

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* (s)

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Abstract

This article provides an annotated translation of a treatise written by the famous scholar Jalal al-Din al-Suyuti (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 *lūṭīyah*) has long stood out among sins in Islamic thought,¹ partly due to the Qur’an’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

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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 focused³: “inserting the penis (*dhakar*, sometimes *hashfah* [glans]) into a man's anus.” The Shafi'i, Hanbali, and Hanafi schools 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*).⁴ 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.⁵

The main Sunni opinions on the punishment are as follows, listed from the most to the least severe⁶:

- 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-Shafi'i (d. 204/820) and Ibn Hanbal (d. 241/855), and is the main Maliki position (death by stoning).⁷
- 2) *Liwāṭ* is punished exactly like *zinā*: The married person (*muḥṣan*) 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 Shafi'i and Hanafi schools (held by al-Shaybani [d. 189/804], Abu Yusuf [d. 182/798], al-Tahawi [d. 321/932], and others).⁸
- 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 Shafi'i school.⁹
- 4) *Liwāṭ* is punished by the judge's discretionary punishment (*ta'zīr*). The judicial authority has the discretion (*siyāsah*)¹⁰ 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.¹¹

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 Hanafī 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 *ḥudūd* 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 *ḥudūd* crime and set a punishment for it, such variation in opinions would not have existed. So reasoned many Hanafīs.

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-Hanafīs, such as the Shafī'ī hadith scholar Ibn Hajar al-ʿAsqalani (d. 852/1449), admitted that the principal hadiths used as evidence to classify *liwāṭ* as a *ḥudūd* offense were not sufficiently reliable for that task. But only the Hanafīs rejected analogy as a means to include crimes under the rubric of *ḥudūd* offenses. Shafī'īs had no problem with doing this, so Ibn Hajar and others still insisted that both *liwāṭ* and bestiality were *ḥudūd* 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 Shafī'ī 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-darūrah*), as do the Hanafī Badr al-Rashid (d. 767/1366), the Hanbali al-Buhuti (d. 1051/1641) and the Zahiri Ibn Hazm (d. 456/1064). Al-Bayhaqī (d. 458/1066), al-Qurtubi (d. 671/1272), al-Sanʿani (d. 1768), and others have stated that there is consensus on its prohibition.¹⁴

Attempts by Progressive¹⁵ 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).¹⁶ 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.¹⁷ The plain language meaning of the Qur'an'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'an 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'an 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'an. More influential figures, however, have attempted to engage the tradition and show how it can be recast to support their argument.¹⁸ 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'an is read. Since hadiths seem to make it clear that this unprecedented “gross indecency” condemned in the Qur'an 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.”¹⁹

Ratings of Ibn ‘Abbas’ Hadith of Killing the Active/Passive Partner

The most famous hadith on *liwāt*, narrated from the Prophet by Ibn ‘Abbas, 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-‘Iraqi (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 ‘Abd 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-San‘ani (d. 1768), and Muhammad Nasir al-Din al-Albani (d. 1999).²⁰ Even the early Hanafi hadith scholar Abu Ja‘far al-Tahawi (d. 321/932), who held that *liwāt* should be punished like a *ḥudūd* crime, uses this particular hadith as the last nail in the coffin of those who disagree with him.²¹

Other Reliable Hadiths Condemning *Liwāt*

From the perspective of Sunni hadith criticism, the most reliable condemnation actually comes from another hadith narrated from the Prophet by Ibn ‘Abbas:

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,²² 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).²³

Another version contains almost the same content but is phrased as “Cursed are those who commit the act of the people of Lot...”²⁴ Versions of this hadith are found in the *Muṣannaf* of ‘Abd al-Razzaq al-San‘ani (d. 211/827),²⁵ the *Musnad* of ‘Abd b. Ḥumayd (d. 249/863),²⁶ the *Musnad* of Ibn Hanbal,²⁷ the *Musnad* of al-Harith b. Abi Usamah (d. 282/895-6),²⁸ the *Dhamm*

al-Malāhī of Ibn Abi al-Dunya (d. 281/894),²⁹ the *Sunan al-Kubrā* of al-Nasa'i (d. 303/915),³⁰ the *Musnad* of Abu Ya'la al-Mawsili (d. 307/919-20),³¹ the *Ṣaḥīḥ* of Ibn Hibban (d. 354/965),³² the *Masāwī' al-Akhlāq of al-Khara'iti* (d. 327/939),³³ the *Mu'jam al-Awsaṭ* and the *Mu'jam al-Kabīr* of al-Tabarani (d. 360/ 971),³⁴ the *Mustadrak* of al-Hakim,³⁵ the *Sunan al-Kubrā* of his student al-Bayhaqi,³⁶ the *Ḥilyat al-Awliyā'* of their contemporary Abu Nu'aym al-Isbahabi (d. 430/1038),³⁷ the *Tārīkh Baghdād* of his student al-Khatib al-Baghdadi (d. 463/1071),³⁸ and the *Mukhtārah* of Diya' al-Din al-Maqdisi (d. 643/1245).

This hadith has been judged *ṣaḥīḥ* by Ibn Hibban, al-Hakim, and Diya' 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-Albani and Ahmad al-Ghumari (d. 1960).³⁹

Summary of the Muslim Critiques of Ibn 'Abbas' Hadith

Pre-modern criticism⁴⁰ of this hadith centers on the person of 'Amr b. Abi 'Amr (d. 144/761-62), a client of al-Muttalib b. 'Abdallah and member of the Quraysh tribe from the Successors' generation. A junior Successor, 'Amr narrated hadiths mainly from the long-lived Companion Anas b. Malik and other Successors like Sa'id b. Abi Sa'id al-Maqburi (his occasional narrations from the Companion Jabir b. 'Abdallah come through an intermediary, al-Muttalib, as he sometimes specifies). His narrations from 'Ikrimah are rare. Although criticized by some, he was generally held in high regard by critics. Al-Bukhari (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 'Ikrimah ← Ibn 'Abbas ← the Prophet (s), nor did al-Nasa'i in his *Mujtabā*. Among the Six Books, 'Amr's narrations from 'Ikrimah appear in the three *Sunans* of al-Tirmidhi (d. 279/892), Abu Dawud (d. 275/889), and Ibn Majah (d. 273/886).

Abu Dawud uses the chain for a hadith on the obligation to perform the greater ablution (*ghusl*) on Fridays, for a hadith on reading the Qur'an during prayer, and for an unusual hadith about how to ask permission to enter homes (which Abu Dawud notes is contradicted by a better report from Ibn 'Abbas)⁴¹ Ibn Majah uses the chain for a hadith on a debt issue.⁴² Along with al-Tirmidhi, their only other use of the 'Amr ← 'Ikrimah chain is for the Hadith of Killing the Active/Passive Partner. 'Amr b. Abi 'Amr was thus a hadith transmitter in fairly good standing among early Sunni hadith critics. Ibn Hanbal and Abu Hatim al-Razi (d. 277/890) said: "There is nothing wrong with him (*laysa bihi ba's*)," and Abu Zur'a al-Razi (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 *liwāt* 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* ḥadīths.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 ‘Abbas 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. Bahdalāh ← Abu Razīn ← Ibn ‘Abbas, 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 *liwāt* portion is al-Tirmidhi’s remark on conflicting evidence over the proper punishment for *liwāt*; 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 *liwāt* 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‘īf*). 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 *ḥudūd* 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*).⁴⁷ At another point in the *Fath* he states that both the *liwāṭ* and bestiality clauses are “not sound” (*lam yaṣih*), but that both acts fall under *zinā*.⁴⁸

More recent criticism of this hadith has moved beyond the person of ‘Amr to that of ‘Ikrimah 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 ‘Ikrimah (d. 105/723-24), the freeman (*mawlā*) of Ibn ‘Abbas, was probably a North African Berber. He was given as a slave to Ibn ‘Abbas in Basra, but his owner quickly freed him. ‘Ikrimah 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 ‘Ikrimah 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 ‘Abd 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-Sārī*.⁵⁰ A recent revival of the anti-‘Ikrimah 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 *ḥudūd* 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 ‘Ikrimah 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,⁵⁵ Kugle does not investigate 'Ikrimah's stance on this question. In a famous hadith of incredible relevance to Kugle's argument, 'Ikrimah narrates from Ibn 'Abbas, from the Prophet, that one who commits *zinā*, theft, drinks alcohol, or commits murder is not a believer when committing those acts.⁵⁶ But this hadith can hardly be dismissed as a Kharijite invention, for the majority of its narrations come not through 'Ikrimah, but from the Prophet by Abu Hurayrah, who was not accused of Kharijism (they are included in all the Six Books).⁵⁷ More importantly, 'Ikrimah's version features striking tones of leniency. Unlike those who transmitted it from Abu Hurayrah, 'Ikrimah asks Ibn 'Abbas to explain how committing such sins can erase a Muslim's faith and, crucially, how repenting restores it.⁵⁸ For from being a ruthless puritan on sexual sins, 'Ikrimah 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 'Ikrimah is that it contradicts his overall strategy of constructing an acceptance of homosexuality within the Sunni legal tradition. Rejecting all evidence narrated by 'Ikrimah 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 'Ikrimah 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 (*lūṭī*) 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.⁵⁹ 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.⁶⁰ 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.⁶¹

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-mā'nā*) 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.⁶⁹ 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 sexual⁷⁰ 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.⁷¹ 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 (*atbā' al-tābi'īn*), 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 (*waqa'a*) 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 (*yu'ā fi nafsihi*), [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-mar'ah*).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 *Muṣannaḥ* of 'Abd al-Razzaq al-San'ani (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 *Muṣannaḥ* 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 (*ya'ī*) to a man, his proper treatment (*sunnatuhu*) 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

centuries.⁷⁸ 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 *Bulūgh al-Ma'mūl*

Jalal al-Din 'Abd al-Rahman b. Abi Bakr al-Suyuti was born in 849/1445 in Cairo.⁷⁹ 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 *Jāmi' 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 Baybarsiyyah 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.⁸⁰

In terms of his scholarly and ideological inclinations, al-Suyuti felt contempt for the science of speculative theology (*kalām*) and advocated fideistic submission (*tafwīd*) 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 mustaqill*). 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 Qurʾanic 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.”⁸⁵ This could be seen as a sign of egotism, 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 as 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.”⁸⁶

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....”⁸⁷ 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 ‘Abbas, Abu Hurayrah, and Jabir, along with critical approval of their reliability.
2. Discussion of the criticisms of ‘Amr b. Abi ‘Amr’s narration and responses mitigating them, adding that other narrations compensate for his flaws. Thus ‘Amr’s hadith should be considered *ṣahīh*.
3. Presentation of other hadiths attesting to the content of ‘Amr b. Abi ‘Amr’s narration of the Hadith of Killing the Active/Passive Partner.

4. Presentation of supporting Companion reports.
5. Contextualization of criticisms of ‘Amr b. Abi ‘Amr 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-Ma’mūl* Relied on for this Translation

There are two published editions of *Al-Hāwī li al-Fatāwī*, a collection of al-Suyuti’s fatwas that he compiled himself. The Dar al-Kutub al-‘Ilmiyyah 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-‘Arabi 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 *Hāwī*.⁸⁸

Endnotes

1. Books devoted to the topic include *Dhamm al-Liwāṭ* by Abu Bakr al-Ajurri of Baghdad (d. 360/970), *Al-Ḥukm al-Maḍbūṭ fī Taḥrīm ‘Amal Qawm Lūt* by Shams al-Din Muhammad b. ‘Umar al-Ghamri of Cairo (d. 849/1445); he also wrote a book on gender mixing: *Al-‘Unwān fī Taḥrīm Mu‘āsharat al-Shabbān wa al-Niswān* and a *Risālah fī al-Lūṭīyah wa Taḥrīmihā* by Ibrahim b. Bakhshi Dada Khalifah (d. 973/1565); Shams al-Din al-Sakhawi, *Al-Ḍaw’ al-Lāmi‘* (Beirut: Dar al-Jil, 1992), 4:239; Hajji Khalifah Mustafa Katib Chelebi, *Kashf al-Zunūn ‘an Asāmī al-Kutub wa al-Funūn*, ed. Muhammad ‘Abd al-Qadir ‘Ata (Beirut: Dar al-Kutub al-‘Ilmiyyah, 1429/2008), 2:204.
2. For a study on the etymology and lexicography around the word *liwāṭ*, see Pierre Larcher, “*Liwāṭ*: “agir comme le peuple de Loth...” Formation et interprétation lexicales en arabe classique,” *Journal of Arabic and Islamic Studies* 14 (2014): 213-27.
3. See Shihab al-Din Ahmad Ibn Hajar al-Haytami, *Al-Zawājir ‘an Iqtirāf al-Kabā’ir*, ed. ‘Imad Zaki al-Barudi (Cairo: al-Maktabah al-Tawfiqiyyah, 2003), 2:296-97.
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 Shafi‘i school included the clause “... in the anus, whether of a man or a woman.” A hadith in Ibn Hanbal’s *Musnad* refers to anal sex with one’s wife as “the lesser *liwāṭ*” (*al-lūṭīyah al-ṣuḡhrā*), and this wording is attested

- even earlier in the *Kitāb al-Taḥrīsh* of Dirar b. ‘Amr (d. 200/815). In the Hanafi, Shafi‘i, and Maliki schools, anal sex with one’s wife or slavegirl is only punished by discretionary punishment (*ta’zīr*) (in the Shafi‘i school, one opinion is that this is only done if the man repeats the act after a warning). Al-Sha‘rani (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 Shafi‘i 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 (*shubḥah*), 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. ‘Umar al-Jawi, *Qūt al-Ḥabīb al-Gharīb* (Cairo: Matba‘at Mustafa al-Babi al-Halabi, 1938), 246; *Musnad* of Ibn Hanbal (Maymaniyyah print), 2:182; Dirar b. ‘Amr, *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, *Jāmi‘ al-Tirmidhī al-Muḥashshā* (Karachi: Qadimi Kutubkhane, n.d.), 338; Salih ‘Abd al-Salam al-Abi, *Al-Thamar al-Dānī fī Taqrīb al-Ma‘ānī Ḥāshiyat Risālat Ibn Abī Zayd al-Qayrawānī*, 2d ed. (Cairo: Mustafa al-Babi al-Halabi, 1944), 438; al-Suyuti, *Al-Ashbāh wa al-Nazā‘ir*, ed. Muhammad al-Mu‘tasim al-Baghdadi (Beirut: Dar al-Kitab al-‘Arabi, 1414/1993), 746; Taj al-Din al-Subki, *Ṭabaqāt al-Shāfi‘iyah al-Kubrā*, ed. ‘Abd al-Fattah Muhammad al-Huluw and Mahmud Muhammad al-Tanahi, 2d ed. (Cairo: Hujr, 1413/1992), 4:45-46; al-Haytami, *Al-Zawājir*, 2:299; Muhammad b. Hasan al-Kawakibi, *Al-Fawā‘id al-Samīyah Sharḥ al-Fawā‘id al-Sanīyah*, 2 vols. (Cairo: al-Maṭba‘ah 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 *ḥarām*; 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 Abi 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 Abi al-Dunya, *Dhamm al-Malāhī*, ed. ‘Amr ‘Abd al-Mun‘im 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-Liwāṭ*, ed. Majdi al-Sayyid Ibrahim (Cairo: Maktabat al-Qur’an, n.d.), 72.
 6. For a useful study, see Sara Omar, “From Semantics to Normative Law: Perceptions of *Liwāṭ* (Sodomy) and *Siḥāq* (Tribadism) in Islamic Jurisprudence (8-15th Century CE),” *Islamic Law and Society* 19 (2012): 222-56.

7. Jalal al-Din al-Suyuti, *Miṣbāḥ al-Zujājah Sharḥ Sunan Ibn Mājah* (Karachi: Qadim Kutubkhane, n.d.), 184; Abu Bakr Ahmad al-Bayhaqī, *Al-Sunan al-Kubrā*, ed. Muhammad ‘Abd al-Qadir ‘Ata, 11 vols. (Beirut: Dar al-Kutub al-‘Ilmiyyah, 1999), 8:404-5; al-Abi, *Al-Thamar al-Dānī*, 438.
8. Mansur b. Yunus al-Buhuti, *Al-Rawḍ al-Murbi*’, ed. Bashir Muhammad ‘Uyun (Damascus: Maktabat Dar al-Bayan, 1999), 463-4; Abu Ja‘far al-Tahawī, *Sharḥ Mushkil al-Āthār*, ed. Shu‘ayb al-‘Arna‘ut, 16 vols. (Beirut: Mu‘assasat al-Risalah, 1994), 9: 442-43.
9. Al-Jawī, *Qūt al-Ḥabīb*, 246.
10. See this excellent study on how Sharia rules on same-sex activity are linked primarily to public order concerns: Mohammed Mezziane, “Sodomie et masculinité chez les juristes musulmans du IXe-XIe siècle,” *Arabica* 55 (2008): 276-306.
11. Kashmiri et al., *Jāmi‘ al-Tirmidhī al-Muḥashshā*, 338.
12. Al-Bayhaqī, *Al-Sunan*, 8:404-6; al-Haytami, *Zawājir*, 2:296.
13. Ibn Hajar, *Fath al-Bārī*, ed. Ayman Fu‘ad ‘Abd al-Baqī and ‘Abd al-‘Aziz Bin Baz, 14 vols. (Beirut: Dar al-Kutub al-‘Ilmiyyah, 1997), 12:139, 251.
14. Badr al-Din Muhammad al-Zarkashi, *Al-Baḥr al-Muḥīṭ* (Beirut: Dar al-Kutub al-‘Ilmiyyah, 2007), 4:566; al-Haytami, *Al-Fatāwā al-Ḥadīthīyah* (Beirut: Dar Ihya’ al-Turath al-‘Arabi, 1998), 267; Muhammad ‘Abd al-Rahman al-Khamis, ed., *Al-Jāmi‘ fī Alfāz al-Kufr* (Kuwait: Dar Ilaf al-Duwaliyyah, 1999/1420), 92; Muhyi al-Din al-Nawawi, *Rawḍat al-Ṭālibīn* (Beirut: al-Maktab al-Islami, 1991/1412), 10:65; Mansur al-Buhuti, *Kashshāf al-Qinā’* (Beirut: Dar al-Fikr, 1982/1402), 6:172; Ibn Hazm, *Al-Muḥallā* (Beirut: Dar al-Fikr, n.d.), 12:388; al-Bayhaqī, *Al-Sunan*, 8:402; Muhammad b. Ahmad al-Qurtubi, *Al-Jāmi‘ li Aḥkām al-Qur‘ān*, 10 vols. (Cairo: Dar al-Hadīth, 2002), 4:212; Muhammad b. Isma‘il al-Amir al-San‘ani, *Subul al-Salām*, 4 vols. (Beirut: Dar Ihya’ al-Turath al-‘Arabi, 2005), 4:18-19.
15. For a useful declaration of what “Progressive” means in the Muslim context, see Omid Safi, ed., *Progressive Muslims* (Oxford: Oneworld, 2003), 1-29.
16. <http://muslimmatters.org/2016/07/11/can-islam-accommodate-homosexual-acts-Qur’anic-revisionism-and-the-case-of-scott-kugle/>.
17. Abu al-Hasan al-Ash‘ari, *Al-Ībāna ‘an Uṣūl al-Dīyāna*, ed. Fawqīyyah Husayn Mahmud (Cairo: Dar al-Ansar, 1977), 138.
18. See Scott Siraj al-Haqq Kugle, *Homosexuality in Islam* (Oxford: Oneworld, 2010).
19. ‘Abdallah b. ‘Abd al-Rahman al-Darimi, *Sunan al-Darimī*: introductory chapters, *bāb al-sunnah qāḍiya ‘alā kitāb Allāh*.
20. Al-Ajurri, *Dhamm al-Liwāṭ*, 29; Ibn ‘Abd al-Hadi Muhammad b. Ahmad, *Al-Muharrar fī al-Ḥadīth*, ed. ‘Adil al-Hudba and Muhammad ‘Allush (Riyadh: Dar al-‘Ata’, 2001), 407; Ibn Qayyim al-Jawziyyah, *Al-Jawāb al-Kāfi li Man Sa‘ala ‘an al-Dawā’ al-Shāfi’*, ed. Muhibb al-Din al-Khatib (Cairo: al-Maktabah al-Salafiyyah, n.d.), 206; Muhammad b. ‘Abdallah al-Zarkashi al-Hanbali, *Sharḥ al-Zarkashi ‘alā Mukhtaṣar al-Khiraqī*, ed. ‘Abdallah ‘Abd al-Rahman al-Jibrin (Riyadh: Maktabat al-‘Ubaykan, 1993), 6:287; Ibn Hajar al-Haytami, *Al-Zawājir*,

- 2:293; al-San‘ani, *Subul al-Salām*, 4:18; Muhammad Nasir al-Din al-Albani, *Ṣaḥīḥ Sunan Ibn Mājah* (Riyadh: Maktabat al-Ma‘arif, 1997), 2:324; idem, *Ṣaḥīḥ Sunan Abī Dāwūd* (Riyadh: Maktabat al-Ma‘arif, 1998), 3:73.
21. Al-Tahawi, *Sharḥ Mushkil al-Āthār*, 9:449-50. His criticism of other hadiths does not involve ‘Amr b. Abi ‘Amr.
 22. The Torah forbids shifting existing boundary markers, especially those of neighbors. See Deuteronomy 19:14, 27:17; and Proverbs 22:28. In early Roman law, destroying or moving boundary stones was punishable by being sacrificed to Jupiter Capitolinus; O. F. Robinson, “Criminal Law: The Roman Republic,” *OSP Encyclopedia of Legal History* (Oxford: Oxford University Press, 2005), 2:268.
 23. The narrations through ‘Abd al-Rahman b. Abi al-Zinad – ‘Amr b. Abi ‘Amr are highly inconsistent in their wording, as are the narrations through Sulayman b. Bilal – ‘Amr b. Abi ‘Amr, though they all contain mention of bestiality. By contrast, the narrations through Zuhayr b. Muhammad – ‘Amr b. Abi ‘Amr and through Muhammad b. Ishaq – ‘Amr b. Abi ‘Amr are extremely consistent in their wording (those through Zuhayr never include bestiality; those through Ibn Ishaq always do).
 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 saraqā manār al-arḍ wa la ‘ana Allāh man la ‘ana wālidahu wa la ‘ana Allāh man awā muḥdithan*); *Musnad* of Ibn Hanbal, 1:108, 118, 152.
 25. ‘Abd al-Razzaq al-San‘ani, *Al-Muṣannaḥ*, ed. Habib al-Rahman al-A‘zami, 11 vols. (Beirut: al-Maktab al-Islami, 1403/1983), 7:365. The *isnād* is: Ibn Jurayj – ‘Ata’ al-Khurasani – (break) – the Prophet: *mal ‘ūn mal ‘ūn mal ‘ūn man ‘amila ‘amal qawm lūṭ mal ‘ūn man sabba shay’an min wālidayhi mal ‘ūn man ghayyara shay’an min tukhūm al-arḍ mal ‘ūn man jama ‘a bayn imra’a wa ibnatihā mal ‘ūn man tawallā qawman bi ghayr idhnihim mal ‘ūn man waqa ‘a ‘alā bahīma mal ‘ūn man dhabaḥa li ghayr Allāh ‘azza wa jall*. And also via the *isnād*: Ibn Jurayj – (likely break) – ‘Ikrimah – Ibn ‘Abbas but without the mention of bestiality. It is debated whether Ibn Jurayj met and heard hadiths from ‘Ikrimah; see Ibn Hajar, *Tahdhīb al-Tahdhīb*, ed. Mustafā ‘Abd al-Qadir ‘Ata, 12 vols. (Beirut: Dar al-Kutub al-‘Ilmiyyah, 1994), 6:353.
 26. ‘Abd b. Humayd, *Musnad ‘Abd b. Ḥumayd*, ed. Subhi Badri al-Samarra’i and Mahmud Muhammad Sa‘idi (Cairo: Maktabat al-Sunnah, 1408/1988), 203. The key part of the *isnād* is: ... Sulayman b. Bilal – ‘Amr b. Abi ‘Amr – ‘Ikrimah ..., with the wording: *la ‘ana Allāh man ghayyara tukhūm al-arḍ wa la ‘ana Allāh man wālā ghayr mawālīhi wa la ‘ana Allāh man kammaha a ‘mā ‘an al-sabīl la ‘ana Allāh man la ‘ana wālidayhi wa la ‘ana Allāh man dhabaḥa li ghayr Allāh wa la ‘ana Allāh man waqa ‘a ‘alā al-bahīma wa la ‘ana Allāh man ‘amila ‘amal qawm lūṭ thumma la ‘ana Allāh man ‘amila ‘amal qawm lūṭ thumma la ‘ana Allāh man ‘amila ‘amal qawm lūṭ*.

27. *Musnad* of Ibn Hanbal in five locations. 1) *Musnad* 1:217. The *isnād* is Muhammad b. Salama (Maslama in some recensions of the *Musnad*, an error) – Muhammad b. Ishaq – (‘an) ‘Amr b. Abi ‘Amr – ‘Ikrimah – the Prophet, with the wording: *mal‘ūn man sabba abāhu mal‘ūn man sabba ummaha mal‘ūn man dhabaḥa li ghayr Allāh mal‘ūn man ghayyara tukhūm al-arḍ mal‘ūn man kammaha a‘mā ‘an ṭarīq mal‘ūn man waqa‘a ‘alā bahīma mal‘ūn man ‘amila bi-‘amal* (some recensions have ‘amal) *qawm lūṭ*. 2) *Musnad* 1:317. The *isnād* is Ya‘qub – Ibrahim b. Sa‘d – Muhammad b. Ishaq – (ḥaddathanā) ‘Amr b. Abi ‘Amr – ‘Ikrimah – Ibn ‘Abbas – the Prophet, with almost the identical wording: *mal‘ūn man sabba abāhu mal‘ūn man sabba ummaha mal‘ūn man dhabaḥa li ghayr Allāh mal‘ūn man ghayyara tukhūm al-arḍ mal‘ūn man kammaha a‘mā ‘an al-ṭarīq mal‘ūn man waqa‘a ‘alā bahīma mal‘ūn man ‘amila ‘amal qawm lūṭ qālahā rasūl Allāh (s) mirāran thalāthan fī al-lūṭiyah*. 3) *Musnad* 1:309. The *isnād* is ‘Abd al-Rahman – Zuhayr – ‘Amr b. Abi ‘Amr – ‘Ikrimah – Ibn ‘Abbas – the Prophet: *la‘ana Allāh man dhabaḥa li ghayr Allāh wa la‘ana Allāh man ghayyara tukhūm al-arḍ wa la‘ana Allāh man kammaha al-a‘mā ‘an al-sabīl wa la‘ana Allāh man sabba wāli-dayhi wa la‘ana Allāh man tawallā ghayr mawālīhi wa la‘ana Allāh man ‘amila ‘amal qawm lūṭ la‘ana Allāh man ‘amila ‘amal qawm lūṭ la‘ana Allāh man ‘amila ‘amal qawm lūṭ*. 4) *Musnad* 1:317. The *isnād* is Hajjaj – ‘Abd al-Rahman b. Abi al-Zinad – ‘Amr b. Abi ‘Amr – ‘Ikrimah – Ibn ‘Abbas – the Prophet: *la‘ana Allāh man man ghayyara tukhūm al-arḍ la‘ana Allāh man dhabaḥa li ghayr Allāh la‘ana Allāh man la‘ana wāli-dayhi la‘ana Allāh man tawallā ghayr mawālīhi la‘ana Allāh man kammaha al-a‘mā ‘an al-sabīl la‘ana Allāh man waqa‘a ‘alā bahīma wa la‘ana Allāh man ‘amila ‘amal qawm lūṭ la‘ana Allāh man ‘amila ‘amal qawm lūṭ la‘ana Allāh man ‘amila ‘amal qawm lūṭ la‘ana Allāh man thalāthan*. 5) *Musnad* 1:317. The *isnād* is Abu Sa‘id – Sulayman b. Bilal – ‘Amr b. Abi ‘Amr – ‘Ikrimah, etc., with the wording: *la‘ana Allāh man ghayyara tukhūm al-arḍ la‘ana Allāh man tawallā ghayr mawālīhi la‘ana Allāh man kammaha a‘mā ‘an al-ṭarīq la‘ana Allāh man dhabaḥa li ghayr Allāh la‘ana Allāh man waqa‘a ‘alā bahīma la‘ana Allāh man ‘aqqa wāli-dayhi la‘ana Allāh man ‘amila ‘amal qawm lūṭ qālahā thalāthan*.
28. Nur al-Din ‘Ali al-Haythami, *Majma‘ al-Zawā‘id wa Manba‘ al-Fawā‘id*, ed. Husam al-Din al-Qudsi, 10 vols. (Beirut: Dar al-Kitab al-‘Arabi, n.d.), 1:565. The *isnād* is: al-Khalil b. Zakariyyah – al-Muthanna b. al-Sabah – ‘Amr b. Shu‘ayb – his father – his grandfather – the Prophet: *mal‘ūn mal‘ūn mal‘ūn man ‘amila ‘amal qawm lūṭ*.
29. Abu Bakr Ibn Abi al-Dunya, *Dhamm al-Malāhī*, ed. Muhammad ‘Abd al-Qadir ‘Ata (Cairo: Dar al-‘Itisam, 1407/1987), 65. The key part of the *isnād* is ... Khalaf b. Hisham – ‘Abd al-Rahman b. Abi al-Zinad – ‘Amr b. Abi ‘Amr... etc., with the wording: *la‘ana Allāh man ‘amila ‘amal qawm lūṭ thalāthan la‘ana Allāh man ‘amila ‘amal qawm lūṭ la‘ana Allāh man ‘amila ‘amal qawm lūṭ*.
30. Ahmad b. Shu‘ayb al-Nasa‘i (d. 303/916), *Sunan al-Nasā‘ī al-Kubrā*, ed. Shu‘ayb al-Arna‘ut et al. (Beirut: Mu‘assasat al-Risalah, 1421/2001), 6:485-86. Here al-Nasa‘i describes ‘Amr as “not strong” (*laysa bi qawī*). The key part of the *isnād*

- is: ... 'Abd al-'Aziz b. Muhammad – 'Amr b. Abi 'Amr – 'Ikrimah – Ibn 'Abbas – the Prophet, with the wording: *la 'ana Allāh man 'amila 'amal qawm lūt la 'ana Allāh man 'amila 'amal qawm lūt la 'ana Allāh man 'amila 'amal qawm lūt.*' Al-Nasa'i 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: *la 'ana Allāh man waqa 'a 'alā bahūma wa la 'ana Allāh man 'amila 'amal qawm lūt*; as well as once with the full list; al-Ajurri, *Dhamm al-Liwāt*, 46-47.
31. Abu Ya'la al-Mawsili, *Al-Musnad*, ed. Husayn Salim Asad, 13 vols. (Damascus: Dar al-Ma'mun, 1404/1984), 4:414. The key part of the *isnād* is: ... Zuhayr – 'Abd al-Malik b. 'Amr – Zuhayr b. Muhammad – 'Amr b. Abi 'Amr – 'Ikrimah..., with the wording: *la 'ana Allāh man dhabaḥa li ghayr Allāh wa la 'ana Allāh man ghayyara tukhūm al-ard wa la 'ana Allāh man kammaha al-a'mā 'an al-sabīl wa la 'ana Allāh man sabba wālidayhi wa la 'ana Allāh man tawallā ghayr mawālīhi wa la 'ana Allāh man 'amila 'amal qawm lūt qālahā thalāthan ya 'nī qawm lūt.*
 32. Ibn Hibban al-Busti, *Ṣaḥīḥ Ibn Hibban*, ed. Shu'ayb al-Arna'ut, 18 vols. (Beirut: Mu'assasat al-Risalah, 1993), 10:265. The key part of the *isnād* is: Zuhayr b. Muhammad – 'Amr b. Abi 'Amr – 'Ikrimah..., with the wording: *la 'ana Allāh man dhabaḥa li ghayr Allāh wa la 'ana Allāh man ghayyara tukhūm al-ard wa la 'ana Allāh man kammaha al-a'mā 'an al-sabīl wa la 'ana Allāh man sabba wālidayhi wa la 'ana Allāh man tawallā ghayr mawālīhi wa la 'ana Allāh man 'amila 'amal qawm lūt qālahā thalāthan fī 'amal qawm lūt.*
 33. Muḥammad b. Ja'far al-Khara'iti, *Masāwi' al-Akhlāq wa Madhmūmuhā*, ed. Mustafa al-Shalabi (Jeddah: Maktabat al-Sawadi, 1992), 203. The *isnād* is: Ahmad b. Mansur al-Ramadi – 'Abdallah b. Raja' – Sa'id b. Salamah – 'Amr b. Abi 'Amr – 'Ikrimah – the Prophet, with the wording: *la 'ana Allāh man waqa 'a 'alā bahūma wa la 'ana Allāh man 'amila 'amal qawm lūt qālahā thalātha.*
 34. Abu al-Qasim Sulayman al-Tabarani, *Al-Mu'jam al-Awsaṭ*, ed. Tariq b. 'Awad Allah al-Husayni, 10 vols. (Cairo: Dar al-Haramayn, 1415/1995), 8:234. The *isnād* is: Mu'adh – Abu Mus'ab al-Zuhri – Muharrar b. Harun al-Qurashi – al-A'raj – Abu Hurayrah – the Prophet (al-Tabarani notes that only Muharrar narrates this from al-A'raj), with the wording: *la 'ana Allāh sab 'a min khalqihī min fawq sab 'a samawātihi wa raddada al-la'na 'alā wāḥid minhum thalāthan wa la 'ana kull wāḥid minhum la 'natan takfīhi fa-qāla mal 'ūn man 'amila 'amal qawm lūt mal 'ūn man 'amila 'amal qawm lūt mal 'ūn man 'amila 'amal qawm lūt mal 'ūn man 'amila 'amal qawm lūt mal 'ūn man dhabaḥa li ghayr Allāh mal 'ūn man atā shay'an min al-bahā'im mal 'ūn man 'aqqa wālidayhi mal 'ūn man jama 'a bayn al-mar'a wa bayn ibnatihā mal 'ūn man ghayyara ḥudūd al-ard mal 'ūn man idda 'ā ilā ghayr mawālīhi*; idem, *Al-Mu'jam al-Kabūr*, ed. Hamdi 'Abd al-Majid al-Salafī, 25 vols. (Mosul: Maktabat al-Zahra', 1983/1404), 11:218. The *isnād* is Abu Yazid al-Qaratisi and Yahya b. Ayyub al-'Allaf – Sa'id b. Abi Maryam – 'Abd al-Rahman b. Abi al-Zinad and 'Abd al-'Aziz b. Muhammad – 'Amr b. Abi 'Amr – 'Ikrimah – Ibn 'Abbas – Prophet, with the wording: *la 'ana Allāh man wālā*

*ghayr mawālīhi la 'ana Allāh man ghayyara tukhūm al-arḍ la 'ana Allāh man kammaha a 'mā 'an al-ṭarīq wa la 'ana Allāh man la 'ana wālidayhi wa la 'ana Allāh man dhabaḥa li ghayr Allāh wa la 'ana Allāh man waqa 'a 'alā bahīma wa la 'ana Allāh man 'amila 'amal qawm lūt wa la 'ana Allāh man 'amila 'amal qawm lūt wa la 'ana Allāh man 'amila 'amal qawm lūt. See also, for almost identical chains, al-Khara'iti, *Masāwi' al-Akhlāq*, 201.*

35. Al-Hakim al-Naysaburi, *Al-Mustadrak* (Hyderabad: Da'irat al-Ma'arif al-'Uthmaniyyah, n.d.), 4:356. The key part of the *isnād* is: Zuhayr – 'Amr b. Abi 'Amr – Ikrimah..., with the wording: *la 'ana Allāh man dhabaḥa li ghayr Allāh, wa la 'ana Allāh man ghayyara tukhūm al-arḍ wa la 'ana Allāh man kammaha al-a 'mā 'an al-sabīl wa la 'ana Allāh man sabba wālidayhi wa la 'ana Allāh man tawallā ghayr mawālīhi wa la 'ana Allāh man 'amila 'amal qawm lūt*. Another narration comes via Abu Hurayrah. The key part of the *isnād* is: Muharrar b. Harun al-Taymi (al-Qurashi) – al-A'raj – Abu Hurayrah – the Prophet: *la 'ana Allāh sab 'a min khalqīhi... mal 'un mal 'un mal 'un man 'amila 'amal qawm lūt*. Al-Dhahabi notes that critics considered Muharrar b. Harun weak.
36. Al-Bayhaqi, *Sunan*, 8:403. The key part of the *isnād* is: Ibrahim b. Hamzah al-Zubayri – 'Abd al-'Aziz b. Muhammad – 'Amr b. Abi 'Amr – 'Ikrimah..., with the wording: *la 'ana Allāh man tawallā ghayr mawālīhi wa la 'ana Allāh man ghayyara tukhūm al-arḍ wa la 'ana Allāh man kammaha al-a 'mā 'an al-sabīl wa la 'ana Allāh man la 'ana wālidahu wa la 'ana Allāh dhabaḥa li ghayr Allāh wa la 'ana Allāh man waqa 'a 'alā bahīma wa la 'ana Allāh man 'amila 'amal qawm lūt la 'ana Allāh man 'amila 'amal qawm lūt la 'ana Allāh man 'amila 'amal qawm lūt*.
37. Abu Nu'aym al-Isbahani, *Hilyat al-Awliyā' wa Ṭabaqāt al-Aṣfiyā'*, 10 vols. (Cairo: Maktabat al-Khanji and Beirut: Dar al-Fikr, 1416/1997), 9:232. The full *isnād* is: Muhammad b. al-Hasan – 'Abdallah b. Ahmad – his father (a.k.a. Ibn Hanbal) – Muhammad b. Muslim (sic, probably a copyist's error from the recensions of Ibn Hanbal's *Musnad* that have Maslamah instead of Salamah) – Muhammad Ishaq (sic) – 'Amr b. Abi 'Amr – 'Ikrimah – the Prophet, with the wording: *mal 'un man sabba abāhu mal 'un man sabba ummahu mal 'un man dhabaḥa li ghayr Allāh mal 'un man ghayyara tukhūm al-arḍ mal 'un man kammaha a 'mā min ṭarīq mal 'un man waqa 'a 'alā bahīma mal 'un man 'amila bi 'amal qawm lūt*.
38. Al-Khatib al-Baghdadi, *Tārīkh Baghdād*, ed. Mustafā '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'mash – Abu Salih – Abu Hurayrah – the Prophet, with the wording: *mal 'un mal 'un man sabba abāhu mal 'un mal 'un man sabba ummahu mal 'un mal 'un man 'amila 'amal qawm lūt mal 'un mal 'un man aghrā bayn bahīmatayn mal 'un mal 'un man ghayyara tukhūm al-arḍ mal 'un mal 'un man kammaha a 'mā 'an al-ṭarīq*. Al-Khatib calls this *munkar*, notes that “it is not reliably established by this *isnād* (*lā yathbutu bi-hādihā al-isnād*),” and places the blame on a later narrator: Ahmad b. al-'Abbas al-Khallal.

39. Al-Haythami, *Majma' al-Zawā'id*, 1:103; al-Albani, *Ṣaḥīḥ al-Jāmi' al-Ṣaḥīḥ*, ed. Zuhayr al-Shawish, 2 vols. (Beirut: al-Maktab al-Islami, 1988), 2:1225; Ahmad b. al-Siddiq al-Ghumari, *Al-Mudāwī li-'Ilal al-Jāmi' al-Ṣaḥīḥ wa Sharḥay al-Munawī*, 6 vols. (Cairo: Dar al-Kutub, 1996), 6:13. The narration championed by al-Ghumari, that via Ibn Ishaq, is found in Ibn Hanbal's *Musnad*: 1:217, 317 and Abu Nu'aym, *Ḥilyat*, 9:232. Note: Kugle discusses this hadith and presents a chart of some of its narrations. While he lists Ibn Ishaq as a transmitter, he is absent in the actual diagram; Kugle, *Homosexuality in Islam*, 119.
40. For a useful summary of the criticism of this hadith, see Jamal al-Din 'Abdallah b. Yusuf al-Zaylā'i, *Naṣḥ al-Rāya li-Aḥādīth al-Hidāyah*, ed. Muhammad 'Awamāh, 5 vols. (Beirut: Mu'assasat al-Rayyan, 1997), 3:339-43.
41. *Sunan Abī Dawūd: kitāb al-adab, bāb mā jā'a fī al-isti'dhān fī al-'awrāt al-thalāth*.
42. *Sunan al-Nasā'ī: kitāb al-ṣadaqāt, bāb al-kafāla*.
43. Al-Tirmidhi, *Kitāb al-'Ilal al-Kabīr*, ed. Subhi al-Samarra'i, et al. (Beirut: 'Alam al-Kutub, 1989), 236; *Jāmi' al-Tirmidhī: kitāb al-ḥudūd, bāb mā jā'a fī-man waqa'a 'a 'alā al-bahīma*; *Sunan al-Nasā'ī: kitāb manāsik al-ḥajj, bāb idhā ashāra al-maḥram ilā al-ṣayd...*; *Sunan Abī Dawūd: kitāb al-adab, bāb al-isti'dhān fī al-'awrāt al-thalāth*; Shams al-Din al-Dhahabi, *Mizān al-'Itidāl fī Naqd al-Rijāl*, ed. 'Ali Muhammad al-Bijawi, 4 vols. (Beirut: Dar al-Ma'rifa, [n.d.], reprint of 1963-4 Cairo 'Isa al-Babi al-Halabi edition), 3:281-82; Ibn Hajar, *Tahdhīb al-Tahdhīb*, 8:68-69.
44. 'Umar b. Hasan Ibn Dihya, *Adā'mā Wajab min Bayān Waḍ' al-Waḍḍā'in fī Rajab* (Beirut: al-Maktab al-Islami, 1998), 136.
45. *Sunan Abī Dawūd: kitāb al-ḥudūd, bāb fī-man 'amila 'amal qawm lūṭ, bāb fī-man atā al-bahīma*; Abu Sulayman Ḥamd al-Khattabi, *Ma'ālim al-Sunan*, 3d ed., 4 vols. (Beirut: al-Maktabah al-'Ilmiyyah, 1981), 3:333; Ibn Hajar, *Tahdhīb al-Tahdhīb*, 8:68; al-Tirmidhi, *Kitāb al-'Ilal al-Kabīr*, 236; al-Tahawi, *Sharḥ Mushkil al-Āthār*, 9:440-43. Al-Bayhaqi advanced a more doctrinaire Shafī'i position when he argued that this claim was not convincing, since 'Asim – Razin was not any more reliable a chain that of 'Amr b. Abi 'Amr; al-Bayhaqi, *Al-Sunan al-Kubrā*, 8:407.
46. Ibn Hajar, *Bulūgh al-Marām*, ed. Tariq 'Awad Allah Muhammad (Beirut: Dar Ibn Hazm, 2008), 420.
47. Ibn Hajar, *Fath al-Bārī*, 12:139.
48. *Ibid.*, 12:251.
49. Kugle, *Homosexuality in Islam*, 105-10.
50. Ibn Hajar, *Huda li al-Sārī Muqaddimat Fath al-Bārī*, ed. Ayman Fu'ad 'Abd al-Baqi and 'Abd al-'Aziz Bin Baz (Beirut: Dar al-Kutub al-'Ilmiyyah, 1997), 596-601.
51. See <https://shaykhatabekshukurov.com/2016/06/13/ikrima-as-imam-of-modern-hanafis/> and <https://shaykhatabekshukurov.com/2016/07/09/ikrima-as-imam-of-modern-hanafis-part-2/>.

52. See <http://ahlussunnah.boards.net/thread/499/response-atabek-ikrimah-mawl-ibn>
53. Kugle, *Homosexuality in Islam*, 88.
54. Abu Bakr al-Jassas, *Aḥkām al-Qurʿān* (Beirut: Dar al-Kitāb al-ʿArabi, n.d.; facsimile reprint of Istanbul: Matbaʿat al-Awqaf al-Islamiyyah, 1335/1917), 3:263.
55. Kugle, *Homosexuality in Islam*, 108-110.
56. See *Ṣaḥīḥ al-Bukhārī: kitāb al-muḥāribīn min ahl al-kufr...*, *bāb ithm al-zinā*.
57. *Ṣaḥīḥ al-Bukhārī: kitāb al-maẓālim, bāb al-nuḥba bi ḡhayr idhn ṣāḥibihī; Ṣaḥīḥ Muslim: kitāb al-īmān, bāb bayān nuqṣān al-īmān...; Sunan Abī Dāwūd: kitāb al-sunna, bāb al-dalīl ʿalā ziyādat al-īmān...; Jāmiʿ al-Tirmidhī: kitāb al-īmān, bāb mā jāʿa lā yazīn al-zānī...; Sunan al-Nasāʾī: kitāb qaṭʿ al-sāriq, bāb taʿzīm al-sāriq; Sunan Ibn Mājah: kitāb al-ḡitan, bāb al-nahy ʿan al-nuḥba*.
58. *Ṣaḥīḥ al-Bukhārī: kitāb al-muḥāribīn min ahl al-kufr...*, *bāb ithm al-zinā*.
59. Kugle, *Homosexuality in Islam*, 81, 116.
60. *Ṣaḥīḥ al-Bukhārī: kitāb istiṭābat al-murtaddīn...*, *bāb man taraka qitāl al-khawārij...*
61. The Qurʿān states that God only makes knowledge of the unseen (*al-ḡhayb*) 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; *Ṣaḥīḥ al-Bukhārī: kitāb al-tawḥīd, bāb qawl Allāh taʿālā ʿalim al-ḡhayb...*. 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-ʿAmrawī, 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, Brinkley Messick and David S. Powers (Cambridge, MA: Harvard University Press, 1996), 210-12.
62. Al-Khatīb al-Baghdādī, *Al-Jāmiʿ li Ikhtilāf al-Rāwī wa ʿĀdāb al-Sāmiʿ*, ed. Muhammad Raʿfat Saʿīd, 2 vols. (Mansoura: Egypt: Dar al-Wafāʿ, 1422/2002), 2:81. The practice of transmitting the general meaning a hadith (*al-riwāyah biʿ al-maʿnā*) 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-Khatīb al-Baghdādī (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 Sirīn (d. 110/728) even reportedly repeated grammatical errors in hadiths they had heard; al-Khatīb, *Al-Jāmiʿ*, 2:71, 78-79; cf. *Jāmiʿ al-*

- Tirmidhī: kitāb al-‘ilal*. Interestingly, al-Qadi ‘Iyad b. Musa (d. 544/ 1149) stated that laxity in hadith transmission had led master scholars (*muḥaq-qiqūn*) in the fifth/eleventh century to “close the door of *riwāyah bi al-ma‘nā*”; al-Qadi ‘Iyad, *Mashāriq al-Anwār ‘alā Ṣiḥāḥ al-Āthār*, ed. Bal’amshi Ahmad Yagan, 2 vols. ([Rabat]: Wizarat al-Awqaf wa al-Shu’un al-Islamiyyah, 1402/1982), 1:23.
63. Kugle, *Homosexuality in Islam*, 287.
 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.
 65. Kugle, *Homosexuality in Islam*, 119, 123.
 66. *Ibid.*, 120.
 67. *Ibid.*, 122.
 68. *Ibid.*, 121.
 69. Peter Stearns, *Sexuality in World History* (London: Routledge, 2009), 17.
 70. Kugle, *Homosexuality in Islam*, 118.
 71. *Ibid.*
 72. See Jonathan AC Brown, *Hadith* (Oxford: Oneworld, 2009), 210-13.
 73. Al-Bayhaqī, *Al-Sunan*, 8:403.
 74. Al-Tabarani, *Al-Mu‘jam al-Awsaṭ*, 4:266-67.
 75. Al-Bayhaqī, *Sunan*, 8:405.
 76. ‘Abd al-Razzaq, *Muṣannaf*, 7:363.
 77. Abu Bakr Ibn Abi Shaybah, *Al-Muṣannaf*, ed. Kamal Yusuf al-Hut, 7 vols. (Riyadh: Maktabat al-Rushd, 1409/1988), 5:497.
 78. Harald Motzki, “The *Muṣannaf* of ‘Abd al-Razzaq al-San‘ani as a Source of Authentic *Aḥādīth* of the First Century A.H.,” *Journal of Near Eastern Studies*, 50 (1991): 11-12.
 79. For comprehensive studies on al-Suyuti, see Elizabeth Sartain, *Jalāl al-Dīn al-Suyūṭī*, 2 vols. (Cambridge: University of Cambridge Press, 1975); Marlis J. Saleh, “Al-Suyuti and His Works: Their Place in Islamic Scholarship from Mamluk Times to the Present,” *Mamluk Studies Review* 5 (2001): 73-89. Invaluable Arabic works include Tahir Sulayman Hammuda, *Jalāl al-Dīn al-Suyūṭī: ‘Aṣruhu wa Ḥayātuhu wa Āthāruhu wa Juhūduhu fī al-Dars al-Lughawī* (Beirut: n.p., 1989), Sa‘di Abu Jib, *Ḥayāt Jalāl al-Dīn al-Suyūṭī ma‘a al-‘Ilm min al-Mahd ilā al-Laḥd* (Damascus: Dar al-Manahil, 1993). For his work in the science of Hadith, see Badi‘ al-Sayyid al-Lahham, *Al-Imām al-Ḥāfiẓ Jalāl al-Dīn al-Suyūṭī wa Juhūduhu fī al-Ḥadīth wa ‘Ulūmihi* (Damascus: Dar Qutaybah, 1994).
 80. Sartain, *Jalāl al-Dīn al-Suyūṭī*, 1:23.
 81. *Ibid.*, 1:19-113; Najm al-Dīn al-Ghazzī, *Al-Kawākib al-Sā‘irah bi A‘yān al-Mi‘ah al-‘Ashirah*, ed. Jibra‘il Jabbur, 3 vols. (Beirut: Dar al-Afaq al-Jadidah, 1979), 1:226-31; ‘Abd al-Wahhab al-Sha‘rani, *Al-Ṭabaqāt al-Ṣuḡhrā*, ed. Ahmad ‘Abd al-Rahman al-Sayih and Tawfiq Wahba (Cairo: Maktabat al-Thaqafah al-Diniyyah, 2005), 7, 13.
 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-Jāmi‘ 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-'Ala' 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 'Ali b. 'Abd 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-'Ummāl fī Sunan al-Aqwāl wa al-Af'āl*; Muhammad b. Ja'far al-Kattani, *Salwat al-Anfās wa Muḥādathat al-Akyās mimman Uqbira min al-'Ulamā' wa al-Ṣulahā' bi Fās*, ed. 'Abdallah al-Kamil al-Kattani et al., 4 vols. (Casablanca: Dar al-Thaqafah, 2004), 1:150; al-Suyuti, *Naẓm al-'Iqyān fī A'yān al-A'yān*, ed. Philip Hitti (Beirut: al-Maktabah al-'Ilmiyyah, 1927), 49; 'Abd al-Ra'uf al-Munawi, *Al-Jāmi' al-Azhar min Ḥadīth al-Nabī al-Anwar* (Cairo: al-Markaz al-'Arabi li al-Baḥth 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-Faṭḥ al-Kabīr fī Ḍamm al-Ziyādah ilā al-Jāmi' al-Ṣaghīr*.
85. Al-Suyuti, *Al-Taḥadduth bi Ni'mat Allāh*, ed. Elizabeth Sartain (Cairo: al-Matba'ah al-'Arabiyyah al-Hadīthah, 1972), 227.
86. Saleh, "Al-Suyuti and His Works," 78.
87. Al-Suyuti, *Al-Taḥadduth bi Ni'mat Allāh*, 175.
88. Al-Suyuti, *Al-Ḥāwī li al-Fatāwī* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1402/1982, reprint of original published in 1352/1933), 2:110-115 and ; idem, *Al-Ḥāwī li al-Fatāwī*, 2 vols. (Beirut: Dar al-Kitab al-'Arabī, n.d.), 2:279-85.

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 'Abbas, Abu Hurayrah, and Jabir.

The hadith of Ibn 'Abbas was included by Abu Dawud,³ al-Tirmidhi,⁴ al-Nasa'i [in his *Sunan al-Kubrā*],⁵ Ibn Majah,⁶ Ibn Abi al-Dunya in the *Dhamm al-Malāhī* (*The Condemnation of Distractions*),⁷ Abu Ya'la [al-Mawsili]⁸ and

al-‘Adani⁹ in their two *Musnads*, by ‘Abd b. Humayd¹⁰ and Ibn al-Jarud in the *Muntaqā*,¹¹ by al-Daraqutni in his *Sunan*,¹² by al-Tabarani¹³ and al-Hakim in the *Mustadrak* – and he rated it *ṣaḥīḥ*¹⁴ – as well as by al-Bayhaqi in his *Sunan*¹⁵ and al-Diya’ al-Maqdisi in his *Mukhtārah*.¹⁶

A group of the leading hadith scholars (*a’immat al-ḥuffāz*) 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*.¹⁷ 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*,¹⁸ as quoted from him by the hadith master Ibn Hajar¹⁹ in his work documenting the hadiths used by al-Rafi’²⁰ [in his *Muharrar* in Shafi’i law]. And when the hadith master Abu al-Fadl al-‘Iraqi²¹ 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 Hurayrah²² was included by Ibn Majah,²³ al-Bazzar,²⁴ Ibn Jarir [al-Tabari] and al-Hakim,²⁵ who rated it as *ṣaḥīḥ* as well, and also by Ibn al-Talla’ (NB: It is also included in al-Tirmidhi’s *Jāmi*).²⁶ 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 ‘Abbas in his *Tahdhīb al-Āthār*,²⁷ and perhaps this is what led al-Hakim to rate the hadith of Abu Hurayrah as *ṣaḥīḥ*. But Ibn ‘Abbas’ 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 ‘Asim b. ‘Umar al-‘Umari, and he is weak (*ḍa’if*).” And the hadith master al-‘Iraqi apologized on behalf of [al-Hakim] by saying that he included it only as an attestation (*shāhid*)²⁸ for the hadith of Ibn ‘Abbas.

As for the hadith of Jabir, al-Tirmidhi²⁹ alluded to it when he said, after [presenting] the hadith of Ibn ‘Abbas: “And on this subject there are also [hadiths] from Jabir and Abu Hurayrah.” And al-‘Iraqi said in his commentary [on al-Tirmidhi’s *Jāmi*]: Ibn Hazm transmitted it from a path via Muhammad b. al-Qasim, from Yahya b. Ayyub, from ‘Abbad b. Kathir, from [‘Abdallah b. Muhammad b. ‘Aqil, 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”].³⁰ Ibn Wahb transmitted it from Yahya b. Ayyub, from a man, from Ibn ‘Aqil.

Al-Harith b. Abi Usamah also included the hadith of Jabir in his *Musnad*,³¹ as did Ibn Jarir [al-Tabari] in his *Tahdhīb al-Āthār*, from the path of ‘Abbad 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 *Tahdhīb 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*³² or not (*yurjamu man ‘amila ‘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 (*da‘afahu*), and because of that al-Nasa‘i rejected this hadith. Yahya³³ said: “He was weakened.” Al-Dhahabi said in his *Mizān*, 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 *ṣāliḥ ḥasan*,³⁴ falling short of the highest levels of *ṣaḥīḥ*.”³⁵

What is established in the hadith sciences is that [a transmitter] of that description, if a parallel³⁶ 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 (*aṣl*) 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,³⁷ ‘Abbad b. Mansur and Husayn b. ‘Abdallah, [all] from ‘Ikrimah.³⁸ So these three corroborate ‘Amr b. Abi ‘Amr. Ahmad [Ibn Hanbal] included Dawud’s narration in his *Musnad*³⁹ with the aforementioned wording, and it was included by Ibn Jarir [al-Tabari]⁴⁰ and al-Bayhaqi in his *Sunan*,⁴¹ 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 'lā fi nafsihi*), [the Prophet] said: 'He is killed.'⁴² And Ibn Jarir [al-Tabari] included it in his *Tahdhīb al-Āthār*⁴³ 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*⁴⁴ 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]⁴⁵ and the *Mu'jam al-Awsaṭ*⁴⁶ of al-Tabarani, and the second in al-Tabarani's *Mu'jam al-Awsaṭ*. 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]⁴⁷ and from Ayyub in al-Tabarani's *Mu'jam al-Kabīr*."⁴⁸ This is the sum of the attesting texts that al-'Iraqi presented to authenticate the hadith of Ibn 'Abbas.

I have said: I have found another attestation in addition to those. Abu Nu'aym said in his *Hilyat*:

Abu Muhammad Talhah and Abu Ishaq Sa'd narrated to us: "Muhammad b. Ishaq al-Naqid reported to us, both (sic) saying: Muhammad b. 'Uthman b. Abi Shaybah narrated to us: My father narrated to us: Waki' narrated to us: Muhammad b. Qays narrated to us, from Abu Hasin ('Uthman b. 'Asim al-Asadi), from Abu 'Abd al-Rahman, that 'Uthman looked out over the people (*ashrafā 'alā*) 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 adultery after having married, who took a life without right, or who has committed the act of the people of Lot?'"⁴⁹

[Abu Bakr] Ibn Abi Shaybah said in his *Muṣannaḥ*,⁵⁰ "Waki' narrated to us: Muhammad b. Qays narrated to us, from Abu Hasin, from Abu 'Abd al-Rahman that 'Uthman 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 *ṣaḥīḥ*, and 'Uthman'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 Sa'id b. Yazid, from Abu Nadra: Ibn 'Abbas 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 'Abd al-Razzaq said in his

*Muṣannaḡ*⁵¹ : from Ibn Jurayj (*taḥwīl*)⁵² ; and Ibn Abi Shaybah⁵³ said: Muḥammad b. Bakr narrated to us, from Ibn Jurayj, who said: ‘Abdallah b. ‘Uthman b. Khuthaym reported to me that he heard Mujahid and Sa‘id b. Jubayr narrate from Ibn ‘Abbas that he said, concerning the virgin who is found committing sodomy (*lūṭīyah*), that he is stoned. And Ibn Abi Shaybah said:

Waki‘ narrated to us from Ibn Abi Layla, from al-Qasim Abu al-Walid, from Yazid b. Qays, that ‘Ali stoned a sodomite. He also said: Waki‘ narrated to us, from Sufyan, 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. Salama reported to us, from Hammad b. Abi Sulayman, from Ibrahim [al-Nakha‘i], concerning the sodomite: If anyone were to be stoned twice, it would be this person. And [Ibn Abi Shaybah] said: ‘Abd al-A‘la narrated to us, from Sa‘id, from Qatadah, from ‘Ubayd Allah b. ‘Abdallah b. Ma‘mar concerning the sodomite: Stoning is the requirement for him, the death of the people of Lot. And he said: ‘Abd al-A‘la narrated to us, from Sa‘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-Suyuti concludes], all of these reports (*āthār*) are attestations for bolstering the Hadith of Ibn ‘Abbas.

And how could Yahya,⁵⁴ Abu Dawud, and al-Nasa‘i be relied upon regarding the weakness of the hadith’s narrator (i.e., ‘Amr b. Abi ‘Amr), 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 (*ta‘annut*), while the majority agrees on him being reliable. In this case, that transmitter’s hadiths are strong as well. And sometimes the criticism]⁵⁶ of that transmitter’s laxity or inaccurate retention (*ḥifzihī*) merits consideration. This transmitter’s hadiths do not fall

below the level of *ḥasan*, 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 *ḥasan* 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 (*hiḏ*) 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 *Muqīzah*. He also mentioned in his *Mīzān* that 'Amr b. Abi 'Amr's hadiths "were included in the *Ṣaḥīḥayn* among the primary hadiths."⁵⁷ 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-Rafi 'i's *Muḥarrar*]⁵⁸ that the above-mentioned hadith of Ibn 'Abbas is "disagreed on in terms of its attestation (*mukhtalaf fi thubūtihi*)," 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 *Jāmi*] that "This hadith is *munkar*."⁵⁹

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.⁶⁰ Rather, scholars adopted that phrase as a technical term, making it a label for a defined type of weak hadith, just as grammarians made "*mawṣūl*" (relative pronoun) a technical label for one type of definite nouns

(*al-ma'rifah*). And it occurred in the case of al-Khatib al-Baghdadi⁶¹ 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.⁶² Rather, *munkar* is used for [hadiths like] the Hadith of the Two Great Buckets (*qullatayn*).⁶³ 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 *Ṣaḥīḥayn* as well.⁶⁴

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*)⁶⁵ as synonyms [in describing reports]. How many hadiths are there in the *Ṣaḥīḥayn* 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.⁶⁶ 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 *Ṣaḥīḥ* 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 (*dābit*) of the *ṣaḥīḥ* 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 *ṣaḥīḥ* without any disagreement among the people of Hadith.”⁶⁷ So he alluded to this being the definition for the level of *ṣaḥīḥ* by agreement (*al-ṣaḥīḥ al-muttafaq 'alayhi*). But another type of *ṣaḥīḥ* does fit into that definition, namely, the disagreed-upon *ṣaḥīḥ* (*al-ṣaḥīḥ al-mukhtalaf fihi*). For this reason al-Zarkashi⁶⁸ said in his commentary on the *Mukhtaṣar* of Ibn al-Salah: “[The category of] disagreed-upon *ṣaḥīḥ* falls outside this definition.” Then Ibn al-Salah mentioned other important points of knowledge, among them that the [category of] *ṣaḥīḥ* subdivides into agreed upon and disagreed upon and as well as well-known (*mashhūr*) and rare (*gharīb*), and he clarified all that.⁶⁹

Al-Zarkashi said in his commentary and the hadith master Ibn Hajar said in his *Remarks* [on Ibn al-Salah]⁷⁰ at that point that al-Hakim mentioned in his *Introduction (Madkhal)*⁷¹ that *ṣaḥīḥ* 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 *ṣaḥīḥ*, 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 (*ḍābiṭ*) transmitter from the upstanding, accurate (*ḍābiṭ*) 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].⁷² Fifth: hadiths from a group of the imams, from their fathers and from their grandfathers, but the transmission of these hadiths only became widespread from their fathers, from their grandfathers through them.⁷³

As for the five categories whose soundness is disagreed on, the first is the cast (*mursal*)⁷⁴ hadith, which is considered *ṣaḥīḥ* by the scholars of Kufa. Second: the transmission of obfuscators (*mudallisīm*)⁷⁵ when they do not specify hearing transmissions directly. In other words, they do not specify their direct audition (*samā*). 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 (*muhaddith*) 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 (*hujjah*). Fifth: transmissions from heretics (*mubtadi'ah*) 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 'Abbas 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.”⁷⁶ 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-Hanafī 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 (*zulm*),” 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.
2. Arabic: *man wajadtumūhu ya ‘malu ‘amal qawm lūt fa aqtulū al-fā’il wa al-maf’ūl bihi.*
3. Abu Dawud Sulayman b. al-Ash‘ath al-Sijistani (d. 275/889), *Sunan Abī Dāwūd: kitāb al-ḥudūd, bāb fī man ‘amila ‘amal qawm lūt.* The key portion of the *isnād* is: ... ‘Abd al-‘Aziz b. Muhammad – ‘Amr b. Abi ‘Amr – ‘Ikrimah – Ibn ‘Abbas – the Prophet: *man wajadtumūhu ya ‘malu ‘amal qawm lūt fa aqtulū al-fā’il wa al-maf’ūl bihi.* See also al-Khara’iti, *Masāwi’ al-Akhlāq*, 202. Abu Dawud also notes the parallel *isnāds* of ... Sulayman b. Bilal – ‘Amr b. Abi ‘Amr..., and ... ‘Abbad b. Mansur – ‘Ikrimah..., and ... Dawud b. Husayn – ‘Ikrimah....
4. Muhammad b. ‘Isa al-Tirmidhi (d. 279/892), *Jāmi’ al-Tirmidhī: kitāb al-ḥudūd, bāb fī-man ‘amila ‘amal qawm lūt.* The key portion of the *isnād* is: ... ‘Abd al-‘Aziz b. Muhammad – ‘Amr b. Abi ‘Amr – ‘Ikrimah – Ibn ‘Abbas – the Prophet: *man wajadtumūhu ya ‘malu ‘amal qawm lūt fa aqtulū al-fā’il wa al-maf’ūl bihi.*
5. This particular *matn* is not found in either of al-Nasa’i’s *Sunans*. What the *Sunan al-Kubrā* actually contains is the hadith *la’ana Allāh man ‘amila ‘amal qawm*

- lūt*, la‘ana Allāh man ‘amila ‘amal qawm lūt, la‘ana Allāh man ‘amila ‘amal qawm lūt via the same *isnād* as the Hadith of Killing the Active/Passive Partner, i.e., ... ‘Abd al-‘Aziz b. Muhammad – ‘Amr b. Abi ‘Amr – ‘Ikrimah – Ibn ‘Abbas – the Prophet); Ahmad b. Shu‘ayb al-Nasa’i (d. 303/916), *Sunan al-Nasā’ī al-Kubrā*, ed. Shu‘ayb al-‘Arna’ut et al. (Beirut: Mu‘assasat al-Risalah, 1421/2001), 6:485-86. Here al-Nasa’i describes ‘Amr as “not strong” (*laysa bi qawī*). The *Sunan al-Kubrā* is a much larger collection than al-Nasa’i’s more famous *Mujtabā*, often referred to simply as *Sunan al-Nasā’ī*. Unlike the *Mujtabā*, it includes many unreliable hadiths and relies on transmitters whom al-Nasa’i himself considered deeply flawed. For the most recent study on al-Nasa’i and his Hadith collection, see Christopher Melchert, “The Life and Works of al-Nasa’i,” *Journal of Semitic Studies* 54, no. 1 (2014): 377-406.
6. Muhammad b. Yazid Ibn Majah (d. 273/886), *Sunan Ibn Mājah: kitāb al-ḥudūd, bāb fī man ‘amila ‘amal qawm lūt*. The key portion of the *isnād* is: ... ‘Abd al-‘Aziz b. Muhammad – ‘Amr b. Abi ‘Amr – ‘Ikrimah – Ibn ‘Abbas – the Prophet: *man wajadtumūhu ya ‘malu ‘amal qawm lūt fa aqtulū al-fā’il wa al-maf’ūl bihi*.
 7. Abu Bakr Ibn Abi al-Dunya (d. 281/894), *Dhamm al-Malāhī*, ed. Muhammad ‘Abd al-Qadir ‘Ata (Cairo: Dar al-‘Itisam, 1407/1987), 65. The key portion of the *isnād* is: ‘Abd al-‘Aziz b. Muhammad – ‘Amr b. Abi ‘Amr – ‘Ikrimah – Ibn ‘Abbas – the Prophet, but the *matn* varies from the others: *fī-man ‘amila ‘amal qawm lūt yuqtalu al-fā’il wa al-maf’ūl bihi*.
 8. Abu Ya‘la al-Mawsili (d. 307/919-20), *Musnad*, ed. Husayn Salim Asad, 13 vols. (Damascus: Dar al-Ma‘mun, 1404/1984), 4:346-8. The key portion of the *isnād* is: ... ‘Abd al-‘Aziz b. Muhammad – ‘Amr b. Abi ‘Amr – ‘Ikrimah – Ibn ‘Abbas – the Prophet: *man wajadtumūhu ya ‘malu ‘amal qawm lūt fa aqtulū al-fā’il wa al-maf’ūl bihi*. The hadith also appears with the clause on bestiality (see *ibid.*, 5:128) via the *isnād*: ... ‘Abd al-Malik b. ‘Amr – Zuhayr b. Muhammad – ‘Amr b. Abi ‘Amr – ‘Ikrimah – Ibn ‘Abbas – the Prophet.
 9. Abu ‘Abdallah 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-Nasa’i’s sources. His *Sunan* appears not to have survived. I have found no record of the *isnād*.
 10. ‘Abd b. Humayd (d. 249/863), *Musnad ‘Abd b. Ḥumayd*, ed. Subhi Badri al-Samarra’i and Mahmud Muhammad Sa‘idi (Cairo: Maktabat al-Sunnah, 1408/1988), 200. The key portion of the *isnād* is: ‘Abdallah b. Ja‘far – ‘Amr b. Abi ‘Amr – ‘Ikrimah – Ibn ‘Abbas – the Prophet: *man wajadtumūhu ya ‘malu ‘amal qawm lūt fa aqtulū al-fā’il wa al-maf’ūl bihi*, with the addition of the Bestiality Clause. See also al-Tabari, *Tahdhīb al-Āthār: Musnad Ibn ‘Abbas*, ed. Mahmud Muhammad Shakir, 2 vols. (Cairo: Matba‘at al-Madan, n.d.), 2:554.
 11. ‘Abdallah b. ‘Ali Ibn al-Jarud al-Naysaburi (d. 307/919-20), *Al-Muntaqā*, ed. ‘Abdallah ‘Umar al-Barudi (Beirut: Mu‘assasat al-Kitab al-Thaqafiyyah, 1408/1988), 208. The key portion of the *isnād* is: ... Sulayman b. Bilal – ‘Amr b. Abi ‘Amr – ‘Ikrimah – Ibn ‘Abbas – the Prophet: *man wajadtumūhu ya ‘malu ‘amal qawm lūt fa aqtulū al-fā’il wa al-maf’ūl bihi*.

12. 'Ali b. 'Umar al-Daraqutni (d. 385/995), *Sunan*, ed. 'Abdallah Hashim Yamani, 4 vols. (Beirut: Dar al-Ma'rifah, 1966), 3:124. The key portion of the *isnād* is: ... 'Abd al-'Aziz b. Muhammad – 'Amr b. Abi 'Amr – 'Ikrimah – Ibn 'Abbas – the Prophet: *man wajadtumūhu ya 'malu 'amal qawm lūt fa aqtulū al-fā'il wa al-maf'ūl bihi*.
13. Abu al-Qasim Sulayman al-Tabarani (d. 360/971), *Al-Mu'jam al-Kabīr*, ed. Hamdi 'Abd al-Majīd al-Salafi, 25 vols. (Mosul: Maktabat al-Zahra', 1983/1404), 11:212. The key portion of the *isnād* is: ... Sulayman b. Bilal – Husayn b. 'Abdallah – 'Ikrimah – Ibn 'Abbas – the Prophet: *man wajadtumūhu ya 'malu 'amal qawm lūt fa aqtulū al-fā'il wa al-maf'ūl bihi*. Note: That *isnād* does not include 'Amr b. Abi 'Amr. The hadith also appears at *ibid.*, 11:226 with the clause on bestiality inverted via the *isnād* of... Dawud b. al-Husayn – 'Ikrimah – Ibn 'Abbas – the Prophet. This is also found in the *Muṣannaḥ* of 'Abd al-Razzaq al-San'ani, 3:364. In my opinion, the narrations of this hadith via Dawud b. al-Husayn are inconsistent (*muḍṭarib*) due to major and erratic variations in the *matns*. See also note 39 below.
14. Hakim al-Naysaburi (d. 415/1014), *Al-Mustadrak* (Hyderabad: Da'irat al-Ma'arif al-Uthmaniyyah, n.d.), 4:355-56. The key portion of the *isnād* is: ... Ibn Wahb – Sulayman b. Bilal – 'Amr b. Abi 'Amr – 'Ikrimah – Ibn 'Abbas – the Prophet: *man wajadtumūhu ya 'malu 'amal qawm lūt fa aqtulū al-fā'il wa al-maf'ūl bihi*. It also appears via the *isnād*: ... 'Abdallah b. Ja'far al-Makhrami – 'Amr b. Abi 'Amr... etc., with the addition of the Bestiality Clause, as well as via the *isnād*: ... Dawud b. al-Husayn – 'Ikrimah, etc., with the wording *man waqa'a 'alā rajul fa aqtulūhu*, along with the clause *man waqa'a 'alā dhāt maḥram fa aqtulūhu*, whose *ṣaḥīḥ* rating by al-Hakim is disputed by al-Dhahabi. (this last *matn* also appears in al-Khara'iti via the *isnād*: 'Ali b. Dawud al-Qantari – 'Abdallah b. Salih – Yahya b. Ayyub – 'Abdallah b. 'Abd al-'Aziz – Ibn Jurayj – 'Ikrimah, etc.; al-Khara'iti, *Masāwi' al-Akhlāq*, 202.) Later scholars were very critical of al-Hakim's *taṣḥīḥ*, with al-Dhahabi stating that, at most, about one third of the material in the *Mustadrak* was actually *ṣaḥīḥ*, one quarter *ḥasan*, and the remainder weak or extremely weak, with around 100 hadiths totally false. As Ibn al-Amir al-San'ani states, the notion that the largest part of the *Mustadrak* is *ṣaḥīḥ* is wrong. "Rather, the *ṣaḥīḥ* is the lesser part (*bal al-ṣaḥīḥ fīhi maghlūb*)." Al-Zayla'i identified the flaws in al-Hakim's methodology: The fact that al-Bukhari and/or Muslim used a narrator does not ensure that any hadith they narrate is reliable. See al-Dhahabi, *Siyar A'lām al-Nubalā'*, ed. Shu'ayb al-Arna'ut et al. (Beirut: Mu'assasat al-Risalah, 1998), 17:175; al-Zayla'i, *Naṣb al-Rāyah*, 1:342; Muhammad b. Isma'il al-Amir al-San'ani, *Al-Irshād ilā Taysīr al-Ijtihād*, ed. Muhammad Subhi Hallaq (Beirut: Mu'assasat al-Rayyān, 1992), 52.
15. Abu Bakr Ahmad al-Bayhaqi, *Al-Sunan al-Kubrā*, ed. Muhammad 'Abd al-Qadir 'Ata, 11 vols. (Beirut: Dar al-Kutub al-'Ilmiyyah, 1420/1999), 8:403-4. The main part of the *isnād* is: ... 'Abd al-'Aziz b. Muhammad – 'Amr b. Abi 'Amr – 'Ikrimah – Ibn 'Abbas – the Prophet, with the wording: *man wajadtumūhu*

- ya 'malu 'amal qawm lūt fa aqtulū al-fā'il wa al-maf'ūl bihi.* Al-Bayhaqi also gives the *isnād*: ... Dawud b. al-Husayn – 'Ikrimah, etc., with the wording *man waqa'a 'alā rajul fa aqtulūhu.*
16. Diya' al-Din Muhammad b. 'Abd al-Wajid al-Maqdisi, *Al-Aḥādīth al-Mukhtārah*, ed. 'Abd al-Malik Duhaysh, 13 vols. (Makkah: Dar Khadir, 1421/2001), 12: 204-05.
 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', *Aqḍiyat Rasūl Allāh* (often known as *Al-Aḥkām*), 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 'Abd al-Rahim b. al-Husayn al-'Iraqi (d. 806/1404), the great hadith scholar of Cairo and an important teacher of Ibn Hajar. His commentary on *Jāmi' 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.ahlalheeth.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' (*fī alladhī ya 'malu 'amal qawm lūt qāla urjumū al-a' lā wa al-asfal urjumūhumā jamī'an*)."
 23. *Sunan Ibn Mājah: kitāb al-ḥudūd, man 'amila 'amal qawm lūt.* The key part of the *isnād* is: ... 'Asim b. 'Umar al-'Umari – Suhayl – his father – Abu Hurayrah – the Prophet: *fī alladhī ya 'malu 'amal qawm lūt qāla urjumū al-a' lā wa al-asfal urjumūhumā jamī'an.*
 24. Aḥmad b. 'Amr al-Bazzar (d. 292/904-5), *Al-Baḥr al-Zakḥkhār* a.k.a. *Musnad al-Bazzār*, ed. 'Adil Sa'd (Medina: Maktabat al-'Ulum wa al-Hikam, 2009), 16:43. The *isnād* is: 'Ali b. Sahl al-Mada'ini – 'Abdallah b. Nafi' al-Sayigh – 'Asim b. 'Umar – Suhayl – his father – Abu Hurayrah – the Prophet: *man 'amila 'amal qawm lūt fa aqtulū al-fā'il wa 'l-maf'ūl bihi.*
 25. Al-Hakim, *Al-Mustadrak*, 4:355. The key part of the *isnād* is: ... 'Abd al-Rahman b. 'Abdallah b. 'Umar al-'Umari – Sahl [sic] – his father – Abu Hurayrah – the Prophet: *man 'amila 'amal qawm lūt fa aqtulū al-fā'il wa al-maf'ūl 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-Khara'iti, *Masāwi' al-Akhlāq*, 202.
 26. Al-Tirmidhi, *Jāmi' al-Tirmidhī*. The *isnād* is the same as Ibn Majah's above, but with the wording: *uqtulū al-fā'il wa al-maf'ūl bihi.* Al-Tirmidhi notes that only 'Asim b. 'Umar narrates it from Suhayl and that 'Asim is considered weak due to his retention (*ḥifẓ*).

27. Al-Tabari states that the narration from ‘Ikrimah – Ibn ‘Abbas “has a *ṣaḥīḥ sanad* in our opinion,” but that others find flaws (*‘ilal*) in it, namely, the controversy surrounding ‘Ikrimah. Al-Tabari, *Tahdhīb al-Āthār: Musnad Ibn ‘Abbās*, 1:550-51.
28. A *shāhid* (lit. witness) report provides attestation for a hadith’s meaning. Unlike parallel transmissions (*mutāba‘ah*), 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 “*Mutāba‘ah* 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.
29. Al-Tirmidhi, *Jāmi‘ al-Tirmidhī*.
30. Ibn Hazm, *Al-Muḥallā*, 11 vols. (Beirut: Dar al-Afaq al-Jadidah, n.d.), 11:383. A hadith with the *isnād* in braces { } appears in *Musnad Ibn Ḥanbal* and *Sunan Ibn Mājah*, but its wording is “*inna akhwaf mā akhfū ‘alā ummatī ‘amal qawm lūṭ’*”; *Musnad Ibn Ḥanbal*, 3:382; *Sunan Ibn Mājah*, *ibid.*; al-Hakim, *Al-Mustadrak*, *ibid.*, Abu Ya‘la al-Mawsili, *Musnad*, 4:97; al-Ajurri, *Dhamm al-Liwāṭ*, 45.
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-Ḥārith*, ed. Husayn Ahmad al-Bakiri, 2 vols. (Madinah: al-Jami‘ah al-Islamiyyah, 1992), 1:565-66 (via the same *isnād* as above Hadith of Jabir, with the same wording: *man ‘amila ‘amal qawm lūṭ fa aqtulūhu*). This hadith is also found via the same *isnād* cited by Ibn Hazm in al-Khara‘iti, *Masāwī‘ al-Akhlāq*, 301.
32. *Muḥṣan* is a legal term that denotes a Muslim who has at some point consummated a marriage.
33. Identifying the speaker as Yahya here might be an error on al-Suyuti’s part. Al-Dhahabi introduces this comment as coming from “Ibn al-Qattan,” which al-Suyuti understands as the famous Basran hadith transmitter and critic Yahya b. Sa‘id al-Qattan (d. 198/813). It is most likely ‘Ali b. Muhammad Ibn al-Qattan al-Fasi of Marrakesh (d. 628/1230); Shams al-Din al-Dhahabi, *Mizān al-‘Itidāl fī Naqd al-Rijāl*, ed. ‘Ali Muhammad al-Bijawi, 4 vols. (Beirut: Dar al-Ma‘rifah, [n.d.], reprint of 1963-64 Cairo ‘Isa al-Babi al-Halabi edition), 3:282. This exact wording appears in Ibn al-Qattan al-Fasi, *Bayān al-Wahm wa al-Īhām al-Wāqi‘ayn fī Kitāb al-Aḥkām*, ed. al-Husayn Ayat Sa‘id, 5 vols. (Riyadh: Dar al-Ṭayba, 1418/1997), 4:184.
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 Rasā‘il fī ‘Ilm 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 (*shādhah*), 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-‘ilal*; Abu Sulayman Hamd al-Khattabi, *Ma‘ālim al-Sunan*, 3d ed., 4 vols. (Beirut: al-Maktabah al-‘Ilmiyyah, 1981), 1:6.
35. Al-Dhahabi, *Mizān*, 3:282.
 36. *Mutāba‘ah*: A *mutāba‘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 Ḥadīth*, trans. Eerik Dickinson (Reading, UK: Garnet, 2005), 61; Brown, *Hadith*, 92-93.
 37. Interestingly, al-Dhahabi says Dawud b. al-Husayn’s narrations from ‘Ikrimah are not accepted; al-Dhahabi, *Mizān*, 2:5.
 38. See above notes on the *Sunan Abī Dāwūd*, *ibid.*, as well as ‘Abd b. Humayd, *ibid.*, al-Tabarani, *Al-Mu‘jam al-Kabīr*, *ibid.*; al-Bayhaqi, *Sunan*, *ibid.*, and al-Hakim, *Mustadrak*, *ibid.*
 39. Dawud’s narration is inconsistent (*muḍṭarib*), in my opinion, due to erratic differences in the *matns*; see the following note as well. Ibn Hanbal, *Musnad Ibn Ḥanbal* (Maymaniyyah printing), 1:300. The key part of the *isnād* is: ... Ibn Abi Habibah Ibrahim b. Isma‘il – Dawud b. al-Husayn – ‘Ikrimah – Ibn ‘Abbas – Prophet: *uqtulū al-fā‘il wa al-maf‘ūl bihi fī qawm lūt wa al-bahīma wa al-wāqī‘ alā al-bahīma wa man waqa‘a ‘alā maḥram fa aqtulūhu.*
 40. Al-Tabari, *Tahdhīb al-Āthār – Musnad Ibn ‘Abbas*, ed Mahmud Muhammad Shakir, 2 vols. (Cairo: Matba‘at al-Madanī, n.d.), 1:554-55. The key part of the *isnād* is: ... Ibrahim b. Isma‘il – Dawud b. al-Husayn... with the wording: *man waqa‘a ‘alā rajul fa aqtulūhu ya nī‘amal qawm lūt* and also: ... Ibrahim b. Mujamma‘ – Dawud b. Husayn – ‘Ikrimah..., with the wording: *uqtulū al-fā‘il wa al-maf‘ūl bihi fī al-lūṭīyah wa man waqa‘a ‘alā dhāt maḥram fa aqtulūhu.* This is also found in the *Musnad* of Ibn Hanbal, 1:300 (with the inclusion of the Bestiality Clause as well).
 41. Al-Bayhaqi, *Al-Sunan*, 8:403.
 42. In his discussion of this narration, al-Dhahabi notes that ‘Abbad is weak; al-Dhahabi, *Al-Muḥadhdhab fī Ikhtīṣār al-Sunan al-Kabīr li al-Bayhaqī*, ed. Yasir Ibrahim et al., 9 vols. (Cairo: Dar al-Watan, 1422/2001), 7:3367. ‘Abbad’s narration also appears in the *Mustadrak* of al-Bayhaqi’s teacher, but only the clause on bestiality; al-Hakim, *Al-Mustadrak*, *ibid.*
 43. Al-Tabari, *Tahdhīb al-Āthār*, 1:550-51. The *isnād* is: Muhammad b. Sinan al-Fazzaz – ‘Awn b. ‘Umarah – ‘Abbad b. Mansur – ‘Ikrimah..., with the wording: *uqtulū mawāqī‘ al-bahīma wa al-bahīma wa al-fā‘il wa al-maf‘ūl fī al-lūṭīyah wa aqtulū kull mawāqī‘ dhāt maḥram.*

44. Al-Tabarani, *Al-Mu'jam al-Kabīr*, 11:226.
45. Al-Hakim, *Al-Mustadrak*, 4:356. The *isnād* comes via Abu Hurayrah – the Prophet, with the wording: *la'ana Allāh sab'a min khalqihī... mal'un mal'un mal'un man'amila'amal qawm lūf....*
46. Al-Tabarani, *Al-Mu'jam al-Awsaṭ*, ed. Tariq b. 'Awad Allah al-Husayni, 10 vols. (Cairo: Dar al-Haramayn, 1415/1995), 8:234. The *isnād* comes via Abu Hurayrah – the Prophet, with the wording: *la'ana Allāh sab'a min khalqihī... mal'un mal'un mal'un man'amila'amal qawm lūf....*, with al-Tabarani's remark that only Muharrar b. Harun narrated this hadith from al-'A'raj – Abu Hurayrah.
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-Liwāṭ*, 51.
48. This might be a reference to a hadith in al-Tabarani's *Al-Mu'jam al-Awsaṭ* (from Abu Musa al-Ash'ari – the Prophet, with the wording: *lā tubāshiru al-mar'a al-mar'a illā wa humā zāniyatān wa lā yubāshiru al-rajul al-rajul illā wa humā zāniyān*); al-Tabarani, *Al-Mu'jam al-Awsaṭ*, 4:266-67. Or it may be a reference to a hadith in the *Mu'jam al-Kabīr* concerning a man who had committed an indecency with a noble Quraysh youth; al-Tabarani, *Al-Mu'jam al-Kabīr*, 4:132.
49. Abu Nu'aym al-Isbahani, *Hilyat al-Awliyā' wa Ṭabaqāt al-Aṣfiyā'*, 10 vols. (Cairo: Maktabat al-Khanji and Beirut: Dar al-Fikr, 1416/1997), 8:379. Abu Nu'aym notes, “a rare [narration] (*gharīb*), which Waki' alone transmitted from Muhammad b. Qays, namely al-Asadi al-Kufi. His hadiths are collected. And Abu 'Abd al-Rahman is al-Sulamī.”
50. Abu Bakr 'Abdallah Ibn Abi Shaybah's (d. 235/849) (not his nephew, Muhammad b. 'Uthman, mentioned just above) work contains the same text cited by Abu Nu'aym; Abu Bakr Ibn Abi Shaybah, *Al-Muṣannaf*, ed. Kamal Yusuf al-Hut, 7 vols. (Riyadh: Maktabat al-Rushd, 1409/1988), 5:453.
51. 'Abd al-Razzaq al-San'ani (d. 211/826), *Al-Muṣannaf*, ed. Habib al-Rahman al-A'zami, 11 vols. (Beirut: al-Maktab al-Islami, 1403/1983), 7:363.
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 Yahyā*. The editors of the DKI edition noted that they only saw this in one ms.
55. The one ms. of al-Suyuti's text relied on for the DKA edition has *wa lā 'm-r*. The editors of the DKI edition say this appears in some copies. Abu Ghuddah's edition of the *Mūqizah*, by contrast, has *wa lā ghumiza*, which makes far more sense in this context. See Shams al-Din al-Dhahabi, *Al-Mūqizah fī 'Ilm Muṣṭalah al-Ḥadīth*, ed. 'Abd al-Fattah Abu Ghuddah, 4th ed. (Cairo: Dar al-Salam, 1421/2000), 79.
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 *Mūqizah*.

- 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-I'tidāl*, 3:281.
 58. Ibn Hajar al-ʿAsqalani, *Talkhīṣ al-Ḥabīb Takhrij Aḥādīth al-Rafiʿi al-Kabīr*, ed. Hasan ʿAbbas Qutb, 4 vols. (Cairo: Muʿassasat Qurtubah, 1416/1995), 4:103. Cf. Ibn Hajar, *Al-Dirāyah fī Takhrij Aḥādīth al-Hidāyah*, ed. ʿAbdallah Hashim al-Yamani, 2 vols. (Beirut: Dar al-Maʿrifah, n.d.), 2:103.
 59. Early critics like al-Bukhari, al-Tirmidhi, Abu Zurʿah al-Razi, Ibn Maʿin, Ibn ʿAdi, al-Daraqutni, and al-Khatib al-Baghdadi all considered this hadith to be weak or baseless. Later critics, however, like al-ʿAlaʿi, Ibn Hajar, and al-Suyuti, considered its various transmissions together to raise it to the level of *ḥasan*. See Ismaʿil b. Ahmad al-ʿAjluni, *Kashf al-Khafāʾ*, ed. Ahmad al-Qalash, 2 vols. (Cairo: Dar al-Turath, n.d.), 1:236–237; and Ahmad al-Ghumari’s book on this hadith: *Fath al-Malik al-ʿAlī bi Ṣiḥḥat Ḥadīth Bāb Madīnat al-ʿIlm ʿAlī*, ed. ʿImad Surur (n.p.: n.p., 1426/2005).
 60. The term *munkar* (unknown or unfamiliar) was etymologically the converse of *maʿrūf* (accepted or known) See *Jāmiʿ al-Tirmidhī: kitāb al-ṣiyām, bāb mā jāʿa fī man nazala bi qawm fa lā yaṣūmu illā bi idhnihim* and Zayn al-Din ʿAbd al-Rahman Ibn Rajab, *Sharḥ ʿIlal al-Tirmidhī*, ed. Nur al-Din 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 Maḥāsīn al-Iṣṭilāḥ*, ed. ʿAʿishah 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 *ṣadūq* 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-Hasan 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-Ibli 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 Hatim al-Razi (d. 277/890) calls one narration of the famous hadith “Deeds are [judged] only by intentions” (*innamā al-aʿmāl bi al-niyyāt*) *munkar* even though that Prophetic tradition is considered *ṣaḥīḥ*; Ibn Abi Hatim al-Razi, *ʿIlal al-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 *mawḍūʿāt*; 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. ʿAli al-Khatib (d. 463/1071) of Baghdad.
62. The hadith in question is “‘Ali 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-māʿ qullatayn...*), which appears in the *Sunan*s of Abu Dawud, al-Nasaʿi, 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-ʿIṭidāl*, 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-Bashaʿir 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 fī al-ṣayd*). Other scholars, such as al-Khattabi (d. 386/996),

- sought to reconcile this hadith with the conflicting material; al-Khattabi, *Ma'ālim al-Sunan*, 4:298-94.
3. *Mīzān*, 2:213: *munkar* as an objection to meaning. From *Jāmi' al-Tirmidhī*: al-Dhahabi says that he feels in his heart that a hadith in which the Prophet tells his Companion to pray four *rak'ahs* on Friday, reading certain chapters of the Qur'an, in order to remember the Qur'an, is "very *munkar*," even though he admits that its *isnād* seems fine (see *Jāmi' al-Tirmidhī: kitāb al-da'wāt, bāb fī du'ā' al-ḥifẓ*).
 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 Homs (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 'Ashura' like the Jews of Khaybar one of the *gharīb* hadiths of Muslim's book (see *Ṣaḥīḥ Muslim: kitāb al-ṣiyām, bāb ṣawm yawm 'āshūrā'*).
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, *Ma'ālim al-Sunan*, 1:36. The great Syrian Shafi'i scholar and hadith master Salah al-Din al-'Ala'i (d. 761/1359) wrote a small book arguing that the hadith was *ṣaḥīḥ*; al-'Ala'i, *Juz' fī Taṣḥīḥ Ḥadīth al-Qullatayn wa al-Kalām 'alā Asānīdihī*, ed. Abu Ishaq al-Huwayni (Cairo: Maktabat al-Tarbiyah al-Islamiyyah, 1992).
 64. See note 63 above.
 65. The definition used by al-Shafi'i, and implied strongly by al-Tirmidhi, became the established definition for *shādhah* by the fourteenth century: a transmission that disagrees with something more reliable than it (*yukhālīfu mā huwa awthaq minhu*). See al-Dhahabi, *Muqīzah*, 42. Al-Khalili (d. 446/1054) and his teacher al-Hakim, however, defined *shādhah* as merely that which "has only one *isnād*" (*laysa lahu illā isnād wāḥid*); al-Hakim, *Ma'rifat 'Ulūm al-Ḥadīth*, ed. Mu'azzim al-Husayn (Hyderabad: Da'irat al-Ma'arif al-'Uthmaniyyah, 1966), 148; al-Khalil b. 'Abdallah al-Khalili, *Al-Irshād fī Ma'rifat 'Ulamā' al-Ḥadīth*, ed. 'Amir Ahmad Haydar (Makkah: Dar al-Fikr, 1993), 13. For more on this debate, see

- Ibn Rajab, *Sharḥ 'Ilal al-Tirmidhī*, 1:450-62; Jonathan AC Brown, *The Canonization of al-Bukhari and Muslim* (Leiden: Brill, 2007), 249.
66. See Brown, *Canonization*, 257-58.
 67. Ibn al-Salah, *Muqaddimah*, 152.
 68. Badr al-Din Muhammad b. Bahadur al-Zarkashi (d. 794/1392) of Cairo, a famous hadith scholar and Shafi'i jurist. See al-Zarkashi, *Al-Nukat 'alā Muqaddimat Ibn al-Ṣalāh*, ed. Zayn al-'Abidīn Muhammad Bila Furayj, 4 vols. (Riyadh: Adwa' al-Salaf, 1419/1998), 1:101, 125.
 69. Ibn al-Salah, *Muqaddimah*, 152.
 70. Ibn Hajar, *Al-Nukat 'alā Kitāb Ibn al-Ṣalāh*, ed. Mas'ud 'Abd al-Hamid al-'Adani and Muhammad Faris (Beirut: Dar al-Kutub al-'Ilmiyyah, 1414/1994), 109-10.
 71. Al-Hakim, *Kitāb al-Madkhal ilā Ma'rifat Kitāb al-Iklīl*, ed. Ahmad Faris Sallum (Dar Ibn Hazm: 1423/2003), 73-107. Al-Suyuti abridges this section, but does not introduce any material.
 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-diyāt, bāb al-diya kam hiya* and *Sunan Ibn Majah: kitāb al-farā'id, bāb mūrāth 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-Shafi'i'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.
 76. Al-Suyuti errs in citing this hadith as *man takallama bi ghayr 'ilm la'anathu malā'ikat al-samāwāt wa al-arḍ*. The existing hadith is actually *man aḥḥad bi ghayr 'ilm...*, as cited by al-Suyuti in his *Al-Ḥabā'ik fī Akhbār al-Malā'ik*, ed. Muhammad Sa'id Zaghlul (Beirut: Dar al-Kutub al-'Ilmiyyah, 1408/1988), 187. See al-Khatib, *Al-Faqīh wa al-Mutafaqqih*, ed. 'Adil Yūsuf al-'Azazi, 2 vols. (Dammam: Dar Ibn al-Jawzi, 1417/1996), 2:327; Ibn 'Asakir, *Tārīkh Madīnat Dimashq*, ed. 'Umar al-'Amrawi, 80 vols. (Beirut: Dar al-Fikr, 1997), 52:20; "Musnad 'Alī Riḍā," in *Musnad al-Imām Zayd* (Beirut: Dar Maktabat al-Hayat, 1966), 444.