” As Shaykh Muhyi al-Din al-Qurashi al-Hanafi quoted in his Tadhkirah, from Imam Abu Hanifah, may God be pleased with him: “What strips people most of faith upon death, or the greatest cause of this, is injustice (ẓulm),” and what injustice is greater than the insolence of delving into the hadiths of the Messenger of God (s) without knowledge?

We ask God for safety and well-being.

Endnotes

1. {} not in the ms. relied upon by the Dar al-Kitab al-‘Arabi (DKA) edition. The Dar al-Kitab al-‘Ilmiyyah (DKI) edition says it is missing from some mss.
5. This particular matn is not found in either of al-Nasa’ī’s Sunans. What the Sunan al-Kubrā actually contains is the hadith la’ana Allāh man ‘amila ‘amal qawm


9. Abu ʿAbdallah Muhammad b. Yahya al-Adani (d. 243/858) was a hadith scholar who lived for a long time in Makkah. He was a teacher of al-Tirmidhi, Muslim, and Ibn Majah and was one of al-Nasāʾī’s sources. His Sunan appears not to have survived. I have found no record of the isnād.


ya’malu ʿamal qawm lūṭ fa aqtulū al-fāʿil wa al-mafʿūl bihi. Al-Bayhaqi also gives the isnād: … Dawud b. al-Husayn – ‘Ikrimah, etc., with the wording man waqa’a ‘alā rajul fa aqtulūhu.


17. This is not stated explicitly by al-Maqdisi in his short introduction, but it can be safely inferred. See ibid., 1:69-70.

18. Ibn al-Talla’ (d. 497/1104) states that the Hadith of Ibn ’Abbas “has been established” (thabata); Muhammad b. Faraj al-Qurtubi Ibn al-Talla’, ʿAqdiyat Rasūl Allāh (often known as Al-Ahkām), ed. Faris Fathi Ibrahim (Cairo: Dar Ibn al-Haytham, 1426/2006), 24.

19. This ḥāfiẓ is Shihab al-Din Ahmad Ibn Hajar al-‘Asqalani (d. 852/1449) of Cairo. 

20. ‘Abd al-Karim b. Muhammad al-Rafi’i (d. 623/1226) of Qazvin is a leading Shafi‘i figure. His Muḥarrar is a major source for Shafi‘i law.

21. Zayn al-Din ʿAbd al-Rahim b. al-Husayn al-ʿIraqi (d. 806/1404), the great hadith scholar of Cairo and an important teacher of Ibn Hajar. His commentary on Jāmiʿ al-Tirmidhī has survived at least in part and has been edited (but not published) by students at the Islamic University of Madinah. See www.ahlalhdeeth.com/vb/showthread.php?t=34839.

22. There are several variations, but the main text is: “The Prophet (s) said, concerning the one who commits the act of the people of Lot, ‘Stone both the top and the bottom partner’ (fi alladhī yaʿmalu ʿamal qawm lūṭ qāla urjumū al-aʿlā wa al-asfal urjumūhumā jamīʿan).”


25. Al-Hakim, Al-Mustadrak, 4:355. The key part of the isnād is: … ʿAbd al-Rahman b. Abdallah b. ʿUmar al-ʿUmari – Sahl [sic] – his father – Abu Hurayrah – the Prophet; man ʿamila ʿamal qawm lūṭ fa aqtulū al-fāʿil il wa al-mafʿūl bihi. This narration is inconsistent (muḍṭarib), in my opinion, for it clashes in both isnād and matn wording with the other narrations through Suhayl – his father – Abu Hurayrah. Cf. al-Ajurri, Dhamm al-Liwāṭ, 59. For further confusion regarding the wording, see also al-Kharaʾiti, Masāwiʾ al-Akhlāq, 202.

26. Al-Tirmidhī, Jāmiʿ al-Tirmidhī. The isnād is the same as Ibn Majah’s above, but with the wording: uqtulū al-fāʿil il wa al-mafʿūl bihi. Al-Tirmidhī notes that only ‘Asim b. ʿUmar narrates it from Suhayl and that ‘Asim is considered weak due to his retention (ḥifẓ).
27. Al-Tabari states that the narration from ʿIkrimah – Ibn ʿAbbas “has a ṣaḥīḥ sanad in our opinion,” but that others find flaws (ʿilal) in it, namely, the controversy surrounding ʿIkrimah. Al-Tabari, Tahdhīb al-Āthār: Musnad Ibn ʿAbbās, 1:550-51.

28. A shāhid (lit. witness) report provides attestation for a hadith’s meaning. Unlike parallel transmissions (mutābaʿah), which corroborate a particular narration from a source, attestations/attesting reports are often separate hadiths but share a similar meaning. Thus, Muslim scholars often said that “Mutābaʿah strengthens a narration, while a shāhid strengthens a Hadith.” See Jonathan Brown, Hadith: Muhammad’s Legacy in the Medieval and Modern World (Oxford: Oneworld, 2009), 92-93.


31. Al-Harith b. Abi Usama (d. 282/895-6) wrote a Musnad that has not survived. It has been reconstructed by relying on the work of a scholar who had access to the book, Nur al-Din al-Haythami’s (d. 807/1405) Bughyat al-Bāḥith ‘an Zawā’id Musnad al-Ḥārith. See al-Haythami, Bughyat al-Bāḥith ‘an Zawā’id Musnad al-Harith, ed. Husayn Ahmad al-Bakiri, 2 vols. (Madinah: al-Jamiʿah al-Islamiyyah, 1992), 1:565-66 (via the same isnād as above Hadith of Jabir, with the same wording: man ʿamila ʿamal qawm lūṭ fa aqtulūhu). This hadith is also found via the same isnād cited by Ibn Hazm in al-Khara’iti, Masāwiʿ al-Akhlāq, 301.

32. Muḥṣan is a legal term that denotes a Muslim who has at some point consummated a marriage.


34. Ṣāliḥ (suitable) is generally used to mean that the hadith is fit either for consideration or for direct use as evidence in matters of law. See ‘Abd al-Fattah Abu Ghuddah’s comments on Abu Dawud’s letter to Makkah in Abu Ghuddah, ed., Thalāth Rasāʾil fī ʿIlm Muṣṭalaḥ al-Ḥadīth (Beirut: Dar al-Basha’ir al-Islamiyyah, 1997), 38. Though the term ḥasan was used to describe hadiths occasionally by earlier critics like ‘Ali b. al-Madini (d. 234/849), it did not become a defined technical term until the work of al-Tirmidhi. He defines ḥasan as a hadith that “does
not have in its isnād someone who is accused of lying or forgery, is not anomalous (shāhdhdh), and is narrated via more than one chain of transmission.” In other words, its isnād was not seriously flawed, and it enjoyed corroboration through other narrations, which mitigated the chances of a serious error creeping into the text of the report. Later, the Shafi‘i jurist and hadith scholar al-Khattabi (d. 388/998) described hasan hadiths as those “with an established basis and whose transmitters were well-known”; Jāmi‘ al-Tirmidhī: kitāb al-ʿilal; Abu Sulayman Hamd al-Khattabi, Maʿālim al-Sunan, 3d ed., 4 vols. (Beirut: al-Maktabah al-ʿIlmiyyah, 1981), 1:6.

35. Al-Dhahabi, Mizān, 3:282.

36. Mutābaʿah: A mutābaʿah ‘ah narration is one that corroborates a transmitter’s narration from a source. As such, it has been translated as parallelism by Eerik Dickinson in his translation of Ibn al-Salah’s Muqaddimah. See Ibn al-Salah, An Introduction to the Science of the Hadith, trans. Eerik Dickinson (Reading, UK: Garnet, 2005), 61; Brown, Hadith, 92-93.

37. Interestingly, al-Dhahabi says Dawud b. al-Husayn’s narrations from ʿIkrimah are not accepted; al-Dhahabi, Mizān, 2:5.


39. Dawud’s narration is inconsistent (muḍṭarib), in my opinion, due to erratic differences in the mats; see the following note as well. Ibn Hanbal, Musnad Ibn Ḥanbal (Maymaniyah printing), 1:300. The key part of the isnād is: … Ibn Abi Habibah Ibrahim b. Isma’il – Dawud b. al-Husayn – ʿIkrimah – Ibn ʿAbbas – Prophet: uqtulū al-fāʿ il wa al-mafʿūl bihi fī qawm lūṭ wa al-bahīma wa al-wāqiʿ ʿalā al-bahīma wa man waqaʿa aʿalā mahram fa aqtulūha.


41. Al-Bayhaqi, Al-Sunan, 8:403.

42. In his discussion of this narration, al-Dhahabi notes that ʿAbbad is weak; al-Dhahabi, Al-Muhadhdhab fi Ikhtisār al-Sunan al-Kabīr li al-Bayhaqi, ed. Yasir Ibrahim et al., 9 vols. (Cairo: Dar al-Watan, 1422/2001), 7:3367. ʿAbbad’s narration also appears in the Mustadrak of al-Bayhaqi’s teacher, but only the clause on bestiality; al-Hakim, Al-Mustadrak, ibid.


45. Al-Hakim, *Al-Mustadrak*, 4:356. The isnād comes via Abu Hurayrah – the Prophet, with the wording: *la'ana Allāh sab'a min khalqihi... mal'un mal'un mal'un man 'amilā 'amal qawm lūt*....


47. This is probably Abu Musa al-Ash’ari’s hadith from the Prophet, with the wording: *idhā atā al-rajul al-rajul fa-humā zāniyān...*, which al-Bayhaqi calls “munkar” by that isnād”; al-Bayhaqi, *Sunan al-Kubrā*, 8:406. See also al-Ajurri, *Dhamm al-Liwāt*, 51.


52. Pausing the narration here, al-Suyuti adds another source for the narration from Ibn Jurayj.

53. For the next series of opinions recorded by Ibn Abi Shaybah, see his *Muṣannaf*, 5:497.

54. The ms. used in the DKA edition has *mawlā Yaḥyā*. The editors of the DKI edition noted that they only saw this in one ms.


56. What appears between the braces {} is not found in al-Suyuti’s quotation from al-Dhahabi; however, it does appear in Abu Ghuddah’s edition of the *Mūqiẓah*.
See ibid., 80. This was probably a haplographic error due to the repeated word tāratan; al-Suyuti skipped to the second instance of tāratan, omitting the text in between.

57. Al-Dhahabi, Mizān al-Iʿtidāl, 3:281.


59. The term munkar (unknown or unfamiliar) was etymologically the converse of maʿrūf (accepted or known) See Jāmiʿ al-Tirmidhī: kitāb al-ṣiyām, bāb mā jāʾa fī man nazala bi qawm fa lā yасūmu illā bi idhnihim and Zayn al-Dīn ʿAbd al-Rahman Ibn Rajab, Sharḥ ʿIlal al-Tirmidhī, ed. Nur al-Dīn ʿItr (n.p.: n.p., 1398/1978), 1:409. One of the earliest definitions of munkar comes from Abu Bakr Ahmad al-Bardiji (d. 301/914), who defined it as a hadith known through only one narration; Ibn al-Salah, Muqaddimat Ibn al-Ṣalāḥ wa Maḥāsin al-Iṣṭilāḥ, ed. Aʾishah ʿAbd al-Rahman (Cairo: Dar al-Maʿarif, 1989), 244. After Ibn al-Salah (d. 643/1245), the term generally denoted a hadith narrated through only one chain of transmission, but one of whose narrators was not reliable enough (i.e., termed ṣādiq or less) to establish it as reliable. See al-Dhahabi, Mizān al-Iʿtidāl, 3:140-1. Transmitters who were prolific and respected for their accuracy could transmit uncorroborated material, but with limits. Their reputation was originally earned, in great part, by being corroborated by other leading transmitters. Thus al-Bardiji says that al-Ḥasan b. ʿAli b. Shabib can narrate solitary (munfarid) hadiths because he is so prolific. Centuries later, Ibn al-Qattan al-Fasi says a reliable (thiqah) narrator can transmit such material as long as he does not do so too much; al-Dhahabi, Mizān, 1:365, 504. Ibn ʿAdi reveals the flexibility of munkar during the early period when he describes the material narrated by Jaʿfar b. ʿUmar al-Iblī as “all munkar in either their isnād or their matn”; al-Dhahabi, Mizān, 1:561. Particularly in the first four centuries of Islam, munkar was often used to indicate that a particular transmission of a hadith was unacceptable, with no necessary bearing on the overall authenticity of the tradition in question. For example, Abu Ḥatīm al-Razī (d. 277/890) calls one narration of the famous hadith “Deeds are [judged] only by intentions” (innāmā al-aʿmāl bi al-niyyāt) munkar even though that Prophetic tradition is considered ṣaḥīḥ; Ibn Abī Ḥatīm al-Razī, Ḥadīth, 2 vols. (Beirut: Dar al-Maʿrifah, 1405/1985), 1:131. In other circumstances, munkar seems to indicate forged or baseless. Some reports that
al-Bukhari describes as *munkar*, Ibn Hibban and al-Hakim call *mawdūʿāt*; al-Dhahabi, *Mīzān*, 2:160. As shown in note 63 below, *munkar* could also be used to show that one was clearly objecting to the hadith’s meaning.

61. One of the most influential hadith scholars of the late-early period, Abu Bakr Ahmad b. ‘Ali al-Khatib (d. 463/1071) of Baghdad.

62. The hadith in question is “ʿAli is the best of mankind, and whoever denies this has disbelieved” (*ʿAli khayr al-bashar fa man abā fa qad kafara*), which al-Dhahabi considers an extremist Shiite (*rāfiḍī*) report. See al-Khatib al-Baghdadi, *Tārīkh Baghdād*, ed. Mustafa ʿAbd al-Qadir ʿAta, 14 vols. (Beirut: Dar al-Kutub al-ʿIlmiyyah, 1417/1997), 7:433 (in the text of the *Tārīkh Baghdād*, the hadith is *ʿAli khayr al-bashar fa man imtarā fa qad kafara*. Al-Dhahabi goes on to say that hadith scholars use *munkar* for hadiths that suffer from relatively minor flaws in their transmission, such as the hadith “If water reaches two large pitcher’s full (*qullatayn*) it does not bear ritual filth” (*idhā kāna al-māʾ qullatayn*...), which appears in the *Sunans* of Abu Dawud, al-Nasa’i, and al-Tirmidhi. It lacked *ṣaḥīḥ isnāds*, but was widely considered reliable. He says the term should not be used for “the likes of this plainly false hadith,” meaning the pro-ʿAli hadith of al-Khatib; al-Dhahabi, *Mīzān al-Iʿtidāl*, 1:521. As with earlier scholars, al-Dhahabi often uses *munkar* to denote that a particular transmission of a hadith might be uncorroborated or anomalous. For example, he notes the *munkar* aspect of one scholar’s transmissions but affirms that the texts (*mutūn*) of those hadiths are fine; al-Dhahabi, *Mīzān*, 2:358. But examining the hadiths from the Six Books and the *Musnad* of Ibn Hanbal that al-Dhahabi criticizes as *munkar* (or *gharīb*, i.e., rare) in his *Mīzān*, we find that sometimes *munkar* is used to object to unacceptable meanings in the *matn* of the hadith as well. This is affirmed by ʿAbd al-Fattah Abu Ghuddah, who says that *munkar* is often used to mean forged, referring to the unknown or unacceptable *matn* of a hadith as well as its *isnād*. See Abu Ghuddah’s edition of Mulla ʿAli al-Qari’, *Al-Maṣnūʿ fī Maʿrifat al-Ḥadīth al-Mawḍūʿ* (Beirut: Dar al-Basha’ir al-Islamiyyah, 1984), 20. The following is a list of hadiths that al-Dhahabi rated as *munkar* from the Six Books and Ibn Hanbal’s *Musnad*:

1. *Mīzān*, 3:93: *munkar* as an objection to meaning. From *Ṣaḥīḥ Muslim*. Here al-Dhahabi says that the hadith of the Prophet marrying Umm Habibah after the conversion of her father Abu Sufyan is “unacceptable” in its meaning (*aṣl munkar*), since it was reliably established that the Prophet had married her years earlier (see *Ṣaḥīḥ Muslim*: kitāb faḍāʾil al-ṣaḥābah, bāb min faḍāʾil Abī Sufyān b. Ḥarb).

2. *Mīzān*, 2:18: *munkar* as an objection to meaning. From *Sunan Abī Dāwūd*: al-Dhahabi calls a hadith *munkar*, probably because it contradicts the other narrations in which the Prophet instructs Muslims not to eat any part of the game from which a hunting dog has already eaten (see *Sunan Abī Dāwūd*: kitāb al-ṣayd, bāb fi al-ṣayd). Other scholars, such as al-Khattabi (d. 386/996),
sought to reconcile this hadith with the conflicting material; al-Khattabi, *Maʿālim al-Sunan*, 4:298-94.

3. *Mīzān*, 2:213: *munkar* as an objection to meaning. From *Jāmiʿ al-Tirmidhī*: al-Dhahabi says that he feels in his heart that a hadith in which the Prophet tells his Companion to pray four *rakʿah* on Friday, reading certain chapters of the Qurʾan, in order to remember the Qurʾan, is “very *munkar*,” even though he admits that its *isnād* seems fine (see *Jāmiʿ al-Tirmidhī*: kitāb al-daʿāʾiṯ, bāb fī ḍuʿāʾ al-ḥijz).

4. *Mīzān*, 1:641-2: *munkar* as an objection to meaning. From *Ṣaḥīḥ al-Bukhārī*: al-Dhahabi says the hadith describing how the Prophet experienced the Night Journey as a child, rather than after his prophethood had begun, was so *gharīb* that if it were not in *Ṣaḥīḥ al-Bukhārī* he would call it *munkar*. Al-Dhahabi also calls this narration “one of the *gharīb* hadiths of the *Ṣaḥīḥ*”; idem, *Mīzān*, 2:270.

5. *Mīzān*, 1:278 and 4:498: *munkar* possibly an objection to meaning. From *Musnad Ibn Ḥanbal*: al-Dhahabi calls one hadith on the virtues of Marv *munkar* (see *Musnad*, 5:357), and another one on the virtues of Horns (see *Musnad*, 1:19).

6. *Mīzān*, 2:312: *gharīb* as an objection to meaning. From *Ṣaḥīḥ Muslim*: al-Dhahabi calls the hadith of the Prophet’s telling the Companions to fast ‘ʿAshura’ like the Jews of Khaybar one of the *gharīb* hadiths of Muslim’s book (see *Ṣaḥīḥ Muslim*: kitāb al-ṣiyām, bāb ṣawm yawm ʿāshūrāʿ).

63. This hadith appears in the *Sunans* of Abu Dawud, al-Tirmidhi, and Ibn Majah. As described by al-Khattabi, its *isnāds* have been criticized for a variety of minor flaws. However, “It is testimony enough for its soundness that the stars of the world from amongst the scholars of Hadith have declared it *ṣaḥīḥ* and acted on it. And they are the example to be followed, and upon them should we rely on this matter”; al-Khattabi, *Maʿālim al-Sunan*, 1:36. The great Syrian Shafiʿi scholar and hadith master Salah al-Din al-ʿAlaʾi (d. 761/1359) wrote a small book arguing that the hadith was *ṣaḥīḥ*; al-ʿAlaʾi, *Juzʾ fī Taṣḥīḥ Ḥadīth al-Qullatayn wa al-Kālām ʿalā Asānīdihi*, ed. Abu Ishaq al-Huwayni (Cairo: Maktabat al-Tariqah al-Islamiyyah, 1992).

64. See note 63 above.

65. The definition used by al-Shafiʿi, and implied strongly by al-Tirmidhi, became the established definition for *shāhdh* by the fourteenth century: a transmission that disagrees with something more reliable than it (*yuḵḥālifu mā huwa awthaq minhu*). See al-Dhahabi, *Mūqīẓah*, 42. Al-Khalili (d. 446/1054) and his teacher al-Hakim, however, defined *shāhdh* as merely that which “has only one *isnād*” (laysa lahu illā isnād wāḥid); al-Hakim, *Maʿrifat ʿUlūm al-Ḥadīth*, ed. Muʾazzim al-Husayn (Hyderabad: Daʾirat al-Maʿarif al-ʿUthmaniyyah, 1966), 148; al-Khalil b. ʿAbdallah al-Khalili, *Al-Irshād fī Maʿrifat ʿUlamāʿ al-Ḥadīth*, ed. Amir Ahmad Haydar (Makkah: Dar al-Fikr, 1993), 13. For more on this debate, see...


72. In other words, the *isnād* is a single chain for the first two links.

73. The example that al-Hakim gives for this type is the *ṣaḥīfah* of ‘Amr b. Shu‘ayb, from his father, from his grandfather, from the Prophet, which contains crucial rulings on compensation for injuries and manslaughter/homicide; al-Hakim, *Madkhal*, 101. For the hadith, see *Sunan Abī Dāwūd*: kitāb al-diyā: kitāb al-diyya kam hiya and *Sunan Ibn Majah*: kitāb al-farāʿ id, bāb mīrāth al-qātil.

74. Through the eleventh century, *mursal* was used to mean a hadith in which a transmitter cited the Prophet without actually having met him. By the thirteenth century, it had come to mean a hadith in which a Successor quoted the Prophet, omitting the Companion from the chain of transmission. Until the mid-ninth century, many jurists, particularly the Hanafis, did not consider *mursal* hadiths to be flawed in any way, and thus they served as a major source of evidence. Although he used *mursal* hadiths selectively, al-Shafiʿi’s incorporation of hadith transmitter criticism into his evaluation of evidence meant that *mursal* hadiths would be seen as suspect due to the break in their chain.

75. Transmitters who engage in *tadlīs* (obfuscation in transmission) phrase a transmission or many transmissions in such a way that it seems they heard it directly from a source when they actually heard it via some intermediary.