

QUEER IDENTITIES

Muslims are interested in the biography of the Prophet (PBUH) and they created a separate science of specific criteria and rules concerned with determining the valid and invalid of what is circulated or attributed to the Prophet, known as Hadith. There is a group that does not take the science of Hadith in mind; they consider any text outside the Quran is not sacred and cannot be considered a legislative source. However, most Muslims believe in the importance of Hadith and narration. Therefore, the science of Hadith with its rules and standards was vital to discern the validity or invalidity of the Hadiths.

The Hadith is classified according to its acceptability to Sahih (valid), Hasan, and Weak.

Sahih Hadith

Is a trustable reliable Hadith in jurisprudence and other matters of religion.

Its conditions

Connection of *Sanad*: that each narrator of the narrators of the hadith has taken it from his predecessor directly.

Credibility of the narrator: that each of the narrators of the Hadith is an adult sane Muslim who's free from major sins.

Narrator's discipline: that each of the narrators of the Hadith is good at memorizing, neither delusional, nor foolish.

The *Matn* is fault free: that the text of the Hadith is free from any reason that would compromise its validity.

The *Matn* is free from abnormality: that it wouldn't contradict a more valid text.

Hasan Hadith

Is between Sahih and the weak Hadith, but it's closer to the Sahih and has most of its conditions, that's why it's applicable in jurisprudence.

Hadith is what was attributed to the Prophet either by saying or doing or reporting or even an adjective.

THE SCIENCE OF HADITH IS BASED ON TWO BASIC THINGS

SANAD

The series of narrators who passed the Hadith from one to another going back to the Prophet (PBUH).

Ex: (Abu Walid told us quoting Abu Awanah quoting Qatada quoting Anas ibn Malik quoting the Prophet (PBUH) said)

MATN

The text of the hadith.

Ex: "If a Muslim plants a tree, or sows a field and men and beasts and birds eat from it, all of it is charity from him".

Weak Hadith

Is an unreliable Hadith that doesn't meet the conditions of valid Hadith nor the Hasan one.

Of its types

Mu'allaq, Mursal, Mu'dal, Shadh, Maqlub, Mu'allal, Matruk, Mawdu' (is not even a Hadith)

And the weak Hadith with all its different types is rejected, and is not applicable in jurisprudence.

Although some say that it is permissible to work with it if there is no other.

However, Hadith scholars such as *al-Bukhari, Muslim, Yahya ibn Ma'in, Ibn al-Arabi, al-Maqdisi* and *Ibn Hazm* say that it should never be applied, not in jurisprudence and not even in the virtues of acts.

Weak hadiths are not applicable in jurisprudence, especially in the legislation of penalties that could result in a murder punishment. Opponents of sexual and gender minorities' rights relied on weak hadiths or hadiths that one scholar may have deemed them reliable, while there were scholars larger in number and credibility that deemed them weak.

On Homosexuality

Homosexuality is the attraction to people of the same gender. Homosexual women are attracted to women and homosexual men are attracted to men. Some people use Hadith to prove the prohibition of homosexuality in Islam.

“اقتلوا الفاعل والمفعول به”

(Kill the one who does it and the one to whom it is done)

This Hadith is **WEAK**

- *Al-Bukhari* deemed it weak in (*al-'Ilal al-Kabir*, 236).
- *Ibn Hazm* deemed it weak in (*al-Muhalla*, 387/11) and in (*al-Muhalla*, 383/11).
- *Ash-Shawkani* deemed it in (*Nayl al-Awtar*, 286/7) and in (*as-Sayl al-jarrar*, 315/4) that its *Sanad* is weak.
- *At-Tirmidhi* deemed it weak in (*Sunan at-Tirmidhi*, 1456).
- *Ibn al-Qattan* deemed it weak in (*al-Wahm wa al-Iham*, 182/4).

“ملعون من عمل عقل قوم لوط.”

(Cursed is the one who does the action of the people of Lot)

This Hadith is **WEAK**

- *Ibn 'Adi* deemed it weak in (*al-Kamil fi ad-Dhu'afa*, 436/8).
- *Al-Qaisarani* said about it in (*Dhakhirat al-Huffadh*, 1941/4) that it has two ways: the first is *Matruk* (denied), and the other is weak.

And even if this Hadith were valid, the acts of the people of Lot are not related to homosexuality in the first place. They were abusers and bandits, so it has nothing to do with a sexual relationship between two men.

“...إن من أشراط الساعة أن يكتفي الرجال بالرجال والنساء بالنساء.”

(From among the portents of the Hour is that men would be content with men and women would be content with women)

This Hadith is **WEAK**

- *Al-Haytami* mentioned it in (*Majma' al-Zawa'id*, 324/7) and said that its *Sanad* has *Saif ibn Maskun* and he's not reliable.
- And he mentioned it in (*Majma' al-Zawa'id*, 13/8) and said that its *Sanad* has *Sulaiman ibn Dawood al-Yamami* that is *Matruk* (denied).

“ارجموا الأعلى والأسفل وارجموهما جميعًا”

(Stone the upper and the lower, stone them both)

This Hadith is **WEAK**

- *Ibn 'Abd al-Barr* mentioned it in (*al-Istidhkar*, 503/6) and said about its *Sanad* that it has *Asim ibn Umar* and he's not reliable and unknown.
- *Al-Arnaout* mentioned it in (*Takhrij Mushkil al-Athar*, 3833) and said about it that its *Sanad* is weak.
- *Al-Khatib al-Baghdadi* mentioned it in (*Awham al-Jam' wa at-Tafriq*, 158/1) and said that its *Sanad* has *Asim ibn Umar al-Amri* that *al-Bukhari* said that it's a denied *Hadith*, and *Ahmed* said that it's weak, and *ibn Ma'in* said that it's not to be considered.

“سحاق النساء زنا بينهن”

(Lesbianism by women is adultery between them)

This Hadith is **WEAK**

- *Al-Albani* mentioned it in (*Da'if al-Jami'*, 3262) and said that it's very weak.
- He also mentioned it in (*as-Silsila ad-Da'ifa*, 1601) and said that it's weak.
- *Ibn Hibban* mentioned it in (*al-Majruhin*, 174/2) and said that its *Sanad* has *al-'Ala' ibn Kathir* who narrates a lot that is fabricated and is not to be considered.
- He also mentioned it in (*al-Majruhin*, 216/1) and said that it's *Mawdu'* (fabricated).

If there had been any clear and definitive prohibition for homosexuality, why did some people fabricate all of these Hadiths?

There are no Hadiths proving that the Prophet punished anyone for practicing homosexuality, but some suggest (If a man comes upon a man then they are both adulterers, If a woman comes upon a woman, they are both Adulteresses) as an evidence to apply the penalty of fornication to homosexual acts. This Hadith is **weak**. Mentioned by *al-Albani* in (*Da'if al-Jami'*, 282) and said that it's weak. *Al-Bayhaqi* mentioned it in (*as-Sunan al-Kubra*, 8/233), and said that its *Sanad* is denied, and *Ibn al-Mulaqqin* said about it in (*Khulasat al-Badr al-Munir*, 2/302) that its *Sanad* contains an unknown, and it was mentioned by *az-Zarkashi al-Hanbali* in (*Sharh az-Zarkashi 'ala Mokhtasar al-Kharqi*, 6/288) and said that it was not proven valid.

Some also stated that the companions agreed to burn a man because of his practice of homosexuality. This *Athar* (a Hadith attributed to companions) is **weak and not to be considered**.

Ibn Hajar al-'Asqalani said in (*ad-Diraya*, 2/103), that it is very weak, and *al-Bayhaqi* mentioned it in (*as-Sunan al-Kubra*, 8/232) and *ash-Shawkani* in (*Nayl al-Awtar*, 7/287), and *al-San'ani* in (*Sobol as-Salam*, 4/21). And all of them said that it is *Morsal* (weak due to the lack of the condition of connection of *Sanad*).

Because of the absence of valid Hadiths that explicitly prohibit homosexuality, people deliberately create weak Hadiths, or even promote phrases of unknown origin as Hadiths like (when a man mounts another man, the throne of Allah shakes) and this is **not a Hadith**, it is *Mawdu'* (fabricated), *Ash-Shawkani* said about it in (*al-Fawa'id al-Majmu'a*, 204) that it's *Mawdu'*.

On being Trans

Transgender people are those whose gender identity and/or gender expression do not correspond to the social expectations based on the assigned sex at birth, like a person who has been assigned female at birth but whose gender identity is a man. To justify hatred against Trans people, some use Hadith.

“The Prophet (PBUH) damned men who assume the manners of women and women who assume the manners of men”

This Hadith was narrated in different words and it is problematic. It uses the term (*Mukhannath*), which means (men who act like women in Arabic. If we follow the presence of *Mukhannath* people during the time of the Prophet (PBUH), we will find that they were present, and had the permission to enter spaces of women. One of them was the companion *Anjasha*; the Prophet's servant, who was a camel rider, leading women, as the Prophet said to him: «**slowly O Anjasha, slow your ride leading the women**»¹. It was stated in the Hadith of *Wathila ibn al-Asqa'* that *Anjasha* was a *Mukhannath*. The Prophet (PBUH) never rejected transgender people at that time, but what happened was that one *Mukhannath* that was called "Hit" and was one of the people that would enter in spaces of women, described the body of a woman to a man. The Prophet, therefore, forbade his wives from allowing him to enter their spaces, saying in a Hadith narrated by (*Umm Salamah*), the wife of the Prophet, about him: «**Do not let him to your spaces**»².

The Hadith that has been circulating shifted from privatization to generalization, and some narrated it in the form of generalization, in order to prevent *Mukhannath* people in general from entering the spaces of women: «**Do not let them to your spaces**»³, then the narration shifted again to a general order to get them out of the Muslim homes: «**Get them out of your houses**»⁴.

It did not stop there, and *Abdullah ibn Abbas* later narrated the story in a completely different way. He claimed that getting them out, in the previous narration, was linked to their curse in saying:

«**The Prophet (PBUH) damned men who assume the manners of women and women who assume the manners of men, and said “get them out of your houses”, then said: the prophet got somebody out and Omar got another out**»⁵.

And by following the different versions of the story, we find that it was actually one person who violated the privacy of one of the women, and that it has nothing to do with gender identity. But as the story went out of the house of the Prophet and his wives, the Companions interpreted that as a general matter. Thus, *Abdullah ibn Abbas* understood that the issue of dismissal is a curse for transgender people in general.

- 1- Sahih Bukhari, 6210
- 2- Sahih Bukhari, 5235
- 3- Sahih Bukhari, 4324
- 4- Sunan Abi Dawood, 4929
- 5- Sahih Bukhari, 5886

«Do not let him to your spaces»



«Do not let them to your spaces»



«Get them out of your houses»

On Asexuality

An asexual person is not attracted to others sexually, and asexuality is different from celibacy (the decision to abstain from marriage), as asexuality is not an option but is part of a person's identity. Some use the Prophet's (PBUH) encouragement for the youth to marry as a proof of the prohibition of asexuality.

"...O young men, those among you who can afford it should marry"

This Hadith is **Sahih** (valid).

• *Al-Bukhari* mentioned it in (Sahih Bukhari, 5065).

But it is not a prohibition of asexuality. Because the word used in Arabic for affordability is (al-Ba'a), which means the financial and physical ability to perform the marital rights. Most of the scholars agreed that the lack of ability or lust does not make marriage a duty, some describe it as an injustice for the inability to perform marital rights.

Imam Abu Hanifa says: "Marriage is forbidden if inequity is certain."

Some use Hadiths to justify their negative attitudes towards sexual and gender diversity. They use weak and fabricated ones and also some that do not apply to individuals of the queer community. But Hadiths should never be used to justify hatred.

**There is no valid evidence that
Prophet rejected sexual or
gender diversity.**

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بداية
BEDAYAA

This publication is part of (Islam and Queer issues) project in partnership between Meem Muslim Initiative and Bedayaa organization, and is based on the needs assesment and focus group discussions with people concerned with the intersectionality of the Islamic religion with Queer issues.

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