



Department of Islamic Development Malaysia

Compiled By:
Saiful Azhar bin Saadon

HADITH SAHIH ON BEHAVIOUR OF

LGBT

LESBIAN, GAY, BISEKSUAL, AND TRANSGENDER.

BY:

Mohd Izwan bin Md Yusof
Muhd Najib bin Abdul Kadir
Mazlan bin Ibrahim
Khadher bin Ahmad
&
Murshidi bin Mohd Noor

"Say, "O My servants who have transgressed against themselves [by sinning], do not despair of the mercy of Allah . Indeed, Allah forgives all sins. Indeed, it is He who is the Forgiving, the Merciful."

al-Zumar 39 : 53



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DEPARTMENT OF ISLAMIC DEVELOPMENT MALAYSIA (JAKIM)

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PREFATORY REMARKS BY DIRECTOR-GENERAL DEPARTMENT OF ISLAMIC DEVELOPMENT MALAYSIA (JAKIM)

Alhamdulillah, all praise and our utmost gratitude to Allah SWT for making it possible for Jakim to accomplish its booklet publication entitled 'Hadith Sahih On Behaviour Of LGBT (Lesbian, Gay, Biseksual And Transgender)'.

The LGBT issue has been part of social problems and epidemics that swept all over the world. Malaysia was not spared from this problem and it is an unfortunate that Malay Muslims in general has been identified to be involved in this issue.

To address this issue, Jakim has approached the LGBT community through outreach activities in numerous identified LGBT areas with the aim to engage their interest to participate in the '*Ilaj Wa Shifa*' (treatment and rehabilitation) program organized by Jakim. The implementation of this program is in line with Core no. 4 from the Fourth Strategy of Jakim Strategic Plan 2015-2019 that aims to strengthen the understanding and appreciation of Islam as an all-embracing way of life in producing the best generation (khaira ummah).

In addition to the programs implemented, Jakim also took the initiative to publish related materials on LGBT issues for the purpose to disseminate more knowledge and create more awareness either to the targeted LGBT groups or to the public at various level. This initiative is also in line with Core no 4 from the First Strategy of Jakim Strategic Plan 2015-2019, namely to strengthen and diversify religious content in printed media, electronic media and new media.

The LGBT issue needs to be clarified through religious perspective which includes hadiths as the second source in Islam apart from the Quran. Ignorance or misinterpretation of hukm would mislead some group of people to consider LGBT as a norm of life and freedom of individual rights. Thus this brochure would be an effective medium of da'wah meant for readers at all levels since it is published in Malay and English.

It is with great hope that the publication of this booklet would provide knowledge, understanding, and awareness to the community on behaviour of LGBT based on authentic hadiths.

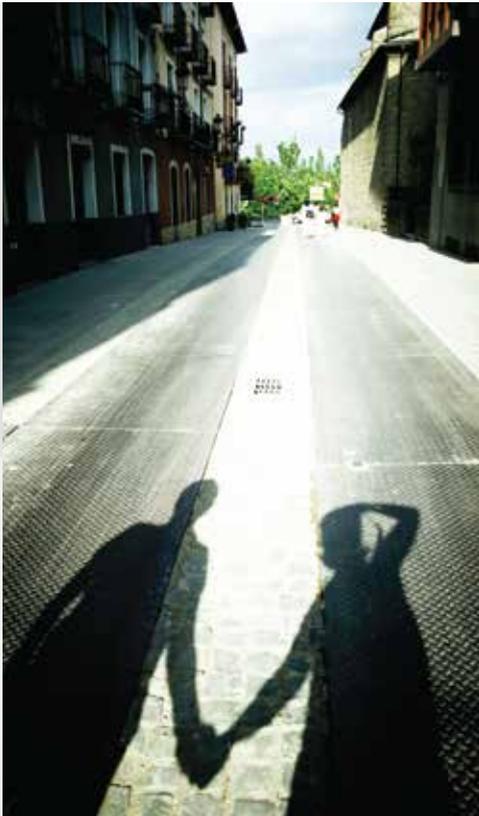


DATU' HAJI OTHMAN BIN MUSTAPHA

INTRODUCTION

BY:

MOHD IZWAN BIN MD YUSOF ¹, MUHD NAJIB BIN ABDUL KADIR ²,
MAZLAN BIN IBRAHIM ³, KHADHER BIN AHMAD ⁴ & MURSHIDI BIN MOHD NOOR ⁵



Any problems that afflict mankind should be referred to the al-Quran and al-Hadith as their primary guidance. This is because the hadith as the second source in Islam plays a major role in the culture of Islamic civilization since the time of Prophet Muhammad p.b.u.h and his companions until now, whether in the aspect of belief, worship, morals and mu'amalat.⁶ In fact, Imam Ahmad stressed that the only way to study Islamic law and rulings is through al-hadith. For some people who feel that it is only sufficient to depend on the Qur'an alone to understand the Qur'anic verses and learn its rulings without the support from al-hadith, obviously their life is misguided and will not reach the life purpose that they desire.⁷ Thus, the act of homosexuality (sodomy and al-sihaq) and women who resemble men and women who resemble men (al-mutasyabbih), also been discuss in al-Hadith.

¹ Doctor of Philosophy Candidate in the Department of al-Quran and al-Sunnah Studies, Faculty of Islamic Studies, UKM. Email: jayabumi04@yahoo.com

² Professor Dr. in the Department of al-Quran and al-Sunnah Studies, Faculty of Islamic Studies, UKM. Email: abunaseh@ukm.my

³ Associate Professor Dr. in the Department of Usuluddin and Philosophy, Faculty of Islamic Studies, UKM. Email: mazib@ukm.my

⁴ Lecturer in the Department of al-Quran and al-Hadith, Academy of Islamic Studies, Universiti Malaya, Kuala Lumpur. Email: khadher82@um.edu.my

⁵ Lecturer in Universiti Utara Malaysia, Sintok, Kedap. Email: kap6994_murshid@yahoo.com..

⁶ Abdul Hayei Abdul Sukor, 2003. *Islam Dalam Sabda*. Kuala Lumpur : Al-Amani Publishers. p.V.

⁷ Mustafa Abdul Rahman, 2008. *Hadith 40 : Terjemahan dan Syarahnya*. Selangor : Dewan Pustaka Fajar. p. 12.

Sexual disorders and gender issues, which specifically refers to the community of Lesbian, Gay, Bisexual, and Transgender (LGBT) is not a new issue. Instead, Allah has explained about the homosexual problems that occur among people of Lut. Homosexual is clearly a despicable act as mentioned in verses 80-84, Surah al-Araf, which means :

And [We had sent] Lot when he said to his people, "Do you commit such immorality as no one has preceded you with from among the worlds? Indeed, you approach men with desire, instead of women. Rather, you are a transgressing people." But the answer of his people was only that they said, "Evict them from your city! Indeed, they are men who keep themselves pure." So We saved him and his family, except for his wife; she was of those who remained [with the evildoers]. And We rained upon them a rain [of stones]. Then see how was the end of the criminals.

The above verse clearly describes how the people of Lut suffer from sexual disorder whereby they have the tendency for sexual intercourse with partner of the same gender i.e between man and man, and woman with woman. Same gender sexual orientation or homosexual is mentioned in the hadith by the term liwat (sodomy) and al-sihaq (lesbian).⁸ From the Qur'anic verses, Allah describes the punishment that befell on the people of Lut as the people of Sodom and Amoro, a district in the state of Syria.⁹

DEFINITION OF LGBT AND PERCEPTION OF MUSLIM'S LGBT SUPPORTERS IN WESTERN ON AL-QUR'AN AND AL- HADITH

According to Blanch Consulting, lesbian refers to group of women who are attracted (sexually or romantically) to other women. Gay refers to men who are interested (sexually or romantically) to other men. Meanwhile, bisexual refers to someone who is interested (sexually or romantically) for men and women. Meanwhile, transgender refers to a person whose gender identity or expression is against with the norms of tradition and his/her sexual physical feature.¹⁰

⁸ Abdul Mustaqim. 2011. *Kisah al-Qur'an : Hakikat, Makna dan Nilai-Nilai Pendidikannya*. Yogyakarta. Jurnal Ulumuna, Volume XV, Bil.2. p.265-290.

⁹ Abu Ja'far Muhammad Ibn Jarir al-Tabari. 1995. *Jam' al-Bayan 'an Ta'wil Ayat al-Qur'an*, Juz 1. Beirut : Dar al-Fikr, p. 304.

¹⁰ Blanch Consulting. 2003. *Definition of LGBT*. Sagepub UK : Journal of Homosexuality, p.2.

Throughout the study, researchers of this study find that there was a tendency among scholars and practitioners of Muslim LGBT in the West who support homosexual acts, using Qur'anic verses that tell the story of Prophet Lut for them to provide new interpretation, which totally deviate from the interpretation of prominent scholars. This is evidenced by Jamal's view who criticizes the established interpretation of the relevant Qur'anic verses about the people of Lut. The Qur'anic verses are mentioned at 14 places in the Qur'an (eg, 6: 85-87, 38: 11-14, 54: 33-40) that forbid homosexuality, insisting on sexual violence as the cause for the punishment of people of Lut.¹¹ This view is supported by Malik,¹² Nahas,¹³ and Shahrur.¹⁴



Meanwhile, they reject al- hadith as the source of Islamic law that prohibits LGBT behavior. They argued that compilation of al-hadith during the time of Prophet Muhammad p.b.u.h and his companions can still be disputed by progressive Islamic thinkers today. Uncertainty and conflict that take place in the hadith has resulted to its validity as source of law in Islam is still questionable. According to the LGBT proponents, it's not surprising to see that

“Meanwhile, they reject al- hadith as the source of Islamic law that prohibits LGBT behavior.”

¹¹ A. Jamal. 2001. *The Story of Lot and the Qur'an's Perception of the Morality of Same-sex Sexuality*. UK : Journal of Homosexuality 41 (1). p.1-88.

¹² Malik. 2004. *Queer Sexuality and Identity in the Quran and Hadith*. URL: <http://www.well.com/user/aquarius/Quarannotes.htm>.

He pointed out that traditional interpretations related to prohibition of homosexuals should be evaluated and given new interpretation, in line with the openness of present society that begins to accept homosexual behavior.

¹³ O.Nahas, 2004. *Islamic Studies on Homosexuality*. URL : http://www.yoesuf.nl/engels/islamic_studies.html). He emphasized that the sin of homosexuality is not as heavy as the sin of adultery and causes people of Lut were punished because of sexual violence.

¹⁴ M Sharur. 2009. *The Quran Morality and Critical Reason : The Essential Muhammad Shahrur*. Translation and ed. By A. Christmann. Leiden:Brill. p.204. He emphasized that the Qur'an does not clearly state the prohibition of homosexual behaviour that are carried out secretly. He even feels that it is rightful for couple of same gender to have feelings and relationship with one another, as long as the sexual behaviour are not being done in public.



hatred-based punishment on LGBT behaviour, including those of homosexuals and transgenders, which are taken from al-hadith seem to dominate the situation.¹⁵

It was seen by scholars and proponents of Muslim LGBT as against the Prophet's noble virtues as depicted in the Qur'an. Therefore, they question whether the Prophet ever issued such a directives pertaining to punishment for LGBT behaviour.¹⁶

There are numerous hadith concerning on the prohibition LGBT behaviour that are disputed by scholars and proponents of Muslim LGBT. Nevertheless, researchers of this study will only examine a number of hadith related to prohibition of homosexuality (sodomy), lesbian (al-sihag) and transgender (al-mutasyabbih) being claimed as inconsistent with the teachings of Islam, whereas the muhaddithin confirms that the hadith are all authentic and become a prominent source in Islamic law after al-Qur'an which proscribe the LGBT behaviour.

“They question whether the Prophet ever issued such a directives pertaining to punishment for LGBT behaviour.”

¹⁵ Muhsin Hendricks. 2010. *The Equal Rights Review*, Vol.Five, p. 33. He is an Imam in Africa and the founder of The Inner Circle organization that aims to defend the rights of Muslim LGBT communities in Cape Town, South Africa. He also admitted that he is gay. Please refer to Bjorn Krondorfer. 2011. *Diversity of Sexuality in Islam*, p. 2

¹⁶ *ibid.* p.33.

HADITH IN RELATION TO LGBT



In examining the hadith related to Lesbian, Gay, Bisexual, and Transgender (LGBT), there are many hadith which clearly explain the prohibition and threat of this group. To facilitate the discussion, the researchers have listed the hadith and explain the focus of the hadith discussion related to LGBT. Refer to Table 1.0 below.

Table 1.0: Sahih Hadith on LGBT

No.	Atraf Hadith	Focus on Discussion of Hadith (Deviam Group)			
		Lesbian	Gay	Bisexual	Transgender
1.	لا يبيح الله الزواج إلا بين رجلان، ولا يبيح الله الزواج إلا بين رجلين	/	/		
2.	من ومثله: يقتل عقل لوم، عقابوا القام، والشعور به		/		
3.	لعن الله من عمل عمل قوم لوط		/		
4.	لعن رسول الله صلى الله عليه وسلم المشركين من الرجال بالنساء والمثليات من النساء، والزواج		/		
5.	لعن الله من عمل قوم لوط والمتحولات من النساء، وكان أمرهم من وأخرج قائله وأخرج غيره له				/
6.	لعن الله من عمل قوم لوط والمتحولات من النساء، وكان أمرهم من وأخرج قائله وأخرج غيره له				/
7.	لعن رسول الله صلى الله عليه وسلم الذين يبيعون دينهم بأموالهم				/

SOURCE AND STATUS OF LGBT HADITH

Table 2.0: Clarification on Sources and Status of Sahih Hadith Concerning LGBT

No.	Atraf Hadith	Sources of Hadith	Status of Hadith
1.	لا تاتوا المرأة المرأة إلا وبها زينة، ولا تهاجروا حرامين الزموا إلا وبها زينة	<i>Al-Mu'jam al-Awsat</i> oleh al-Tabarani	Sahih
2.	من وماتكم بعدن عن قوم لوط، فاقبلوا العاقين، ولا تقبلوا به	<i>Sunan Abu Dawud, al-Ikmal' Tirmidhi, Sunan Ibn Majah, Al-Mu'jam al-Kabir</i> oleh al-Tabarani, <i>Musnad Imam Ahmad</i> dan <i>al-Mustadrak</i> oleh al-Hakim	Sahih
3.	عن الله من عن عن قوم لوط	<i>Musnad Imam Ahmad & al-Mustadrak</i> oleh al-Hakim	Sahih
4.	عن رسول الله صلى الله عليه وسلم التفتيح من الرجال بالشدة والتفتيح من النساء بالجمال	<i>Sahih al-Bukhari, Sunan Abi Dawud, Sunan Ibn Majah dan Musnad Imam Ahmad</i>	Sahih
5.	عن النبي صلى الله عليه وسلم التفتيح من الرجال والتفتيح من النساء وقال امرؤهم من تزكوا وأخرج قاتل وأخرج قاتل	<i>Sahih al-Bukhari dan Musnad Imam Ahmad</i>	Sahih
6.	التفتيح لأبي أو سنده عند الله من أي الله إن فتح الله لكم ما بين يدي أتاكم على شيء حرام	<i>Sahih al-Bukhari</i>	Sahih
7.	عن رسول الله صلى الله عليه وسلم الزموا الزموا بشرن بسنة المرأة والمرأة التي من بسنة الزموا	<i>Sunan Abi Dawud dan Sunan al-Nasa'i</i>	Sahih
8.	من وقع على ذات غير حلاله، ومن وقع على صبي فاقبلوه، واقبلوا الهبة	<i>Sunan Ibn Majah dan Musnad Imam Ahmad</i>	Sahih

Before further explanation are given on a number of hadith quoted earlier, it is highly appropriate to study the source and position of the hadith in details. Based on the research and references to primary sources of hadith, it is found that there are many sources that can be consulted for clarification of hadith concerning the LGBT groups. Table 2.0 below briefly mentions the sources of the hadith quoted earlier.

As shown from Table 2.0, the researchers observed that the hadith concerning LGBT can be obtained from various sources or prominent books of hadith that are already certified with regard to their authenticity and status.

TAKHRIJ AND FIQH OF SAHIH HADITH ON LGBT BEHAVIOUR

F

ollowing the discussion of the hadith, the researchers will briefly explain on the focus of discussion for each hadith that are being listed. Some of the hadith explain a few issues related to the LGBT group. In fact, there is a hadith that solely focuses on particular issues only.

First Hadith :

From Abu Musa al-Ash'ari R.A., the Prophet p.b.u.h states that:

لَا تُبَاشِرُ الْمَرْأَةَ الْمَرْأَةَ إِلَّا وَهُمَا زَانِيَتَانِ،
وَلَا يُبَاشِرُ الرَّجُلُ الرَّجُلَ إِلَّا وَهُمَا زَانِيَانِ

Meaning: *"If a woman comes upon a woman, they are both adulteresses, if a man comes upon a man, then they are both adulterers."*¹⁷

¹⁷ Hadith riwayat al-Tabarani in al-Mu'jam al-Awasat [no.hadith 4157] and al-Bayhaqi dalam Su'ab al-Iman [no.hadith 5075]. See Sulayman bin Ahmad bin Ayyub Abu al-Qasim al-Tabarani (1415H), al-Mu'jam al-Awsat is tahqiq (verified) by Tariq bin 'Aud Allah bin Muhammad dan 'Abd al-Muhsin bin Ibrahim al-Husaini, al-Qahirah: Dar al-Haramain, j.4, p.266 dan Abu Bakr Ahmad bin al-Husain al-Bayhaqi (1410H), Shu'ab al-Iman, is verified by Muhammad al-Sa'id Basyuni Zaghulul, Beirut: Dar al-Kutub al-'Alami, j.7, p.324.

The hadith above is mentioned in the work of *al-Mu'jam al-Awsat*,¹⁸ and *Musnad Ahmad*.¹⁹ According to Shu'ayb al-Arna'ut, the hadith is *sahih* (authentic) in status despite the broken sanad (chain).²⁰ Therefore, the hadith is sahih in status although it was said that the sanad is broken, the broken sanad does not affect its status as sahih hadith on its text.

The hadith explains on lesbian (between woman and woman) and gay (between man and man) sexual relationship also known as homosexuals. Both sexual behaviours are totally despicable and are considered under adultery.

Second Hadith

مَنْ وَجَدْتُمُوهُ يَعْمَلُ عَمَلِ قَوْمٍ
لُوطٍ فَأَقْتُلُوا الْفَاعِلَ وَالْمَفْعُولَ بِهِ.

Meaning : "Whoever is found conducting himself in the manner of the people of Lut, kill the doer and the receiver."

The hadith above is found in the work of *Sunan al-Bayhaqi*,²¹ *al-Mustadrak 'Ala al-Sahihayn*,²² *al-Muntaqa Li Ibn al-Jarud*,²³ *Sunan Abi Dawud*,²⁴ *Sunan Ibn Majah*,²⁵ *Sunan al-Tirmidhi*,²⁶ *Sunan al-Daraqutni*,²⁷ *Musnad Abi Ya'la*,²⁸ and *Musnad Ahmad Bin Hanbal*.²⁹

¹⁸ Sulayman bin Ahmad bin Ayyub Abu al-Qasim al-Tabarani (1415H), *op.cit.*, no. hadith 4157, j.4, p.266.

¹⁹ Ahmad Bin Hanbal Abu 'Abd Allah al-Shaybani (t.t.), *Musnad al-Imam Ahmad Bin Hanbal*, no. hadith 10460, j. 2. al-Qahirah: Mu'assasah Qurtubah, p. 497.

²⁰ Ibid.

²¹ Sulayman bin Ahmad bin Ayyub Abu al-Qasim al-Tabarani (1415H), *op.cit.*, j. 2, p. 469.

²² Muhammad Bin 'Abd Allah Abu 'Abd Allah al-Hakim al-Naysaburi (1990), *al-Mustadrak 'Ala al-Sahihayn, Kitab al-Hudud*, no. hadith 8047, j. 4. Bayrut: Dar al-Kutub al-'Ilmiyyah, p. 395.

²³ 'Abd Allah Bin 'Ali Bin al-Jarud Abu Muhammad al-Naysaburi (1988), *al-Muntaqa Min al-Sunan al-Musannadah, Bab Fi al-Hudud*, no. hadith 820. Bayrut: Mu'assasah al-Kitab al-Thaqafiyah, p. 208.

²⁴ Sulayman Bin al-Ash'ath Abu Dawud al-Sajistani al-Azdi (t.t.), *Sunan Abi Dawud, Kitab al-Hudud*, no. hadith 4462, j. 2. (T.t.p.): Dar al-Fikr, p. 564.

²⁵ Muhammad Bin Yazid Abu 'Abd Allah al-Qazwayni (t.t.), *Sunan Ibn Majah, Kitab al-Hudud*, no. hadith 2561, j. 2. Bayrut: Dar al-Fikr, p. 856.

²⁶ Muhammad Bin 'Isa Abu 'Isa al-Tirmidhi al-Sulami (t.t.), *al-Jami' al-Sahih Sunan al-Tirmidhi, Kitab al-Hudud*, no. hadith 1456, j. 4. Bayrut: Dar Ihya' al-Turath al-'Arabi, p. 57.

²⁷ Ali Bin 'Umar Abu al-Hasan al-Daraqutni al-Baghdadi (1966), *Sunan al-Daraqutni, Kitab al-Hudud Wa al-Diyat Wa Ghayrihi*, no. hadith 140. Bayrut: Dar al-Ma'rifah, p. 124.

²⁸ Ahmad Bin 'Ali Bin al-Muthanna Abu Ya'la al-Musili al-Tamimi (1984), *op.cit.*, j. 4, p. 348.

²⁹ Ahmad Bin Hanbal Abu 'Abd Allah al-Shaybani (t.t.), *Musnad al-Imam Ahmad Bin Hanbal*, no. hadith 2732, j.1. al-Qahirah: Mu'assasah Qurtubah, p. 300.

According to al-Hakim, the hadith mentioned above contains a sahih sanad, but it is not narrated by al-Bukhari dan Muslim. However the hadith has *shahid* (witness) that supports it. According to al-Dhahabi,³⁰ the status of the hadith is *sahih*. Al-Albani states that status of the hadith is *hasan sahih*.³¹ However when the hadith is reviewed, in the work of *Sunan Ibn Majah*, al-Albani³² the hadith becomes *sahih in status*. From Husayn Salim Asad,³³ he states that all the rijal that are contained in the sanad of the hadith falls under *sahih category*. Meanwhile Shu'ayb al-Arna'ut³⁴ has analysed the hadith in the work of *Musnad Ahmad*, he claims that status of the hadith is *da'if* however.



³⁰ He is among the scholars who analyze the status of the hadith contained in the work of *al-Mustadrak*. See Muhammad Bin 'Abd Allah Abu 'Abd Allah al-Hakim al-Naysaburi (1990), *op.cit.*, j. 4, p. 395.

³¹ He is the scholar who analyze collection of hadith contained in the work of *Sunan Abi Dawud*. See Sulayman Bin al-Ash'ath Abu Dawud al-Sajistani al-Azdi (t.t.), *op.cit.*, j. 2, p. 564.

³² He is the scholar who analyze collection of hadith contained in the work of *Sunan Ibn Majah*. See Muhammad Bin Yazid Abu 'Abd Allah al-Qazwayni (t.t.), *op.cit.*, j. 2, p. 856.

³³ He is the scholar who verifies (tahqiq) on the work of *Musnad Abi Ya'la*. See Ahmad Bin 'Ali Bin al-Muthanna Abu Ya'la al-Musili al-Tamimi (1984), *op.cit.*, j. 4, p. 348.

³⁴ He is the scholar who analyze collection of hadith contained in the work of *Musnad Ahmad*. See Ahmad Bin Hanbal Abu 'Abd Allah al-Shaybani (t.t.), *op.cit.*, j. 1, p. 300.

Researchers of this paper feel that the possibility of the hadith is *da'if* in status is caused by a narrator named 'Amru bin Abi 'Amru on the sanad of the hadith that is narrated by Imam Ahmad, have been criticized oleh some ulama because the hadith is *dabit* in nature.³⁵ The researchers also feel that despite the narrator is criticized by some ulama, there are some other ulama who accept his narration of hadith.³⁶ Therefore, the *da'if* status of the narrator is still in dispute among some ulama. The difference of the daif status without khilaf (dispute) among the ulama is lighter compared tu the daif status with khilaf. Thus, the researchers conclude that the hadith being presented above is *sahih* in status, after considering that the sanad dan matan of the hadith is *sahih* by majority of the ulama.

**For
adulterer who
is unmarried will
get 100
lashing but not
killed.**

The hadith above states on the prohibition of homosexual behaviour such as committed by the people of Lut and the death penalty executed on both individuals who made the homosexual behaviour.

AAI-Khattabi in the work of *Ma'alim al-Sunan* claims that the act committed by the people of Lut is punished severely because it seems that the fiqh jurists refer to the meaning behind the punishment imposed by Allah through storm of stones that showers the people of Lut that results to their total destruction. Whereas death penalty is executed to person who lure other people towards homosexual act is being referred to the meaning in the Islamic law i.e. death, because of the execution of being stoned to death for married adulterer. For adulterer who is unmarried will get 100 lashing but not killed. The view is referred from the view of Sa'd bin al-Musayyab, 'Ata' bin Abi Rabah, al-Nakha'i, al-Hasan dan Qatadah. In fact it is a prominent view in the mazhab of al-Shafi'i.³⁷

³⁵ For example Yahya bin Ma'in states that the hadith which is narrated by 'Amru bin Abi 'Amru is *da'if*. See Yusuf Bin al-Zaki 'Abd al-Rahman Abu al-Hujjaj al-Mizzi (1980), *Tahdhib al-Kamal*, j. 22. Bayrut: Mu'assasah al-Risalah, p. 168-169.

³⁷ For instance Imam Ahmad bin Hanbal who narrates the hadith himself states that it is okay to accept the hadith narration by the particular narrator. See *ibid.*, p. 168.

Third Hadith

Narrated from Ibn 'Abbas r.a. that the Prophet Muhammad p.b.u.h said:

.. لَعَنَ اللَّهُ مَنْ وَقَعَ عَلَىٰ بَيْمَةٍ، لَعَنَ اللَّهُ مَنْ عَمِلَ
عَمَلِ قَوْمِ لُوطٍ، لَعَنَ اللَّهُ مَنْ عَمِلَ عَمَلِ قَوْمِ لُوطٍ
ثَلَاثًا

Meaning: "... cursed is the one who has intercourse with an animal, cursed is the one who does the action of the people of Lut." (The Prophet mentioned three times).³⁸

The hadith is narrated by al-Bayhaqi in his work *al-Sunan*³⁹ and *Sha'b al-'Iman*,⁴⁰ al-Tabrani in his work *al-Mu'jam al-Kabir*,⁴¹ al-Nasa'i in his work *al-Sunan al-Kubra*,⁴² Abu Ya'la in his work *Musnad Abi Ya'la*,⁴³ Imam Ahmad in his work *Musnad Ahmad*,⁴⁴ and 'Abdun bin Humayd in his work *Musnad 'Abdun Bin Humayd*.⁴⁵

For sanad of the hadith narrated by al-Nasa'i, he claims that there is a narrator named 'Amru who is not strong in his narration of hadith. However according to al-Nasa'i, the sanad is *mutaba'ahnya* through the sanad from Khalid bin Makhlad from Sulayman bin Bilal from 'Amru.⁴⁶ However, Husayn Salim Asad⁴⁷ and Shu'ayb al-Arna'ut,⁴⁸ during their analysis on the sanad of the hadith contained in the work of *Musnad Abi Ya'la* and *Musnad Ahmad*, they claim that the sanad is *sahih*.

³⁸ Hadith narration by Ahmad in *al-Musnad* [no.hadith 2913], and al-Hakim in *al-Mustadrak* [no.hadith 8052]. See Ahmad bin Hanbal (1421H/2001M), *op.cit.*, j.5, p.83 and al-Hakim (1411H/1990M), *op.cit.*, j.4, p.396.

³⁹ Abu Bakr Ahmad Bin al-Husayn Bin 'Ali al-Bayhaqi (1344 H), *op.cit.*, *Kitab al-Hudud*, no. hadith 17473, j. 2, p. 466.

⁴⁰ Abu Bakr Ahmad Bin al-Husayn al-Bayhaqi (1410 H), *op.cit.*, no. hadith 5373, j. 4, p. 354.

⁴¹ Sulayman Bin Ahmad Bin Ayyub Abu al-Qasim al-Tabrani (1983), *al-Mu'jam al-Kabir*, c. 2, *Bab al-Ayn*, no. hadith 11546, j. 11. al-Musil: Maktabah al-'Ulum Wa al-Hikam, p. 218.

⁴² Ahmad Bin Shu'ayb Abu 'Abd al-Rahman al-Nasa'i (1991), *Sunan al-Nasa'i al-Kubra*, *Kitab al-Rajm*, no. hadith 7337, j. 4. Bayrut: Dar al-Kutub al-'Ilmiyyah, p. 322.

⁴³ Ahmad Bin 'Ali Bin al-Muthanna Abu Ya'la al-Musili al-Tamimi (1984), *op.cit.*, no. hadith 2539, j. 4, p. 414.

⁴⁴ Ahmad Bin Hanbal Abu 'Abd Allah al-Shaybani (t.t.), *Musnad al-Imam Ahmad Bin Hanbal*, no. hadith 2817, j.1. al-Qahirah: Mu'assasah Qurtubah, p. 309.

⁴⁵ 'Abdun Bin Humayd Bin Nasr Abu Muhammad al-Kassi (1988), *al-Muntakhab Min Musnad 'Abdun Bin Humayd*, no. hadith 589. al-Qahirah: Maktabah al-Sunnah, p. 203.

⁴⁶ Ahmad Bin Shu'ayb Abu 'Abd al-Rahman al-Nasa'i (1991), *Op.cit.*, j. 4, p. 322.

⁴⁷ Ahmad Bin 'Ali Bin al-Muthanna Abu Ya'la al-Musili al-Tamimi (1984), *Op.cit.*, j. 4, p. 414.

⁴⁸ Ahmad Bin Hanbal Abu 'Abd Allah al-Shaybani (t.t.), *Op.cit.*, j. 1, p. 309.

Possibility of the *sahih* status is because of 'Amru as the hadith narrator who is criticized by al-Nasa'i, is disputed by some ulama in terms of his *thiqah*. For example Abu Zur'ah al-Razi claims that the narrator is *thiqah*(trusted).⁴⁹ Therefore the view of Abu Zur'ah al-Razi many others are different from the view presented by al-Nasa'i about 'Amru. Thus, the accurate view is the one that supports the *sahih* status on the sanad of the hadith.



The hadith also mentions on the punishment on the people of Lut i.e. homosexuality (sodomy). However, the Prophet p.b.u.h in the hadith mentions the curse of Allah on the group of people or anyone who indulge such lewd act as committed by the people of Lut it. In fact, the curse of Allah also inflict on those who have sex with animals.

It can be summarized that all the three hadith clearly mention about gay or homosexual behavior as committed by the people of Lut. From the explanation of the three hadith, it is found that there are variety of threats and punishment that can be executed on those who commit such act. Among others, getting cursed from Allah S.W.T and His Messenger. In fact the third hadith mentions that the doers and those who lure to such actions shall be sentenced to death.

⁴⁹ Ahmad Bin 'Ali Bin Hajar Abu al-Fadl al-'Asqalani al-Shafi'i (1984), *Tahdhib al-Tahdhib*, j. 8. Bayrut: Dar al-Fikr, p. 72.

Fourth Hadith

Narrated by Ibn 'Abbas R.A:

لَعَنَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
الْمُتَشَبِّهِينَ مِنَ الرِّجَالِ بِالنِّسَاءِ
وَالْمُتَشَبِّهَاتِ مِنَ النِّسَاءِ بِالرِّجَالِ

Meaning: "The Prophet cursed effeminate men and those women who assume the similitude (manners) of men."⁵⁰



The hadith above is mentioned in the work of al-Mu'jam al-Awsat,⁵¹ *Sunan Abi Dawud*,⁵² *Sunan Ibn Majah*,⁵³ and *Sunan al-Tirmidhi*⁵⁴. Al-Tabrani states that the hadith is only narrated by Zakariyya from 'Umar. While Ruh bin 'Ubadah is alone in narrating the hadith from Zakariyya.⁵⁵ Al-Albani claims that the hadith is *sahih* in status.⁵⁷ Thus the hadith falls under *sahih* category.

Transgenders are cursed by the Prophet p.b.u.h whether man who resembles woman or vice versa. In this case, it refers to man who resemble woman in many aspect, that totally turned a man into a woman. The group is known by the term transgender or transvestite in our country. The same case also goes to woman who resembles man known as a tomboy or pengkid.

⁵⁰ Hadith al-Bukhari [Kitab al-Libas, Bab (فِي لِبَاسِ النِّسَاءِ وَالْمُتَشَبِّهَاتِ بِالرِّجَالِ) no.hadith 5435], Abi Dawud [Kitab al-Libas, Chapter (فِي لِبَاسِ النِّسَاءِ), no. hadith 3574], Ibn Majah [Kitab al-Nikah, Bab (فِي الْمُخْتَلِفِينَ)], no.hadith 1894] and Ahmad in his musnad [no.hadith 2910 and 2150] along with other addition to matan that is (أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَعَنَ الْوَاحِلَةَ وَالْمَوْضُولَةَ وَالْمُتَشَبِّهِينَ مِنَ الرِّجَالِ بِالنِّسَاءِ وَالْمُتَشَبِّهَاتِ مِنَ النِّسَاءِ بِالرِّجَالِ). See al-Bukhari (1407H/1987M), *op.cit.*, j.18, p.239, Abu Dawud (t.t), *op.cit.*, j.11, p. 136, Ibn Majah (t.t), *op.cit.*, j.6, p. 18, and Ahmad bin Hanbal (t.t), *op.cit.*, j.6, p. 434.

⁵¹ Abu al-Qasim Sulayman Bin Ahmad al-Tabrani (1415), *op.cit.*, no. hadith 1435, j. 2, p. 117.

⁵² Sulayman Bin al-Ash'ath Abu Dawud al-Sajistani al-Azdi (t.t.), *op.cit.*, *Kitab al-Libas*, no. hadith 4097, j. 2, p. 458.

⁵³ Muhammad Bin Yazid Abu 'Abd Allah al-Qazwayni (t.t.), *op.cit.*, *Kitab al-Nikah*, no. hadith 1904, j. 1, p. 614.

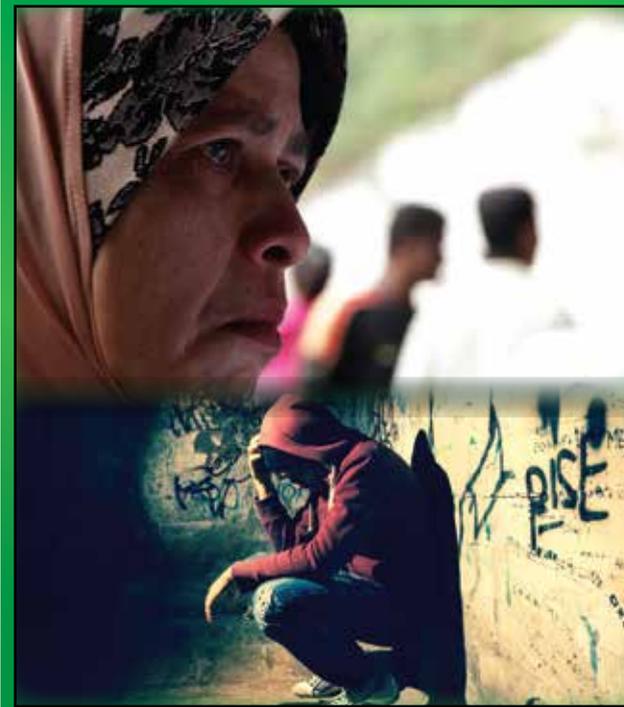
⁵⁴ Muhammad Bin 'Isa Abu 'Isa al-Tirmidhi al-Sulami (t.t.), *op.cit.*, *Kitab al-Adab*, no. hadith 2784, j. 5, p. 105.

⁵⁵ Abu al-Qasim Sulayman Bin Ahmad al-Tabrani (1415), *op.cit.*, no. hadith 1435, j. 2, p. 117.

⁵⁶ Sulayman Bin al-Ash'ath Abu Dawud al-Sajistani al-Azdi (t.t.), *op.cit.*, j. 2, p. 458.

According to Al-Tabari, the meaning of (لَعَنَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْمُتَشَبِّهِينَ) “Should not be for a man to look like a woman in the aspect of clothing and adornment that is devoted to women and vice versa.”

While Ibn Hajar added, the resemblance also goes to the way they talk and move (walking). Form or type of clothing is different according to the custom and culture in each state or territory. Sometimes, at a particular place, there is no significant difference on the way they dress between men and women, the only thing that distinguished the women is through hijab or veil or cover of their heads.⁵⁷ Sheikh Abu Muhammad ibn Abi Hamzah said: *Zahir* narration of the hadith is a prohibition of resembling in any situation, but more often it is similar to the clothing, some characters, movement and so forth, but there is nothing good about resemblance.⁵⁸



Fifth Hadith

Narrated by Ibn 'Abbas r.a :

لَعَنَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
الْمُحْتَشِبِينَ مِنَ الرِّجَالِ وَالْمُتَرَجِّلَاتِ مِنَ
النِّسَاءِ وَقَالَ أَخْرَجُوهُمْ مِنْ بُيُوتِكُمْ
وَأَخْرَجَ فَلَانًا وَأَخْرَجَ عُمَرُ فُلَانًا

Meaning: "The Prophet cursed effeminate men and those women who assume the similitude (manners) of men. He also said, "Evict them out of your houses.." Ibn 'Abbas further added: " He turned out such-and-such person, and Umar turned out such-and-such person.."

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⁵⁷ Al-Imam al-Hafiz Ahmad bin 'Ali bin Hajar al-'Asqalani (2001M/1321H), *Fath al-Bari bi Sharh Sahih al-Imam Abi 'Abd Allah Muhammad bin Isma'il al-Bukhari*, translate by 'Abd al-Qadir Shaybah al-Hamad, Saudi: Maktabah al-Malik Fahad al-Wataniyyah, j.10, p.345.

⁵⁸ *ibid.* p.345.

⁵⁹ Sahih hadith narrated by al-Bukhari [Kitab al-Libas (Clothing), Chapter of Evicting the Effeminate Men Out of the House { إِخْرَاجَ الْمُتَشَبِّهِينَ بِالنِّسَاءِ مِنَ الْبُيُوتِ }, no.hadith 5436], and [Kitab al-Hudud, Chapter of Denying Men with Immoral Behaviour and Resembling Women { نَهَى أَهْلَ الْمَعَاصِي وَالْمُخْتَلِبِينَ }, no.hadith 6331], also narration by Ahmad in his musnad [Musnad Bani Hashim, Bidayah Musnad 'Abd Allah bin 'Abbas r.a., no.hadith 1878]. See al-Bukhari (1400H), *op.cit.*, j.18, p. 241 and j.11, p. 111 and Ahmad bin Hanbal, (1421H/2001M), *op.cit.*, j.4, p. 140.



The hadith above is a continuation of the previous four hadith that mention the Prophet p.b.u.h who cursed the men who resemble women or vice versa. However, there are additional issues in the hadith above, whereby there is action and punishment that were executed by the Prophet p.b.u.h to the group. The Prophet p.b.u.h decided that imposition to be acted out to the group is by evacuating them from the homes of Muslims. The imposition is further strengthened by the actions of Umar al-Khattab, who has chased away one of them from home.

What does it mean by "evict" the group from your homes? Based on discussion of ulama, the term refers to keep the group from associating with Muslims. The possibility of removing the individual from the county or state is to prevent the individual from getting any closer with the doer's surrounding communities that he/she is familiar with.

The "fulan" or individual in the hadith refers to a transvestite man who often mingles with women and have close association with them. The man prefers to resemble as a woman in character and habit with a tendency to speak gently, able to illustrate about a woman, talking and mingling and spending time more with women than men. Such preferences and actions would give an adverse effect on women if they stay close together because they can cause a lot of *fitnah* and lead to negative consequences.⁶⁰



⁶⁰ Majlis Tertinggi Urusan Keislaman Mesir (2000), *Sunnah Rasulullah Dari Kupasan Hadis*, (trans.) Thinker's Library, Batu Caves, Selangor: Thinker's Library, p. 176.

Sixth Hadith

Narrated by Ummu Salamah :

أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ عِنْدَهَا وَفِي الْبَيْتِ مُحْنَتٌ فَقَالَ
الْمُحْنَتُ لِأَبِيهِ أُمِّ سَلَمَةَ عَبْدِ اللَّهِ بْنِ أَبِي أُمَيَّةَ إِنَّ فَتْحَ اللَّهِ لَكُمْ
الطَّائِفَ خَدًّا أَدْلُكَ عَلَى بِنْتِ خَيْلَانَ فَإِنَّهَا تُقْبَلُ بِأَرْبَعٍ وَتُدْبِرُ
بِثَمَانٍ فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَا يَدْخُلَنَّ هَذَا عَلَيْكُمْ

Meaning: "Umm Salama reported that the Prophet, peace be upon him, was at her house, and in the house there was an effeminate man, and the effeminate man said to the brother of Umm Salama, Abdullah bin Abi Umayya: "If God makes you all conquer Ta'if tomorrow, I will point out to you the daughter of Ghailan, for surely she has four when coming towards you and eight when she turns her back." Then the Prophet, peace be upon him, said: "This one shall not call upon you."⁶¹

The hadith also mentions about transgender group, where at the time of the Prophet p.b.u.h. There is a transvestit man who resembles a woman. Then the Prophet warned not to bring the person to the houses of the Muslims. What is meant by the Prophet p.b.u.h is to forbid Muslims from mingling with such group of people.

Prohibition of the Prophet p.b.u.h to keep this group from the homes of Muslims are similar to the previous hadith, that is to protect the families and to prevent them from any negative incidents that would result to greater defamation. In fact, when such group get together it is difficult to guarantee their sincerity as Muslims and ensure they are safe from defamation.

⁶¹ Sahih hadith narration by al-Bukhari [Kitab al-Nikah, Bab { مَا يُنْهَى مِنْ دُخُولِ الْمُتَشَبِّهِينَ بِالنِّسَاءِ عَلَى الْمَرْأَةِ }, no. hadith 4834]. See al-Bukhari (1400H), *op.cit.*, j.16, p. 262.

Seventh Hadith

Narrated from Abu Hurairah r.a :

لَعَنَ رَسُولُ اللَّهِ صَلَّى
اللَّهُ عَلَيْهِ وَسَلَّمَ الرَّجُلَ
يَلْبَسُ لِبْسَةَ الْمَرْأَةِ وَالْمَرْأَةَ
تَلْبَسُ لِبْسَةَ الرَّجُلِ⁶²

Meaning: "The Apostle of Allah (peace be upon him) cursed the man who dressed like a woman and the woman who dressed like a man."⁶²

The hadith above is found in the work of *al-Mustadrak 'Ala al-Sahihayn*,⁶³ *al-Mu'jam al-Awsat*,⁶⁴ *Sunan Abi Dawud*,⁶⁵ *Sunan al-Nasa'i al-Kubra*,⁶⁶ *Sahih Ibn Hibban*,⁶⁷ and *Musnad Ahmad bin Hanbal*.⁶⁸ According to al-Hakim, the hadith is sahih and meets the criteria as Muslim.⁶⁹ Al-Albani claims that the hadith is *sahih* in status.⁷⁰ Thus the hadith can be used as argument because of its *sahih* status.

The hadith also mentions that the Prophet p.b.u.h also cursed group of men who resemble women and vice versa. This hadith complements the explanation given to the previous hadith discussed because the previous hadith mentioned only on general resemblance not specific resemblance in particular. Therefore, the hadith above mentions on specific resemblance in terms of the dressing aspect.



⁶² Hadith narration by Abu Dawud [Kitab al-Libas, Chapter on Woman Attire, no.hadith 3575] and al-Nasa'i in his sunan [Kitab 'Ashrah al-Nisa', Bab { لعن المتبرجات من النساء }, no.hadith 9253]. See Abu Dawud (1424H), *op.cit.*, j.11, p. 137 and Abu 'Abd al-Rahman Ahmad bin Shu'aib bin 'Ali al-Nasa'i (1417H), *Sunan al-Nasa'i*, al-Riyad: Maktabah al-Ma'arif li al-Nashr wa al-Tawzi', j.5, p.397.

⁶³ Muhammad Bin 'Abd Allah Abu 'Abd Allah al-Hakim al-Naysaburi (1990), *op.cit.*, *Kitab al-Libas*, no. hadith 7415, j. 4, p. 215.

⁶⁴ Abu al-Qasim Sulayman Bin Ahmad al-Tabrani (1415), *op.cit.*, no. hadith 984, j. 1, p. 296.

⁶⁵ Sulayman Bin al-Ash'ath Abu Dawud al-Sajistani al-Azdi (t.t.), *op.cit.*, *Kitab al-Libas*, no. hadith 4098, j. 2, p. 458.

⁶⁶ Ahmad Bin Shu'ayb Abu 'Abd al-Rahman al-Nasa'i (1991), *op.cit.*, *Kitab al-Siyar*, no. hadith 9253, j. 5, p. 397.

⁶⁷ Muhammad Bin Hibban Bin Ahmad Abu Hatim al-Tamimi al-Busti (1993), *op.cit.*, *Kitab al-Hazr Wa al-Ibahah*, no. hadith 5751, j. 13, p. 62.

⁶⁸ Ahmad Bin Hanbal Abu 'Abd Allah al-Shaybani (t.t.), *op.cit.*, no. hadith 8292, j. 2, p. 325.

⁶⁹ Muhammad Bin 'Abd Allah Abu 'Abd Allah al-Hakim al-Naysaburi (1990), *op.cit.*, *Kitab al-Libas*, no. hadith 7415, j. 4, p. 215.

⁷⁰ Sulayman Bin al-Ash'ath Abu Dawud al-Sajistani al-Azdi (t.t.), *op.cit.*, *Kitab al-Libas*, no. hadith 4098, j. 2, p. 458.

ESSENCE OF DISCUSSION

Having looked into detail on the takhrij, matan and status of the hadith by researchers of this study, it can be summed up that all the 7 hadith presented in this paper is authentic (sahih) in status. Of the 7 hadith mentioned, 3 of them (*first hadith, second hadith and third hadith*) have touched upon sexual intercourse by gay dan lesbian, 4 of them (*fourth hadith, fifth hadith, sixth hadith and seventh hadith*) have approached on transgender sexual intercourse. The ulama view that sahih hadith can be used as argument. Thus all the seven hadith that is sahih in status obviously forbid LGBT lewd crime that certainly result to wrath fom Allah SWT and curse from the Prophet Muhammad p.b.u.h.

Scholars and proponents of Muslim LGBT should realize and repent for all the misconceptions that the Prophet p.b.u.h never stated any hadith that forbid the LGBT sexual behaviour is misleading. In fact the Prophet p.b.u.h never compromised with such despicable acts that is totally cursed and proscribed by Allah SWT. Furthermore, the description of the behavior and the punishment that befell the people of Lut is stated in the Qur'an as much as 18 times, including the story of Lut and his people, also indication on imoralities by the people of Prophet Lut.⁷¹

In relation to prohibition of transgender sexual behavior, all the presented hadith are *thabit*. This is because the transgender group has long existed during the time of the Prophet p.b.u.h. Accordingly, guidance on how to handle such group is already provided by the Prophet p.b.u.h.

Thus, what is described by Muhsin Hendricks about the nature of the Prophet's hadith as being not consistent and does not reflect the personality of the Prophet p.b.u.h, which is solely to show compassion and being tolerate enough in dealing with immoral sexual behaviour is rejected altogether. In fact, Hendrick's image as an Imam in Cape Town, South Africa, who obviously declares himself as gay after 60 days of fasting, reflects a very tarnished image of Islam. It absolutely does not represent the image of Islam, which totally forbids homosexual behaviour.⁷²

⁷¹ Solah al-Khalidi, 2007. *al-Qasas al-Qur'ani 'Ardu Waqa'i' wa Tahlil Ahdat*, jil.1, Damsyiq : Dar al-Qalam. p. 473.

⁷² *op.cit.* Bjorn Krondorfer *Diversity of Sexuality in Islam*. p.2.

CONCLUSION

It is with great hope for this paper that the findings concerning hadith of the Prophet p.b.u.h which forbid the LGBT behaviour, could refute all the misconceptions among scholars and practitioners of Muslim LGBT proponents. Accordingly, this study could serve as a guide for such group to make them aware and understand that their deviant behavior is totally unacceptable in Islam.

Fear for torment from Allah as what had happened to the people of Lut should be taken as serious reminder and contemplation to stay away from LGBT behaviour altogether. All the hadith discussed on forbidding such act should be shared and disseminated to prevent it from becoming more widespread particularly among Muslims. At the same time, the study affirms the position of hadith that is always relevant and significant as the second source of Islamic law after al-Qur'an in proscribing the behaviour of LGBT.

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LIST OF AUTHORS

Mohd Izwan bin Md Yusof
Doctor of Philosophy Candidate,
Department of Al-Qur'an and Al- Sunnah Studies,
Faculty of Islamic Studies, Universiti Kebangsaan Malaysia
jayabumi04@yahoo.com

Muhd. Najib bin Abdul Kadir. PhD. Professor
Department of Al-Qur'an and Al- Sunnah Studies,
Faculty of Islamic Studies, Universiti Kebangsaan Malaysia
abunaseh@ukm.my

Mazlan bin Ibrahim. PhD. Associate Professor
Department of Usuluddin and Philosophy,
Faculty of Islamic Studies, Universiti Kebangsaan Malaysia
mazib@ukm.my

Khader bin Ahmad. PhD.
Senior Lecturer,
Department of Al-Quran and Al-Hadith
Academy of Islamic Studies, Universiti Malaya
khadher82@um.edu.my.

Murshidi bin Mohd Noor. PhD.
Senior Lecturer,
Universiti Utara Malaysia, Sintok, Kedah.
kap6994_murshid@yahoo.com

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