

Nikah Al-Mut'ah, Zina or Sunnah?



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All the Sahabah – including Abu Bakr and ‘Umar – considered mut’ah to be halal throughout the lifetime of the Prophet, and throughout the rule of Abu Bakr. For most of the era of ‘Umar, all the Sahabah generally affirmed the permissibility of mut’ah. However, at the end of his caliphate, he made it haram; and that changed everything. The generality of the Sahabah obeyed him; and only a handful remained steadfast in affirming the permissibility of temporary marriage. Some of the Tabi’in also proclaimed it halal. However, the number of the pro-mut’ah elements continued to dwindle among the Ahl al-Sunnah, until none – or almost none – accepted it anymore. The Shi’is, on their part, have remained unshakable and unyielding on the permissibility of temporary marriage – from the time of the Messenger till this very day of ours.

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بسم الله الرحمن الرحيم

يا أيها الذين آمنوا لا تحرموا طيبات ما أحل الله لكم ولا تعتدوا إن الله لا يحب المعتدين

This book is dedicated to

Imam Muhammad b. 'Ali al-Baqir,

peace be upon him, and upon his pure fathers and offspring.

Special thanks to Tural Islam, Ali Baker and Nader Zaveri for their support and encouragement. In particular, we express our profound gratitude to Ali Baker for his deep insights about the topic of *mut'ah*. May Allah bless our three brothers and all our loving brothers and sisters from the Shi'ah Imamiyyah and the Ahl al-Sunnah wa al-Jama'ah.

Mut'ah was unknown on the earth before Allah sent Muhammad, *sallallahu 'alaihi wa alihi*. An average Sunni Muslim would be surprised to know this. Our brothers and sisters from the Ahl al-Sunnah have been repeatedly bombarded with severe anti-*mut'ah* propaganda for several years (or perhaps even decades or centuries), which claims that it was a pagan custom of the pre-Islamic Arabs that was temporarily tolerated by the Prophet – like alcohol – and was then banned eternally by him. However, ask the Sunni 'alim to produce reliable Sunni evidence that *mut'ah* was ever practised during the *Jahiliyyah* period.

That is when things get really messy. He will never be able to give the proof – no matter the spread of his knowledge, and no matter his scholarly standing. Demand also, if possible, the same evidence from one billion Sunni 'ulama, and you will never get it till the Day of *al-Qiyamah*. Of course, it does not exist! *Mut'ah* was introduced to this planet, to this cosmos, for the very first time by none other than the Messenger of Allah, on the Order of his Lord. It was part of His Mercy, made especially for this *Ummah*, as Imam 'Abd al-Razzaq (d. 211 H) records:

عبد الرزاق عن ابن جريج عن عطاء قال: لأول من سمعت منه المتعة صفوان بن يعلى، قال: أخبرني عن يعلى أن معاوية استمتع بامرأة بالطائف، فأنكرت ذلك عليه، فدخلنا على ابن عباس، فذكر له بعضنا، فقال له: نعم، فلم يقر في نفسي، حتى قدم جابر ابن عبد الله، فجئناه في منزله، فسأله القوم عن أشياء، ثم ذكروا له المتعة، فقال: نعم، استمتعنا على عهد رسول الله صلى الله عليه وسلم، وأبي بكر، وعمر، حتى إذا كان في آخر خلافة عمر ... قال عطاء: وسمعت ابن عباس يقول: يرحم الله عمر، ما كانت المتعة إلا رخصة من الله

عز وجل، رحم بها أمة محمد صلى الله عليه وسلم، فلو لا نهيه عنها ما احتاج إلى الزنا إلا شقي، قال: كأني والله أسمع قوله: إلا شقي – عطاء القائل – قال عطاء: فهي التي في سورة النساء { فما استمتعتم به منهن } إلى كذا وكذا من الأجل، على كذا وكذا

‘Abd al-Razzaq – Ibn Jurayj – ‘Aa:

The person from whom I first heard about *mut’ah* was Safwan b. Ya’la. **He narrated to me from Ya’la that Mu’awiyah did *mut’ah* with a woman at aif.** So, I denied that upon him. Then, we entered upon Ibn ‘Abbas, and one of us mentioned (*mut’ah*) to him, and he said, “Yes”. But, it did not settle well in me, until when Jabir b. ‘Abd Allah arrived. So, we went to him at his house, and the people asked him about various things. Then, they mentioned *mut’ah*, and he said, “Yes. **We did *mut’ah* during the time of the Messenger of Allah, Abu Bakr and ‘Umar UNTIL at the last part of the ‘Umar’s caliphate....**”

‘Aa said:

I heard Ibn ‘Abbas saying: “May Allah show mercy to ‘Umar. ***Mut’ah* was nothing except a PERMISSION from Allah the Almighty. He showed MERCY through it to the *Ummah* of Muhammad, peace be upon him.** If he (‘Umar) had not forbidden it, none would have needed to commit *zina* except a wretched person.”

He – ‘Aa – said: By Allah, it is like I am still hearing his statement “except a wretched person”.

‘Aa said: **It is that which is in *Surah al-Nisa* {Those of them with whom you contract *mut’ah*}** till such-and-such period, for such-and-such.¹

Commenting on this *hadith*, al-Hafi (d. 852 H) states:

فأخرجه عبد الرزاق من طريق صفوان بن يعلى بن أمية أخبرني يعلى أن معاوية استمتع بامرأة بالطائف واسناده صحيح

‘Abd al-Razzaq recorded it with the chain of Safwan b. Ya’la b. Umayyah: Ya’la narrated to me that Mu’awiyah did *mut’ah* with a woman at aif. **And its chain is *sahih*.**²

However, we have seen certain Sunni elements who argue against the authenticity of this *riwayah* on the basis of Ibn Jurayj’s *tadlis*. The keen observer notices though that Ibn Jurayj has narrated from ‘Aa using the phrases (قال) [he said] and (قال عطاء) [‘Aa said] in addition to his ‘an-‘an manner of transmission. ‘Allamah al-Albani (d. 1420 H) explains what both phrases indicate:

روى أبو بكر بن أبي خيثمة بسند صحيح عن ابن جريج قال: "إذا قلت: قال عطاء , فأنا سمعته منه , وإن لم أقل سمعت."

Abu Bakr b. Abi Khaythamah recorded **with a *sahih* chain** that Ibn Jurayj said: **Whenever I say: “‘Aṭa said”, then I HEARD it from him**, even if I do not say “I heard”.³

This basically rules out *tadlis* completely in the above *hadith* of ‘Abd al-Razzaq. As such, the objection of *tadlis* is baseless and erroneous. But, there is more! Al-Albani further submits:

قد روى أبو بكر بن أبي خيثمة بسند صحيح عن ابن جريج قال: إذا قلت: قال عطاء فأنا سمعته منه , وإن لم أقل سمعت.

فهذا نص منه أن عدم تصريحه بالسماع من عطاء ليس معناه أنه قد دلّسه عنه , ولكن هل ذلك خاص بقوله " قال عطاء " أم لا فرق بينه وبين ما لو قال " عن عطاء " كما في هذا الحديث وغيره؟ الذي يظهر لي الثاني , وعلى هذا فكل روايات ابن جريج عن عطاء محمولة على السماع إلا ما تبين تدليسه فيه , والله أعلم.

Abu Bakr b. Abi Khaythamah has narrated with a *sahih* chain from Ibn Jurayj that he said: Whenever I say: “ ‘Aṭa said”, then I HEARD it from him, even if I do not say “I heard”.

This is an explicit statement from him that his omission to say “I heard” from ‘Aṭa does not mean that he has done *tadlis* from him. However, is this restricted to his statement “ ‘Aṭa said” or is there no difference between it and if he said “from ‘Aṭa” as in this *hadith* and others? What is apparent to me is the second. Thus, based upon this, all reports of Ibn Jurayj from ‘Aṭa are considered as what he heard explicitly, except that whose *tadlis* is clear. And Allah knows best.⁴

Therefore, there is no *tadlis* in the report of ‘Abd al-Razzaq, and it has a perfectly *sahih* chain – from Safwan b. Yala from Ya’la; from Ibn ‘Abbas; and from Jabir b. ‘Abd Allah. Al-Hafiḥ has explicitly declared the ‘Abd al-Razzaq – Ibn Jurayj – ‘Aṭa – Safwan b. Ya’la – Ya’la *sanad* to be *sahih*. Of course, both Ibn ‘Abbas and Jabir were Sahabis. Therefore, the ‘Abd al-Razzaq – Ibn Jurayj – ‘Aṭa – Ibn ‘Abbas and ‘Abd al-Razzaq – Ibn Jurayj – ‘Aṭa – Jabir b. ‘Abd Allah chains are *sahih* as well.

That *riwayah* establishes that:

- i. *Mut'ah* was a “permission” from Allah. This means that the Muslims were forbidden from practising it until He permitted them. This apparently defeats the theory that it was initially allowed and then disallowed. Rather, it was originally *haram*, and then was permitted by our Lord out of His Mercy to us.
 - ii. Allah revealed a verse in *Surah al-Nisa* to authorize the practice of *mut'ah*. ‘Aṭṭa recited that *ayah*, and we will have more to say about it later in this book.
 - iii. Mu’awiyah practised *mut'ah* during his caliphate, long *after* the death of the Prophet, Abu Bakr, ‘Umar, ‘Uthman and ‘Ali, *‘alaihi al-salam*. His action was supported by both Ibn ‘Abbas and Jabir b. ‘Abd Allah al-Ansari, *raḥḥiyallahu ‘anhuma*.
 - iv. Both Ibn ‘Abbas and Jabir said “yes” to *mut'ah*, thereby allowing it and declaring it *halal*.
 - v. Jabir b. ‘Abd Allah asserted that *mut'ah* was allowed by the Prophet till his death, and was also allowed by Abu Bakr till his death. He further claimed that even ‘Umar too allowed it for most of his caliphate, but later banned it at the tail end of his rule.
 - vi. Ibn ‘Abbas proclaimed that *mut'ah* was a “mercy” from Allah specially for the *Ummah* of Muhammad. Whosoever knows how *mut'ah* truly works can easily confirm this.
 - vii. Ibn ‘Abbas also declared that if ‘Umar had not banned *mut'ah*, none would have needed to commit *zina* except the wretched ones. He is right about this too.
 - viii. Ibn ‘Abbas was very explicit that it was ‘Umar who banned *mut'ah* – NOT Allah, and NOT His Messenger.
- ‘Abd al-Razzaq has another *hadith* which confirms the last point above:

عبد الرزاق عن ابن جريج قال: أخبرني أبو الزبير قال: سمعت جابر بن عبد
الله يقول: استمعتنا أصحاب النبي صلى الله عليه وسلم، حتى نهى عمرو بن
حريث

‘Abd al-Razzaq – Ibn Jurayj – Abu al-Zubayr – Jabir b. ‘Abd Allah:

“We, the Sahabah of the Prophet, peace be upon him, did *mut'ah* UNTIL the prohibition of ‘Amr b. Hurayth (from it).”⁵

The only new name here is Abu al-Zubayr. Al-Hafīḥ says about him:

محمد بن مسلم بن تدرس بفتح المثناة وسكون الدال المهملة وضم الراء
الأسدي مولاهم أبو الزبير المكي صدوق إلا أنه يدلّس

Muhammad b. Muslim b. Tadrus al-Asadi, their freed slave, Abu al-Zubayr al-Makki: **Saduq** (very truthful), except that he used to do *tadlis*.⁶

There is no *‘an-‘an* transmission in the above *sanad*. Therefore, it is *hasan*. The report is explicit that the Sahabah generally practised *mut’ah* without interference, from the lifetime of the Prophet, till when ‘Amr b. Hurayth was prohibited from it. ‘Abd al-Razzaq has another *riwayah* which sheds more light:

عبد الرزاق عن ابن جريج قال: أخبرني أبو الزبير أنه سمع جابر بن عبد الله
يقول: قدم عمرو بن حريث من الكوفة فاستمتع بمولاة، فأُتي بها عمر وهي
حبلى، فسألها، فقالت: استمتع بي عمرو بن حريث، فسأله، فأخبره بذلك أمراً
ظاهراً، قال: فهلا غيرها؟ فذلك حين نهى عنها

‘Abd al-Razzaq – Ibn Jurayj – Abu al-Zubayr – Jabir b. ‘Abd Allah:

‘Amr b. Hurayth arrived from Kufah and did *mut’ah* with a slave woman. Then, she was brought to ‘Umar when she became pregnant, and he interrogated her. So, she said, “ ‘Amr b. Hurayth did *mut’ah* with me.” Then, he interrogated him, and he informed him through that of an apparent matter.” **He said, “So, why not other than her?” That was the moment when he forbade it.**⁷

The chain is *hasan*, as our reader can see. It seems that ‘Umar became very angry that ‘Amr b. Hurayth – a Sahabi – did *mut’ah* with a slave woman. For that reason, he banned it altogether – whether with free women, or with slaves. As Jabir testified in the other *athar*, this incident took place towards the end of ‘Umar’s caliphate.

Jabir made a clear point, that the Sahabah continued to practise *mut’ah* until ‘Umar made it *haram* in the case of ‘Amr b. Hurayth. Then, they stopped. However, it was not all of them that obeyed ‘Umar’s decree. The vast majority did; but, a few – along with their disciples – continued to uphold the Verse of *Mut’ah* and the *Sunnah*. Imam Ibn Hazm (d. 456 H) gives us some of their names:

وقد ثبت على تحليلها بعد رسول الله صلى الله عليه وسلم جماعة من السلف،
رضي الله عنهم، منهم من الصحابة، رضي الله عنهم، أسماء بنت أبي بكر
الصديق، وجابر بن عبد الله، وابن مسعود، وابن عباس، ومعاوية بن أبي سفيان،

وعمر بن حريث، وأبو سعيد الخدري، وسلمة، ومعبد ابنا أمية بن خلف.

ورواه جابر بن عبدالله، عن جميع الصحابة مدة رسول الله صلى الله عليه وسلم ومدة أبي بكر وعمر إلى قرب آخر خلافة عمر. واختلف في إباحتها، عن ابن الزبير، وعن علي فيها توقف. وعن عمر بن الخطاب أنه إنما أنكرها إذا لم يشهد عليها عدلان فقط، وأباحها بشهادة عدلين.

ومن التابعين: طاووس، وعطاء، وسعيد بن جبير، وسائر فقهاء مكة أعزها الله.

A group of the *Salaf*, may Allah be pleased with them, were FIRM in declaring it *halal* AFTER the Messenger of Allah. Those of them from the Sahabah, may Allah be pleased with them, were Asma bint Abi Bakr al-Siddiq, Jabir b. 'Abd Allah, Ibn Mas'ud, Ibn 'Abbas, Mu'awiyah b. Abi Sufyan, 'Amr b. Hurayth, Abu Sa'id al-Khudri, and Salamah and Ma'bad – sons of Umayyah b. Khalaf.

Jabir b. 'Abd Allah also reported it (i.e. declaration of *mut'ah* as *halal*) from all the Sahabah during the time of the Messenger of Allah, peace be upon him, and during the time of Abu Bakr and 'Umar until near the end of the caliphate of 'Umar. Ibn al-Zubayr had contradictory opinions on its permissibility, while 'Ali expressed no opinion concerning it. It is narrated that 'Umar b. al-Khattab only denied it if two just people did not act as its witnesses, and he considered it permissible if two just people acted as witnesses to it.

And among the Tabi'in were: Ṭawus, 'Aṣa, Sa'id b. Jubayr, and the rest of the jurists of Makkah, may Allah honour it.⁸

So, all the Sahabah – including Abu Bakr and 'Umar – considered *mut'ah* to be *halal* throughout the lifetime of the Prophet, and throughout the rule of Abu Bakr. For most of the era of 'Umar, all the Sahabah generally affirmed the permissibility of *mut'ah*. However, at the end of his caliphate, he made it *haram*; and that changed everything. The generality of the Sahabah obeyed him; and only a handful remained steadfast in affirming the permissibility of temporary marriage. Some of the Tabi'in also proclaimed it *halal*. However, the number of the pro-*mut'ah* elements continued to dwindle among the Ahl al-Sunnah, until none – or almost none – accepted it anymore. The Shi'is, on their part, have remained unshakable and unyielding on the permissibility of temporary marriage – from the time of the Messenger till this very day of ours.

But, is it not strange? According to the theory of the Ahl al-Sunnah, the Prophet declared *mut'ah* to be *haram* before his death. Yet, the Sahabah as a whole paid no heed to his words. They continued to regard *mut'ah* as *halal*, and also continued to practise it. When Abu Bakr became caliph, he too made zero efforts to enforce the alleged decree of the Messenger. Instead, he allowed the *Ummah* to freely engage in *mut'ah*. 'Umar also did not give a damn: he let the Sahabah marry people temporarily for most of his rule.

However, he became upset when 'Amr b. Hurayth took it too far by contracting *mut'ah* with a slave woman. He asked 'Amr: "So, why not other than her?" At that point, he declared it *haram*. Then, the same Sahabah who refused to respect the decree of their Prophet followed 'Umar. Most of them abandoned *mut'ah*, and started to oppose it. A few of them, however, remained adamantly in defence of it, and used to practise it, till death.

Is this really a credible theory? Do the Ahl al-Sunnah truly want us to view the Sahabah as people who disregarded the words of their Messenger? Is that it? Do Sunnis seriously want us to believe that the words of 'Umar carried more weight in the sight of the Sahabah than those of Allah and His Prophet? Do they want us to consider the Sahabah as those who indulged in illegal sex during the lifetime of Muhammad, and he did not stop them?! What about Abu Bakr? The Sunni theory assumes that he too condoned the fornication and adultery of the Sahabah during his caliphate.

Is that it? What of caliph 'Umar? Yeah, he permitted *zina* among the people until 'Amr b. Hurayth irritated him by doing it with a slave woman. If 'Amr had not extended the pleasure to the lowest rung of the caste system, he possibly could have tolerated *mut'ah* till his death! Interestingly. The great caliph made no attempt to lash or stone 'Amr for either fornication or adultery. Why was that?!

Or, was it that the generality of the Sahabah only happened to have missed the declaration of the Prophet on *mut'ah*, as many Sunnis claim? Can a kid believe that? The Messenger supposedly announced its prohibition multiple times in public among his Sahabah. Yet, somehow, that information never reached them until when 'Umar re-banned it! Was that really it? What about Abu Bakr? He allowed *mut'ah* throughout his regime. He too never got wind of its prohibition by the Prophet? Where was he when the alleged decree of the prohibition of *mut'ah* was being publicly announced by the Messenger himself, on different occasions? Was he then on Mars? What of 'Umar? Our Sunni brothers argue that he knew of the prohibition and had only enforced it.

Good! But then, why did he initially permit it? He forgot the *hadith*? Why did he not narrate it to Abu Bakr? Moreover, did that *hadith* reach Ibn 'Abbas, Jabir b. 'Abd Allah, Mu'awiyah and other Sahabah from him? Or did those Sahabah happen to miss the public narration of the *riwayah* once more? If yes, why were they constantly missing the *hadith*? Then, why did none of the majority of the other Sahabah who followed 'Umar make any attempt to narrate it to them? Or, did they hear it? If yes, why then did they continue to defend the permissibility of *mut'ah*? Why did they continue to practise it? Were they deliberately defending and committing *zina*? But, to what ends was that?

From whatever angle one looks at it, *mut'ah* is always an impossible situation for our Sunni brothers. If they accept its permissibility, 'Umar takes a very devastating hit. Yet, if they proclaim its prohibition, a lot of the other Sahabah lose a lot of things within the *Ummah*! From our judgment, many Sunnis attack *mut'ah* in order to defend the honour of 'Umar. However, little do they realize that they are only destroying that of other Sahabah, including Abu Bakr!

But, what is the truth about *mut'ah*? Did Allah truly reveal an *ayah* about it? If yes, was it ever abrogated? Can a *hadith* abrogate a verse of the Qur'an? What is the status of any *riwayah* that attempts to do that? How exactly is *mut'ah* practised? What are its conditions, restrictions and formalities? Is it really how most of the Ahl al-Sunnah picture it in their minds? Is it *zina* in truth? Is it illegal? Is it immoral? Is it a shame or an honour? Can it be contracted with a depraved man, woman or girl? Is it truly a "mercy" from Allah as Ibn 'Abbas claimed? Or, is it a curse for the *Ummah*? Is it a legitimate marriage? Or, is it only a perversion? In this book, we will be investigating these and other questions, in order to find what really happened in the early history of Islam, about *mut'ah*?

We must find out how we got where we are today, so that we could correct any wrong steps in the past and move to our Lord on a smoother path. This, we will be doing in this exploratory research of ours. We seek Allah's Help in this effort, and we implore Him to forgive us all our mistakes in it, and to accept it as a worthy act of *'ibadah*. And may Allah send His *salawat* and *barakat* upon our master, Muhammad b. 'Abd Allah, and upon his purified offspring.

We will leave this preface with a beautiful *athar* recorded by 'Abd al-Razzaq about Sa'id b. Jubayr – one of the greatest Imams of the Ahl al-Sunnah throughout history. This is part of what al-Hafi[ؒ] has documented about him:

وقال يعقوب القمي عن جعفر بن أبي المغيرة: كان ابن عباس إذا أتاه أهل الكوفة يستفتونه يقول أليس فيكم ابن أم الدهماء يعني سعيد بن جبير وقال عمرو بن ميمون عن أبيه لقد مات سعيد بن جبير وما على ظهر الأرض أحد إلا وهو محتاج إلى علمه ... وقال أبو قاسم الطبري هو ثقة إمام حجة على المسلمين قتل في شعبان سنة خمس وتسعين وهو ابن ٤٩ سنة ... وكان سفيان يقدم سعيداً على إبراهيم في العلم وكان أعلم من مجاهد وطاووس

Ya'qub al-Qummi narrated that Ja'far b. Abi al-Mughirah said: "Whenever the people of Kufah came to Ibn 'Abbas to seek his *fatwa*, he used to say, 'Is there not among you Ibn Umm al-Dahma?' referring to Sa'id b. Jubayr" 'Amr b. Maymun also reported that his father said: "Sa'id b. Jubayr died while there was no one on the face of the earth who did not need his knowledge" ... Abu Qasim al-[ؒ]abari said: "**He was *thiqah* (trustworthy), an Imam, a *hujjah* upon the Muslims.** He was murdered in Sha'ban 95 H

while he was 49 years old” ... Sufyan used to consider Sa’id superior to Ibrahim in knowledge, **and he was more knowledgeable than Mujahid and ʿAwus.** 9

This same Ibn Jubayr examined the Sunni arguments and “proofs” against *mut’ah*. Then, he drew his conclusion about it. ‘Abd al-Razzaq records:

عبد الرزاق عن ابن جريج قال: أخبرني عبد الله بن عثمان بن خثيم قال: كانت بمكة امرأة عراقية تنسك جميلة، لها ابن يقال له أبو أمية، وكان سعد بن جبير يكثر الدخول عليها، قلت: يا أبا عبد الله ما أكثر ما تدخل على هذه المرأة، قال: إنا قد نكحناها ذلك النكاح – للمتعة – قال: وأخبرني أن سعيد قال له: هي أحل من شرب الماء – للمتعة.

‘Abd al-Razzaq – Ibn Jurayj – ‘Abd Allah b. ‘Uthman b. Khaytham:

There was a pious, beautiful Iraqi woman in Makkah. She had a son called Abu Umayyah; and Sa’d b. Jubayr¹⁰ used to enter upon her a lot. I said, “O Abu ‘Abd Allah! Why do you frequently enter upon this woman?” He said, “We have married her in that marriage”, referring to *mut’ah*.

He (Ibn Jurayj) said: He (‘Abd Allah) informed me that Sa’id said to him: **“IT IS MORE HALAL THAN THE DRINKING OF WATER,” referring to *mut’ah*.** ¹¹

Only ‘Abd Allah needs an introduction here. Al-Hafi¹² says about him:

عبد الله بن عثمان بن خثيم بالمعجمة والمثلثة مصغرا القاري المكي أبو عثمان صدوق

‘Abd Allah b. ‘Uthman b. Khaytham al-Qari al-Makki, Abu ‘Uthman: ***Saduq* (very truthful).** ¹²

Therefore, the report is *hasan*.

1. Abu Bakr ‘Abd al-Razzaq b. Hamam al-ʿaʿnani, al-Muʿannaf [annotator: Habib al-Rahman al-Aʿami], vol. 7, pp. 496–497, # 14021

2. Shihab al-Din Ibn Hajar al-ʿAsqalani, Fath al-Bari Sharh ʿahih al-Bukhari (Beirut: Dar al-Maʿrifah li al-ʿabaʿah wa al-Nashr; 2nd edition), vol. 9, p. 151

3. Muhammad Naʿir al-Din al-Albani, Irwa al-Ghalil fi Takhrij Ahadith Manar al-Sabil (Beirut: al-Maktab al-Islami; 2nd edition, 1405 H), vol. 4, p. 244, # 1050

4. Muhammad Naʿir al-Din al-Albani, Irwa al-Ghalil fi Takhrij Ahadith Manar al-Sabil (Beirut: al-Maktab al-Islami; 2nd edition, 1405 H), vol. 3, p. 97, # 629. We do not agree with the conjecture of al-Albani here, that the clearly ‘an–‘an

reportage of Ibn Jurayj also means that he had “heard” the riwayat.

5. Abu Bakr ‘Abd al-Razzaq b. Hamam al-ḥafṣī, al-Muḥannaf [annotator: Habib al-Rahman al-Aḥṣami], vol. 7, p. 499, # 14025
6. Ahmad b. ‘Ali b. Hajar al-‘Asqalani, Taqrib al-Tahdhib (Beirut: Dar al-Maktabah al-‘Ilmiyyah; 2nd edition, 1415 H) [annotator: Muḥṭafa ‘Abd al-Qadir ‘Aḥa], vol. 2, p. 132, # 6310
7. Abu Bakr ‘Abd al-Razzaq b. Hamam al-ḥafṣī, al-Muḥannaf [annotator: Habib al-Rahman al-Aḥṣami], vol. 7, p. 500, # 14029
8. Abu Muhammad ‘Ali b. Ahmad b. Sa‘id b. Hazm al-Andalusi al-Qurṭubi al-ḥahiri, al-Muhalla (Dar al-Fikr li al-ḥaba’ah wa al-Nashr wa al-Tawzi’), vol. 9, pp. 519–520
9. Shihab al-Din Ahmad b. ‘Ali b. Hajar al-‘Asqalani, Tahdhib al-Tahdhib (Dar al-Fikr; 1st edition, 1404 H), vol. 4, pp. 11–13, # 14
10. The correct spelling is Sa‘id b. Jubayr. A letter has been omitted in “Sa‘id”. This is most probably a scribal error. Meanwhile, later in the same athar, the name has been spelt correctly.
11. Abu Bakr ‘Abd al-Razzaq b. Hamam al-ḥafṣī, al-Muḥannaf [annotator: Habib al-Rahman al-Aḥṣami], vol. 7, p. 496, # 14020
12. Ahmad b. ‘Ali b. Hajar al-‘Asqalani, Taqrib al-Tahdhib (Beirut: Dar al-Maktabah al-‘Ilmiyyah; 2nd edition, 1415 H) [annotator: Muḥṭafa ‘Abd al-Qadir ‘Aḥa], vol. 1, p. 513, # 3477

Nikah al-Mut’ah, or simply *mut’ah*, is marriage between two consenting adults for a specified period of time. It is a form of marriage, which is why it is called a *nikah*. Since its duration is fixed, it is also often called “temporary marriage”. The woman, before the *mut’ah*, must NOT be in a pending marriage with anyone else. Moreover, both parties must be adult believers; and both *must* be chaste. In exceptional, emergency cases, the man is permitted to enter into a temporary marriage with a chaste Jewish or Christian woman.

However, the woman can only marry a chaste Muslim man – whether in *mut’ah* or in a permanent marriage. In addition, both parties must mutually agree on the dowry and the length of the union. In the case of a woman who has never married, the consent of her father is obligatory for the *mut’ah*. Also, the man cannot have sex with her (i.e. the woman who has never married) throughout the agreed duration of their *nikah*. After the expiration of the marriage, the woman enters into a period of *‘iddah* in temporary unions that involved intercourse. The children of such a marriage are legitimate, and belong to the husband; and they inherit him.

The spouses in *mut’ah* too may also inherit each other if their marriage contract explicitly provides for it. Meanwhile, unlike in permanent marriages, there is no restriction to the number of temporary marriages a man may contract, simultaneously or consecutively. Also, *mut’ah* is available to single men and woman, as well as to married men, including those who already have four permanent wives.

During the life of Prophet Muhammad, *sallallahu ‘alaihi wa alihi*, temporary marriage was legislated and practiced within the *Ummah*. Allah Himself decreed it in His Book, in the Verse of *al-Mut’ah*:

فما استمتعتم به منهن فاتوهن أجورهن فريضة ولا جناح عليكم فيما تراضيتن
به من بعد الفريضة إن الله كان عليما حكيما

Those of them with whom you contract *mut'ah*, give them their prescribed dowries; and there is no blame on you about what you mutually agree after what is prescribed. Verily, Allah is All-Knowing, All-Wise.¹

This *ayah* was not revealed like this. Rather, its original version included extra phrases that leave no doubt about its import. For instance, Imam al-Hakim (d. 403 H) records:

أخبرنا أبو زكريا العنبري ثنا محمد بن عبد السلام ثنا إسحاق بن إبراهيم أنبأ
النضر بن شميل أنبأ شعبة ثنا أبو سلمة قال : سمعت أبا نضرة يقول قرأت
على ابن عباس رضي الله عنهما {فما استمتعتم به منهن فاتوهن أجورهن
فريضة} قال ابن عباس: فما استمتعتم به منهن إلى أجل مسمى قال أبو نضرة :
فقلت ما نقرأها كذلك فقال ابن عباس : والله لأنزلها الله كذلك

Abu Zakariyyah al-‘Anbari – Muhammad b. ‘Abd al-Salam – Ishaq b. Ibrahim – al-Naṣr b. Shumayl –
Shu’bah – Abu Salamah – Abu Naṣrah:

I read to Ibn ‘Abbas: {Those of them with whom you contract *mut'ah*, give them their prescribed dowries}
[4:24]. He said: “{**Those of them with whom you contract *mut'ah* for a specified period**}”. Abu
Naṣrah said: I said, “We do not recite it like that!” Ibn ‘Abbas replied, “**I swear by Allah, Allah certainly
revealed it like that.**”²

Al-Hakim comments:

هذا حديث صحيح على شرط مسلم

This *hadith* is *sahih* upon the standard of (Imam) Muslim.³

And Imam al-Dhahabi (d. 748 H) concurs:

على شرط مسلم

Upon the standard of (Imam) Muslim⁴

Imam Ibn Jarir al-Ṭabari (d. 310 H) also documents:

حدثنا ابن المثنى، قال: ثنا محمد بن جعفر، قال: ثنا شعبة، عن أبي سلمة، عن أبي نضرة، قال: قرأت هذه الآية على ابن عباس: {فما استمتعتم به منهن} قال ابن عباس: {إلى أجل مسمى}، قال قلت: ما أقرؤها كذلك! قال: والله لأنزلها الله كذلك ثلاث مرات.

Ibn al-Muthanna – Muhammad b. Ja'far – Shu'bah – Abu Salamah – Abu Naṣrah:

I read this verse to Ibn 'Abbas: {Those of them with whom you contract *mut'ah*} [4:24]. He said: “{for a specified period}”. I said, “We do not recite it like that!” He replied, “I swear by Allah, Allah certainly revealed it like that.” He said it three times.⁵

Al-Hafī (d. 852 H) says about its first narrator:

محمد بن المثنى بن عبيد العنزي بفتح النون والزاي أبو موسى البصري.... ثقة
ثبت

Muhammad b. al-Muthanna b. 'Ubayd al-'Unaza, Abu Musa al-Basri.... **Thiqah (trustworthy)**, **thabt (accurate)**.⁶

He also states concerning the second narrator:

محمد بن جعفر الهذلي البصري المعروف بغندر ثقة صحيح الكتاب إلا أن فيه
غفلة

Muhammad b. Ja'far al-Hazali al-Basri, better known as Ghandar: **Thiqah (trustworthy)**, *sahih al-kitab* (i.e. *ahadith* from his books are *sahih*) except that there was some negligence in him.⁷

Ghandar's negligence, of course, did not affect his *riwayat* from Shu'bah, as al-Hafī quotes:

وقال ابن أبي حاتم سألت أبي عن غندر فقال كان صدوقا وكان مؤدبا وفي حديث شعبة ثقة

Ibn Abi Hatim said: “I asked my father about Ghandar and he replied, ‘He was *saduq* (very truthful), and was a teacher and **in the *hadith* of Shu’bah, he is *thiqah* (trustworthy).**”⁸

So, apparently, this *sanad* is *sahih* too without any doubt.

Al-Ḥabari further records:

حدثنا أبو كريب قال ، حدثنا يحيى بن عيسى قال ، حدثنا نصير بن أبي الأشعث
قال ، حدثني ابن حبيب بن أبي ثابت ، عن أبيه قال : أعطاني ابن عباس
مصحفاً فقال : هذا على قراءة أبيّ قال أبو كريب قال يحيى : فرأيت المصحف
عند نصير، فيه : (فما استمتعتم به منهن إلى أجل مسمى) .

Abu Kurayb – Yahya b. ‘Isa – Nasir b. Abi al-Ash’ath – Ibn Habib b. Abi Thabit – his father:

Ibn ‘Abbas gave me a *mushaf*. He said, “This is upon the *qiraat* of Ubayy b. Ka’b”.

Abu Kurayb narrated that Yahya said: “I **saw the *mushaf* with Nusayr. In it was {Those of them with whom you contract *mut’ah* for a specified period}**.”⁹

Commenting upon this same chain with another narration, Prof. Ibn Yasin states:

ورجاله ثقات إلا يحيى بن عيسى صدوق، وابن حبيب هو عبد الله، وسنده
حسن.

Its narrators are *thiqah* (trustworthy), except that Yahya b. ‘Isa is *saduq* (very truthful) as well as Ibn Habib – and he was ‘Abd Allah, **and its chain is *hasan*.**¹⁰

Imam ‘Abd al-Razzaq (d. 211 H) too reports:

عبد الرزاق عن ابن جريج قال: أخبرني عطاء أنه سمع ابن عباس يراها الان
حلالا، وأخبرني أنه كان يقرأ { فما استمتعتم به [منهن إلى أجل فآتوهن

أجورهن}

‘Abd al-Razzaq – Ibn Jurayj – ‘Aa:

I heard Ibn ‘Abbas while he saw it as *halal*, and he used to recite {**Those of them with whom you contract *mut’ah* for a period, give them their prescribed dowries**}.¹¹

This *sanad* is *sahih*, as we have discussed in the Preface.

Meanwhile, al-Hafi Ibn Kathir (d. 774 H) has some more relevant information for us:

وكان ابن عباس ، وأبي بن كعب ، وسعيد بن جبَيْر ، والسُّدِّي يقرءون : "فما استمتعتم به منهن إلى أجل مسمى فآتوهن أجورهن فريضة".

Ibn ‘Abbas, Ubayy b. Ka’b, Sa’id b. Jubayr and al-Suddi used to recite: {Those of them with whom you contract *mut’ah* **for a specified period**, give them their prescribed dowries}.¹²

So, apparently, that extra phrase makes it impossible to apply to the verse to the permanent marriage as lots of the Ahl al-Sunnah do. The permanent marriage is never contracted “for a specified period”. As such, the verse is explicit in its legislation of temporary marriage.

Ibn ‘Abbas, *raiyallahu ‘anhu*, also made this clear. Al-‘abari says:

حدثنا حميد بن مسعدة، قال: ثنا بشر بن المفضل، قال: ثنا داود، عن أبي نضرة، قال: سألت ابن عباس عن متعة النساء، قال: أما تقرأ سورة النساء؟ قال: قلت بلى. قال: فما تقرأ فيها: فما استمتعتم به منهن إلى أجل مسمى؟ قلت: لا، لو قرأتها هكذا ما سألتك! قال: فإنها كذا.

Hamid b. Mas’adah – Bashir b. al-Mufal – Dawud – Abu Nadrah:

I asked Ibn ‘Abbas concerning *mut’ah* with women. He replied, “Do you not read *Surah al-Nisa*?” I said, “I do.” He said, “So, do you not read in it {**Those of them with whom you contract *mut’ah* for a specified period**} [4:24]?” I said, “No. If I had recite it like that, I would not have asked you!” He said, “**Verily, it is like that.**”¹³

About the first narrator, al-Hafi comments:

حميد بن مسعدة بن المبارك السامي بالمهملة أو الباهلي بصري صدوق

Hamid b. Mas'adah b. al-Mubarak al-Sami or al-Bahili, Basri: **Saduq** (very truthful). 14

What of the second narrator? He has an even better verdict:

بشر بن المفضل بن لاحق الرقاشي بقاف ومعجمة أبو إسماعيل البصري ثقة
ثبت عابد

Bashar b. al-Mufazzal b. Lahik al-Raqashi, Abu Isma'il al-Basri: **Thiqah** (trustworthy), **thabt** (accurate), a devout worshipper of Allah. 15

And al-Hafi states about the third narrator:

داود بن أبي هند القشيري مولاهم أبو بكر أو أبو محمد البصري ثقة متقن كان
يهم بأخرة

Dawud b. Abi Hind al-Qushayri, their freed slave, Abu Bakr or Abu Muhammad al-Basri: **Thiqah** (trustworthy), **extremely precise**. He used to hallucinate during the last part of his life. 16

Thus, this chain too is *hasan*. Hamid b. Mas'adah was *saduq* (very truthful), and Dawud's late-life hallucinations were not serious. Note, in the *riwayah*, how Ibn 'Abbas quoted the *ayah* as evidence of *mut'ah*.

So, what is that extra phrase “for a specified period”? Was it an interpolation by Ubayy, Ibn 'Abbas and others like them? Or, is it only a case of *tahrif*, in which some parts of the *Kitab* have been expunged? To us, the best explanation of the status of the extra phrase is in this verse:

واذكروا نعمت الله عليكم وما أنزل عليكم من الكتاب والحكمة يعظكم به

And remember the Favours of Allah upon you, **and that which He has sent down to you of the Book AND the Hikmah**, whereby He instructs you. 17

This *ayah* informs us that Allah has sent down two things to this *Ummah*: the Qur'an and the *Hikmah*.

The same thing is repeated elsewhere:

وأنزل الله عليك الكتاب والحكمة

And Allah sent down to you (O Muhammad) the Book **and the Hikmah**. 18

It is often claimed that the “Hikmah” is the *Sunnah* of the Prophet. However, it is apparently more than that. The *Hikmah* too used to be “recited” like the Qur’an:

واذكرن ما يتلى في بيوتكن من آيات الله والحكمة إن الله كان لطيفا خبيرا

And remember that which is **recited** in your houses of the Verses of Allah **and the Hikmah**. Verily, Allah is Subtle, Aware. 19

So, we know that “for a specified period” was revealed by Allah too within the Verse of *al-Mut’ah*, as testified by Ibn ‘Abbas. We also know that some of the Sahabah and Tabi’in used to “recite” it. However, we know as well that it is not part of the Qur’an nonetheless. Therefore, that phrase naturally falls under the *Hikmah* category. Allah revealed it to explain the *ayah*. It may be recited with the verse, and it may be excluded from it. Some of the *Salaf* – such as Ibn ‘Abbas, Ubayy b. Ka’b, Sa’id b. Jubayr and al-Suddi – chose to recite it with the *ayah*.

In the Shi’i books, the Verse of *al-Mut’ah* is also cited as evidence of its divine legislation. Shaykh al-Kulayni (d. 329 H), for instance, documents:

عدة من أصحابنا، عن سهل بن زياد، وعلي بن إبراهيم، عن أبيه جميعا، عن ابن أبي نجران، عن عاصم بن حميد، عن أبي بصير قال: سألت أبا جعفر عليه السلام عن المتعة، فقال: نزلت في القرآن { فما استمتعتم به منهن فاتوهن أجورهن فريضة فلا جناح عليكم فيما تراضيتن به من بعد الفريضة }

A number of our companions – Sahl b. Ziyad AND ‘Ali b. Ibrahim – his father – Ibn Abi Najran – ‘Asim b. Humayd – Abu Basir:

I asked Abu Ja’far, peace be upon him, concerning *mut’ah*. So, he replied, “It is revealed in the Qur’an {Those of them with whom you contract *mut’ah*, give them their prescribed dowries; and there is no blame on you about what you mutually agree after what is prescribed}.20

‘Allamah al-Majlisi (d. 1111 H) says about this *hadith*:

حسن كالصحيح

Hasan ka al-Sahih.²¹

So, this is a *hasan hadith* which is equal to a *sahih hadith*.

Al-Kulayni again records:

علي بن إبراهيم، عن أبيه، عن ابن أبي عمير، عن علي بن الحسن بن رباط، عن
حريز، عن عبد الرحمن بن أبي عبد الله قال: سمعت أبا حنيفة يسأل أبا عبد
الله عليه السلام عن المتعة فقال: أي المتعتين تسأل؟ قال: سألتك عن متعة
الحج فأنبئني عن متعة النساء أحق هي؟ فقال: سبحان الله أما قرأت كتاب الله
عز وجل { فما استمتعتم به منهن فاتوهن أجورهن فريضة } ؟ فقال أبو حنيفة:
والله فكأنها آية لم أقرأها قط.

‘Ali b. Ibrahim – his father – Ibn Abi ‘Umayr – ‘Ali b. al-Hasan b. Raba²¹ – Hariz – ‘Abd al-Rahman b. Abi ‘Abd Allah:

I heard Abu Hanifah asking Abu ‘Abd Allah, peace be upon him, about *mut’ah*. So, he (Abu ‘Abd Allah) said, “Which of the two *mut’ahs* are you asking about?” He (Abu Hanifah) replied, “I (already) asked you about *mut’ah* of *Hajj*. So, inform me about *mut’ah* with women. Is it correct?” He (Abu ‘Abd Allah) said, “*Subhan Allah!* Do you not read the Book of Allah {Those of them with whom you contract *mut’ah*, give them their prescribed dowries}?” Then, Abu Hanifah said, “I swear by Allah, it is as though it is a verse I have never read”.²²

Al-Majlisi comments:

حسن

Hasan.²³

1. Qur’an 4:24

2. Abu ‘Abd Allah Muhammad b. ‘Abd Allah al-Hakim al-Naysaburi, al-Mustadrak ‘ala al-Sahihayn (Beirut: Dar al-Kutub

- al-‘Ilmiyyah; 1st edition, 1411 H) [annotator: Muṭṭafa ‘Abd al-Qadir ‘Aḥa], vol. 2, p. 334, # 3192
3. Ibid
 4. Ibid
 5. Abu Ja’far Muhammad b. Jarir b. Yazid b. Kathir b. Ghalib al-Amuli al-Ḥabari, Jami al-Bayan fi Tawil al-Qur’an (Dar al-Fikr; 1415 H) [annotator: ‘Iḍqī Jamil al-‘Aḥḥar], vol. 5, p. 19
 6. Ahmad b. ‘Ali b. Hajar al-‘Asqalani, Taqrib al-Tahdhib (Beirut: Dar al-Maktabah al-‘Ilmiyyah; 2nd edition, 1415 H) [annotator: Muṭṭafa ‘Abd al-Qadir ‘Aḥa], vol. 2, p. 129, # 6283
 7. Ibid, vol. 2, p. 63, # 5805
 8. Shihab al-Din Ahmad b. ‘Ali b. Hajar al-‘Asqalani, Tahdhib al-Tahdhib (Dar al-Fikr; 1st edition, 1404 H), vol. 9, p. 85, # 129
 9. Abu Ja’far Muhammad b. Jarir b. Yazid b. Kathir b. Ghalib al-Amuli al-Ḥabari, Jami al-Bayan fi Tawil al-Qur’an (Dar al-Fikr; 1415 H) [annotator: ‘Iḍqī Jamil al-‘Aḥḥar], vol. 5, p. 18
 10. Prof. Dr. Hikmat b. Bashir b. Yasin, Mawsu’at al-Ḥahih al-Masbur min al-Tafsir bi al-Mathur (Madinah: Dar al-Mathar li al-Nashr wa al-Tawzi’ wa al-Ḥaba’at; 1st edition, 1420 H), vol. 3, p. 239
 11. Abu Bakr ‘Abd al-Razzaq b. Hamam al-Ḥa’nani, al-Muḥannaf [annotator: Habib al-Rahman al-A’ḥami], vol. 7, p. 498, # 14022
 12. Abu al-Fida Isma’il b. ‘Umar b. Kathir al-Qurshi al-Dimashqi, Tafsir al-Qur’an al-‘Aḥim (Dar al-Ḥaybah li al-Nashr wa al-Tawzi’; 2nd edition, 1420 H) [annotator: Sami b. Muhammad Salamah], vol. 2, p. 259
 13. Abu Ja’far Muhammad b. Jarir b. Yazid b. Kathir b. Ghalib al-Amuli al-Ḥabari, Jami al-Bayan fi Tawil al-Qur’an (Dar al-Fikr; 1415 H) [annotator: ‘Iḍqī Jamil al-‘Aḥḥar], vol. 5, p. 18
 14. Ahmad b. ‘Ali b. Hajar al-‘Asqalani, Taqrib al-Tahdhib (Beirut: Dar al-Maktabah al-‘Ilmiyyah; 2nd edition, 1415 H) [annotator: Muṭṭafa ‘Abd al-Qadir ‘Aḥa], vol. 1, p. 246, # 1564
 15. Ibid, vol. 1, p. 130, # 705
 16. Ibid, vol. 1, p. 283, # 1822
 17. Qur’an 2:231
 18. Qur’an 4:113
 19. Qur’an 33:34
 20. Abu Ja’far Muhammad b. Ya’qub b. Ishaq al-Kulayni al-Razi, al-Furu’ min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: ‘Ali Akbar al-Ghiffari], vol. 5, p. 448, # 1
 21. Muhammad Baqir al-Majlisi, Mir-at al-‘Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 226
 22. Abu Ja’far Muhammad b. Ya’qub b. Ishaq al-Kulayni al-Razi, al-Furu’ min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: ‘Ali Akbar al-Ghiffari], vol. 5, pp. 449–450, # 6
 23. Muhammad Baqir al-Majlisi, Mir-at al-‘Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 230

It is absolutely beyond doubt that Allah decreed *mut’ah* with women for the *Ummah* during the mission of His last Prophet, *sallallahu ‘alaihi wa alihi*. There are authentic *ahadith* in both Sunni and Shi’i sources confirming this. So, naturally, the next question is – has the Verse of *al-Mut’ah* been abrogated? This question stands at the heart of a huge dispute between the Ahl al-Sunnah and the Shi’ah over the legitimacy of *mut’ah* after the Messenger’s death. The Sunnis argue that *mut’ah* was abrogated by the Prophet, and that it has thereby become a form of *zina* (fornication). On the other hand, Shi’is maintain that the Verse of *al-Mut’ah* was never abrogated, and that *mut’ah* remains a command of Allah and the valid *Sunnah* of His Messenger till the Day of *al-Qiyamah*.

The Shi'i position is well-captured in this *hadith* of al-Kulayni (d. 329 H):

علي، عن أبيه، عن ابن أبي عمير، عن عمر بن أذينة، عن زرارة قال: جاء عبد الله بن عمير الليثي إلى أبي جعفر عليه السلام فقال له: ما تقول في متعة النساء؟ فقال: أحلها الله في كتابه وعلى لسان نبيه صلى الله عليه وآله فهي حلال إلى يوم القيامة فقال: يا أبا جعفر مثلك يقول هذا وقد حرّمها عمر ونهى عنها؟! فقال: وإن كان فعل، قال: إني أعيذك بالله من ذلك أن تحل شيئاً حرّمه عمر، قال: فقال له: فأنت على قول صاحبك وأنا على قول رسول الله صلى الله عليه وآله فهلم ألعنك أن القول ما قال رسول الله صلى الله عليه وآله وأن الباطل ما قال صاحبك، قال: فأقبل عبد الله ابن عمير فقال: يسرك أن نساءك وبناتك وأخواتك وبنات عمك يفعلن، قال: فأعرض عنه أبو جعفر عليه السلام حين ذكر نساءه وبنات عمه.

‘Ali – his father – Ibn Abi ‘Umayr – ‘Umar b. Uzaynah – Zurarah:

‘Abd Allah b. ‘Umayr al-Laythi went to Abu Ja’far, peace be upon him, and said to him, “What is your opinion of *mut’ah* with women?” So, he (Abu Ja’far) said, “**Allah made it *halal* in His Book and upon the tongue of His Prophet, peace be upon him and his family. Therefore, it is *halal* till the Day of *al-Qiyamah*.**”

Then he (al-Laythi) said, “O Abu Ja’far! Someone of your calibre saying this, despite that **‘Umar had made it *haram* and had forbidden it?**” He (Abu Ja’far) said, “Even if he did so.” He (al-Laythi) said, “I seek refuge for you with Allah from that, from making *halal* something that ‘Umar made *haram*.” He (Abu Ja’far) said to him, “**Your follow the teaching of your companion and I follow the teaching of the Messenger of Allah, peace be upon him and his family.** So, invoke the curse of Allah (upon the wrong party between us) – (I say) that the truth is what the Messenger of Allah, peace be upon him and his family, said, and that the falsehood is what your companion said.”

‘Abd Allah b. ‘Umayr then advanced and said, “Would it make you happy if your wives, daughters, sisters and the daughters of your uncle do (*mu’tah*)?” So, Abu Ja’far, peace be upon him, turned away from him when he mentioned his wives and the daughters of his uncle.¹

‘Allamah al-Majlisi (d. 1111 H) says:

Al-Laythi was apparently a Sunni, who held ‘Umar in extremely high esteem. He did not believe in the legitimacy of *mut’ah*, solely on the premise that ‘Umar forbade it. The Ahl al-Bayt of the Prophet, ‘*alaihim al-salam*, by contrast, follow his *Sunnah*, and uphold its legality. So, the official position of the chosen ones from the Messenger’s offspring is that *mut’ah* is decreed in the Qur’an and its verse had never been abrogated. As such, temporary marriage remains *halal* till the Last Hour. The Ahl al-Bayt also believe that it is a *bid’ah* to consider *mut’ah* to be *haram*, and that whosoever does so has opposed the Prophet of Allah. Al-Laythi insulted Imam al-Baqir, ‘*alaihi al-salam*, by asking if it would please him if his wives and the daughters of his uncle did *mut’ah*. Of course, *mut’ah* is *haram* for married women. A woman in Islam can only have one husband at a time. It is also very likely that the daughters of the Imam’s uncle were also already married at that time. Thus, due to al-Laythi’s mocking (or perhaps ignorant) insult, the noble Imam turned away from him.

Interestingly, there are some authentic Sunni *riwayat* which also confirm this Shi’i *hadith*. Imam Muslim (d. 261 H) has this surprising one:

حدثنا حامد بن عمرو البكرائي حدثنا عبدالواحد (يعني ابن زياد) عن عاصم
عن أبي نضرة قال كنت عند جابر بن عبدالله فأتاه آت فقال ابن عباس وابن
الزبير اختلفا في المتعتين فقال جابر فعلناهما مع رسول الله صلى الله عليه و
سلم ثم نهانا عنهما عمر فلم نعد لهما

Hamid b. ‘Amr al-Bakrawi – ‘Abd al-Wahid b. Ziyad – ‘Asim – Abu Na‘rah:

I was with Jabir b. ‘Abd Allah, a person came and said, “Ibn ‘Abbas and Ibn al-Zubayr disagree concerning the two types of *mut’ah*.” So, Jabir said, “**We practised BOTH of them along with the Messenger of Allah**, peace be upon him. **Then, ‘Umar forbade us from them both**, and we have not reverted to them.”³

This *hadith* is significant in many ways. Among them, it establishes that the Prophet himself was practising both types of *mut’ah* – including that with women – *along with* his Sahabah. Moreover, Jabir explicitly stated that it was ‘Umar who first banned both of them.

The same fact is reiterated in this *hadith* of Imam Ahmad (d. 241 H):

حدثنا عبد الله حدثني أبي ثنا إسحاق ثنا عبد الملك عن عطاء عن جابر بن عبد
الله قال كنا نتمتع على عهد رسول الله صلى الله عليه و سلم وأبي بكر وعمر

رضي الله عنهم حتى نهانا عمر رضي الله عنه أخيراً يعني النساء

‘Abd Allah (b. Ahmad) – my father (Ahmad b. Hanbal) – Ishaq – ‘Abd al-Malik – ‘Aṣa – Jabir b. ‘Abd Allah:

We used to do *mut’ah* during the time of the Messenger of Allah, peace be upon him, Abu Bakr and ‘Umar, may Allah be pleased with them, **until ‘Umar, may Allah be pleased with him, later forbade it**, that is (*mut’ah* with) women.⁴

Shaykh al-Arnauṣ says:

إسناده صحيح على شرط مسلم

Its chain is *sahih* upon the standard of (Imam) Muslim.⁵

So, ‘Umar himself initially allowed it. Abu Bakr, on the other hand, had no problem with it throughout his rule.

Imam Muslim equally reports:

حدثني محمد بن رافع حدثنا عبدالرزاق أخبرنا ابن جريج أخبرني أبو الزبير قال سمعت جابر بن عبد الله يقول كنا نستمتع بالقبضة من التمر والدقيق الأيام على عهد رسول الله صلى الله عليه وسلم وأبي بكر حتى نهى عنه عمر في شأن عمرو بن حريث

Muhammad b. Rafi’ – ‘Abd al-Razzaq – Ibn Jurayj – Abu al-Zubayr:

I heard Jabir b. ‘Abd Allah saying, “**We used to contract *mut’ah*** by giving a handful of dates and flour (as the dowry) during the time of the Messenger of Allah and Abu Bakr **UNTIL ‘Umar forbade it** in the case of ‘Amr b. Hurayth.⁶

This one repeats emphatically that the practice of *mut’ah* continued unimpeded and uninterrupted from the time of the Prophet till ‘Umar forbade it.

It is indeed of great interest that the Sahabah generally were engaging in *mut’ah* with women – and this naturally included sexual intercourse with them – and the Prophet never rebuked or punished a single

one of them! This occurred till his death, and also during the rule of Abu Bakr. If *mut'ah* were *haram*, then the intercourse within it would have been *zina* (fornication or adultery), and it would have been obligatory upon the Messenger to investigate the cases and punish the *mut'ah* practitioners. After all, they were not doing it in secret. This was how Jabir knew that it was a general practice, in the first place. So, was the Prophet failing in his duties? Or, was he condoning disobedience and illegal sex? Or, was it that he never forbade it – as the Ahl al-Bayt and Jabir b. 'Abd Allah claimed – and therefore had nothing to probe or penalize in it? What about Abu Bakr? Why would he allow *zina* to flourish in his domains?

Imam Ahmad still has more reports for us:

حدثنا عبد الله حدثني أبي حدثنا يونس ثنا حماد يعني بن سلمة عن علي بن زيد
وعاصم الأحول عن أبي نضرة عن جابر بن عبد الله قال تمتعنا متعتين على
عهد النبي صلى الله عليه وسلم الحج والنساء فنهانا عمر عنهما فانتھينا

'Abd Allah (b. Ahmad) – my father (Ahmad b. Hanbal) – Yunus – Hamad b. Salamah – 'Ali b. Zayd AND
'Asim al-Ahwal – Abu Na'irah – Jabir b. 'Abd Allah:

We practised two forms of *mut'ah* during the time of the Prophet, peace be upon him: *Hajj* and woman.
But, 'Umar forbade us from them both. So, we desisted.⁷

Shaykh al-Arnau⁸ comments:

إسناده صحيح على شرط مسلم

Its chain is *sahih* upon the standard of (Imam) Muslim.⁸

He also records:

حدثنا عبد الله حدثني أبي ثنا عفان ثنا حماد أنا علي بن زيد وعاصم الأحول
عن أبي نضرة عن جابر بن عبد الله قال تمتعنا على عهد رسول الله صلى الله
عليه وسلم متعتين الحج والنساء وقد قال حماد أيضا متعة الحج ومتعة النساء
فلما كان عمر نهانا عنهما فانتھينا

'Abd Allah (b. Ahmad) – my father (Ahmad b. Hanbal) – 'Affan – Hamad – 'Ali b. Zayd AND 'Asim al-

Ahwal – Abu Naʿraḥ – Jabir b. ‘Abd Allah:

We practised *mut’ah* during the time of the Messenger of Allah, peace be upon him, two types of *mut’ah*: the *mut’ah* of *Hajj* (i.e. *Hajj al-Tamattu’*) and *mut’ah* with women. **But, when ‘Umar forbade us from them both, we desisted.**⁹

Al-Arnauṭ again says:

إسناده صحيح

Its chain is *sahih*¹⁰

Then, Imam Ahmad tops them with this:

حدثنا عبد الله حدثني أبي ثنا عبد الصمد ثنا حماد عن عاصم عن أبي نضرة
عن جابر قال متعتان كانتا على عهد النبي صلى الله عليه و سلم فنهانا عنهما
عمر رضي الله تعالى عنه فانتهينا

‘Abd Allah (b. Ahmad) – my father (Ahmad b. Hanbal) – ‘Abd al-Samad – Hamad – ‘Asim – Abu Naʿraḥ – Jabir:

There used to be two types of *mut’ah* during the time of the Prophet, peace be upon him. **But, ‘Umar, may Allah be pleased with him, forbade us from them both. So, we desisted.**¹¹

Al-Arnauṭ declares:

إسناده صحيح على شرط مسلم

Its chain is *sahih* upon the standard of (Imam) Muslim.¹²

So, the Sahabah were heavily into *mut’ah* with women till the deaths of both the Prophet and Abu Bakr, and also for a long time during ‘Umar’s rule. They freely practised it, even after the Messenger’s demise, and they freely allowed it.

Meanwhile, when ‘Umar banned *mut’ah*, his action naturally attracted opposition from some Sahabah. One of them was ‘Abd Allah b. Mas’ud, about whom Imam Muslim reports:

حدثنا محمد بن عبدالله بن نمير الهمداني حدثنا أبي ووکیع وابن بشر عن
إسماعيل عن قيس قال سمعت عبدالله يقول كنا نغزو مع رسول الله صلى الله
عليه و سلم ليس لنا نساء فقلنا ألا نستخصي ؟ فنهانا عن ذلك ثم رخص لنا أن
ننكح المرأة بالثوب إلى أجل ثم قرأ عبدالله { يا أيها الذين آمنوا لا تحرموا
طيبات ما أحل الله لكم ولا تعتدوا إن الله لا يحب المعتدين }

Muhammad b. ‘Abd Allah b. Numayr al-Hamdani – my father, Waki’ and Ibn Bishr – Isma’il – Qays:

I heard ‘Abd Allah saying, “We were on an expedition with the Messenger of Allah, peace be upon him, and we had no women with us. So, we said “Should we castrate ourselves?” But, he forbade us to do that. Then, **he permitted us to do *nikah* (marriage) with the woman for a stipulated period**, giving her a garment (as the dowry).” Then, ‘Abd Allah recited, {O you who believe! **Do not make *haram* the good things which Allah has made *halal* for you**; and do not exceed the limits; surely Allah does not love those who exceed the limits} [5:87].13

Ahmad has documented it too:

حدثنا عبد الله حدثني أبي ثنا وكيع عن بن أبي خالد عن قيس عن عبد الله قال
كنا مع النبي صلى الله عليه و سلم ونحن شباب فقلنا يا رسول الله ألا
نستخصي فنهانا ثم رخص لنا في ان ننكح المرأة بالثوب إلى الأجل ثم قرأ عبد
الله { لا تحرموا طيبات ما أحل الله لكم }

‘Abd Allah (b. Ahmad) – my father (Ahmad b. Hanbal) – Waki’ – Ibn Abi Khalid – Qays – ‘Abd Allah:

“We were with the Prophet, peace be upon him, and we were youths. So, we said to the Messenger of Allah, “Should we castrate ourselves?” But, he forbade us (to do that). **Then, he permitted us to do *nikah* (marriage) with the woman for a stipulated period**, giving her a garment (as the dowry).” Then, ‘Abd Allah recited, {**Do not make *haram* the good things which Allah has made *halal* for you**} [5:87].14

Shaykh al-Arnau comments:

إسناده صحيح على شرط الشيخين

Its chain is *sahih* upon the standard of the two Shaykhs¹⁵

Apparently, Ibn Mas'ud issued this statement in response someone's declaration of *mut'ah* as *haram*. No doubt, this was 'Umar. It is indeed of great interest that *mut'ah* was considered by Ibn Mas'ud to be one of the "good things" mentioned by Allah in His Book. This was clearly why he quoted the *ayah* in connection with it. Al-Hafi Ibn Hajar al-'Asqalani (d. 852 H) has this commentary of that *hadith*:

وظاهر استشهاد ابن مسعود بهذه الآية هنا يشعر بأنه كان يرى بجواز المتعة

Apparently, Ibn Mas'ud's use of this verse here as evidence shows that **he considered *mut'ah* to be permissible**.¹⁶

Imam al-Nawawi (d. 676 H) has the same opinion:

(ثم قرأ عبد الله يا أيها الذين آمنوا لا تحرموا طيبات ما أحل الله لكم) فيه إشارة إلى أنه كان يعتقد إباحتها كقول ابن عباس وأنه لم يبلغه نسخها

(Then, 'Abd Allah recited, {O you who believe! Do not make *haram* the good things which Allah has made *halal* for you} [5:87]) **there is an indication in it that he considered it permissible**, as Ibn 'Abbas also did, and that information concerning its abrogation did not reach him.¹⁷

The last part of al-Nawawi's submission is only a desperate excuse. As Jabir b. 'Abd Allah, *ra'iyyallahu 'anhu*, claimed, the generality of the Sahabah freely practised *mut'ah* – unimpeded and interrupted – from the time of the Prophet till the rule of 'Umar! Is it then possible that the information of its alleged abrogation also did not reach any of them – until suddenly, after 'Umar banned it?

Meanwhile, there are a number of *fawa'id* from the *hadith* of Ibn Mas'ud:

1. It establishes that *mut'ah* was NOT practised amongst the Muslims initially. This was why no Muslim did it until after the Messenger "permitted" them. This refutes the claim that the Muslims only carried on the practice of *mut'ah* from the *Jahili* era.
2. It also shows that *mut'ah* is one of the "good things" mentioned by Allah, and made *halal* by Him, in His Book. We will explain, in the next chapter, how Ibn Mas'ud concluded that Qur'an 5:87 is also about *mut'ah*, among others.
3. It further confirms that *mut'ah* is *truly* a form of *nikah* (marriage). So, the parties in it are legally husband and wife.

1. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 449, # 4
2. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 229
3. Abu al-Husayn Muslim b. al-Hajjaj al-Qushayri al-Naysaburi, Sahih Muslim (Beirut: Dar Ihya al-Turath al-'Arabi) [annotator: Muhammad Fuad 'Abd al-Baqi], vol. 2, p. 1022, # 1405 (17)
4. Abu 'Abd Allah Ahmad b. Hanbal al-Shaybani, Musnad (Cairo: Muasassat Qur'ubah) [annotator: Shu'ayb al-Arnaut], vol. 3, p. 304, # 14307
5. Ibid
6. Abu al-Husayn Muslim b. al-Hajjaj al-Qushayri al-Naysaburi, Sahih Muslim (Beirut: Dar Ihya al-Turath al-'Arabi) [annotator: Muhammad Fuad 'Abd al-Baqi], vol. 2, p. 1022, # 1405 (16)
7. Abu 'Abd Allah Ahmad b. Hanbal al-Shaybani, Musnad (Cairo: Muasassat Qur'ubah) [annotator: Shu'ayb al-Arnaut], vol. 3, p. 356, # 14877
8. Ibid
9. Ibid, vol. 3, p. 363, # 14959
10. Ibid
11. Ibid, vol. 3, p. 325, # 14519
12. Ibid
13. Abu al-Husayn Muslim b. al-Hajjaj al-Qushayri al-Naysaburi, Sahih Muslim (Beirut: Dar Ihya al-Turath al-'Arabi) [annotator: Muhammad Fuad 'Abd al-Baqi], vol. 2, p. 1022, # 1404 (11)
14. Abu 'Abd Allah Ahmad b. Hanbal al-Shaybani, Musnad (Cairo: Muasassat Qur'ubah) [annotator: Shu'ayb al-Arnaut], vol. 1, p. 432, # 4113
15. Ibid
16. Shihab al-Din Ibn Hajar al-'Asqalani, Fath al-Bari Sharh Sahih al-Bukhari (Beirut: Dar al-Ma'rifah li al-'Aba'ah wa al-Nashr; 2nd edition), vol. 9, p. 102
17. Abu Zakariyyah Yahya b. Sharaf al-Nawawi, Sharh Sahih Muslim (Beirut: Dar al-Kitab al-'Arabi; 1st edition, 1407 H) vol. 9, p. 182

We know already that Allah revealed the Verse of *al-Mut'ah* in His Book:

فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً

Those of them with whom you contract *mut'ah*, give them their prescribed dowries. 1

We also know that this *ayah* came down with some extra words included in it:

فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ إِلَى أَجَلٍ مُّسَمًّى فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً

Those of them with whom you contract *mut'ah* for a specified period, give them their prescribed dowries.

The underlined part, however, is not part of the verse. It is only Allah's Own *Tafsir* of it, and it belongs to

the *Hikmah* revealed to Prophet Muhammad, *sallallahu ‘alaihi wa alihi*. As we have discussed in the first chapter, it is allowed to recite this extra phrase along with the verse (as Ubayy b. Ka’b, Ibn ‘Abbas and some others from the *Salaf* did), and it is equally allowed to remove it. The words “for a specified period” make it impossible to twist the verse – in desperate attempts – in favour of permanent marriages or concubine relationships. Only *mut’ah* is conducted “for a specified period”, and the *ayah* is definitely about it.

Meanwhile, the Verse of *al-Mut’ah* remains in force till today, and will continue to do so till the Hour. Shaykh al-Kulayni (d. 329 H) records:

علي، عن أبيه، عن ابن أبي عمير، عن عمر بن أذينة، عن زرارة قال: جاء عبد الله بن عمير الليثي إلى أبي جعفر عليه السلام فقال له: ما تقول في متعة النساء؟ فقال: أحلها الله في كتابه وعلى لسان نبيه صلى الله عليه وآله فهي حلال إلى يوم القيامة

‘Ali – his father – Ibn Abi ‘Umayr – ‘Umar b. Uzaynah – Zurarah:

‘Abd Allah b. ‘Umayr al-Laythi went to Abu Ja’far, peace be upon him, and said to him, “What is your opinion of *mut’ah* with women?” So, he (Abu Ja’far) said, “**Allah made it *halal* in His Book and upon the tongue of His Prophet, peace be upon him and his family. Therefore, it is *halal* till the Day of *al-Qiyamah*.**”²

‘Allamah al-Majlisi (d. 1111 H) says:

حسن

*Hasan*³

Ayatullah al-Ruhani also comments:

صحيح

*Sahih*⁴

The ace Sunni exegete, Imam Ibn Jarir al-‘Asabari (d. 310 H), also documents:

حدثنا محمد بن المثنى، قال: ثنا محمد بن جعفر، قال: ثنا شعبة، عن الحكم، قال: سألته عن هذه الآية { : والمحصنات من النساء إلا ما ملكت أيمانكم } إلى هذا الموضع: { فما استمتعتم به منهن } أم نسوخة هي؟ قال: لا. قال الحكم: قال علي رضي الله عنه: لولا أن عمر رضي الله عنه نهى عن المتعة ما زنى إلا شقى.

Muhammad b. al-Muthanna – Muhammad b. Ja'far – Shu'bah:

I asked al-Hakam concerning this verse {Also [forbidden for marriage are] women already married, except those whom your right hands possess} up till {Those of them with whom you contract *mut'ah*} [4:24], “**Is it abrogated?**” He said, “**NO**”.

Al-Hakam said: “ ‘Ali, may Allah be pleased with him, said: ‘If ‘Umar, may Allah be pleased with him, had not forbidden *mut'ah*, none would have committed *zina* except a wretched person.”⁵

We already encountered this *sanad* in the first chapter. The chain is *sahih* up to al-Hakam. As for al-Hakam himself, al-Hafi⁶ states about him:

الحكم بن عتيبة بالمتناة ثم الموحدة مصغرا أبو محمد الكندي الكوفي ثقة ثبت
فقيه إلا أنه ربما دلس

Al-Hakam b. ‘Utaybah, Abu Muhammad al-Kindi al-Kufi: **Thiqah (trustworthy)**, **thabt (accurate)**, a **jurist**, except that he perhaps did *tadlis*.⁶

Al-Hakam was without doubt a major jurist of the Ahl al-Sunnah, and this is evident from the action of Shu'bah. He declared explicitly that the Verse of *al-Mut'ah* was never abrogated. Moreover, by narrating the *munqati' athar* of ‘Ali to Shu'bah, he made it absolutely clear to him his understanding that the *ayah* was about *mut'ah*. Meanwhile, the fact that the verse is unabrogated is further revealed in the general attitude of the Sunni *‘ulama*. A lot of them interpret it as a reference to intercourse in a permanent *nikah*⁷ – a submission that contradicts the authentic *ahadith* quoted in our first chapter.

However, there is an alternative Sunni view, which insists that the Verse of *al-Mut'ah* has been abrogated. For instance, Imam Ibn Hazm (d. 456 H) submits:

قوله تعالى: { فما استمتعتم به منهن فاتوهن أجورهن فريضة } [٢٤ / النساء / ٤]
فنسخت بقوله صلى الله عليه وسلم إني كنت أحللت هذه المتعة ألا وإن الله

ورسوله قد حرماها ألا فليبلغ الشاهد الغائب .

ووقع ناسخها من القرآن موضع ذكر ميراث الزوجة الثمن والرابع فلم يكن لها في ذلك نصيب. وقال محمد بن إدريس الشافعي رحمة الله عليه موضع تحريمها في سورة المؤمن وناسخها قوله تعالى {والذين هم لفروجهم حافظون إلا على أزواجهم أو ما ملكت أيمانهم} ... ه مكية / المؤمن / ٢٣ [وأجمعوا على أنها ليست بزوجة ولا ملك يمين فنسخها الله بهذه الآية.

His Statement, the Most High: {Those of them with whom you contract *mut'ah*, give them their prescribed dowries} [Al-Nisa, 4:24]. It has been abrogated by his statement, peace be upon him: "I used to allow this *mut'ah*. Verily, Allah and His Messenger have (now) made it *haram*. Therefore, let those present inform those who are absent."

Its abrogation also occurs in the Qur'an where the inheritance of the wife is mentioned, eighth and fourths, and she (the woman in *mut'ah*) has no share from that. Muhammad b. Idris al-Shafi'i, may the mercy of Allah be upon him, also said that the place of its abrogation is in *Surah al-Mumin*, and its abrogation is His Statement, the Most High: {And those who guard their private parts, except from their wives or what their right hands possess (i.e. slave-women)...} [Makkan, *al-Mumin*, 23, verse 5]. And they agreed that she (i.e. the woman in *mut'ah*) is not a wife, and not a slave-woman. Therefore, Allah abrogated it with this verse.⁸

Apparently, Ibn Hazm also believes that the verse was revealed about *mut'ah*. His arguments against the temporary marriage are as follows:

- (i) The *ahadith* against *mut'ah* have abrogated the Verse of *al-Mut'ah*.
- (ii) The verse about the inheritance of wives has abrogated the Verse of *al-Mut'ah*.
- (iii) A verse revealed in Makkah in *Surah al-Mumin* abrogated the Verse of *al-Mut'ah*, which was revealed *later* in al-Madinah!

Well, only an *ayah* can abrogate an *ayah*, as Allah Himself declares:

ما ننسخ من آية أو ننسها نأت بخير منها أو مثلها

Whatever a verse We abrogate or cause to be forgotten, **We bring a better one or one similar to it.**⁹

We also read:

وَإِذَا بَدَلْنَا آيَةً مَكَانَ آيَةٍ وَاللَّهُ أَعْلَمُ بِمَا يَنْزِلُ قَالُوا إِنَّمَا أَنْتَ مُفْتَرٍ بَلْ أَكْثَرُهُمْ لَا يَعْلَمُونَ

And when We change a verse in place of another verse, and Allah knows best of what He sends down, they say, “You are but a forger.” Nay, but most of them know not.¹⁰

Imam al-Shafi’i (d. 204 H) himself says about it:

وَلَا يَنْسَخُ كِتَابَ اللَّهِ إِلَّا كِتَابُهُ لِقَوْلِ اللَّهِ { مَا نَنْسَخُ مِنْ آيَةٍ أَوْ نُنسِهَا نَأْتِ بِخَيْرٍ مِنْهَا أَوْ مِثْلَهَا } وَقَوْلِهِ { وَإِذَا بَدَلْنَا آيَةً مَكَانَ آيَةٍ وَاللَّهُ أَعْلَمُ بِمَا يَنْزِلُ قَالُوا إِنَّمَا أَنْتَ مُفْتَرٍ } فَأَبَانَ أَنْ نَسَخَ الْقُرْآنَ لَا يَكُونُ إِلَّا بِقُرْآنٍ مِثْلِهِ

The Book of Allah cannot be abrogated except by His Book, due to the Statement of Allah {Whatever a verse We abrogate or cause to be forgotten, We bring a better one or one similar to it} and His Statement {And when We change a verse in place of another verse, and Allah knows best of what He sends down, they say, “You are but a forger”}. **So, it is very clear that the abrogation of (a verse of) the Qur’an cannot occur except through (another verse of) the Qur’an.**¹¹

Imam ‘Abd al-Razzaq (d. 211 H) has this too:

عَبْدُ الرَّزَّاقِ قَالَ قَالَ مَعْمَرٌ وَقَالَ قَتَادَةُ وَأَمَّا قَوْلُهُ نَأْتِ بِخَيْرٍ مِنْهَا أَوْ مِثْلَهَا يَقُولُ آيَةٌ فِيهَا تَخْفِيفٌ فِيهَا رَخْصَةٌ فِيهَا أَمْرٌ فِيهَا نَهْيٌ

‘Abd al-Razzaq – Ma’mar – Qatadah:

As for His Statement {We bring **a better one or one similar** to it}, He says: “**A verse** in which there is relief, in which there is permission, in which there is a command, in which there is a prohibition.”¹²

Prof. Ibn Yasin says about this *riwayah*:

وإسناده صحيح

Its chain is *sahih*. 13

Therefore, it is an *ayah* that abrogates or replaces another *ayah*. As such, if indeed the Verse of *al-Mut'ah* has been abrogated, there *must* be an explicit verse in the Qur'an revealed for that purpose. Whoever is unable to provide an abrogating verse *must* accept the validity of temporary marriage in the Book of Allah unconditionally.

Secondly, it is perfectly possible for the wife in a valid marriage not to inherit her husband. For instance, Imam al-Bukhari (d. 256 H) documents:

حدثنا أبو عاصم عن ابن جريج عن ابن شهاب عن علي بن حسين عن عمرو بن عثمان عن أسامة بن زيد رضي الله عنهما : أن النبي صلى الله عليه و سلم قال : لا يرث المسلم الكافر ولا الكافر المسلم

Abu 'Asim – Ibn Jurayj – Ibn Shihab – 'Ali b. Husayn – 'Amr b. 'Uthman – Usamah b. Zayd, may Allah be pleased with them both:

The Prophet, peace be upon him, said: “The Muslim does not inherit the *kafir*, and the *kafir* does not inherit the Muslim.”¹⁴

So, where a Muslim is married to a Jewish or Christian woman – and she cannot inherit him – does this in any way affect the validity of their *nikah*? Of course, it does not. In the same manner, the fact that the spouses in a temporary marriage may not inherit each other – depending upon their mutual agreement – does NOT in any way establish its abrogation by any *ayah* or *hadith*, nor does it cancel the status of the woman as a “wife”. *Mut'ah*, obviously, is an exception to the general ruling in the Verse of Inheritance, just as the Muslim-*kafirah* marriage is.

Finally, al-Shafi'i quotes this verse as the abrogator of temporary marriage in the Qur'an:

والذين هم لفروجهم حافظون إلا على أزواجهم أو ما ملكت أيمانهم فإنهم غير ملومين فمن ابتغى وراء ذلك فأولئك هم العادون

And those who guard their private parts, **except from their wives or what their right hands possess (i.e. slave-women)**, for then, they are free from blame. **But whoever seeks beyond that, then those**

are the transgressors. 15

His argument is that the woman in *mut'ah* is neither a “wife” nor a “slave-woman”; and, sexual intercourse is not allowed except with those two. However, there are three fatal problems with the use of this noble *ayah* against *mut'ah*. First, it was revealed in Makkah, while the Verse of *al-Mut'ah* came *later* in al-Madinah. So, if anything, it would be the later abrogating the former! Secondly, Prophet Muhammad allowed and practised *mut'ah* during the Madinan era, long after the revelation of both *Surah al-Muminun* and *Surah al-Ma'arij* in Makkah. If we accepted the Sunni argument, it would mean that he was permitting and indulging in illegal sex! May Allah protect us from such blasphemous thoughts. Lastly, *mut'ah* is a form of *nikah* (marriage), which means that both parties are husband and “wife”. Since those verses have allowed sex with “wives”, then they have defended *mut'ah* as well!

So, as things stand, there is NO *ayah* in the entire Qur'an that has abrogated the Verse of *al-Mut'ah*. Meanwhile, only a verse can abrogate a verse. With that, then, nothing can abrogate the Verse of *al-Mut'ah*, and it shall remain in force till the *Qiyamah*. By extension, *mut'ah* itself is, on the strength of that verse, valid till the end of life on earth.

This is the point of departure between the Shi'ah and the Sunnis. The Ahl al-Sunnah accept the authenticity of *ahadith* which contradict the Verse of *al-Mut'ah*, and use them to overturn it. By contrast, the Shi'ah throw out any *riwayah* that disagrees with any verse of the *Kitab*. So, naturally, all *ahadith* against *mut'ah* – whatsoever their sources or chains – are fabrications (whether intentional or accidental) by Shi'i standards. Al-Kulayni reports:

عدة من أصحابنا، عن أحمد بن محمد بن خالد، عن أبيه، عن النضر بن سويد،
عن يحيى الحلبي، عن أيوب بن الحر قال: سمعت أبا عبد الله عليه السلام يقول:
كل شيء مردود إلى الكتاب والسنة، وكل حديث لا يوافق كتاب الله فهو زخرف:

A number of our companions – Ahmad b. Muhammad b. Khalid – his father – al-Na'ar b. Suwayd – Yahya al-Halabi – Ayyub b. al-Hurr:

I heard Abu 'Abd Allah, peace be upon him, saying: “Everything is returned back to the Book and the *Sunnah*, and **EVERY *hadith* that does not agree with the Book of Allah is a vanity.**”¹⁶

Shaykh al-Majlisi comments:

صحيح

*Sahih*¹⁷

And Shaykh Hadi al-Najafi agrees:

الرواية صحيحة الإسناد

The report has a *sahih* chain¹⁸

Al-Kulayni here again records:

محمد بن إسماعيل، عن الفضل بن شاذان، عن ابن أبي عمير، عن هشام بن الحكم وغيره، عن أبي عبد الله عليه السلام قال: خطب النبي صلى الله عليه وآله بمنى فقال: أيها الناس ما جاءكم عني يوافق كتاب الله فأنا قلته وما جاءكم يخالف كتاب الله فلم أقله.

Muhammad b. Isma'il – al-Faḥḥ b. Shadhan – Ibn Abi 'Umayr – Hisham b. al-Hakam and others – Abu 'Abd Allah, peace be upon him:

The Prophet, peace be upon him and his family, delivered a *khutbah* at Muna and said, "O mankind! Whatsoever comes to you from me that agrees with the Book of Allah, I truly said it. **But, whatsoever comes to you that contradicts the Book of Allah, I never said it.**"¹⁹

Al-Majlisi says:

مجهول كالصحيح

*Majhul ka al-Sahih*²⁰

Prof. 'Ali Akbar al-Ghiffari also declares:

سند صحيح

A *sahih* chain²¹

Our beloved teacher, Shaykh al-Saduq (d. 381 H), also thereby submits, in line with the *sahih ahadith*:

وكل حديث لا يوافق كتاب الله فهو باطل

Every *hadith* that does not agree with the Book of Allah is a fabrication.²²

Ayatullah Ja'far Subhani too says:

أمر الأئمة عليهم السلام بعرض الأحاديث على الكتاب والسنة، وأن كل حديث لا يوافق كتاب الله ولا سنة نبيه يضرب به عرض الجدار. وقد تواترت الروايات على الترجيح بموافقة الكتاب والسنة

The Imams, peace be upon them, ordered that the *ahadith* must be compared to the Book and the *Sunnah*, and that every single *hadith* that does not agree with the Book of Allah or the *Sunnah* of His Prophet must be thrown out. **There are *mutawatir* reports about weighing (*ahadith*) on the basis of agreement with the Book and the *Sunnah*.**²³

Ayatullah Makarim al-Shirazi even applies this rule to reject a *hadith*:

إن هذا الحديث لا ينسجم مع نص القرآن. ووفقا للقواعد الأصولية التي عندنا، أن كل حديث لا يوافق كتاب الله ساقط عن الاعتبار، ولا يمكن التعويل على أنه حديث شريف من أحاديث النبي أو المعصومين عليهم السلام.

Certainly, this *hadith* does not agree with the text of the Qur'an. And, based on the principles of *usul* with us, **that every single *hadith* that does not agree with the Book of Allah is unreliable**, and it is impossible to depend upon the fact that it is a noble *hadith* from the *ahadith* of the Prophet or the infallibles, peace be upon them.²⁴

So, since *mut'ah* is *halal* in the Qur'an, and there is no *ayah* that has abrogated it, then every single *hadith* – wherever it comes from – that suggests its illegitimacy is “a vanity”, a fabrication. The only way a Sunni can make a valid argument against temporary marriage is to quote a verse of the *Kitab* that truly repeals it. Anything short of that is only a child's play.

Anyway, there is a second *ayah* – apart from the Verse of *al-Mut'ah* – which, though NOT revealed

about temporary marriage, applies to it:

يا أيها الذين آمنوا لا تحرموا طيبات ما أحل الله لكم ولا تعتدوا إن الله لا يحب
المعتدين

O you who believe! **Do not make *haram* the good things which Allah has made *halal* for you**; and do not exceed the limits; surely Allah does not love those who exceed the limits.²⁵

In the last chapter, we see how Ibn Mas'ud considered *mut'ah* as one of “the *good* things” mentioned in this verse. In this report of Imam al-Bukhari, the reason is explicitly given:

حدثنا قتيبة بن سعيد حدثنا جرير عن إسماعيل عن قيس قال : قال عبد الله
كنا نغزو مع رسول الله صلى الله عليه و سلم وليس لنا شيء فقلنا ألا
نستخصي ؟ فنهانا عن ذلك ثم رخصلنا أن ننكح المرأة بالثوب ثم قرأ علينا { يا
أيها الذين آمنوا لا تحرموا طيبات ما أحل الله لكم ولا تعتدوا أن الله لا يحب
المعتدين }

Qutaybah b. Sa'id – Jarir – Isma'il – Qays – 'Abd Allah (b. Mas'ud):

We were on an expedition with the Messenger of Allah, peace be upon him, and we had nothing with us. So, we said, “Should we castrate ourselves?” But, he forbade us to do that. Then, he permitted us to do *nikah* (marriage) with the woman, giving her a garment (as the dowry). **Then, he recited to us** {O you who believe! **Do not make *haram* the good things which Allah has made *halal* for you**; and do not exceed the limits; surely Allah does not love those who exceed the limits}.²⁶

Yes, it was the Prophet himself who first quoted the verse in support of *mut'ah*, and Ibn Mas'ud only followed this *Sunnah* later.

Imam Ahmad (d. 241 H) also documents:

حدثنا عبد الله حدثني أبي ثنا يحيى بن زكريا قال أخبرني إسماعيل عن قيس
عن بن مسعود قال كنا مع رسول الله صلى الله عليه و سلم ليس لنا نساء قلنا
يا رسول الله ألا نستخصي فنهانا عن ذلك فقال { يا أيها الذين آمنوا لا تحرموا
طيبات ما أحل الله لكم }

‘Abd Allah (b. Ahmad) – my father (Ahmad b. Hanbal) – Yahya b. Zakariya – Isma’il – Qays – Ibn Mas’ud:

We were with the Messenger of Allah. There were no women with us. So, we said, “O Messenger of Allah, should we castrate ourselves?” **But, he forbade us from doing that AND said** {O you who believe! **Do not make *haram* the good things which Allah has made *halal* for you**}²⁷

Shaykh al-Arnau²⁸ comments:

إسناده صحيح على شرط الشيخين

Its chain is *sahih* upon the standard of the two Shaykhs.²⁸

The *ayah* in question is from *al-Maidah*, the last revealed *surah* of the Qur’an. Imam al-Hakim (d. 403 H) reports:

حدثنا أبو العباس محمد بن يعقوب ثنا بحر بن نصر الخولاني قال : قرىء على عبد الله بن وهب أخبرك معاوية بن صالح عن أبي الزاهرية عن جبير بن نفير قال حجبت فدخلت على عائشة رضي الله عنها فقالت لي : يا جبير تقرأ المائدة ؟ فقلت : نعم قالت : أما أنها آخر سورة نزلت فما وجدتم فيها من حلال فاستحلوه وما وجدتم من حرام فحرموه

Abu al-‘Abbas Muhammad b. Ya’qub – Bahr b. Nasr al-Khawlani – ‘Abd Allah b. Wahb – Mu’awiyah b. Salih – Abu al-Zahiriyyah – Jubayr b. Nufayr:

I did *Hajj* and went to ‘Aishah, may Allah be pleased with her, and she said to me, “O Jubayr! Do you recite *al-Maidah*?” I said, “Yes”. She said, “**Verily, it was the last *surah* to be revealed. So, whatsoever you find in it to be *halal*, declare it as *halal*; and whatsoever you find to be *haram*, declare it as *haram*.**”²⁹

Al-Hakim submits:

هذا حديث صحيح على شرط الشيخين

This *hadith* is *sahih* upon the standard of the two Shaykhs.³⁰

Imam al-Dhahabi (d. 748 H) agrees:

على شرط البخاري ومسلم

Upon the standard of al-Bukhari and Muslim.³¹

Imam Ahmad has documented it through his own *sanad* too:

حدثنا عبد الله حدثني أبي ثنا عبد الرحمن بن مهدي قال ثنا معاوية عن أبي الزاهرية عن جبير بن نفير قال دخلت على عائشة فقالت هل تقرأ سورة المائدة قال قلت نعم قالت فإنها آخر سورة نزلت فما وجدتم فيها من حلال فاستحلوه وما وجدتم فيها من حرام فحرموه وسألتها عن خلق رسول الله صلى الله عليه وسلم فقالت القرآن

‘Abd Allah (b. Ahmad) – my father (Ahmad b. Hanbal) – ‘Abd al-Rahman b. Mahdi – Mu’awiyah – Abu al-Zahiriyyah – Jubayr b. Nufayr:

I went to ‘Aishah and she said, “Do you recite *Surah al-Maidah*?” I said, “Yes”. She said, “**For, verily, it was the last *surah* to be revealed. So, whatsoever you find in it to be *halal*, then declare it *halal*; and whatsoever you find in it to be *haram*, declare it *haram*.**” Then I asked her about the character of the Messenger of Allah, peace be upon him, and she said, “The Qur’an.”³²

Al-Arnau³³ states:

إسناده صحيح

Its chain is *sahih*³³

Apparently, nothing declared *halal* in *Surah al-Maidah* was ever abrogated. Moreover, the verses of the *surah* came very late in revelation, and were therefore very close to the time of the Prophet’s death.

We are unsure about that exact military expedition which Ibn Mas’ud was making reference to. However, we know that a lot – perhaps the majority – of its Muslim soldiers were youths as stated by him. He himself died during the rule of ‘Uthman in 32 H³⁴ and his age was sixty three then³⁵. This means that he was already 31 during the *Hijrah* and had reached 33 by the time of the Battle of Badr – the first battle in

Islam. So, whenever that expedition was, Ibn Mas'ud was, by all indications, already beyond youthfulness. Therefore, when he said “and we were youths”, he was most probably referring only to the *dominant* composition of the army.

It seems that this is also what explains the tone of the *ayah*. The Verse of *al-Mut'ah* had been revealed before that expedition. So, when these youthful Sahabah talked of castrating themselves instead of going into *mut'ah*, it looked as though they had made it *haram* for themselves. As a result, the Prophet quoted Qur'an 5:87 (which also had been revealed before then) to declare that temporary marriage was one of the good things mentioned in that *ayah*, that it was made *halal* by Allah, and that the Muslims must not make it *haram* for themselves. Then, he gave them a direct command. Imam Abu Ya'la (d. 307 H) records:

حدثنا أبو خيثمة حدثنا مروان بن معاوية الفزاري عن إسماعيل بن أبي خالد
عن قيس بن أبي حازم قال : سمعت عبد الله بن مسعود يقول كنا نغزو مع
رسول الله صلى الله عليه و سلم ليس لنا نساء فقلنا : يا رسول الله ألا
نستخصي ؟ فنهانا عن ذلك وأمرنا أن ننكح المرأة بالثوب ثم قرأ عبد الله : { يا
أيها الذين آمنوا لا تحرموا طيبات ما أحل الله }

Abu Khaythamah – Marwan b. Mu'awiyah al-Fazari – Isma'il b. Abi Khalid – Qays b. Abi Hazim:

I heard 'Abd Allah b. Mas'ud saying: “We were on an expedition with the Messenger of Allah, peace be upon him. There were no women with us. So, we said, “O Messenger of Allah, should we castrate ourselves?” But, he forbade us from doing that **AND HE ORDERED US to do *nikah* with the woman**, giving her the garment (as the dowry)”. Then, 'Abd Allah recited {O you who believe! **Do not make *haram* the good things which Allah has made *halal* for you**}.³⁶

Shaykh Dr. Asad says:

إسناده صحيح

Its chain is *sahih*³⁷

This order, in some other reports, is also termed a “permission” by Ibn Mas'ud. Perhaps, he did this because the Messenger – being the field commander – had the right to temporarily prohibit certain *halal* things to his soldiers in order to maintain strict discipline, high morale and strong energy. Normally, even if Ibn Mas'ud and the others had initially considered *mut'ah* to be *halal*, they would nonetheless have

needed the Prophet's permission to go ahead with it, as long as they were still on the military expedition. Obviously, his order to them to perform *mut'ah* contained two things together: a permission *and* a command.

Imam Ibn Hibban (d. 354 H) also documents:

أخبرنا أحمد بن علي بن المثنى قال حدثنا أبو خيثمة قال حدثنا مروان بن معاوية عن إسماعيل بن أبي خالد عن قيس بن أبي حازم قال سمعت بن مسعود يقول كنا نغزو مع رسول الله صلى الله عليه وسلم ليس لنا نساء فقالوا يا رسول الله ألا نستخصي فنهانا عن ذلك وأمرنا أن ننكح المرأة بالثوب ثم قرأ عبد الله هذه الآية يا أيها الذين آمنوا لا تحرموا طيبات ما أحل الله لكم

Ahmad b. 'Ali b. al-Muthanna – Abu Khaythamah – Marwan b. Mu'awiyah al-Fazari – Isma'il b. Abi Khalid – Qays b. Abi Hazim:

I heard Ibn Mas'ud saying: "We were on an expedition with the Messenger of Allah, peace be upon him. There were no women with us. So, we said, "O Messenger of Allah, should we castrate ourselves?" But, he forbade us from doing that **AND HE ORDERED US to do *nikah* with the woman**, giving her the garment (as the dowry)". Then, 'Abd Allah recited this verse {O you who believe! **Do not make *haram* the good things which Allah has made *halal* for you**}.³⁸

'Allamah al-Albani states:

صحيح

*Sahih*³⁹

And Shaykh al-Arnau⁴⁰ concurs:

إسناده صحيح على شرط الشيخين

Its chain is *sahih* upon the standard of the two Shaykhs⁴⁰

The bottomline of all this is that the Prophet described *mut'ah* as one of "the good things" which Allah has made *halal*, mentioned in a verse in *Surah al-Maidah*. His companion, Ibn Mas'ud, followed him

strictly in this *Sunnah* as well, after him. Well, our brothers from the Ahl al-Sunnah routinely describe *mut'ah* as “fornication and adultery”. So, we ask: are fornication and adultery good, *halal* things?

Moreover, one of the *very* last *ayahs* of the Qur'an to be revealed re-affirm the *halalness* of “the good things”:

اليوم أحل لكم الطيبات

Today, the good things are made *halal* to you.⁴¹

Once more, this is from *al-Maidah* where nothing of *halal* and *haram* has been abrogated. As such, this verse also re-declares *mut'ah* to be *halal* since it is one of “the good things”, according to the Prophet himself.

We equally read these verses:

يسألونك ماذا أحل لهم قل أحل لكم الطيبات

They ask you (O Muhammad) what is *halal* for them. Say: “The good things are made *halal* for you.”⁴²

And:

الذين يتبعون الرسول النبي الأمي الذي يجدونه مكتوبا عندهم في التوراة والإنجيل يأمرهم بالمعروف وينهاهم عن المنكر ويحل لهم الطيبات ويحرم عليهم الخبائث ويضع عنهم إصرهم والأغلال التي كانت عليهم

Those who follow the Messenger, the *Ummi* Prophet, whom they find written with them in *al-Tawrat* and *al-Injil*, **he orders them with good deeds and forbids them from evil deeds, and he makes the good things *halal* for them and makes the impure things *haram* to them**, and removes from them their burden and shackles which they were upon.⁴³

We know that he “ordered” the performance of *mut'ah*. In that case, it is one of the “good deeds”. We also know that he explicitly called *mut'ah* one of “the good things”. This assures us that he always declared it *halal* till his death, in line with the Qur'an of his Lord, and never made it *haram* – not even for a split second.

Meanwhile, let us equally look at this from another angle. In one of the Makkan *surahs*, Allah declares *haram* all forms of indecent behaviours:

قل إنما حرم ربي الفواحش ما ظهر منها وما بطن والإثم والبغي بغير الحق وأن
تشرکوا بالله ما لم ينزل به سلطانا وأن تقولوا على الله ما لا تعلمون

Say: “My Lord has only made *haram* all indecencies, those of them that are apparent as well as those that are concealed, and sin and rebellion without justice, and that you associate with Allah that for which He has not sent down any authority, and that you say against Allah what you do not know”.⁴⁴

So, fornication and adultery – both of which are indecencies – were already made *haram* before the *Hijrah*. Our Sunni brothers say that *mut’ah* also constitutes fornication and adultery. As such, by their logic, it was banned during the Makkan era by Allah and His Messenger. But then, on what basis was the Prophet practising *mut’ah* along with his Sahabah *after* the *Hijrah*? On what basis was he also “allowing” and “commanding” them to contract temporary marriages? Was he contradicting his Lord? Was he declaring the *haram* to be *halal*? Was he encouraging and enforcing fornication and adultery?

Even worse still for our Sunni brothers, this is what the *Kitab* has said:

قل إن الله لا يأمر بالفحشاء

Say: “Verily, Allah does NOT command indecencies.”⁴⁵

In fact, He *actually* forbids them:

إن الله يأمر بالعدل والإحسان وإيتاء ذي القربى وينهى عن الفحشاء والمنكر
والبغي

Verily, Allah commands justice, good deeds and the giving to the kindred, **and He forbids indecencies**, and evil deeds and rebellion.⁴⁶

So, we put this to the Ahl al-Sunnah: when Allah commands us to give dowries to *mut’ah* wives in the Verse of *al-Mut’ah*, what has He done?

1. Qur’an 4:24

2. Abu Ja’far Muhammad b. Ya’qub b. Ishaq al-Kulayni al-Razi, *al-Furu’ min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah)

[annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 449, # 4

3. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah)

[annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 229

4. Muhammad 'Adiq al-Husayni al-Ruhani, Fiqh al-'Adiq (Qum: Muassasat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 14

5. Abu Ja'far Muhammad b. Jarir b. Yazid b. Kathir b. Ghalib al-Amuli al-'Abari, Jami al-Bayan fi Tawil al-Qur'an (Dar al-Fikr; 1415 H) [annotator: 'Adiqi Jamil al-'A'ar], vol. 5, p. 19

6. Ahmad b. 'Ali b. Hajar al-'Asqalani, Taqrib al-Tahdhib (Beirut: Dar al-Maktabah al-'Ilmiyyah; 2nd edition, 1415 H) [annotator: Mu'tafa 'Abd al-Qadir 'A'a], vol. 1, p. 232, # 1458

7. See Abu Ja'far Muhammad b. Jarir b. Yazid b. Kathir b. Ghalib al-Amuli al-'Abari, Jami al-Bayan fi Tawil al-Qur'an (Dar al-Fikr; 1415 H) [annotator: 'Adiqi Jamil al-'A'ar], vol. 5, p. 17

8. Abu 'Abd Allah Muhammad b. Hazm al-Andalusi, al-Nasikh wa al-Mansukh fi al-Qur'an al-Karim (Beirut: Dar al-Kutub al-'Ilmiyyah; 1st edition, 1406 H) [annotator: Dr. 'Abd al-Ghaffar Sulayman al-Bundari], p. 33

9. Qur'an 2:106

10. Qur'an 16:101

11. Muhammad b. Idris al-Shafi'i, Kitab Ikhtilaf al-Hadith, pp. 483-484

12. 'Abd al-Razzaq b. Hamam al-'ana'ani, Tafsir al-Qur'an (Riyadh: Maktabah al-Rushd; 1st edition, 1410 H) [annotator: Dr. Mu'tafa Muslim Muhammad], vol. 1, p. 55

13. Prof. Dr. Hikmat b. Bashir b. Yasin, Mawsu'at al-'ahih al-Masbur min al-Tafsir bi al-Mathur (Madinah: Dar al-Mathar li al-Nashr wa al-Tawzi' wa al-'aba'at; 1st edition, 1420 H), vol. 1, p. 213

14. Abu 'Abd Allah Muhammad b. Isma'il b. Ibrahim b. Mughirah al-Bukhari al-Ju'fi, al-Jami' al-'ahih al-Mukhta'ar (Beirut: Dar Ibn Kathir; 3rd edition, 1407 H) [annotator: Dr. Mu'tafa Dib al-Bagha], vol. 6, p. 2484, # 6383

15. Qur'an 23:5-7 and 70:29-31

16. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-U'ul min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 1, p. 69, # 3

17. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 1, p. 229

18. Hadi al-Najafi, Mawsu'at Ahadith Ahl al-Bayt (Beirut: Dar Ihya al-Turath al-'Arabi; 1st edition, 1423 H), vol. 9, p. 394, # 11899

19. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-U'ul min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 1, p. 69, # 5

20. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 1, p. 229

21. Prof. 'Ali Akbar al-Ghiffari, Dirasat fi 'Ilm al-Dirayah Talkhi' Miqyas al-Hidayah (Jami'at al-Imam al-'Adiq; 1st edition), p. 259

22. Abu Ja'far Muhammad b. 'Ali b. Husayn b. Babuyah al-Qummi, al-I'tiqadat (Dar al-Mufid; 2nd edition, 1414 H) [annotator: 'I'am 'Abd al-Sayyid], Ch. 1, p. 22

23. Ja'far al-Subhani, Kuliyat fi 'Ilm al-Rijal (Qum: Muassasat al-Nashr al-Islami; 3rd edition, 1414 H), p. 27

24. Na'ir Makarim al-Shirazi, al-Amthal fi Tafsir Kitab Allah al-Munzal, vol. 12, p. 34

25. Qur'an 5:87

26. Abu 'Abd Allah Muhammad b. Isma'il b. Ibrahim b. Mughirah al-Bukhari al-Ju'fi, al-Jami' al-'ahih al-Mukhta'ar (Beirut: Dar Ibn Kathir; 3rd edition, 1407 H) [annotator: Dr. Mu'tafa Dib al-Bagha], vol. 5, p. 1953, # 4787

27. Abu 'Abd Allah Ahmad b. Hanbal al-Shaybani, Musnad (Cairo: Muassasat Qur'ubah) [annotator: Shu'ayb al-Arnaut], vol. 1, p. 450, # 4302

28. Ibid

29. Abu 'Abd Allah Muhammad b. 'Abd Allah al-Hakim al-Naysaburi, al-Mustadrak 'ala al-'ahihayn (Beirut: Dar al-Kutub al-'Ilmiyyah; 1st edition, 1411 H) [annotator: Mu'tafa 'Abd al-Qadir 'A'a], vol. 2, p. 340, # 3210

30. Ibid

31. Ibid
32. Abu ‘Abd Allah Ahmad b. Hanbal al-Shaybani, Musnad (Cairo: Muasassat Qurʾubah) [annotator: Shuʿayb al-Arnaut], vol. 6, p. 188, # 25588
33. Ibid
34. Abu al-‘Ala Muhammad b. ‘Abd al-Rahman b. ‘Abd al-Rahim al-Mubarakfuri, Tuhfat al-Ahwazi bi Sharh Jami’ al-Tirmidhi (Beirut: Dar al-Kutub al-‘Ilmiyyah; 1st edition, 1410 H), vol. 10, p. 208
35. Shams al-Din Muhammad b. Ahmad b. ‘Uthman al-Dhahabi, Tarikh al-Islam wa Wafiyat al-Mashahir wa al-A’lam (Beirut: Dar al-Kitab al-‘Arabi; 1st edition, 1407 H) [annotator: Dr. ‘Umar ‘Abd al-Salam Tadmuri], vol. 3, p. 389
36. Abu Ya’la Ahmad b. ‘Ali b. Muthanna al-Mawṣili al-Tamimi, Musnad (Damascus: Dar al-Mamun li al-Turath; 1st edition, 1404 H) [annotator: Dr. Husayn Salim Asad], vol. 9, p. 260, # 5382
37. Ibid
38. Abu Hatim Muhammad b. Hibban b. Ahmad b. Hibban b. Mu’adh b. Ma’bad al-Tamimi al-Darimi al-Busti, Ṣaḥih Ibn Hibban bi Tartib Ibn Balban (Beirut: Muasassat al-Risalah; 2nd edition, 1414 H) [annotators: Muhammad Naṣir al-Din al-Albani and Shuʿayb al-Arnaut], vol. 9, p. 448, # 4141
39. Ibid
40. Ibid
41. Qur’an 5:5
42. Qur’an 5:4
43. Qur’an 7:157
44. Qur’an 7:33
45. Qur’an 7:28
46. Qur’an 16:90

When *exactly* was *mut’ah* banned permanently? This is a question which Sunnis will never be able to *firmly* answer till the end of the world. This is due to the severe conflicts between their “authentic” *ahadith* on the matter. For instance, Imam Muslim (d. 261 H) reports:

وحدثنا محمد بن عبدالله بن نمير حدثنا أبي حدثنا عبيدالله عن ابن شهاب عن
الحسن وعبدالله ابني محمد بن علي عن أبيهما عن علي أنه سمع ابن عباس
يلين في متعة النساء فقال مهلا يا ابن عباس فإن رسول الله صلى الله عليه و
سلم نهى عنها يوم خيبر وعن لحوم الحمر الإنسية

Muhammad b. ‘Abd Allah b. Numayr – my father – ‘Ubayd Allah – Ibn Shihab – al-Hasan and ‘Abd Allah, sons of Muhammad b. ‘Ali – their father:

‘Ali heard Ibn ‘Abbas allowing *mut’ah* with women. So, he said, “Don’t be hasty, O Ibn ‘Abbas, for the Messenger of Allah, peace be upon him, forbade it on the Day of Khaybar as well as the flesh of domestic asses.”¹

The incident, allegedly witnessed by Muhammad b. ‘Ali, apparently took place *after* the death of the

Prophet, *sallallahu ‘alaihi wa alihi*. Of course, this eye-witness was born only after the Messenger of Allah had passed away. Here, we see Amir al-Muminin, *‘alaihi al-salam*, supposedly citing the ban at Khaybar to stop Ibn ‘Abbas from allowing *mut’ah* after the Prophet had died. This suggests that the ban at Khaybar was a permanent one. It is the only logical explanation for the action attributed to ‘Ali. Interestingly, we often see the Ahl al-Sunnah quote this *hadith* as well as evidence of the permanent prohibition of *mut’ah*. The Battle of Khaybar occurred in 7 H. So, *mut’ah* supposedly had been banned *eternally* since then.

But, Imam Muslim has another interesting report:

حدثنا إسحاق بن إبراهيم أخبرنا يحيى بن آدم حدثنا إبراهيم بن سعد عن
عبد الملك بن الربيع بن سبرة الجهني عن أبيه عن جده قال أمرنا رسول الله
صلى الله عليه و سلم بالمتعة عام الفتح حين دخلنا مكة ثم لم نخرج منها حتى
نهانا عنها

Ishaq b. Ibrahim – Yahya b. Adam – Ibrahim b. Sa’d – ‘Abd al-Malik b. al-Rabi’ b. Sabrah al-Juhani – his father (al-Rabi’) – his grandfather (Sabrah):

The Messenger of Allah, peace be upon him, **ORDERED us to perform *mut’ah* in the Year of the Conquest as we entered Makkah.** Then, we did not come out of it until he forbade us from it.²

What? But, this was in 8 H, a year after Khaybar! What happened to the permanent ban, which ‘Ali supposedly quoted against Ibn ‘Abbas?

Meanwhile, this must be put in its proper context. Sabrah was one of the soldiers who conquered Makkah with the Messenger of Allah, as Imam Muslim reports:

حدثنا أبو كامل فضيل بن حسين الجحدري حدثنا بشر (يعني ابن مفضل)
حدثنا عمار بن غزية عن الربيع بن سبرة أن أباه غزا مع رسول الله صلى الله
عليه و سلم فتح مكة قال فأقمنا بها خمس عشرة (ثلاثين بين ليلة ويوم) فأذن
لنا رسول الله صلى الله عليه و سلم في متعة النساء

Abu Kamil Fuṣṭayl b. Husayn al-Jahdari – Bishr b. Mufṭiḥ al – ‘Amarah b. Ghaziyyah:

Al-Rabi’ b. Sabrah reported that his father was on an expedition with the Messenger of Allah, peace be upon him, during the Conquest of Makkah. He (Sabrah) said: “So we stayed there for fifteen days

(including thirteen full days), and the Messenger of Allah, peace be upon him, permitted us to do *mut'ah* with women.”³

As such, when Sabrah “entered Makkah”, he was doing so as part of a military force that had conquered the holy city. As the soldiers were entering as conquerors, the Prophet commanded them to do *mut'ah*, and they camped in there for fifteen days.

The Year of the Conquest of Makkah is also known as the Year of al-Awqas, and this is another relevant *riwayah* of Imam Muslim concerning it:

حدثنا أبو بكر بن أبي شيبة حدثنا يونس بن محمد حدثنا عبد الواحد بن زياد
حدثنا أبو عميس عن إياس بن سلمة عن أبيه قال رخص رسول الله صلى الله
عليه و سلم عام أوطاس في المتعة ثلاثا ثم نهى عنها

Abu Bakr b. Abi Shaybah – Yunus b. Muhammad – ‘Abd al-Wahid b. Ziyad – Abu ‘Umayy – Iyas b. Salama – his father (Salama):

The Messenger of Allah, peace be upon him, **allowed *mut'ah* for three days during the Year of Awqas**. Then, he forbade it.⁴

The annotator, Shaykh ‘Abd al-Baqi, explains:

(عام أوطاس) هذا تصريح بأنها أبيحت يوم فتح مكة وهو يوم أوطاس شيء واحد

(Year of Awqas) **this is an explicit statement that it was allowed on the day of the conquest of Makkah**, which is also the same as the Day of Awqas.⁵

So, *mut'ah* was supposedly made compulsory as the conquering soldiers entered Makkah, and was banned again three days later.

Interestingly, Imam Muslim has this “*sahih*” report which overturns everything:

وحدثنا أبو بكر بن أبي شيبة حدثنا ابن علية عن معمر عن الزهري عن الربيع
بن سبرة عن أبيه أن رسول الله صلى الله عليه و سلم نهى يوم الفتح عن متعة

النساء

Abu Bakr b. Abi Shaybah – Ibn ‘Ulayyah – Ma’mar – al-Zuhri – al-Rabi’ b. Sabrah – his father (Sabrah):

The Messenger of Allah, peace be upon him, **forbade *mut’ah* with women on the Day of the Conquest.**⁶

That same day? Not three days after it? What then are we supposed to believe?

Meanwhile, ‘Umar supposedly considered the ban of *mut’ah* after this three-day allowance – which alleged occurred only during the conquest of Makkah – as *permanent*. Imam Ibn Majah (d. 273 H) tells us:

حدثنا محمد بن خلف العسقلاني. ثنا الفريابي عن أبان بن أبي حازم، عن أبي بكر بن حفص، عن ابن عمر، قال: لما ولي عمر بن الخطاب، خطب الناس فقال: إن رسول الله صلى الله عليه وسلم أذن لنا في المتعة ثلاثاً، ثم حرمها. والله! لا أعلم أحداً يتمتع وهو محصن إلا رجمته بالحجارة إلا أن يأتيني بأربعة يشهدون أن رسول الله أحلها بعد إذ حرمها.

Muhammad b. Khalaf al-‘Asqalani – al-Faryabi – ‘Aban b. Abi Hazim – Abu Bakr b. Hafs – Ibn ‘Umar:

When ‘Umar b. al-Khaṭṭāb became the *wali*, he addressed the people and said, “**Verily, the Messenger of Allah, peace be upon him, permitted us to practise *mut’ah* for three days. Then, he made it *haram*.** I swear by Allah, if I know of any married person doing *mut’ah*, I will stone him with stones **except if he brings to me four people who testify that the Messenger of Allah (later) declared it *halal* after prohibiting it.**”⁷

Shaykh al-Arnauṭ and two others say:

حديث صحيح وهذا سند حسن

A *sahih hadith*, and this chain is *hasan*.⁸

NOTE: This *hadith* is actually *ṭa’if*. Concerning one of its narrators, al-Hafiṭ (d. 852 H) states:

أبان بن عبد الله بن أبي حازم بن صخر بن العيلة بفتح العين المهملة البجلي الأحمسي الكوفي صدوق في حفظه لين

Aban b. ‘Abd Allah b. Abi Hazim b. Sakhr b. al-‘Aylah al-Bajali al-Ahmasi al-Kufi: *Saduq* (very truthful), **there is weakness in his memory**.⁹

Then, Imam Ibn Hibban (d. 354 H) gives more details:

أبان بن عبد الله البجلي من أهل الكوفة وهو الذي يقال له أبان بن أبي حازم، يروى عن أبان بن تغلب وأهل الكوفة، روى عنه الثوري ووكيع والناس. وكان ممن فحش خطؤه وانفرد بالمناكير، أخبرنا الهمداني قال سمعت عمرو بن علي يقول: ما سمعت يحيى بن سعيد القطان يحدث عنه بشئ قط – يعنى أبان البجلي.

Aban b. ‘Abd Allah al-Bajali, from the people of Kufa, and he was the one called Aban b. Abi Hazim. He narrated from Aban b. Taghlib and the people of Kufah. Al-Thawri, Waki’ and the people narrated from him. **He was one of those whose mistakes were terrible, and who narrated *manakir* (repugnant reports) without corroboration.** Al-Hamdani informed us, and said: I heard ‘Amr b. ‘Ali saying: “I never heard Yahya b. Sa’id al-Qaṣṣan ever narrating anything from him” – he meant Aban al-Bajali.¹⁰

In normal circumstances, a narrator like this is not just *‘a’if*, but also *munkar*. So, his reports are very weak and thrown away. But, here we are again with our Sunni *‘ulama*!

Yet, even this “backup” provided by Imam al-Bayhaqi (d. 458 H) does no good either:

وقد حدثنا أبو محمد عبد الله بن يوسف الأصبهاني أنبأ أبو محمد عبد الرحمن بن يحيى الزهري القاضي بمكة ثنا محمد بن إسماعيل الصائغ ثنا أبو خالد الأموي ثنا منصور بن دينار ثنا عمر بن محمد عن سالم بن عبد الله عن أبيه عن عمر بن الخطاب رضي الله عنه قال صعد عمر على المنبر فحمد الله وأثنى عليه ثم قال ما بال رجال ينكحون هذه المتعة وقد نهى رسول الله صلى الله عليه وسلم عنها ألا وإنني لا أوتي بأحد نكحها إلا رجمته

Abu Muhammad ‘Abd Allah b. Yusuf al-Asbahani – Abu Muhammad ‘Abd al-Rahman b. Yahya al-Zuhri

al-Qaṣī – Muhammad b. Ismaʿil al-Saigh – Abu Khalid al-Umawi – **Mansur b. Dinar** – ‘Umar b. Muhammad – Salim b. ‘Abd Allah – his father – ‘Umar b. al-Khaṭṭab, may Allah be pleased with him:

‘Umar climbed the pulpit, and thanked Allah and extolled Him. Then, he said, “What is the problem of men who are contracting the *nikah* of this *mut’ah* despite that the Messenger of Allah, peace be upon him, had forbidden it? Take note: if anyone who has contracted its *nikah* is brought to me, I will stone him.”¹¹

Al-Bayhaqi himself expresses doubt about the authenticity of this *riwayah* immediately after quoting it:

فهذا إن صح يبين أن عمر رضي الله عنه إنما نهى عن نكاح المتعة لأنه علم نهى
النبي صلى الله عليه وسلم عنه

So, this one, **IF AUTHENTIC**, shows that ‘Umar, may Allah be pleased with him, only forbade the *nikah* of *mut’ah* because he knew of its prohibition by the Prophet, peace be upon him.¹²

This was perhaps due to the presence of Mansur b. Dinar in the *sanad*. Al-Hafī documents about him:

منصور بن دينار السهمي: عن الزهري قال النسائي ليس بالقوى وقال البخاري
روى عن نافع وحماد في حديثه نظر* وقال يحيى بن معين ضعيف قلت ...
وذكره العقيلي في الضعفاء ... وذكره ابن حبان في الثقات ... وقال أبو زرعة
صالح وقال أبو حاتم ليس به بأس وقال العجلي لا بأس به

Mansur b. Dinar al-Sahmi: he narrated from al-Zuhri. **Al-Nasai said: “He is not strong.” Al-Bukhari said, “He narrated from Nafi’ and Hammad. THERE IS PROBLEM WITH HIS HADITH.”** Yahya b. Ma’in said: “**‘a’if.**” I say: ... And al-‘Aqili has mentioned him in *al-‘u’afa* ... and Ibn Hibban mentioned him in *al-Thiqat* ... Abd Abu Zur’a said: “Salih” while Abu Hatim said, “There is no problem with him.” Al-‘Ijli also said, “There is no problem with him.”¹³

We have capitalized, in particular, the statement of Imam al-Bukhari (d. 256 H), because it is a *jarh mufassar*. Imam al-Dhahabi (d. 748 H) has narrated that al-Bukhari himself said:

إذا قلت فلان في حديثه نظر، فهو متهم واه.

When I say “there is problem with the *hadith* of so-and-so”, **then he is accused (of fabricating *ahadith*), weak.** 14

This changes everything, since a *jarh mufassar* supercedes any praise for the narrator. That then makes this second report *mawdu‘* or at least *‘if jiddan*.

Meanwhile, having exposed the weakness of both *riwayahs* above, we will nonetheless proceed to take them into consideration within our discourses, in order to leave our opponents with no excuse anywhere.

So, simply put, the second permanent ban of *mut’ah* occurred a year after the first one. ‘Umar here challenged everyone to bring forward any evidence that the Prophet ever allowed it after this second ban – and none, it seems, ever came forward. But, what was he even suggesting? Has the Qur’an not banned *zina* several years before Khaybar and the conquest of Makkah? Was ‘Umar implying that the Prophet could have permitted fornication after the ban by Allah?

Yet, there is a further report of a third *permanent* ban on *mut’ah* two years after the conquest of Makkah! This is the *hadith* by Imam al-Darimi (d. 255 H):

أخبرنا جعفر بن عون عن عبد العزيز بن عمر بن عبد العزيز عن الربيع بن
سبرة أن أباه حدثه أنهم ساروا مع رسول الله صلى الله عليه و سلم في حجة
الوداع فقال استمتعوا من هذه النساء ... ثم غدوت فإذا رسول الله صلى الله
عليه و سلم قائم بين الركن والباب فقال يا أيها الناس اني قد كنت أذنت لكم
في الاستمتاع من النساء الا وان الله قد حرم ذلك إلى يوم القيامة فمن كان
عنده منهن شيء فليخل سبيلها ولا تأخذوا مما آتيتموهن شيئا

Ja’far b. ‘Awn – ‘Abd al-‘Aziz b. ‘Umar b. ‘Abd al-‘Aziz – al-Rabi’ b. Sabrah – his father:

We journeyed with the Messenger of Allah, peace be upon him, **during the Farewell Hajj and he said, “Do *mut’ah* with these women”....** Then, in the morning, the Messenger of Allah, peace be upon him, stood between *al-Rukn* and the door and said, “O mankind! Verily, I have been allowing you to do *mut’ah* with women. **But, surely, Allah has made that *haram* till the Day of *al-Qiyamah*.** So, whoever has something of them with him, let him free her, and do not take back anything from what you gave them (as dowries).” 15

Shaykh Asad comments:

إسناده صحيح

Its chain is *sahih* 16

Imam Ibn Hibban (d. 354 H) has documented it too¹⁷, and al-Albani (d. 1420 H) says about it:

صحيح

Sahih 18

And al-Arnau¹⁸ agrees:

إسناده صحيح

Its chain is *sahih* 19

Here, we are back again at the beginning! Our Sunni brothers consider *mut'ah* to be a form of fornication, and also declare that the *mut'ah* wife is no “wife”. Rather, she is a fornicator. *Alhamdulillah*, fornication was made *haram* during the Makkan era, before our Prophet migrated to Madinah. Therefore, by Sunni logic, *mut'ah* was already banned before the *Hijrah*. But, their books tell us that the following occurred after the *Hijrah*:

1. The Messenger re-ban *mut'ah* permanently at Khaybar seven years after the *Hijrah*. This makes sense since he was only repeating the Qur'anic ban on fornication and adultery.
2. However, the same Prophet “ordered” his Sahabah to indulge in *mut'ah* – read: to indulge in fornication – during his conquest of Makkah in 8 H!
3. Moreover, after three days – or on that same day – he banned *mut'ah* again *permanently*.
4. Then, during his Farewell *Hajj* in 10 H, he ordered his Sahabah once more, saying: “Do *mut'ah* with these women”. By Sunni logic, he was only saying: “Do fornication with these women”! Thereafter, he banned it *permanently* again, for the last time!

If this is not mockery of Allah and His Messenger by the Ahl al-Sunnah wa al-Jama'ah, what then is it?

Al-Hafi¹⁹ Ibn Kathir (d. 774 H), meanwhile, thinks he has an explanation:

فقد نص الشافعي على أنه لا يعلم شيئاً أباح ثم حرم ثم أباح ثم حرم غير نكاح
المتعة وما حداه على هذا رحمه الله إلا اعتماده على هذين الحديثين كما قدمناه

وقد حكى السهيلي وغيره عن بعضهم: أنه ادعى أنها أبيحت ثلاث مرات وحرمت ثلاث مرات وقال آخرون أربع مرات وهذا بعيد جدا والله أعلم.

واختلفوا أي وقت أول ما حرمت ف قيل في خير وقيل في عمرة القضاء وقيل في عام الفتح وهذا يظهر وقيل في أوطاس وهو قريب من الذي قبله وقيل في تبوك وقيل في حجة الوداع.

Al-Shafi'i had explicitly stated that he did not know of anything that was made *halal*, then made *haram*, then made *halal* and then made *haram* other than the marriage of *mut'ah*. Nothing drew him, may Allah be merciful to him, to this conclusion except his reliance upon these two *hadiths*, as we previously discussed. Al-Suhayli and others have also narrated from one of them that he claimed that it (*mut'ah*) was made *halal* three times and was made *haram* three times. The others said: four times. But, this is very unlikely, and Allah knows best.

They disagree on the exact time when it was FIRST made *haram*. It is said that it was at Khaybar, and it is said that it was at the 'Umrah al-Qa'a. It is said that it was during the Year of the Conquest, and this is the most likely; and it is said that it was at Aws, and this is nearer to the one before it. It is said that it was at Tabuk, and it is said that it was at the Farewell Hajj.²⁰

But, this only worsens things for the Ahl al-Sunnah. On the specific question of *zina* (fornication and adultery), this is also what this Makkan *ayah* says:

ولا تقربوا الزنا إنه كان فاحشة وساء سبيلا

And do not approach *zina*. Verily, it is an indecency, and an evil way.²¹

This verse – by the *ijma'* of the whole *Ummah* – has never *been* abrogated. It has been in force since *before* the *Hijrah*; and it continued unimpeded till the death of the Messenger. In other words, during all those times that the Prophet and his Sahabah were practising *mut'ah*, this *ayah* was well in authority. It is thus either of two things (i) *mut'ah* is a form of *zina* too or (ii) *mut'ah* is NOT a form of *zina*. The Sunnis maintain that temporary is fornication. So, what they are saying – in essence – is that Prophet Muhammad was contradicting his Lord *repeatedly*, by “allowing” or “commanding” and even “practising” what his Lord had long declared *haram*! Apparently, if they joined the Shi'ah in saying that *mut'ah* is NOT a form of *zina*, then some of their unintentional mockeries of Allah and His Messenger would disappear.

But, even then, they would have to show us which verse of the Qur'an abrogated *mut'ah*? Of course, this *ayah* must be proved to have been revealed *after* the Verse of *al-Mut'ah* and *Surah al-Maidah*, and it must be explicit in its ruling against temporary marriage. We say categorically here: no such verse exists. Meanwhile, since only an *ayah* can abrogate an *ayah* (as the Qur'an itself declares), then the Verse of *al-Mut'ah* remains in force till this day, and till the end of days.

This automatically leads us to another conclusion: all the reports about how *mut'ah* was banned *permanently* – only to be unbanned sometime later – are careless fabrications. They were “rushed up” to justify 'Umar's ban of that legitimate form of *nikah*. No wonder, they contain so many serious contradictions among themselves, even in reports by the same individuals, and all of them altogether also oppose the Qur'an!

Unsurprisingly, all these alleged repeated bans of *mut'ah* were completely unknown to the generality of the Sahabah, as Imam Muslim reports:

حدثني محمد بن رافع حدثنا عبدالرزاق أخبرنا ابن جريج أخبرني أبو الزبير قال
سمعت جابر بن عبد الله يقول كنا نستمتع بالقبضة من التمر والدقيق الأيام على
عهد رسول الله صلى الله عليه وسلم وأبي بكر حتى نهى عنه عمر في شأن
عمرو بن حريث

Muhammad b. Rafi' – 'Abd al-Razzaq – Ibn Jurayj – Abu al-Zubayr:

I heard Jabir b. 'Abd Allah saying, “**We used to contract *mut'ah*** by giving a handful of dates and flour (as the dowry) during the eras of the Messenger of Allah and Abu Bakr **UNTIL 'Umar forbade it** in the case of 'Amr b. Hurayth.²²

They continued to practise *mut'ah* till the death of the Prophet, and he did not warn, stop or penalize them. Abu Bakr too allowed them to freely go ahead with it throughout his rule. There is a usual Sunni excuse that the information concerning the ban on *mut'ah* did not reach these Sahabah, and that they continued it due to that! But, does that make any sense? The ban on *mut'ah* was supposedly announced at least *three* times in public; and yet, the generality of the *Sahabah* – including even Abu Bakr – never heard it?! Moreover, did the Sahabah not know of any of the *ayahs* in the Qur'an which make fornication and adultery *haram*? If they did, why did they continue to perform *mut'ah* (considering the Sunni claim that it is fornication), and why did the Messenger and Abu Bakr allow them?

Even more interesting is the dogged refusal of Ibn 'Abbas, *raḍiyallahu 'anhū*, to back down on *mut'ah* till his death. The Ahl al-Sunnah say that Imam 'Ali allegedly informed him that *mut'ah* had been banned at Khaybar:

وحدثنا محمد بن عبدالله بن نمير حدثنا أبي حدثنا عبيدالله عن ابن شهاب عن الحسن وعبدالله ابني محمد بن علي عن أبيهما عن علي أنه سمع ابن عباس يلين في متعة النساء فقال مهلا يا ابن عباس فإن رسول الله صلى الله عليه و سلم نهى عنها يوم خيبر وعن لحوم الحمر الإنسية

Muhammad b. ‘Abd Allah b. Numayr – my father – ‘Ubayd Allah – Ibn Shihab – al-Hasan and ‘Abd Allah, sons of Muhammad b. ‘Ali – their father:

‘Ali heard Ibn ‘Abbas allowing *mut’ah* with women. So, he said, “Don’t be hasty, O Ibn ‘Abbas, for the Messenger of Allah, peace be upon him, forbade it on the Day of Khaybar as well as the flesh of domestic asses.”²³

Yet, long *after* ‘Ali’s death, he was still defending *mut’ah*. Imam Muslim again:

وحدثني حرملة بن يحيى أخبرنا ابن وهب أخبرني يونس قال ابن شهاب أخبرني عروة بن الزبير أن عبدالله ابن الزبير قام بمكة فقال إن ناسا أعمى الله قلوبهم كما أعمى أبصارهم يفتون بالمتعة يعرض برجل فناداه فقال إنك لجلف جاف فلعمري لقد كانت المتعة تفعل على عهد إمام المتقين (يريد رسول الله صلى الله عليه و سلم) فقال له ابن الزبير فجرب بنفسك فوالله لئن فعلتها لأرجمنك بأحجارك

Harmalah b. Yahya – Ibn Wahb – Yunus – Ibn Shihab – ‘Urwah b. al-Zubayr:

‘Abd Allah b. al-Zubayr stood in Makkah and said, “Allah has made blind the hearts of some people as He made blind their eyesight. They give *fatwas* allowing *mut’ah*.” He was referring to a certain man. So, he (the man) called him and said, “You are an uncouth person, devoid of sense! I swear by my life, *mut’ah* was practised during the time of the Imam of the pious” – he meant the Messenger of Allah. So, Ibn al-Zubayr said to him, “Just do it yourself. By Allah, if you do it, I will stone you with your stones.”²⁴

We know the identity of that man in this further *hadith* of Imam Muslim:

حدثنا حامد بن عمرو البكرائي حدثنا عبدالواحد (يعني ابن زياد) عن عاصم عن أبي نضرة قال كنت عند جابر بن عبدالله فأتاه آت فقال ابن عباس وابن

الزبير اختلفا في المتعتين فقال جابر فعلناهما مع رسول الله صلى الله عليه و
سلم ثم نهانا عنهما عمر فلم نعد لهما

Hamid b. ‘Amr al-Bakrawi – ‘Abd al-Wahid b. Ziyad – ‘Asim – Abu Na‘rah:

I was with Jabir b. ‘Abd Allah, a person came and said, “**Ibn ‘Abbas and Ibn al-Zubayr disagree concerning the two types of *mut’ah*.**” So, Jabir said, “We practised both of them along with the Messenger of Allah, peace be upon him. Then, ‘Umar forbade us from them both, and we have not reverted to them.”²⁵

It was Ibn ‘Abbas, and he had become blind at that time – apparently during the rebel “caliphate” of Ibn al-Zubayr in Makkah. That was towards the very end of the lifetime of Ibn ‘Abbas. Commenting on these reports and others, ‘Allamah al-Albani concludes:

وجملة القول: أن ابن عباس رضى الله عنه روى عنه فى المتعة ثلاثة أقوال:

الأول: الإباحة مطلقا.

الثانى: الإباحة عند الضرورة.

والآخر: التحريم مطلقا , وهذا مما لم يثبت عنه صراحة , بخلاف القولين
الأولين , فهما ثابتان عنه.

The summary is: three opinions are narrated from Ibn ‘Abbas, may Allaah be pleased with him, about *mut’ah*:

The one: he permitted it unconditionally.

The second: he permitted it in cases of necessity.

The last: he forbade it unconditionally, **but this is from what is NOT authentically transmitted from him**, unlike the first two opinions which are authentically transmitted from him.²⁶

So, basically, there is solid evidence that Ibn ‘Abbas continued to defend *mut’ah* even in his old age, and there is none that he ever retracted his statements on it. Meanwhile, Sunnis generally excuse the pro-*mut’ah* positions of the generality of the Sahabah after the Prophet on an desperate argument that the information of its abrogation had not reached them. But, will they say the same about Ibn ‘Abbas? In that case, was he really a stubborn heretic who dared to openly and knowingly oppose Allah and His Messenger? Was that his character? Well, with the persistent Sunni claim that Imam ‘Ali informed him about the ban of *mut’ah*, we are afraid, there is no other possible conclusion other than that Ibn ‘Abbas was from the *Ahl al-Bid’ah*.

Interestingly, when he defended *mut’ah* by stating that it was practised during the time of the Messenger, Ibn al-Zubayr – also a Sahabi – became *silenced*. Ibn al-Zubayr did not mention anything about its alleged “abrogation” or “ban” as a counter-argument, which is extremely baffling. No doubt, if he had known of any rejection of *mut’ah* by the noble Prophet, he would have instantly corrected Ibn ‘Abbas on his submission, and would have saved his face. The fact that Ibn al-Zubayr was unable to bring down Ibn ‘Abbas’s suggestion that *mut’ah* was accepted throughout the Messenger’s lifetime raises a lot of question marks about all Sunni *ahadith* against it.

This hot exchange between the two took place long after the death of ‘Umar and ‘Ali. Yet, neither Ibn ‘Abbas nor (especially) Ibn al-Zubayr seem to be aware of any claim that *mut’ah* had been banned by the Prophet of Allah! This tells us that all these anti-*mut’ah* reports were most probably manufactured only after the period of the confrontation between those two Sunni heavyweights.

1. Abu al-Husayn Muslim b. al-Hajjaj al-Qushayri al-Naysaburi, *Ṣaḥih Muslim* (Beirut: Dar Ihya al-Turath al-‘Arabi) [annotator: Muhammad Fuad ‘Abd al-Baqi], vol. 2, p. 1027, # 1407 (31)
2. Ibid, vol. 2, p. 1023, # 1406 (22)
3. Ibid, vol. 2, p. 1023, # 1406 (20)
4. Ibid, vol. 2, p. 1022, # 1405 (18)
5. Ibid
6. Ibid, vol. 2, p. 1023, # 1406 (25)
7. Abu ‘Abd Allah Muhammad b. Yazid b. Majah al-Qazwini, al-Sunan (Damascus: Dar al-Risalah al-‘Alamiyyah; 1st edition, 1430 H) [annotators: Shu‘ayb al-Arnauṭ, Muhammad Kamil and Ahmad Barhum], vol. 3, p. 138, # 1963
8. Ibid
9. Ahmad b. ‘Ali b. Hajar al-‘Asqalani, Taqrib al-Tahdhib (Beirut: Dar al-Maktabah al-‘Ilmiyyah; 2nd edition, 1415 H) [annotator: Muṭṭafa ‘Abd al-Qadir ‘Aṭa], vol. 1, p. 51, # 140
10. Abu Hatim Muhammad b. Hibban b. Ahmad al-Tamimi al-Busti, Kitab al-Majruhin [annotator: Mahmud Ibrahim Zayad], vol. 1, p. 99
11. Abu Bakr Ahmad b. al-Husayn b. ‘Ali b. Musa al-Bayhaqi, Sunan al-Bayhaqi al-Kubra (Makkah al-Mukarramah: Maktabah Dar al-Baz; 1414 H) [annotator: Muhammad ‘Abd al-Qadir ‘Aṭa], vol. 7, p. 206, # 13949
12. Ibid
13. Shihab al-Din Abu al-Faṭḥ Ahmad b. ‘Ali b. Hajar al-‘Asqalani, Lisan al-Mizan (Beirut: Manshurat Muasassat al-‘Alami li al-Maṭbu‘at; 2nd edition, 1390 H), vol. 6, p. 95, # 331
14. Shams al-Din Muhammad b. Ahmad b. ‘Uthman al-Dhahabi, Siyar A’lam al-Nubala (Beirut: Muasassat al-Risalah; 4th edition, 1406 H) [annotators of the twelfth volume: Shu‘ayb al-Arnauṭ and Ṣaliḥ al-Samar], vol. 12, p. 441, # 171
15. Abu Muhammad ‘Abd Allah b. ‘Abd al-Rahman al-Darimi, Sunan (Beirut: Dar al-Kitab al-‘Arabi; 1st edition, 1407 H)

[annotator: Husayn Salim Asad], vol. 2, p. 188, # 2195

16. Ibid

17. Abu Hatim Muhammad b. Hibban b. Ahmad b. Hibban b. Mu'adh b. Ma'bad al-Tamimi al-Darimi al-Busti, Ṣaḥih Ibn Hibban bi Tartib Ibn Balban (Beirut: Muasassat al-Risalah; 2nd edition, 1414 H) [annotators: Muhammad Naṣīr al-Dīn al-Albani and Shu'ayb al-Arnaut], vol. 9, p. 454, # 4147

18. Ibid

19. Ibid

20. Abu al-Fida Isma'il b. Kathir al-Dimashqi, al-Bidayah wa al-Nihayah (Dar Ihya al-Turath al-'Arabi; 1st edition, 1408 H) [annotator: 'Ali Shiri], vol. 4, p. 220

21. Qur'an 17:32

22. Abu al-Husayn Muslim b. al-Hajjaj al-Qushayri al-Naysaburi, Ṣaḥih Muslim (Beirut: Dar Ihya al-Turath al-'Arabi) [annotator: Muhammad Fuad 'Abd al-Baqi], vol. 2, p. 1022, # 1405 (16)

23. Abu al-Husayn Muslim b. al-Hajjaj al-Qushayri al-Naysaburi, Ṣaḥih Muslim (Beirut: Dar Ihya al-Turath al-'Arabi) [annotator: Muhammad Fuad 'Abd al-Baqi], vol. 2, p. 1027, # 1407 (31)

24. Ibid, vol. 2, p. 1023, # 1406 (27)

25. Ibid, vol. 2, p. 1022, # 1405 (17)

26. Muhammad Naṣīr al-Dīn al-Albani, Irwa al-Ghalil fi Takhrij Ahadith Manar al-Sabil (Beirut: al-Maktab al-Islami; 2nd edition, 1405 H), vol. 6, p. 319, # 1903

NOTE: This chapter is only a general, concise explanation of *mut'ah*, and does not substitute for expert clerical advice and guidance on it.

Mut'ah: A Tool Of Necessity

When a Shi'i Muslim intends to contract *mut'ah*, there are a number of questions he faces directly. What is the purpose of the intended marriage? What are its benefits? Is there any need for it? With whom should he do the *mut'ah*, and for how long? What are its conditions and limitations?

Generally, *mut'ah* is forbidden except in cases of necessity. Shaykh al-Kulayni (d. 329 H) reports:

علي بن إبراهيم، عن أبيه، عن ابن أبي عمير، عن علي بن يقطين قال: سألت أبا الحسن موسى عليه السلام عن المتعة فقال: وما أنت وذاك فقد أغناك الله عنها، قلت: إنما أردت أن أعلمها، فقال: هي في كتاب علي عليه السلام، فقلت: نزيدها وتزداد؟ فقال: وهل يطيبه إلا ذاك.

'Ali b. Ibrahim – his father – Ibn Abi 'Umayr – 'Ali b. Yaqin:

I asked Abu al-Hasan Musa, peace be upon him, concerning *mut'ah*, and he said, “**What do you have to do with that, for Allah has already made you needless of it?**” I said, “I only want to learn about it.” Then he said, “It is in the Book of 'Ali, peace be upon him.” So, I said, “Do we increase it and is it

multiplied?” He said, “Is there anything that pleases him except that?”¹

Al-Majlisi (d. 1111 H) says:

حسن

Hasan.2

This is quite clear and straightforward. If you are not in a state of need – with regards to *mut’ah* – you have nothing to do with it. So, the Shi’i asks himself if he is really in need of a temporary marriage. If he is not, he abandons the whole idea, as the Imams, *‘alaihim al-salam*, want.

The Suitable Mut’ah Wives

After deciding that he is genuinely in need of *mut’ah*, then he must decide whom to marry temporarily. He is absolutely forbidden from marrying any woman who falls in the forbidden categories³. The Shi’i man knows this. So, he is only searching *outside* the forbidden categories. There are some crucial duties upon him, in his search, however.

First and foremost, he must confirm the age of any woman he wishes to marry. She must NOT be underage, as al-Kulayni documents:

علي، عن أبيه، عن ابن أبي عمير، عن جميل بن دراج قال: سألت أبا عبد الله
عن الرجل يتمتع من الجارية البكر قال: لا بأس بذلك ما لم يستصغرها

‘Ali – his father – Ibn Abi ‘Umayr – Jamil b. Darraj:

I asked Abu ‘Abd Allah about the man who does *mut’ah* with the virgin girl. He said, “There is no problem with that, **as long as he does not find her to be underage.**”⁴

Al-Majlisi says:

حسن

Hasan.5

Then, he adds:

قوله : (ما لم يستصغرها (أي لم يجدها صغيرة غير بالغة فلا يصح العقد حينئذ

His statement: {as long as he does not find her to be underage}, meaning, he does not find her to be a child who has not reached the age of maturity, in which case the union would be invalid.⁶

Al-Kulayni also reports about the age of maturity, for girls, in Islam:

علي، عن أبيه، عن ابن أبي عمير، عن رجل، عن أبي عبد الله عليه السلام قال:
قلت: الجارية ابنة كم لا تستصبي؟ ابنة ست أو سبع؟ فقال: لا ابنة تسع لا
تستصبي وأجمعوا كلهم على أن ابنة تسع لا تستصبي إلا أن يكون في عقلها
ضعف وإلا فهي إذا بلغت تسعا فقد بلغت.

‘Ali – his father – Ibn Abi ‘Umayr – a man:

I said, “When does the girl cease to be a child? At the age of six or seven?” So, he said, “No. **She ceases to be a child at the age of nine**; and they all unanimously agree that a girl of nine years is no longer a child, except if there is weakness in her intelligence. **Otherwise, when she reaches the age of nine, she has matured.**”⁷

Al-Majlisi declares:

حسن

Hasan.8

In reality, the *hadith* is *mursal*. However, there is a strengthening *shahid* for it in this *hadith* of Shaykh al-
usi (d. 460 H):

عنه عن ابن محبوب عن أبي أيوب عن يزيد الكناسي عن أبي جعفر عليه السلام
قال: الجارية إذا بلغت تسع سنين ذهب عنها اليتيم وزوجت

And from him (i.e. Ahmad b. Muhammad) – Ibn Mahbub – Abu Ayub – Yazid ak-Kunasi – Abu Ja'far, peace be upon him:

When the girl reaches the age of nine, her orphanhood ceases, and she is married.⁹

‘Allamah Al-Ruhani comments:

حسن أو صحيحه

*Hasan or Sahih.*¹⁰

Al-Kulayni too has this further *shahid*:

عنه، عن الحسن، عن جعفر بن سماعة، عن آدم بياع اللؤلؤ، عن عبد الله بن سنان، عن أبي عبد الله عليه السلام قال: إذا بلغ الغلام ثلاث عشرة سنة كتبت له الحسنه وكتبت عليه السيئة وعوقب، وإذا بلغت الجارية تسع سنين فكذا ذلك وذلك أنها تحيض لتسع سنين.

From him (i.e. Humayd) – al-Hasan – Ja'far b. Sama'ah – Adam – ‘Abd Allah b. Sinan – Abu ‘Abd Allah, peace be upon him:

When the boy reaches the age of thirteen, his good deeds are recorded and his evil deeds are also recorded, and he is punished (for his sins and crimes). **When the girl reaches the age of nine, she becomes like that too;** and that is because she menstruates at the age of nine.”¹¹

And al-Majlisi states:

موثق

*Muwaththaq.*¹²

Al-Ruhani too concurs:

موثق

Al-Kulayni also documents one more *shahid*:

علي بن إبراهيم، عن أبيه، ومحمد بن يحيى، عن أحمد بن محمد جميعاً، عن ابن
أبي عمير، عن حماد، عن الحلبي عن أبي عبد الله عليه السلام قال: قال: إذا
تزوج الرجل الجارية وهي صغيرة فلا يدخل بها حتى يأتي لها تسع سنين.

‘Ali b. Ibrahim – his father AND Muhammad b. Yahya – Ahmad b. Muhammad – Ibn Abi ‘Umayr –
Hammad – al-Halabi – Abu ‘Abd Allah, peace be upon him:

When a man marries a girl while she is still immature, **then he must not have sexual intercourse with her until she reaches the age of nine.** 14

Al-Majlisi comments:

صحيح

Sahih. 15

Al-Ruhani too says:

صحيح

Sahih. 16

This *hadith* – which is about permanent marriages – nonetheless establishes a universal principle: a girl theoretically becomes a woman, capable of having sexual intercourse, at the age of nine. Therefore, the Shi’i man seeking a *mut’ah* marriage must himself be at least thirteen years old, while the girl must have reached the age of nine. Otherwise, the *mut’ah* would be unlawful.

Our Shi’i man is above thirteen, *alhamdulillah*; and he has his eyes on a particular Muslim woman who is above nine too. So, what must he do next? In our modern, heavily Westernized world, the age of consent has been statutorily fixed in most countries. This is why the Shi’i man must be careful here. He does not have to get himself into trouble simply because he wants to do *mut’ah*. Therefore, in fulfilment of the obligations of *taqiyyah*, he must respect the statutory age of consent in his country of residence.

Usually, the man and the woman are considered legally capable of consensual intercourse starting from the age of 18 (eighteen). The Shi'i man, then, must obey that, as long as he has no other trouble-free option. *Taqiyyah* is indeed a shield, and a blessing, to the believers.

Now, our man lives in a Western(ized) country, and he has been able to find a woman who is eighteen years old or above. In that case, he must confirm the marital status of the woman he intends to do *mut'ah* with. If she is married – whether in *mut'ah* or permanently, then she is automatically and *absolutely* disqualified¹⁷. Normally, the man should be able to easily confirm the marital status of the woman through her neighbours, friends or colleagues. In case that becomes difficult, then if he is able to confirm directly from the woman, that is even better. Whatever she says about herself is believed to be true. Al-Kulayni says:

عدة من أصحابنا، عن أحمد بن محمد بن عيسى، عن الحسين بن سعيد، عن فضالة، عن ميسر قال: قلت لأبي عبد الله عليه السلام: ألقى المرأة بالفلاة التي ليس فيها أحد فأقول لها: هل لك زوج؟ فتقول: لا، فأتزوجها؟ قال: نعم هي المصدقة على نفسها.

A number of our companions – Ahmad b. Muhammad b. 'Isa – al-Husayn b. Sa'id – Fa'alalah – Maysar:

I said to Abu 'Abd Allah, peace be upon him, "I met a woman in the wilderness in which there was no one else. So I said to her, 'Do you have a husband?' She said, 'No.' Do I marry her?" He said, "Yes.

She is the trustworthy one concerning herself."¹⁸

Al-Majlisi says:

صحيح

*Sahih*¹⁹

After determining that the woman has no husband – whether she is single, divorced or widowed and is available for marriage – then, the Shi'i man must establish that she is also *morally* eligible for *mut'ah*. The Qur'an has forbidden certain categories of men and women for marriage – whether permanently or temporarily:

الزاني لا ينكح إلا زانية أو مشركة والزانية لا ينكحها إلا زان أو مشرك وحرم

ذلك على المؤمنين

The **fornicator** shall not marry any but a **fornicatress** or an **idolatress**; and the fornicatress, none shall marry her but a fornicator or an idolater: **and that is made *haram* for the believers**.²⁰

Yes, it is *haram* for the Shi'i man to marry a fornicatress or an idolatress. As such, he must investigate the moral uprightness and *tawhid* of whoever he seeks to do *mut'ah* with. If the woman is a Muslimah, but a fornicatress, marriage with her – permanently or temporarily – is *haram*. Moreover, if she is morally upright but associates others with Allah in His attributes, functions, roles, or in worship of Him or *du'a* to Him, then *mut'ah* with her is still forbidden. The same goes for the Muslim woman who wants to practise temporary marriage as well. She must investigate the morality and Islamic monotheism of her proposed husband. If he fails in either, he is *haram* to her for *mut'ah* or permanent marriage.

Al-Riḡusi documents in this regard:

أحمد بن محمد بن عيسى عن محمد بن إسماعيل بن بزيع قال: سألت رجلاً
الرضا عليه السلام وأنا اسمع عن الرجل يتزوج المرأة متعة ويشترط عليها أن
لا يطلب ولدها فتأتي بعد ذلك بولد فينكر الولد فشدد في ذلك وقال يجحد؟
وكيف يجحد أعظاماً لذلك؟ قال الرجل فان اتهمها قال: لا ينبغي لك أن تتزوج إلا
مأمونة أن الله يقول: الزاني لا ينكح إلا زانية أو مشركة والزانية لا ينكحها إلا زان
أو مشرك وحرم ذلك على المؤمنين

Ahmad b. Muhammad b. 'Isa – Muhammad b. Isma'il b. Bazi':

A man asked al-Riḡa, peace be upon him, while I was listening, about **the man who marries the woman in *mut'ah*** and he imposes a condition upon her that he will not seek her child. But, she later comes with a child and he severely denies the child. So, he (al-Riḡa) said, "Does he deny? How can he deny primarily because of that?" **Then, the man said, "What if he accuses her (of fornication)?" He (al-Riḡa) said, "It is not appropriate for you to marry except a faithful woman.** Verily, Allah the Almighty says: {The fornicator shall not marry any but a fornicatress or an idolatress; **and the fornicatress, none shall marry her but a fornicator or an idolater:** and that is made *haram* for the believers}.²¹

Al-Majlisi states:

صحيح

Sahih.22

Al-Ruhani concurs:

صحيح

Sahih.23

This is equally emphasized in this noble *ayah*:

اليوم أحل لكم الطيبات وطعام الذين أوتوا الكتاب حل لكم وطعامكم حل لهم
والمحصنات من المؤمنات والمحصنات من الذين أوتوا الكتاب من قبلكم إذا
آتينموهن أجورهن محصنين غير مسافحين ولا متخذي أخدان

Today, the good things are made *halal* to you; and the food of those who were given the Book is *halal* for you, and your food is *halal* for them; **and also (*halal* to you are) the CHASTE ONES from the believing women** and the chaste ones from those who were given the Book before you, when you have given them their dowries, taking (them) in marriage, not fornicating (with them), nor taking them as girlfriends.²⁴

So, *mut'ah* is allowed, as a general rule, only with faithful, chaste believing or Muslim men and women, who are not fornicators, adulterers or fornicatresses. Unchaste believing women are NOT *halal* to the Shi'i man. As such, marriage – permanent or temporary – with any unchaste woman or fornicatress is *haram*. Meanwhile, once a man or a woman has repented from *zina*, he or she no longer falls in the forbidden categories, as al-Kulayni confirms:

حميد بن زياد، عن الحسن بن محمد بن سماعة، عن أحمد بن الحسن الميثمي،
عن أبان، عن حكم بن حكيم، عن أبي عبد الله عليه السلام في قوله عز وجل:
والزانية لا ينكحها إلا زان أو مشرك قال: إنما ذلك في الجهر ثم قال: لو أن
إنسانا زنى ثم تاب تزوج حيث شاء.

Humayd b. Ziyad – al-Hasan b. Muhammad b. Sama'ah – Ahmad b. al-Hasan al-Maythami – Aban – Hakam b. Hakim – Abu 'Abd Allah, peace be upon him, concerning His Statement, the Almighty {**and the fornicatress, none shall marry her but a fornicator or an idolater**}:

“That is only in the publicity (of the fornication)”. Then, he (Abu 'Abd Allah) said, “**If a person commits *zina*, and then repents, they can marry wherever they wish (in the *halal* categories).**”²⁵

Al-Majlisi comments:

موثق

Muwaththaq.²⁶

Also, to determine the moral and religious status of the Muslim woman, obviously, the Shi'i man must carry out thorough investigations, as al-Kulayni reports:

محمد بن يحيى، عن أحمد بن محمد، عن ابن محبوب، عن أبان، عن أبي مريم،
عن أبي جعفر عليه السلام أنه سئل عن المتعة فقال: إن المتعة اليوم ليس كما
كانت قبل اليوم إنهن كن يومئذ يؤمن واليوم لا يؤمن فاسألوا عنهن.

Muhammad b. Yahya – Ahmad b. Muhammad – Ibn Mahbub – Aban – Abu Maryam:

Abu Ja'far, peace be upon him, was asked about *mut'ah*. So, he said, “Verily, *mut'ah* today is not as it used to be in the past. They (i.e. the women) used to be faithful. But, today, they are not faithful.

Therefore, investigate about them (i.e. the women).²⁷

Al-Majlisi says:

موثق كالصحيح

*Muwaththaq ka al-Sahih*²⁸

If the investigations reveal that she is unchaste or a fornicatress, then the Shi'i man must look for another woman. Interestingly, even where the man is unable to personally get solid evidence of her debauchery, but notices that people widely think of her as being promiscuous, he must forget about her in that case too. Al-Kulayni records:

علي بن إبراهيم، عن محمد بن عيسى، عن يونس، عن محمد بن الفضيل
قال: سألت أبا الحسن عليه السلام عن المرأة الحسناء الفاجرة هل يجوز للرجل
أن يتمتع منها يوماً أو أكثر؟ فقال: إذا كانت مشهورة بالزنا فلا يتمتع منها ولا
ينكحها.

‘Ali b. Ibrahim – Muhammad b. ‘Isa – Yunus – Muhammad b. al-Fuṣayl:

I asked Abu al-Hasan, peace be upon him, about the beautiful woman who is a prostitute: is it permissible for the man to do *mut’ah* with her for a day or more?” He said: “**If she is famous for *zina*, then he must NOT do *mut’ah* with her and also must NOT marry her (permanently).**”²⁹

Al-Majlisi comments:

موثق

Muwaththaq (Reliable)³⁰

However, it may happen that the Shi’i man is unable to determine the moral uprightness of the woman. Perhaps, her neighbours do not know much about her, because she came into their community only recently. Or, the Shi’i man is unable to approach her neighbours and colleagues for one good reason or another. Or, she was once famous for *zina*; but, there have been rumours of her total repentance. What does the Shi’i man do in such a situation? Al-Kulayni has the answer:

علي بن إبراهيم، عن أبيه، عن ابن أبي عمير رفعه، عن عبد الله بن أبي يعفور،
عن أبي عبد الله عليه السلام قال: سألتها عن المرأة ولا أدري ما حالها أيتزوجها
الرجل متعة؟ قال: يتعرض لها فإن أجابته إلى الفجور فلا يفعل

‘Ali b. Ibrahim – his father – Ibn Abi ‘Umayr – ‘Abd Allah b. Abi Ya’fur:

I asked Abu ‘Abd Allah, peace be upon him, about the woman whose state I do not know, does the man marry her in *mut’ah*? He said, “**He presents to her. If she responds to him in favour of unlawful sex, then, he must NOT.**”³¹

Al-Majlisi says:

This is a last resort measure – where no other one is possible – to identify the moral status of the woman. The man proposes a boyfriend–girlfriend relationship, a cohabitation or a concubinage (all of which are forms of *zina*) with her. If she accepts, then she is a fornicatress. The Shi'i man must NOT contract *mut'ah* with her. However, if she rejects pre-marital and extra-marital sex, then she is clean for marriage.

Shaykh Ibn Taymiyyah (d. 728 H) presents the Sunni view on this, as well:

وكذلك المرأة التي زنا بها الرجل فإنه لا يتزوج بها إلا بعد التوبة في أصح
القولين كما دل عليه الكتاب والسنة والآثار لكن إذا أراد أن يمتحنها هل هي
صحيحة التوبة أم لا فقال عبدالله ابن عمر وهو المنصوص عن أحمد أنه
يراودها عن نفسها فإن أجابته لم تصح توبتها وإن لم تجبه فقد تابت

The woman who committed fornication with the man is like that too. He cannot marry her except after repentance, according to the more correct of the two opinions, as established by the Book, the *Sunnah* and the *athar*. However, if he intends to test her, whether it is a genuine repentance or not, **then 'Abd Allah b. 'Umar said – and this is also what is reported from Ahmad (b. Hanbal) – that he should propose fornication to her. If she responds positively to him, her repentance is not genuine. But, if she does not respond positively to him, then she has (genuinely) repented.**³³

Al-Kulayni continues further with the Shi'i position:

محمد بن يحيى، عن محمد بن أحمد، عن أحمد بن الحسن، عن عمرو بن
سعيد، عن مصدق بن صدقة، عن عمار بن موسى، عن أبي عبد الله عليه
السلام قال: سألته عن الرجل يحل له أن يتزوج امرأة كان يفجر بها؟ فقال: إن
أنس منها رشداً فنعم وإلا فليراودنها على الحرام فإن تابعتة فهي عليه حرام وإن
أبت فليتزوجها.

Muhammad b. Yahya – Muhammad b. Ahmad – Ahmad b. al-Hasan – 'Amr b. Sa'id – Musaddiq b. Sadaqah – 'Ammar b. Musa:

I asked Abu ‘Abd Allah, peace be upon him, about the man, “Can he marry a woman with whom he committed fornication?” So, he said, “**If he sees right guidance in her, then yes. If not, he should propose the *haram* to her. If she follows him, then she is *haram* to him. But, if she refuses, then he should marry her.**”³⁴

Al-Majlisi comments:

موثق

Muwaththaq.35

Al-Ruhani concurs:

موثق

Muwaththaq.36

This one establishes a powerful principle in *mut’ah*, as well. If a girl is willing to perform *zina* with the Shi’i man – such as casual sex, boy–friend–girlfriend relationship, cohabitation and concubinage – then, she is *haram* to him for marriage – permanent or temporary. It is also a sign that she is one of those who have not repented from fornication. Marriage to a woman is *halal* only if she is chaste or after her genuine repentance.

So, the Muslim woman must be (a) unmarried and available for marriage, (b) chaste and (c) not famous for *zina* among the people. With these three conditions fulfilled, the stage is set for a valid *mut’ah*.

Meanwhile, something must be quickly mentioned here. There is a group among Muslims who are known as the Nawasib. These are people who openly express or manifest violence, ill–will, hatred, mockery or insult against any of the Twelve Imams or Sayyidah Faṭimah, ‘*alaihim al-salam*. The *Sunnah* has forbidden *nikah* to such people too, in addition to fornicators and idolaters. Al-Kulayni, for instance, documents:

محمد بن يحيى، عن أحمد بن محمد، عن ابن محبوب، عن جميل بن صالح،
عن فضيل ابن يسار، عن أبي عبد الله عليه السلام قال: لا يتزوج المؤمن
الناصبة المعروفة بذلك.

Muhammad b. Yahya – Ahmad b. Muhammad – Ibn Mahbub – Jamil b. Salih – Fuṣṭayl b. Yasar – Abu ‘Abd Allah, peace be upon him:

The believer must not marry the Nasibi woman who is well-known with that.³⁷

Al-Majlisi states:

صحيح

Sahih.38

Al-Ruhani agrees:

صحيح

Sahih.39

Al-Kulayni also says:

محمد بن يحيى، عن أحمد بن محمد، عن عبد الرحمن بن أبي نجران، عن عبد الله بن سنان قال: سألت أبا عبد الله عليه السلام عن الناصب الذي قد عرف نصبه وعداوته هل نزوجه المؤمنة وهو قادر على رده وهو لا يعلم برده؟ قال: لا يزوج المؤمن الناصبة ولا يتزوج الناصب المؤمنة ولا يتزوج المستضعف مؤمنه.

Muhammad b. Yahya – Ahmad b. Muhammad – ‘Abd al-Rahman b. Abi Najran – ‘Abd Allah b. Sinan:

I asked Abu ‘Abd Allah, peace be upon him, about the Nasibi man, whose Nasibism and enmity (against any of the Twelve Imams or Sayyidah Faṭimah) is well-known, “Can we marry a believing woman to him, while he is capable of rejecting it but does not know of its rejection?” He said, “**The believing man cannot marry the Nasibi woman, and the Nasibi man cannot marry a believing woman**, and the *musta’af* man cannot marry the believing woman.”⁴⁰

Al-Majlisi states:

صحيح

Sahih.41

And al-Ruhani concurs:

صحيح

Sahih.42

As such, the Shi'i man, and the Shi'i woman, must confirm that their prospective *mut'ah* partners are not from the Nawasib. Even if such people are absolutely chaste, *nikah* to them is *haram* nonetheless.

The other people similarly disqualified are the Khawarij and the Murjiah, according to this *hadith* of al-Kulayni:

أبو علي الأشعري، عن محمد بن عبد الجبار، عن صفوان بن يحيى، عن عبد الله بن مسكان، عن يحيى الحلبي، عن عبد الحميد الطائي، عن زرارة بن أعين قال: قلت لأبي عبد الله عليه السلام: أتزوج بمرجئة أو حرورية؟ قال: لا، عليك بالبله من النساء

Abu 'Ali al-Ash'ari – Muhammad b. 'Abd al-Jabbar – Safwan b. Yahya – 'Abd Allah b. Miskan – Yahya b. al-Halabi – 'Abd al-Hamid al-Ṣafai – Zurarah b. A'yan:

I said to Abu 'Abd Allah, peace be upon him, “**Can I marry a Murji or Haruri (i.e. Khariji) woman?**” He said, “**No. You should marry the innocent ones among the women.**”⁴³

Al-Majlisi comments:

صحيح

Sahih.44

Shaykh Hadi al-Najafi too says:

الرواية صحيحة الإسناد

The report has a *sahih* chain⁴⁵

The Nawasib in our times include those who mock our Twelfth Imam, ‘*alaihi al-salam*, calling him “the dajjal” or a coward. Others are those who label Imam al-Husayn, ‘*alaihi al-salam*, “a rebel” for rising against the illegitimate *khilafah* of Yazid, and those who attribute ignorance to any of the Twelve Imams. Also, those who routinely rush to reject authentic Sunni *ahadith*, which are in favour of the Twelve Imams or any of them, without any genuine excuse, are among the Nasibis as well. Nothing spurs them into doing that except their Nasibism. As for the Khawarij, they include everyone who identifies the Shi’is generally as *kuffar*, and everyone kills Shi’is on account of their *madhhab*, and everyone is pleased with both misdeeds. The Murjiah, on their part, include anyone who believes that whatsoever atrocities a Sahabi is perfectly proved, through even the Sunni books, to have committed, he was nonetheless a saint and will be in *Jannah*. Marriage – temporary or permanent – is forbidden with these people and others like them, no matter their level of chastity.

Mut’ah With Christian And Jewish Women

The above, of course, is the general rule. However, what happens when the Shi’i man in need of *mut’ah* is unable to find a suitable Muslim spouse? Well, the Book of Allah has made certain concessions in this regard:

اليوم أحل لكم الطيبات وطعام الذين أوتوا الكتاب حل لكم وطعامكم حل لهم
والمحصنات من المؤمنات والمحصنات من الذين أوتوا الكتاب من قبلكم إذا
آتيتموهن أجورهن محصنين غير مسافحين ولا متخذي أخدان

Today, the good things are made *halal* to you; and the food of those who were given the Book is *halal* for you, and your food is *halal* for them; and also (*halal* to you are) the chaste ones from the believing women **and the chaste ones from those who were given the Book before you**, when you have given them their dowries, **taking (them) in marriage, not fornicating (with them), nor taking them as girlfriends.**⁴⁶

This verse is in the last revealed *Surah* of the Qur’an. As such, it is the last law of Allah on the issue of marriage with non-Muslim women, and therefore effectively modifies the previous rulings. So, while *mut’ah* with non-Muslims is ordinarily *haram*, our Lord eventually allowed us to marry those of them who follow a religion that once adhered to a scripture from Him. These are primarily Jews and Christians today. Therefore, the Shi’i man is allowed to wed a Jewess or a Christian woman in *mut’ah*, as long as

the following conditions are fulfilled:

- (a) she is unmarried and available for marriage;
- (b) she is chaste;
- (c) the purpose of the union is marriage and not fornication;
- (d) she must not be taken as a girlfriend; and
- (e) she must be paid her dowry.

However, a Muslim woman is absolutely forbidden from marrying absolutely *any* non-Muslim man – whether temporarily or permanently⁴⁷.

‘Allamah al-Hurr al-‘Amili (d. 1104 H) also records this *hadith* for the Shi’i man:

محمد بن الحسن بإسناده عن أحمد بن محمد بن عيسى، عن إسماعيل بن سعد الأشعري قال: سألته عن الرجل يتمتع من اليهودية والنصرانية قال: لا أرى بذلك بأساً، قال: قلت: فالمجوسية؟ قال: أما المجوسية فلا.

Muhammad b. al-Hasan with his *isnad* from Ahmad b. Muhammad b. ‘Isa – Isma’il b. Sa’d al-Ash’ari:

I asked him (i.e. the Imam) about the man who does *mut’ah* with a Jewess or a Christian woman. He said, “I see no problem with that.” I said, “What about a Zoroastrian woman?” He said, “As for a Zoroastrian woman, then no.”⁴⁸

Ayatullah Sadiq al-Ruhani comments about the report:

موثق

Muwaththaq (Reliable)⁴⁹

The *hadith* can indeed be found in *al-Tahdhib* of al-‘usi:

وعنه عن إسماعيل بن سعد الأشعري قال: سألته عن الرجل يتمتع من اليهودية والنصرانية قال: لا أرى بذلك بأساً قال: قلت بالمجوسية؟ قال: وأما المجوسية

فلا.

And from him from Isma'il b. Sa'd al-Ash'ari:

I asked him (i.e. the Imam) about the man who does *mut'ah* with a Jewess or a Christian woman. He said, "I see no problem with that." I said, "What about a Zoroastrian woman?" He said, "As for a Zoroastrian woman, then no."⁵⁰

Al-Majlisi states:

صحيح

Sahih.⁵¹

Meanwhile, if the Shi'i man is able to find a chaste Jewess or a Christian woman who agrees to do *mut'ah* with him, there are still some other conditions which she must consent to. Al-Busi reports:

وروى محمد بن يعقوب عن محمد بن يحيى عن أحمد بن محمد عن الحسن بن محبوب عن معاوية بن وهب وغيره عن أبي عبد الله عليه السلام في الرجل المؤمن يتزوج باليهودية والنصرانية قال: إذا أصاب المسلمة فما يصنع باليهودية والنصرانية، فقلت له: يكون له فيها الهوى فقال: ان فعل فليمنعها من شرب الخمر واكل لحم الخنزير، واعلم أن عليه في دينه في تزويجه إياها غضاظة.

Muhammad b. Ya'qub – Muhammad b. Yahya – Ahmad b. Muhammad – al-Hasan b. Mahbub – Mu'awiyah b. Wahb and others – Abu 'Abd Allah, peace be upon him, who said concerning a believing man who seeks to marry a Jewess or a Christian woman:

"If he finds a Muslim woman, then what is he doing with the Jewess or Christian woman?"

So, I (Mu'awiyah) said to him, "He loves her."

Then, he said, "If he does, **then he must forbid her from drinking alcohol and from eating pork**. And know that in his marriage to her, there is a blemish upon him in his religion."⁵²

Al-Majlisi declares:

Sahih.53

And al-Ruhani concurs:

Sahih54

Apparently, *mut'ah* with a Jewish or Christian woman is highly discouraged where a Muslim woman is available, although not forbidden. Moreover, such a marriage constitutes a blemish on the religion of the man who performs it.

In any case, before a temporary marriage can proceed with a Jewess or Christian woman, she must:

- (i) be unmarried and available for marriage;
- (ii) be chaste, and not a fornicatress;
- (iii) agree to stop drinking alcohol or eating pork throughout the duration of the marriage.

If she agrees, then the Shi'i man may contract the *mut'ah* with her. Otherwise, he must avoid it altogether.

Let us say that the Shi'i man finds a willing, chaste, qualified Muslim woman, or a chaste Jewess or Christian woman who agrees to avoid alcohol and pork during the marriage. Then, what next?

The Case Of The Virgin Woman

In the case of a "virgin" woman, there are still further steps to take. Note that a "virgin", in principle, is any woman who has never married. It does not matter whether she still has her hymen undamaged or not. As long as she has never married, she is technically considered a "virgin" by the *Shari'ah*. To "deflower" her is, then, to have penetrative sex with her, whether her hymen is still intact or had been broken⁵⁵. Ayatullah al-Ruhani states:

وعن الشيخ في كتاب الفروع والحلي والمحقق والمصنف في جملة من كتبه
وأكثر المتأخرين: إن المراد بالبكر غير المحصن

And from Shaykh in *Kitab al-Furu'*, and al-Hilli, al-Muhaqqiq and the author in part of his books, and the majority of the later scholars: **what is meant by the “virgin” is the one who has never married.**⁵⁶

First and foremost, it is *makruh* (disliked) to do *mut'ah* with a virgin, as al-Kulayni documents:

علي بن إبراهيم، عن أبيه، عن ابن أبي عمير، عن حفص بن البختري، عن أبي
عبد الله عليه السلام قال: في الرجل يتزوج البكر متعة، قال: يكره للعيب على
أهلها.

‘Ali b. Ibrahim – his father – Ibn Abi ‘Umayr – Hafs b. al-Bakhtari:

Abu ‘Abd Allah, peace be upon him, said concerning the man who marries the virgin in *mut'ah*: **“It is *makruh* due to the blemish upon her family.”**⁵⁷

Al-Majlisi comments:

حسن

*Hasan.*⁵⁸

Then, he adds:

ويدل على كراهة التمتع بالبكر مطلقا

And it proves that *mut'ah* with a virgin is *makruh* in all situations.⁵⁹

However, in our view – based upon the apparent text of the *hadith* – the temporary marriage with the virgin is disliked only where it will constitute a blemish on her family. Otherwise, it is encouraged. This situation can occur where the virgin woman and her family reside within a predominantly Sunni community, where ignorance about *mut'ah* is severe. The Ahl al-Sunnah generally equate it with fornication, in denial of the Qur'an and their own *sahih ahadith*. Nonetheless, even in such a circumstance, *mut'ah* with the virgin woman is not *haram* (prohibited). Therefore, the Shi'i man may still go ahead with it anyway, if the woman and her family agree.

Al-ʿUsi too has the *hadith* through another *ʿariq*:

محمد بن أحمد بن يحيى عن يعقوب بن يزيد عن محمد ابن أبي عمير عن حفص بن البختري عن أبي عبد الله عليه السلام في الرجل يتزوج البكر متعة قال: يكره للعيب على أهلها.

Muhammad b. Ahmad b. Yahya – Ya'qub b. Yazid – Muhammad b. Abi 'Umayr – Hafs b. al-Bakhtari:

Abu 'Abd Allah, peace be upon him, said concerning the man who marries the virgin in *mut'ah*: “**It is *makruh* due to the blemish upon her family.**”⁶⁰

Al-Majlisi says:

صحيح

Sahih.⁶¹

So, what if our man lives in a Shi'i society, where *mut'ah* is well-respected? Well, even in such a case or in any other, he is still subject to further restrictions, as long as his proposed temporary spouse is a virgin. Al-Kulayni records:

محمد بن يحيى، عن أحمد وعبد الله ابني محمد بن عيسى، عن علي بن الحكم، عن زياد بن أبي الحلال قال: سمعت أبا عبد الله عليه السلام يقول: لا بأس بأن يتمتع بالبكر ما لم يفض إليها مخافة كراهية العيب على أهلها.

Muhammad b. Yahya – Ahmad and 'Abd Allah, sons of Muhammad b. 'Isa – 'Ali b. al-Hakam – Ziyad b. Abi al-Hilal:

I heard Abu 'Abd Allah, peace be upon him, saying: “**There is no problem in doing *mut'ah* with the virgin as long as he does not have intercourse with her**, for fear of the disgust of the blemish upon her family.”⁶²

Al-Majlisi declares:

صحيح

Obviously, if sex is one of the aims of the Shi'i man in seeking a *mut'ah*, he has to forgo the virgin women.

But, there is a quick issue here, on account of this *hadith* of al-Kulayni:

علي بن إبراهيم، عن أبيه، عن ابن أبي عمير، عن حماد، عن الحلبي، عن أبي عبد الله عليه السلام في رجل دخل بامرأة قال: إذا التقى الختانان وجب المهر والعدة.

‘Ali b. Ibrahim – his father – Ibn Abi ‘Umayr – Hammad – al-Halabi:

Abu ‘Abd Allah, peace be upon him, said about a man who has sexual intercourse with a woman:

“When the two circumcised parts meet, the dowry and the *‘iddah* become compulsory.”⁶⁴

Al-Majlisi says:

حسن

This *hadith* is explicit. The payment of the dowry becomes “obligatory” only after the *mut'ah* couple have had intercourse. Before that, it is only voluntary. Does this then mean that the virgin girl receives no dowry – or that the man is not under any obligation to give her – since there is no sex in her *mut'ah*? Well, the above *hadith* apparently refers to a marriage – permanent or temporary – where sex is not explicitly ruled out. Therefore, where its exclusion is agreed between the two *mut'ah* parties as part of their union, and it does not take place, then neither the dowry nor the *‘iddah* period is obligatory. However, if a Shi'i man commits to pay the dowry to a virgin without having intercourse with her, then he must fulfil his commitment. Al-Kulayni reports:

عدة من أصحابنا، عن سهل بن زياد، وأحمد بن محمد جميعاً، عن ابن محبوب، عن عبد الله بن سنان، عن أبي عبد الله عليه السلام قال: سمعته يقول: من اشترط شرطاً مخالفاً لكتاب الله فلا يجوز له ولا يجوز على الذي اشترط عليه والمسلمون عند شروطهم فيما وافق كتاب الله عز وجل.

A number of our companions – Sahl b. Ziyad AND Ahmad b. Muhammad – Ibn Mahbub – ‘Abd Allah b. Sinan – Abu ‘Abd Allah, peace be upon him:

Whosoever makes a commitment that is contrary to the Book of Allah the Almighty, then it is not permissible for him, and it is not permissible for the beneficiary of the commitment. **The Muslims are by their commitments in whatever agrees with the Book of Allah the Almighty.**⁶⁶

Al-Majlisi submits:

صحيح

Sahih.⁶⁷

Al-Ruhani also concurs:

صحيح

Sahih.⁶⁸

Al-Ḥusī also documents:

عنه عن الحسن بن موسى الخشاب عن غياث بن كلوب عن إسحاق بن عمار
عن جعفر عن أبيه عليه السلام أن علي بن أبي طالب عليه السلام كان يقول:
من شرط لامرأته شرطا فليف لها به، فإن المسلمين عند شروطهم إلا شرط حرم
حلالا أو أحل حراما.

From him (al-Saffar) – al-Hasan b. Musa al-Khashshab – Ghiyath b. Kalub – Ishaq b. ‘Ammar – Ja’far – his father, peace be upon him:

‘Ali b. Abi Ḥalib, peace be upon him, used to say: “**Whosoever makes a commitment to his wife, he must fulfil it to her**, for the Muslims are by their commitments except a commitment that prohibits an *halal* or permits an *haram*.”⁶⁹

Al-Ruhani comments:

موثق

Muwaththaq.70

Therefore, if the *mut'ah* husband makes a commitment to the virgin to give her the (full) dowry despite the absence of intercourse, he must fulfil it. In fact, he would be wrong if he pegged its payment to sexual relations with her.

Let us say: our man does not want sex in his temporary marriage. He only seeks companionship. So, he is qualified to go into *mut'ah* with a willing virgin woman. Moreover, he lives in a society where it is not viewed as a blemish on the her family. Therefore, the stage is well set for them. Then, what else does he do?

He must enquire about her parents. If she has a father, then the Shi'i man must approach him for consent. Al-Kulayni documents:

محمد بن يحيى عن أحمد بن محمد، عن علي بن الحكم، عن علاء بن رزين، عن
ابن أبي يعفور، عن أبي عبد الله عليه السلام قال: لا تزوج نوات الآباء من
الأبكار إلا بإذن آبائهن.

Muhammad b. Yahya – Ahmad b. Muhammad – 'Ali b. al-Hakam – 'Ala b. Zarin – Ibn Abi Ya'fur – Abu 'Abd Allah, peace be upon him, said:

The virgins who have fathers cannot be married except with the permission of their fathers.⁷¹

Al-Majlisi says:

صحيح

*Sahih*⁷²

Then, he concludes:

ويدل على عدم جواز تزويج البكر مطلقا بدون إذن الأب.

And it proves the impermissibility, in all situations, of marriage to the virgin without the permission of the father.⁷³

Al-Ruhani declares as well about the *hadith*:

صحيح

*Sahih*⁷⁴

So, whether it is for permanent marriage or *mut'ah*, the consent of the virgin woman's father is obligatory. Al-⁴usi records to this effect too:

فاما رواه أحمد بن محمد عن محمد بن إسماعيل عن أبي الحسن ظريف عن
ابان عن أبي مريم عن أبي عبد الله عليه السلام قال: العذراء التي لها أب لا
تتزوج متعة إلا باذن أبيها.

Ahmad b. Muhammad – Muhammad b. Isma'il – Abu al-Hasan Zarif – Aban – Abu Maryam – Abu 'Abd
Allah, peace be upon him:

The virgin who has a father cannot be married in *mut'ah* except with the permission of her father.⁷⁵

Al-Majlisi comments:

موثق كالصحيح

*Muwaththaq ka al-Sahih*⁷⁶

Al-Ruhani also states:

صحيح

*Sahih*⁷⁷

Meanwhile, there is a crucial point which al-Majlisi mentions here, that must be taken note of:

ومنع جماعة من الأصحاب عن التمتع بالبكر مطلقا إلا بإذن أبيها والجد هنا كالأب.

A group of the companions unconditionally forbade *mut'ah* with the virgin except with the permission of her father; **and the grandfather here is like the father.**⁷⁸

Therefore, where the father is no more, but the paternal grandfather is still alive, his permission is obligatory too.

The Terms Of The Contract

Our Shi'i man is lucky. The father of the virgin woman is alive, and he gives his permission for the *mut'ah*. Alternatively, the father is dead, but the grandfather, who is alive, has allowed it. Or, neither the father nor the grandfather is alive. So, the man needs no-one's permission. Or, the woman is not a virgin, and only her consent matters. In any case, our Shi'i man now has the full go-ahead to contract the temporary marriage with his prospective wife.

As a result, they both want to set the terms of their *mut'ah*. First, they must agree on the dowry and the exact length of their union, as al-Kulayni reports:

عدة من أصحابنا، عن سهل بن زياد، ومحمد بن يحيى، عن أحمد بن محمد جميعا، عن ابن محبوب عن جميل بن صالح، عن زرارة، عن أبي عبد الله عليه السلام قال: لا تكون متعة إلا بأمرين أجل مسمى وأجر مسمى.

A number of our companions – Sahl b. Ziyad AND Muhammad b. Yahya – Ahmad b. Muhammad – Ibn Mahbub – Jamil b. Salih – Zurarah – Abu 'Abd Allah, peace be upon him, who said:

“*Mut'ah* does not exist except through two things: **a specified term and a specified dowry.**”⁷⁹

‘Allamah al-Majlisi says:

صحيح

*Sahih*⁸⁰

Then, he adds:

ويدل على اشتراط المهر وتعيين المدة في المنقطع كما هو المذهب.

It proves that the dowry must be given and that the term must be specified, in temporary marriage, which is the standard opinion.⁸¹

Al-Faḥḥusi also records:

أحمد بن محمد بن عيسى عن علي بن الحكم عن ابان عن إسماعيل بن الفضل الهاشمي قال: سألت أبا عبد الله عليه السلام عن المتعة فقال: مهر معلوم إلى أجل معلوم.

Ahmad b. Muhammad b. ‘Isa – ‘Ali b. al-Hakam – Aban – Isma’il b. al-Faḥḥ al-Hashimi:

I asked Abu ‘Abd Allah, peace be upon him, about *mut’ah*. So, he said, “**A specified dowry for a specified period.**”⁸²

Al-Majlisi declares:

موثق كالصحيح

*Muwaththaq ka al-Sahih*⁸³

The dowry, for both permanent⁸⁴ and temporary⁸⁵ marriages, is sometimes called a “wage” in the Qur’an and *Sunnah*.

Al-Kulayni also records about the exact format of the *mut’ah* contract:

محمد بن يحيى، عن محمد بن الحسين، وعدة من أصحابنا، عن أحمد بن محمد، عن عثمان بن عيسى، عن سماعة، عن أبي بصير قال: لا بد من أن تقول في هذه الشروط: أتزوجك متعة كذا وكذا يوما بكذا وكذا درهما نكاحا غير سفاح على كتاب الله عز وجل وسنة نبيه صلى الله عليه وآله وعلى أن لا ترثيني ولا أرتك وعلى أن تعتدي خمسة وأربعين يوما وقال: بعضهم حيضة.

Muhammad b. Yahya – Muhammad b. al-Husayn AND a number of our companions – Ahmad b. Muhammad – ‘Uthman b. ‘Isa – Sama’ah – Abu Basir:

You must say in these terms: “I marry you in *mut’ah* for such-and-such days with such-and-such amount, **in marriage and NOT for fornication or adultery, upon the Book of Allah the Almighty and the *Sunnah* of His Prophet, peace be upon him and his family**; and upon the condition that you shall not inherit me and I shall not inherit you; **and upon the condition that you do ‘iddah for forty-five days**” and some of them said, “a menstruation.”⁸⁶

Al-Majlisi comments:

موثق

Muwaththaq.⁸⁷

Al-Kulayni again reports:

علي بن إبراهيم، عن أبيه، عن ابن أبي نصر، عن ثعلبة قال: تقول: أتزوجك متعة على كتاب الله وسنة نبيه صلى الله عليه وآله نكاحا غير سفاح وعلى أن لا ترثيني ولا أرثك كذا وكذا يوما بكذا وكذا درهما وعلى أن عليك العدة.

‘Ali b. Ibrahim – his father – Ibn Abi Nasr – Tha’labah:

You should say: “I marry you in *mut’ah* upon the Book of Allah and the *Sunnah* of His Prophet, peace be upon him and his family, **in marriage and not for fornication or adultery**; and upon the condition that you shall not inherit me and I shall not inherit you; for such-and-such days and for such-and-such amount; **and upon the condition that you must observe the ‘iddah**.”⁸⁸

Al-Majlisi comments:

حسن موقوف

Hasan Mawquf.⁸⁹

Both *hadiths* are *mawquf*. However, they do inform us about how the companions of our Imams understood and practised *mut’ah*. Also, the fact that these two companions taught the same formula –

almost word-for-word – to others suggests that they did not invent it. Rather, they must have learnt it from the Ahl al-Bayt. This supposition is strengthened by the fact that both companions were teaching it as part of the religion. They, being righteous traditionists, would never have done that except if they had learnt the *sighah* from our Imams.

We understand from the two reports that:

- (a) the exact number of days for the *mut'ah* must be explicitly spelt out before both parties agree to it;
- (b) the exact amount of the dowry must equally be mutually agreed upon and explicitly stated;
- (c) the fact that the marriage is being done in compliance with the Qur'an and *Sunnah* must also be explicitly declared;
- (d) the fact that the intention of the *mut'ah* is marriage and not fornication or adultery must be stated explicitly as well;
- (e) the condition that both parties shall not inherit each other may be explicitly declared, depending on their intention, as we shall soon explain; and
- (f) the condition that the woman must observe the required *'iddah* period for their union must be explicitly stated.

As for the dowry, it can be any amount, as long as both parties are satisfied with it. Al-Husayni documents:

الحسين بن سعيد عن النضر عن عاصم بن حميد عن محمد مسلم قال: سألت
أبا عبد الله عليه السلام كم المهر – يعني في المتعة – ؟ فقال: ما تراضيا عليه
إلى ما شاء من الأجل

Al-Husayn b. Sa'id – al-Na'ir – 'Asim b. Humayd – Muhammad b. Muslim:

I asked Abu 'Abd Allah, peace be upon him, "How much is the dowry, that is in *mut'ah*?" So, he said,
"Whatsoever they both mutually agree upon, up to whatsoever length of time he wishes."⁹⁰

Al-Majlisi proclaims:

صحيح

Al-Ruhani also says:

حسن

Hasan.92

Apparently, there is no minimum or maximum amount for the dowry. In the same manner, there is no minimum or maximum time length for the *mut'ah*.

On The Inheritance Rights Of The Spouses

With regards to the inheritance of the *mut'ah* wife specifically, it occurs where both parties mutually stipulate it as a condition of their *nikah*. Al-Kulayni documents:

علي بن إبراهيم، عن أبيه، عن أحمد بن محمد بن أبي نصر، عن أبي الحسن
الرضا عليه السلام قال: تزويج المتعة نكاح بميراث ونكاح بغير ميراث فإن
اشتطت كان وإن لم تشترط لم يكن.

‘Ali b. Ibrahim – his father – Ahmad b. Muhammad b. Abi Nasr – Abu al-Hasan al-Riḍā, peace be upon him:

The marriage of *mut'ah* is marriage with inheritance and marriage without inheritance. **If it is stipulated as a condition, then it occurs. But, if it is not stipulated as a condition, it does not occur.**⁹³

Al-Majlisi says:

حسن

Hasan.94

Al-Ruhani also states:

صحيح

This is also the *fatwa* of Shaykh al-ʿusi:

وأما الميراث فإنه اشترط أنها ترث ورثت وإن لم يشترط فليس لها ولا له ميراث
وليس يحتاج إلى أن يشترط أنها لا ترث لأن من شروط المتعة اللازمة أن لا
يكون بينهما توارث

As for inheritance, it is to be stipulated as a condition that she shall inherit and be inherited. If it is not stipulated as a condition, then there is no inheritance for her or for him. There is no need to stipulate that she shall not inherit because one of the default conditions of *mut'ah* is that there is no inheritance between both of them.⁹⁶

He too then documents this *shahid*:

الحسين بن سعيد عن النضر عن عاصم بن حميد عن عن محمد مسلم قال:
سألت أبا عبد الله عليه السلام كم المهر - يعني في المتعة - ؟ فقال: ما تراضيا
عليه إلى ما شاء من الأجل، قلت: رأييت أن حملت فقال: هو ولده فإن أراد أن
يستقبل أمرا جديدا فعل وليس عليها العدة منه وعليها من غيره خمسة وأربعون
ليلة وإن اشترطت الميراث فهما على شرطهما.

Al-Husayn b. Sa'id – al-Naʿr – 'Asim b. Humayd – Muhammad b. Muslim:

I asked Abu 'Abd Allah, peace be upon him, “How much is the dowry, that is in *mut'ah*?” So, he said, “Whatsoever they both mutually agree upon, up to whatsoever length of time he wishes.”

I said, “Tell me: what if she gets pregnant?” He said, “It is his child. And if he wishes to renew the union, he can do (that). In such a case, she would not be required to observe the *'iddah* in his case. However, for anyone else, she must observe forty-five nights. **Meanwhile, if inheritance is stipulated as a condition (of the *mut'ah*), then they both must comply with their condition.**”⁹⁷

Al-Majlisi comments:

Then, al-Ruhani also states:

حسن

Hasan.99

There are however a few *ahadith* that confuse some of our people. Their texts are obscure, most probably due to inadvertent deficiencies in the transmission of the narrators. Nonetheless, these narrators were not infallible, and are therefore excused. We know, of course, with total certainty – based upon the Verse of *al-Taḥīr*, *Hadith al-Thaqalayn* and several other *mutawatir* and *mu'tabar* reports in our sources – that the Ahl al-Bayt as a whole were absolutely uniform and consistent in their teachings. This is why their obscure *riwayat* are – as a standard Shi'i practice – interpreted in line with their explicit, authentic *ahadith*.

For instance, al-Kulayni says:

محمد بن يحيى، عن أحمد بن محمد، عن ابن فضال، عن ابن بكير، عن محمد بن مسلم قال: سمعت أبا جعفر عليه السلام يقول في الرجل يتزوج المرأة متعة: إنهما يتوارثان ما لم يشترطا وإنما الشرط بعد النكاح.

Muhammad b. Yahya – Ahmad b. Muhammad – Ibn Faṣṣāl – Ibn Bukayr – Muhammad b. Muslim:

I heard Abu Ja'far, peace be upon him, saying concerning the man who marries the woman in *mut'ah*: **“Verily, both of them inherit each other as long as they have not stipulated (a specified period as) a condition; and the condition is only after the marriage.”**¹⁰⁰

Al-Majlisi says:

موثق

Muwaththaq. 101

Explaining it, al-Ḥusī submits:

فالمراد بهذا الخبر إذا لم يشترطاً الأجل فإنهما يتوارثان دون أن يكون المراد به شرط الميراث

What is meant in this report is “if they have not stipulated the specified period as a condition”. In such a case, they both inherit each other (by default). What is meant is not the stipulation of inheritance as a condition. 102

Of course, where no specified period is specified as a condition, then the *nikah* is not *mut’ah*. Rather, it is a permanent marriage; and inheritance is automatic in it. But, when a specified period is stipulated as a condition, then it becomes *mut’ah*; and in *mut’ah*, inheritance is not automatic.

Another *hadith* that needs clarification is this one by al-ʿusi:

محمد بن أحمد بن يحيى عن أحمد بن محمد عن البرقي عن الحسن بن الجهم
عن الحسن بن موسى عن سعيد بن يسار عن أبي عبد الله عليه السلام قال:
سألت عن الرجل يتزوج المرأة متعة ولم يشترط الميراث قال: ليس بينهما
ميراث اشترط أو لم يشترط.

Muhammad b. Ahmad b. Yahya – Ahmad b. Muhammad – al-Barqi – al-Hasan b. al-Jahm – al-Hasan b. Musa – Sa’id b. Yasar:

I asked Abu ‘Abd Allah, peace be upon him, about the man who weds the woman in *mut’ah*, and he does not stipulate inheritance as a condition. He said, “**There is no inheritance between them, whether it (i.e. the exclusion of inheritance) is stipulated as a condition or not.**”¹⁰³

Al-Ruhani comments:

صحيح

Sahih. 104

And, al-ʿusi explains:

هذا الخبر المراد به ما قدمناه من أنه سواء اشترط أو لم يشترط فإنها لا ترث

فإنه ليس لها ميراث، وإنما يحتاج ثبوته إلى شرط لا ارتفاعه

The meaning of this report is what we previously stated, that whether it (i.e. the exclusion of inheritance) is stipulated as a condition or not, she does not inherit (ordinarily), there is no inheritance for her. Its existence needs a stipulated condition (affirming it), not its exclusion. 105

Al-Majlisi, also commenting upon this submission of al-Ḥusī, elucidates further:

قوله سواء اشترط أي: نفي الميراث

His statement “whether it is stipulated as a condition”, refers to the exclusion of inheritance. 106

So, where the parties explicitly exclude inheritance from their *mut’ah* or they keep completely silent about it, neither party inherits. If they intend to inherit each other, they must clearly declare it in their contract of *nikah*.

Mut’ah and its ‘Iddah Periods

Theoretically, *mut’ah* can be for as short as one second, or as long as one billion years or more. But, whatever the length, the woman may be required to observe an *‘iddah* period immediately after the marital union. If they had sexual intercourse during their *mut’ah*, or if their private parts touch, *‘iddah* becomes obligatory upon the woman. Al-Kulayni reports:

علي بن إبراهيم، عن أبيه، عن ابن أبي عمير، عن حماد، عن الحلبي، عن أبي عبد الله عليه السلام في رجل دخل بامرأة قال: إذا التقى الختانان وجب المهر والعدة.

‘Ali b. Ibrahim – his father – Ibn Abi ‘Umayr – Hammad – al-Halabi:

Abu ‘Abd Allah, peace be upon him, said about a man who has sexual intercourse with a woman: **“When the two circumcised parts meet, the dowry and the *‘iddah* become compulsory.”** 107

Al-Majlisi says:

Hasan. 108

Al-Ruhani also declares:

صحيح

Sahih. 109

Al-Kulayni further documents:

علي، عن أبيه، عن ابن أبي عمير، عن حفص بن البختري، عن أبي عبد الله عليه السلام قال: إذا التقى الختانان وجب المهر والعدة والغسل.

‘Ali – his father – Ibn Abi ‘Umayr – Hafs b. al-Bakhtari – Abu ‘Abd Allah, peace be upon him:

When the two circumcised parts meet, the dowry, the *‘iddah* and the bath become obligatory. 110

Al-Majlisi again states:

حسن

Hasan. 111

And al-Ruhani once more submits:

صحيح

Sahih. 112

So, basically, the *‘iddah* is not obligatory until when the private parts of both spouses meet. Therefore, the question to ask is: did their private parts meet? If the answer is a “yes”, then she must observe the *‘iddah* period immediately after their separation.

There are, however, some exceptions. For instance, al-Kulayni records:

حميد بن زياد، عن ابن سماعة، عن محمد بن زياد، عن عبد الله بن سنان، عن أبي عبد الله عليه السلام قال: قضى أمير المؤمنين عليه السلام في المتوفى عنها زوجها ولم يمسهـا قال: لا تنكح حتى تعتد أربعة أشهر وعشرا، عدة المتوفى عنها زوجها.

Humayd b. Ziyad – Ibn Sama’ah – Muhammad b. Ziyad – ‘Abd Allah b. Sinan – Abu ‘Abd Allah, peace be upon him:

Amir al-Muminin, peace be upon him, decided concerning the woman whose husband died, leaving her, before ever having intercourse with her. He said, “She cannot re-marry until after observing the *‘iddah* for four months and ten days, the *‘iddah* of the woman whose husband dies.”¹¹³

Al-Majlisi comments:

موثق

Muwaththaq.¹¹⁴

Therefore, the widow must observe the *‘iddah*, whether her private parts ever met that of her dead *mut’ah* husband, or not.

The other exceptions to the *‘iddah* rule are given in this *hadith* of al-Kulayni:

أبو علي الأشعري، عن محمد بن عبد الجبار، والرزاز، عن أيوب بن نوح، وحميد بن زياد، عن ابن سماعة جميعا، عن صفوان، عن محمد بن حكيم، عن محمد بن مسلم، عن أبي جعفر عليه السلام قال: التي لا تحبل مثلها لا عدة عليها.

Abu ‘Ali al-Ash’ari – Muhammad b. ‘Abd al-Jabbar AND al-Razzaz – Ayyub b. Nuh AND Humayd b. Ziyad – Ibn Sama’ah – Safwan – Muhammad b. Hakim – Muhammad b. Muslim – Abu Ja’far, peace be upon him:

The one whose likes cannot become pregnant, there is no *‘iddah* upon her.¹¹⁵

Al-Majlisi declares:

حسن.

Hasan.116

Al-Ruhani agrees with him:

حسن

Hasan.117

This is an obvious reference to underage girls – technically, any female below the age of nine – and women who have absolutely reached their menopause. Normally, *mut'ah* with an underage girl is not allowed. But, *if* it happens, then the girl is not required to observe any *'iddah*, even if the man had violated her. As for a woman who has reached her menopause, temporary marriage with her is *halal*. However, she does not count any *'iddah* after her separation from her *mut'ah* husband, whether he had intercourse with her or not.

Al-Husayn also records:

روى الحسين بن سعيد عن ابن أبي عمير عن حماد ابن عثمان قال: سألت أبا عبد الله عليه السلام عن التي قد يئست من المحيض والتي لا تحيض مثلها قال: ليس عليها عدة.

Al-Husayn b. Sa'id – Ibn Abi 'Umayr – Hammad b. 'Uthman:

I asked Abu 'Abd Allah, peace be upon him, about **the one who has despaired of menstruation and the one whose likes do not menstruate**. He said, “**There is no 'iddah upon her.**”¹¹⁸

Al-Ruhani says:

صحيح

Sahih.119

This reiterates the points in the *hadith* of Muhammad b. Muslim: the underage girl and the woman who

has reached menopause do not observe any *'iddah* after the *mut'ah* in any circumstance. As for the underage girl, her *mut'ah* is also invalid, to begin with. Meanwhile, if a woman has apparently reached her menopause, but there is still some doubt about it, then she must observe the required *'iddah* if her temporary husband had intercourse with her. 120

In any case, most Shi'i men would never go into *mut'ah* with an underage girl, due to its invalidity; and most of them would not want to do it with women above menopause either. Therefore, a typical temporary wife observes the *'iddah* after it, if the union involved sexual intercourse. If there was no consummation of the *nikah*, then the woman is free to re-marry immediately after it without counting any *'iddah* – except, of course, where the *mut'ah* husband died during the marriage, as we have already mentioned.

Let us now go into the various *'iddah* counts for *mut'ah*. For women whose temporary husbands die, their *'iddah* period is stipulated in this *ayah*:

والذين يتوفون منكم ويذرون أزواجا يتربصن بأنفسهن أربعة أشهر وعشرا

And those of you who die and leave wives behind them, **they (the wives) shall wait for four months and ten days.** 121

The verse is universal, and applies equally to permanent and temporary marriages. It is direct and explicit. The widow in a *mut'ah* must observe *'iddah* for four months and ten days. It also does not matter, as discussed above, whether she had intercourse with her dead husband or not. Let us bring back al-Kulayni's *hadith* once again:

حميد بن زياد، عن ابن سماعة، عن محمد بن زياد، عن عبد الله بن سنان، عن أبي عبد الله عليه السلام قال: قضى أمير المؤمنين عليه السلام في المتوفى عنها زوجها ولم يمسه قال: لا تنكح حتى تعتد أربعة أشهر وعشرا، عدة المتوفى عنها زوجها.

Humayd b. Ziyad – Ibn Sama'ah – Muhammad b. Ziyad – 'Abd Allah b. Sinan – Abu 'Abd Allah, peace be upon him:

Amir al-Muminin, peace be upon him, decided concerning the woman **whose husband died, leaving her, before ever having intercourse with her.** He said, **"She cannot re-marry until after observing the 'iddah for four months and ten days,** the *'iddah* of the woman whose husband dies." 122

Al-Majlisi rules:

موثق

Muwaththaq. 123

Al-Ḥusi also records:

روى محمد بن أحمد بن يحيى عن علي بن إسماعيل عن صفوان عن عبد الرحمن بن الحجاج قال: سألت أبا عبد الله عليه السلام عن المرأة يتزوجها الرجل متعة ثم يتوفى عنها زوجها هل عليها العدة؟ فقال: تعتد أربعة أشهر وعشرا فإذا انقضت أيامها وهو حي فحيضة ونصف مثل ما يجب على الأمة

Muhammad b. Ahmad b. Yahya – ‘Ali b. Isma’il – Safwan – ‘Abd al-Rahman b. al-Hajjaj:

I asked Abu ‘Abd Allah, peace be upon him, about the woman who is married by her husband in *mut’ah*, then her husband died and left her: “Must she observe the *‘iddah*?” So, he said, “**She observes the ‘iddah for four months and ten days**. But, if its days expire and he is alive, then it is one and a half month, the like of that which is obligatory upon the slave woman” 124

Al-Ruhani says:

صحيح

Sahih. 125

Therefore, where the temporary husband dies, the wife observes an *‘iddah* of four months and ten days. But, as the *hadith* also indicates, where both parties are alive at the expiration of the *mut’ah*, the woman only observes an *‘iddah* of one and a half month – forty-five days. Al-Kulayni reports this further confirmation:

محمد بن يحيى، عن أحمد بن محمد، عن ابن فضال، عن ابن بكير، عن زرارة قال: عدة المتعة خمسة وأربعون يوما كأني أنظر إلى أبي جعفر عليه السلام

يعقد بيده خمسة وأربعين فإذا جاز الاجل كانت فرقة بغير طلاق.

Muhammad b. Yahya – Ahmad b. Muhammad – Ibn Faṣṣal – Ibn Bukayr – Zurarah:

The ‘iddah of *mut’ah* is forty-five days. It is as though I am looking at Abu Ja’far, peace be upon him, forming “forty-five” with his hand. When the term (of the *mut’ah*) expires, there is separation (between the spouses) without divorce. 126

And al-Majlisi states:

موثق

Muwaththaq. 127

However, there is some further explanation, which al-Ḥusi has recorded:

محمد بن يعقوب عن علي بن إبراهيم عن أبيه عن ابن أبي عمير عن ابن أذينة
عن زرارة عن أبي عبد الله عليه السلام أنه قال: عدة المتعة أن كانت تحيض
فحيضة وإن كانت لا تحيض فشهرا ونصف.

Muhammad b. Ya’qub – ‘Ali b. Ibrahim – his father – Ibn Abi ‘Umayr – Ibn Uzaynah – Zurarah – Abu ‘Abd Allah, peace be upon him:

The ‘iddah of *mut’ah*, IF SHE MENSTRUATES, is one menstruation. But, if she does not menstruate, then it is one and a half month. 128

Al-Ruhani comments:

صحيح

Sahih. 129

The Sunni Imam, ‘Abd al-Razzaq (d. 211 H), has a similar *hadith*:

عبد الرزاق عن ابن جريج قال: أخبرني أبو الزبير قال: سمعت جابر بن عبد الله يقول: استمتعنا أصحاب النبي صلى الله عليه وسلم، حتى نهى عمرو بن حريث، قال: وقال جابر: إذا انقضى الأجل فبدا لهما أن يتعاودا، فليمهرها مهرا آخر، قال: وسأله بعضنا كم تعتد؟ قال: حيضة واحدة

‘Abd al-Razzaq – Ibn Jurayj – Abu al-Zubayr – Jabir b. ‘Abd Allah:

“We, the Sahabah of the Prophet, peace be upon him, did *mut’ah* until ‘Amr b. Hurayth was forbidden.”

Jabir also said, “When the time expires, and both (spouses) wish to repeat (the *mut’ah*), then he must give her another dowry”. One of us asked him, “**How long is her ‘iddah?**” He said, “**A single menstruation.**”¹³⁰

This *riwayah* is *hasan*, as we have established in the Preface.

Thus, the *‘iddah* of forty-five days is only for women who do not menstruate. This obviously refers to women whose likes menstruate, and whose likes get pregnant. However, they do not menstruate, perhaps due to certain medical conditions or situations. For a woman who menstruates, her *‘iddah* lasts till the end of a menstrual period.

Then, there is this *hadith* of al-Kulayni:

علي بن إبراهيم، عن أبيه، عن ابن أبي عمير، عن عمر بن أذينة، عن إسماعيل ابن الفضل الهاشمي قال: سألت أبا عبد الله عليه السلام عن المتعة فقال: الق عبد الملك بن جريج فسله عنها فإن عنده منها علما فلقيته فأملى علي منها شيئا كثيرا في استحلالها فكان فيما روى لي ابن جريج قال: ليس فيها وقت ولا عدد إنما هي بمنزلة الإماء يتزوج منهن كم شاء وصاحب الأربع نسوة يتزوج منهن ما شاء بغير ولي ولا شهود فإذا انقضى الاجل بانتهى منه بغير طلاق ويعطيهما الشيء اليسير وعدتها حيضتان وإن كانت لا تحيض فخمسة وأربعون يوما فأتييت بالكتاب أبا عبد الله عليه السلام فعرضت عليه فقال: صدق وأقر به قال: ابن أذينة و كان زارة بن أعين يقول هذا ويحلف أنه الحق إلا أنه كان يقول: إن كانت تحيض فحيضة وإن كانت لا تحيض فشهر ونصف.

‘Ali b. Ibrahim – his father – Ibn Abi ‘Umayr – ‘Umar b. Uzaynah – Isma’il b. al-Faḥḥ al-Hashimi:

I asked Abu ‘Abd Allah, peace be upon him, concerning *mut’ah*, and he said, “Meet ‘Abd al-Malik b. Jurayj and ask him about it, for he has knowledge of it.” So, I met him, and he dictated to me of it a lot of things concerning its legitimacy. And part of what Ibn Jurayj narrated to me, he said: “There is no specific length or any (maximum) number (of the wives) in it. They are only of the status of slave women: he marries any number of them as he wishes, and the husband of four women (also) marries from them whatever he wishes, with no *wali* or witnesses. When the (agreed) term expires, she separates from him without divorce, and he gives her the small thing; **and her ‘iddah is two menstruations, and if she does not menstruate, then forty-five days.**”

Then, I brought the document to Abu ‘Abd Allah, peace be upon him, and I presented to him. **So, he said, “He spoke the truth”, and he confirmed it.**

Ibn Uzaynah said: Zurarah b. A’yan used to say, “This”, and he would swear, “is the truth”, except that he used to say: “If she menstruates, then it is a menstruation; and if she does not menstruate, then a month and a half”. 131

Al-Majlisi declares:

حسن

Hasan. 132

Ayatullah al-Ruhani also states:

صحيح أو حسن

Sahih or Hasan. 133

‘Abd al-Malik b. Jurayj (d. 150 H) was a giant Sunni scholar of that era. He was apparently one of the few *Salaf* who still believed in *mut’ah*. Imam al-Dhahabi (d. 748 H) documents about him:

قال أبو غسان زنيح: سمعت جريرا الضبي يقول: كان ابن جريح يرى المتعة، تزوج بستان امرأة. وقيل: إنه عهد إلى أولاده في أسمائهن لئلا يغلط أحد منهم ويتزوج واحدة مما نكح أبوه بالمتعة.

Abu Ghassan Zunayj said: I heard Jarir al-Ḥabī saying: “**Ibn Jurayj believed in the legitimacy of *mut’ah*. He married sixty women.** And it is said that he informed his children of their names, in case one of them made a mistake and married one of those whom his father had married in *mut’ah*.”¹³⁴

He also records:

وقال محمد بن عبد الله بن عبد الحكم، سمعت الشافعي يقول: استمتع ابن
جريج بتسعين امرأة

Muhammad b. ‘Abd Allah b. ‘Abd al-Hakam said: I heard al-Shafi’i saying: “**Ibn Jurayj did *mut’ah* with ninety women.**”¹³⁵

The practice of Ibn Jurayj is interesting. *Mut’ah* is technically a tool of necessity. But, was he really pushed by necessity into marrying sixty or ninety women?! Or, was he only abusing it? Well, perhaps, one may say that he was forced by the needs of *those women*, rather than his own. He only wanted to help *them* – to keep *them* company, privately discuss *their* problems with *them*, do his best to help *them*, and maybe also satisfy *their* sexual needs. So, he would be making a lot of personal sacrifices to help women of Islam (or those of Judaism and Christianity) who had no one by their side.

Anyway, Ibn Jurayj stated that the *‘iddah* of a woman who menstruated was two menstruations, and Imam al-Sadiq, *‘alaihi al-salam*, confirmed his statement. This then establishes that the *‘iddah* for a woman in *mut’ah* who menstruates is of two types: (i) a menstruation or (ii) two menstruations. Both types are proved in the authentic *ahadith* of the Ahl al-Bayt. It then depends upon the choice of the two parties, whichever type they agreed upon in their *mut’ah* contract. Al-Majlisi submits in this regard:

وحمل الزائدة على الحيضة على الاستحباب لا يخلو من قوة

The classification of the addition upon the (single) menstruation as *mustahab* (recommended) is not devoid of strength.¹³⁶

So, the two-menstruation type could be classified as the *mustahab*, and the one-menstruation type as the standard. Nonetheless, what matters most to our research is that both types are correct; and that either of them is validly available to the *mut’ah* spouses. Meanwhile, if the woman does not menstruate – and her likes do – then, her *‘iddah* is immutably fixed at forty-five days. No options are given in such a case.

What then happens if the woman in a concluded *mut’ah* is pregnant from it? How long is her *‘iddah*?

Shaykh al-Kulayni reports:

حميد بن زياد، عن ابن سماعة، عن محمد بن زياد، عن عبد الله بن سنان، عن أبي عبد الله عليه السلام قال: الحبلى المتوفى عنها زوجها عدتها آخر الأجلين.

Humayd b. Ziyad – Ibn Sama'ah – Muhammad b. Ziyad – 'Abd Allah b. Sinan – Abu 'Abd Allah, peace be upon him:

The pregnant wife whose husband dies and leaves her, **her 'iddah is the longer of the two periods.** 137

Al-Majlisi comments:

موثق

Muwaththaq. 138

The two periods are her standard 'iddah – had she not been pregnant – and her expected delivery date. For a widow, the 'iddah is four months and ten days. If she is pregnant, however, and her expected delivery date is more than four months and ten days, then her 'iddah shall be until she delivers. However, if her expected delivery date is shorter than four months and ten days, then the standard 'iddah of the widow shall apply. In the same manner, if she prematurely delivers, or she has a miscarriage, before four months and ten days, in that case, her 'iddah shall be only four months and ten days.

Al-Kulayni also documents:

عدة من أصحابنا، عن أحمد بن محمد بن خالد، وعلي بن إبراهيم، عن أبيه، عن عثمان بن عيسى، عن سماعة قال: قال: المتوفى عنها زوجها الحامل أجلها آخر الأجلين إذا كانت حبلى فتمت لها أربعة أشهر وعشر ولم تضع فإن عدتها إلى أن تضع وإن كانت تضع حملها قبل أن يتم لها أربعة أشهر وعشر تعتد بعدما تضع تمام أربعة أشهر وعشر وذلك أبعد الأجلين.

A number of our companions – Ahmad b. Muhammad b. Khalid AND 'Ali b. Ibrahim – his father –

‘Uthman b. ‘Isa – Sama’ah:

The pregnant wife whose husband dies and leaves her, her period shall be the longer of the two periods. If she is pregnant, and four months and ten days pass while she still has not delivered, then her *‘iddah* shall be until she delivers. But, if she delivers her pregnancy before the completion of four months and ten days, she observes the *‘iddah* after her delivery until the completion of four months and ten days. And that is the longer of the two periods. 139

Al-Majlisi says:

موثق وعليه الفتوى

Muwaththaq, and upon it is the *fatwa*. 140

Al-Ruhani concurs too:

موثق

Muwaththaq. 141

This, however, is for a pregnant widow – whether in a permanent marriage or in a *mut’ah*. What then about the temporary wife who is pregnant and her husband is alive, at the time of their separation? The Qur’an gives the answer very clearly:

وأولات الأحمال أجلهن أن يضعن حملهن

And for those who are pregnant, their (waiting) period is until they deliver their pregnancies. 142

Al-Kulayni also documents:

علي بن إبراهيم، عن أبيه، عن ابن أبي نجران، عن عاصم بن حميد، عن محمد ابن قيس، عن أبي جعفر عليه السلام قال: الحامل أجلها أن تضع حملها وعليه نفقتها بالمعروف حتى تضع حملها.

‘Ali b. Ibrahim – his father – Ibn Abi Najran – ‘Asim b. Humayd – Muhammad b. Qays – Abu Ja’far, peace be upon him:

The (waiting) period of the pregnant woman is until she delivers her pregnancy; and upon him (i.e. the husband) is her good maintenance until she delivers her pregnancy. 143

Al-Majlisi says:

حسن

Hasan. 144

And al-Ruhani also declares:

صحيح أو حسن

Sahih or *Hasan*. 145

This obviously raises the possibility that the *‘iddah* of the *mut’ah* wife could be as long as nine months.

Children Of Mut’ah

And, whatever pregnancy the woman has from *mut’ah* is legitimate, and so are all children from it. Al-‘usi reports:

أحمد بن محمد بن أبي نصر عن عاصم بن حميد عن محمد بن مسلم عن أبي عبد الله عليه السلام قال قلت له: أ رأيت إن حبلى؟ قال: هو ولده.

Ahmad b. Muhammad b. Abi Nasr – ‘Asim b. Humayd – Muhammad b. Muslim:

I said to Abu ‘Abd Allah, peace be upon him, “Tell me: what if she gets pregnant?” He said, “**It is his child.**” 146

Al-Majlisi says:

صحيح

Sahih. 147

Al-Ruhani agrees:

صحيح

Sahih. 148

Al-ʿUṣī again records:

الحسين بن سعيد عن النضر عن عاصم بن حميد عن عن محمد مسلم قال:
سألت أبا عبد الله عليه السلام كم المهر – يعني في المتعة – ؟ فقال: ما تراضيا
عليه إلى ما شاء من الأجل، قلت: رأييت ان حملت فقال: هو ولده فان أراد ان
يستقبل أمرا جديدا فعل وليس عليها العدة منه وعليها من غيره خمسة وأربعون
ليلة وان اشترطت الميراث فهما على شرطهما.

Al-Husayn b. Sa'id – al-Naṣr – 'Asim b. Humayd – Muhammad b. Muslim:

I asked Abu 'Abd Allah, peace be upon him, "How much is the dowry, that is in *mut'ah*?" So, he said, "Whatsoever they both mutually agree upon, up to whatsoever length of time he wishes."

I said, "**Tell me: what if she gets pregnant?**" He said, "**It is *his* child.** And if he wishes to renew the union, he can do (that). In such a case, she would not be required to observe the *'iddah* in his case. However, for anyone else, she must observe forty-five nights. Meanwhile, if inheritance is stipulated as a condition (of the *mut'ah*), then they both must comply with their condition." 149

Al-Majlisi comments:

صحيح

Sahih. 150

Al-Ruhani also states:

حسن

Hasan. 151

Al-Riḥāsi further documents:

أحمد بن محمد بن عيسى عن محمد بن إسماعيل بن بزيع قال: سأل رجل الرضا عليه السلام وأنا اسمع عن الرجل يتزوج المرأة متعة ويشترط عليها أن لا يطلب ولدها فتأتي بعد ذلك بولد فينكر الولد فشدد في ذلك وقال يجحد؟ وكيف يجحد أعظاما لذلك؟ قال الرجل فان اتهمها قال: لا ينبغي لك أن تتزوج إلا مأمونة أن الله يقول: الزاني لا ينكح إلا زانية أو مشركة والزانية لا ينكحها إلا زان أو مشرك وحرّم ذلك على المؤمنين

Ahmad b. Muhammad b. ‘Isa – Muhammad b. Isma’il b. Bazi’:

A man asked al-Riḥā, peace be upon him, while I was listening, about **the man who marries the woman in *mut’ah*** and he imposes a condition upon her that he will not seek her child. But, she later comes with a child and he severely denies the child. **So, he (al-Riḥā) said, “Does he deny? How can he deny primarily because of that?” Then, the man said, “What if he accuses her (of fornication)?” He (al-Riḥā) said, “It is not appropriate for you to marry except a faithful woman.** Verily, Allah the Almighty says: {The fornicator shall not marry any but a fornicatress or an idolatress; and the fornicatress, none shall marry her but a fornicator or an idolater: and that is made *HARAM* for the believers}. 152

Al-Majlisi declares:

صحيح

Sahih. 153

And al-Ruhani concurs:

Sahih. 154

Then, he explains:

(ويشترط عليها أن لا يطلب ولدها (أي يعزل عنها

(and he imposes a condition upon her that he will not seek her child) meaning, **he will use (the contraceptive method of) coitus interruptus with her.** 155

So, even if the man had always used coitus interruptus during the temporary marriage, he is still unable to validly deny the paternity of the child, if pregnancy occurs during their union. This, obviously, is one of the reasons why *mut'ah* with promiscuous women is not allowed. Note especially this part of the *hadith*:

قال الرجل فان اتهمها قال: لا ينبغي لك ان تتزوج إلا مأمونة ان الله يقول: الزاني لا ينكح إلا زانية أو مشركة والزانية لا ينكحها إلا زان أو مشرك وحرم ذلك على المؤمنين

Then, the man said, “What if he accuses her (of fornication)?” He (al-Riḍā) said, “It is not appropriate for you to marry except a faithful woman. Verily, Allah the Almighty says: {The fornicator shall not marry any but a fornicatress or an idolatress; and the fornicatress, none shall marry her but a fornicator or an idolater: and that is made *HARAM* for the believers}.

Therefore, the temporary wife *must* be so completely chaste and faithful that if she gets pregnant despite her husband's regular use of coitus interruptus, there will nonetheless be absolutely no doubt in his mind that he is the genuine father of the child. It is highly significant that the Imam did not endorse even the man's accusation of *zina* against the woman as a sufficient reason to deny his fatherhood of the child. Instead, he warned that the Shi'i man must never marry in *mut'ah* any woman with the slightest likelihood of committing adultery. Otherwise, the Shi'i man could put himself at a great disadvantage, in which he might be unable to free himself from the paternity of a child that is not biologically his.

Every denial of paternity is a direct claim that the wife had intercourse outside of wedlock. Therefore, the success or failure of the denial by the temporary husband rests squarely on his ability to prove this. Typically, he accuses the wife of adultery, and produces his arguments and evidences or witnesses. If he wins, he frees himself from the unwanted burden. However, the standard of proof in *zina* cases can

be truly *very* stringent¹⁵⁶. Therefore, the chances of success are sometimes hopelessly low. Meanwhile, if he is unable to prove that his wife committed adultery, then he also cannot deny the paternity of her child. Even logically, a woman who has not committed *zina* cannot possibly give birth to any illegitimate child – except, perhaps, in cases of rape!

Worse still, the husband in a *mut'ah* has no access to *li'an*, which is a relatively easier tool for successfully denying paternity or *claiming* adultery against the wife, in a permanent marriage¹⁵⁷. Al-Kulayni reports:

محمد، عن أحمد، عن ابن محبوب، عن العلاء بن رزين، عن ابن أبي يعفور،
عن أبي عبد الله عليه السلام قال: لا يلاعن الرجل المرأة التي يتمتع بها.

Muhammad – Ahmad – Ibn Mahbub – al-'Ala b. Razin – Ibn Abi Ya'fur – Abu 'Abd Allah, peace be upon him:

The man does not do *li'an* against the woman with whom he does *mut'ah*.¹⁵⁸

Al-Majlisi says:

صحيح

Sahih. 159

Al-Ruhani concurs:

صحيح

Sahih. 160

Apparently, the temporary husband does not have many good options. As such, whoever intends to practise *mut'ah* must watch very carefully the chastity, faithfulness and trustworthiness of the woman he seeks to choose as his wife in it.

Renewal Of The Mut'ah

Our Shi'i man contracts his *mut'ah* with a righteous Muslim, Jewish or Christian woman for a certain period of time. However, as time passes, he sees a lot of good virtues –spiritual or mundane – in her, and wishes to extend their relationship. Al-Kulayni documents that he can do that:

عدة من أصحابنا، عن سهل بن زياد، وعلي بن إبراهيم، عن أبيه جميعا، عن عبد الرحمن بن أبي نجران، وأحمد بن أبي نصر، عن أبي بصير قال: لا بأس بأن تزيدك وتزيدها إذا انقطع الاجل فيما بينكما تقول: استحللتك بأجل آخر برضا منها ولا يحل ذلك لغيرك حتى تنقضي عدتها.

A number of our companions – Sahl b. Ziyad AND 'Ali b. Ibrahim – his father – 'Abd al-Rahman b. Abi Najran AND Ahmad b. Abi Nasr – Abu Basir:

There is no problem if you renew your union when the period (mutually agreed) between both of you expires. You say, “I seek to marry you for another term”, subject to her consent. That is not permissible for anyone apart from you until she completes her *'iddah*.¹⁶¹

Al-Majlisi states:

حسن كالصحيح

Hasan ka al-Sahih.¹⁶²

And referring to the same *hadith*, al-Ruhani says:

صحيح أبي بصير عن أبي جعفر عليه السلام في المتعة

The *sahih* report of Abu Basir from Abu Ja'far, peace be upon him, on *mut'ah*.¹⁶³

So, it is *marfu'* – and not *mawquf* as it appears to be – and it is *sahih*. It does establish directly, of course, that the renewal can only be done after the end of the ongoing *mut'ah*.

Al-Usi also says:

الحسين بن سعيد عن النضر عن عاصم بن حميد عن عن محمد مسلم قال: سألت أبا عبد الله عليه السلام كم المهر – يعني في المتعة – ؟ فقال: ما تراضيا عليه إلى ما شاء من الأجل، قلت: رأييت ان حملت فقال: هو ولده فان أراد ان يستقبل أمرا جديدا فعل وليس عليها العدة منه وعليها من غيره خمسة وأربعون ليلة وان اشترطت الميراث فهما على شرطهما.

Al-Husayn b. Sa'id – al-Na'ir – 'Asim b. Humayd – Muhammad b. Muslim:

I asked Abu 'Abd Allah, peace be upon him, "How much is the dowry, that is in *mut'ah*?" So, he said, "Whatsoever they both mutually agree upon, up to whatsoever length of time he wishes."

I said, "Tell me: what if she gets pregnant?" He said, "It is his child. **And if he wishes to renew the union, he can do (that). In such a case, she would not be required to observe the 'iddah in his case.** However, for anyone else, she must observe forty-five nights. Meanwhile, if inheritance is stipulated as a condition (of the *mut'ah*), then they both must comply with their condition." 164

Al-Majlisi states:

صحيح

Sahih. 165

Al-Ruhani, on his own, submits:

حسن

Hasan. 166

Imam 'Abd al-Razzaq of the Ahl al-Sunnah is not left out either:

عبد الرزاق عن ابن جريج قال: أخبرني أبو الزبير قال: سمعت جابر بن عبد الله يقول: استمتعتنا أصحاب النبي صلى الله عليه وسلم، حتى نهى عمرو بن حريث، قال: وقال جابر: إذا انقضى الأجل فبدا لهما أن يتعاودا، فليمهرها مهرًا

آخر، قال: وسأله بعضنا كم تعتد؟ قال: حيضة واحدة

‘Abd al-Razzaq – Ibn Jurayj – Abu al-Zubayr – Jabir b. ‘Abd Allah:

“We, the Sahabah of the Prophet, peace be upon him, did *mut’ah* until ‘Amr b. Hurayth was forbidden.”

Jabir also said, **“When the time expires, and both (spouses) wish to repeat (the *mut’ah*), then he must give her another dowry”**. One of us asked him, “How long is her *‘iddah*?” He said, “A single menstruation.”¹⁶⁷

This chain is *hasan*, as we have repeatedly mentioned.

The Shi’i man, therefore, can validly negotiate and start a new temporary marriage with the same woman, even during her *‘iddah*. Meanwhile, the new marriage with the same man lawfully overturns and cancels the waiting period. The ability to propose a new *mut’ah* to her, or to re-marry her, during her *‘iddah* is strictly restricted to her fresh ex-husband. Once her waiting period completes, the man loses his monopoly of that right, and she becomes legally available for marriage to every qualified Muslim man. Of course, the success of the renewal attempts depends upon the consent of the woman.

1. Abu Ja’far Muhammad b. Ya’qub b. Ishaq al-Kulayni al-Razi, al-Furu’ min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: ‘Ali Akbar al-Ghiffari], vol. 5, p. 452, # 1
2. Muhammad Baqir al-Majlisi, Mir-at al-‘Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 233
3. See Qur’an 4:23–25
4. Abu Ja’far Muhammad b. Ya’qub b. Ishaq al-Kulayni al-Razi, al-Furu’ min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: ‘Ali Akbar al-Ghiffari], vol. 5, p. 463, # 4
5. Muhammad Baqir al-Majlisi, Mir-at al-‘Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 252
6. Ibid
7. Abu Ja’far Muhammad b. Ya’qub b. Ishaq al-Kulayni al-Razi, al-Furu’ min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: ‘Ali Akbar al-Ghiffari], vol. 5, p. 463, # 5
8. Muhammad Baqir al-Majlisi, Mir-at al-‘Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 252
9. Abu Ja’far Muhammad b. al-Hasan al-‘Usi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 10, p. 38, Ch. 1, # 133 (133)
10. Muhammad ‘Adiq al-Husayni al-Ruhani, Fiqh al-‘Adiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 20, p. 106
11. Abu Ja’far Muhammad b. Ya’qub b. Ishaq al-Kulayni al-Razi, al-Furu’ min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: ‘Ali Akbar al-Ghiffari], vol. 7, pp. 68–69, # 6
12. Muhammad Baqir al-Majlisi, Mir-at al-‘Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 23, p. 110
13. Muhammad ‘Adiq al-Husayni al-Ruhani, Fiqh al-‘Adiq (3rd edition, 1412 H), vol. 2, p. 16
14. Abu Ja’far Muhammad b. Ya’qub b. Ishaq al-Kulayni al-Razi, al-Furu’ min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: ‘Ali Akbar al-Ghiffari], vol. 5, p. 398, # 2

15. Muhammad Baqir al-Majlisi, *Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 138
16. Muhammad ʿAdiq al-Husayni al-Ruhani, *Fiqh al-ʿAdiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 88
17. See Qur'an 4:24
18. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, *al-Furu' min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 462, # 2
19. Muhammad Baqir al-Majlisi, *Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 251
20. Qur'an 24:3
21. Abu Ja'far Muhammad b. al-Hasan al-ʿUsi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 269, Ch. 24, # 82 (1157)
22. Muhammad Baqir al-Majlisi, *Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar* (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 69, # 81
23. Muhammad ʿAdiq al-Husayni al-Ruhani, *Fiqh al-ʿAdiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 43
24. Qur'an 5:5
25. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, *al-Furu' min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 355, # 6
26. Muhammad Baqir al-Majlisi, *Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 62
27. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, *al-Furu' min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 453, # 1
28. Muhammad Baqir al-Majlisi, *Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 235
29. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, *al-Furu' min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 454, # 6
30. Muhammad Baqir al-Majlisi, *Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 237
31. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, *al-Furu' min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 454, # 4
32. Muhammad Baqir al-Majlisi, *Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 237
33. Abu al-'Abbas Ahmad b. 'Abd al-Halim b. Taymiyyah al-Harrani, *Majmu' al-Fatawa*, vol. 15, p. 328
34. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, *al-Furu' min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, pp. 355-356, # 1
35. Muhammad Baqir al-Majlisi, *Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 62
36. Muhammad ʿAdiq al-Husayni al-Ruhani, *Fiqh al-ʿAdiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 314
37. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, *al-Furu' min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 348, # 3
38. Muhammad Baqir al-Majlisi, *Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 51
39. Muhammad ʿAdiq al-Husayni al-Ruhani, *Fiqh al-ʿAdiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 476
40. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, *al-Furu' min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 349, # 8

41. Muhammad Baqir al-Majlisi, *Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 51
42. Muhammad ʿAdiq al-Husayni al-Ruhani, *Fiqh al-ʿAdiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 476
43. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, *al-Furu' min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 348, # 2
44. Muhammad Baqir al-Majlisi, *Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 50
45. Hadi al-Najafi, *Mawsu'at Ahadith Ahl al-Bayt* (Beirut: Dar Ihya al-Turath al-'Arabi; 1st edition, 1423 H), vol. 2, p. 87, # 1353
46. Qur'an 5:5
47. Qur'an 2:221
48. Muhammad b. al-Hasan al-Hurr al-'Amili, *Tafsil Wasail al-Shi'ah ila Tahsil Masail al-Shari'ah* (Qum: Muasassat Al al-Bayt 'Alaihim al-Salam li Ihya al-Turath; 2nd edition, 1414 H), vol. 21, p. 37, Ch. 13, # 1 (26465)
49. Muhammad ʿAdiq al-Husayni al-Ruhani, *Fiqh al-ʿAdiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 439
50. Abu Ja'far Muhammad b. al-Hasan al-ʿUsi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 256, Ch. 24, # 30 (1105)
51. Muhammad Baqir al-Majlisi, *Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar* (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 42, # 30
52. Abu Ja'far Muhammad b. al-Hasan al-ʿUsi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 298, Ch. 26, # 6 (1248)
53. Muhammad Baqir al-Majlisi, *Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar* (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 117, # 6
54. Muhammad ʿAdiq al-Husayni al-Ruhani, *Fiqh al-ʿAdiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 438
55. The hymen can be broken on account of consensual sex, masturbation, rape, disease, accident, injury, medical examination, physical exercise, cycling, the use of a tampon during menstruation, and so on. By contrast, there are women whose hymen still remains intact even after having had penetrative sex.
56. Muhammad ʿAdiq al-Husayni al-Ruhani, *Fiqh al-ʿAdiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 25, pp. 420–421
57. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, *al-Furu' min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 462, # 1
58. Muhammad Baqir al-Majlisi, *Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 251
59. Ibid
60. Abu Ja'far Muhammad b. al-Hasan al-ʿUsi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 255, Ch. 24, # 27 (1102)
61. Muhammad Baqir al-Majlisi, *Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar* (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 41, # 27
62. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, *al-Furu' min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 462, # 2
63. Muhammad Baqir al-Majlisi, *Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 251
64. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, *al-Furu' min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 6, p. 109, # 1
65. Muhammad Baqir al-Majlisi, *Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 21, p. 185

66. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 169, # 1
67. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 19, p. 165
68. Muhammad ʿAdiq al-Husayni al-Ruhani, Fiqh al-ʿAdiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 190
69. Abu Ja'far Muhammad b. al-Hasan al-ʿUsi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 467, Ch. 41, # 80 (1870)
70. Muhammad ʿAdiq al-Husayni al-Ruhani, Fiqh al-ʿAdiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 190
71. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 393, # 1
72. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 129
73. Ibid
74. Muhammad ʿAdiq al-Husayni al-Ruhani, Fiqh al-ʿAdiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 154
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78. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 251
79. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 455, # 1
80. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 238
81. Ibid
82. Abu Ja'far Muhammad b. al-Hasan al-ʿUsi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, pp. 262-263, Ch. 24, # 60 (1135)
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84. See Qur'an 4:25, 5:5, 33:50, and 60:10
85. See Qur'an 4:24
86. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 455, # 2
87. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 238
88. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 455, # 4
89. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 239
90. Abu Ja'far Muhammad b. al-Hasan al-ʿUsi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 264, Ch. 24, # 66 (1141)
91. Muhammad Baqir al-Majlisi, Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 58, # 65

92. Muhammad ʿAdiq al-Husayni al-Ruhani, *Fiqh al-ʿAdiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 36
93. Abu Jaʿfar Muhammad b. Yaʿqub b. Ishaq al-Kulayni al-Razi, *al-Furuʾ min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: ʿAli Akbar al-Ghiffari], vol. 5, p. 465, # 2
94. Muhammad Baqir al-Majlisi, *Mir-at al-ʿUqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 255
95. Muhammad ʿAdiq al-Husayni al-Ruhani, *Fiqh al-ʿAdiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, pp. 48–49
96. Abu Jaʿfar Muhammad b. al-Hasan al-ʿUsi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 264, Ch. 24
97. Abu Jaʿfar Muhammad b. al-Hasan al-ʿUsi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 264, Ch. 24, # 66 (1141)
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100. Abu Jaʿfar Muhammad b. Yaʿqub b. Ishaq al-Kulayni al-Razi, *al-Furuʾ min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: ʿAli Akbar al-Ghiffari], vol. 5, p. 465, # 1
101. Muhammad Baqir al-Majlisi, *Mir-at al-ʿUqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 255
102. Abu Jaʿfar Muhammad b. al-Hasan al-ʿUsi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 265, Ch. 24, # 69 (1144)
103. *Ibid*, vol. 7, pp. 264–265, Ch. 24, # 67 (1141)
104. Muhammad ʿAdiq al-Husayni al-Ruhani, *Fiqh al-ʿAdiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 48
105. Abu Jaʿfar Muhammad b. al-Hasan al-ʿUsi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 265, Ch. 24
106. Muhammad Baqir al-Majlisi, *Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar* (Qum: Maktabah Ayatullah al-Marʿashi; 1407 H), vol. 12, p. 59, # 66
107. Abu Jaʿfar Muhammad b. Yaʿqub b. Ishaq al-Kulayni al-Razi, *al-Furuʾ min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: ʿAli Akbar al-Ghiffari], vol. 6, p. 109, # 1
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111. Muhammad Baqir al-Majlisi, *Mir-at al-ʿUqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 21, p. 185
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115. Abu Jaʿfar Muhammad b. Yaʿqub b. Ishaq al-Kulayni al-Razi, *al-Furuʾ min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: ʿAli Akbar al-Ghiffari], vol. 6, p. 85, # 3
116. Muhammad Baqir al-Majlisi, *Mir-at al-ʿUqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah)

[annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 21, p. 145

117. Muhammad ʿAdi al-Husayni al-Ruhani, *Fiqh al-ʿAdi* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 23, p. 11

118. Abu Jaʿfar Muhammad b. al-Hasan al-ʿUsi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 8, p. 66, Ch. 3, # 137 (218)

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120. See Qurʾan 65:4

121. Qurʾan 2:234

122. Abu Jaʿfar Muhammad b. Yaʿqub b. Ishaq al-Kulayni al-Razi, *al-Furuʾ min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: ʿAli Akbar al-Ghiffari], vol. 6, p. 119, # 8

123. Muhammad Baqir al-Majlisi, *Mir-at al-ʿUqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 21, p. 204

124. Abu Jaʿfar Muhammad b. al-Hasan al-ʿUsi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 8, p. 157, Ch. 6, # 143 (544)

125. Muhammad ʿAdi al-Husayni al-Ruhani, *Fiqh al-ʿAdi* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 52

126. Abu Jaʿfar Muhammad b. Yaʿqub b. Ishaq al-Kulayni al-Razi, *al-Furuʾ min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: ʿAli Akbar al-Ghiffari], vol. 5, p. 458, # 3

127. Muhammad Baqir al-Majlisi, *Mir-at al-ʿUqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 244

128. Abu Jaʿfar Muhammad b. al-Hasan al-ʿUsi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 8, p. 165, Ch. 6, # 172 (573)

129. Muhammad ʿAdi al-Husayni al-Ruhani, *Fiqh al-ʿAdi* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 52

130. Abu Bakr ʿAbd al-Razzaq b. Hamam al-ʿAʿnani, *al-Muʿannaf* [annotator: Habib al-Rahman al-Aʿami], vol. 7, p. 499, # 14025

131. Abu Jaʿfar Muhammad b. Yaʿqub b. Ishaq al-Kulayni al-Razi, *al-Furuʾ min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: ʿAli Akbar al-Ghiffari], vol. 5, p. 451, # 6

132. Muhammad Baqir al-Majlisi, *Mir-at al-ʿUqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 232

133. Muhammad ʿAdi al-Husayni al-Ruhani, *Fiqh al-ʿAdi* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 51

134. Shams al-Din Muhammad b. Ahmad b. ʿUthman al-Dhahabi, *Siyar Aʿlam al-Nubala* (Beirut: Muasassat al-Risalah; 9th edition, 1413 H) [annotators of the sixth volume: Shuʿayb al-Arnauʿ and Husayn al-Asad], vol. 6, p. 331, # 138

135. Ibid, vol. 6, p. 333, # 138

136. Muhammad Baqir al-Majlisi, *Mir-at al-ʿUqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 243

137. Abu Jaʿfar Muhammad b. Yaʿqub b. Ishaq al-Kulayni al-Razi, *al-Furuʾ min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: ʿAli Akbar al-Ghiffari], vol. 6, p. 114, # 6

138. Muhammad Baqir al-Majlisi, *Mir-at al-ʿUqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 21, p. 196

139. Abu Jaʿfar Muhammad b. Yaʿqub b. Ishaq al-Kulayni al-Razi, *al-Furuʾ min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: ʿAli Akbar al-Ghiffari], vol. 6, pp. 113–114, # 1

140. Muhammad Baqir al-Majlisi, *Mir-at al-ʿUqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 21, p. 195

141. Muhammad ʿAdi al-Husayni al-Ruhani, *Fiqh al-ʿAdi* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 56

142. Qur'an 65:4

143. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 6, p. 103, # 1

144. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 21, p. 173

145. Muhammad 'Iyad al-Husayni al-Ruhani, Fiqh al-'Iyad (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 332

146. Abu Ja'far Muhammad b. al-Hasan al-'Usi, al-Istib'ar (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 3, p. 152, Ch. 100, # 1 (557)

147. Muhammad Baqir al-Majlisi, Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 67, # 78

148. Muhammad 'Iyad al-Husayni al-Ruhani, Fiqh al-'Iyad (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 43

149. Abu Ja'far Muhammad b. al-Hasan al-'Usi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 264, Ch. 24, # 66 (1141)

150. Muhammad Baqir al-Majlisi, Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 58, # 65

151. Muhammad 'Iyad al-Husayni al-Ruhani, Fiqh al-'Iyad (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 36

152. Abu Ja'far Muhammad b. al-Hasan al-'Usi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 269, Ch. 24, # 82 (1157)

153. Muhammad Baqir al-Majlisi, Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 69, # 81

154. Muhammad 'Iyad al-Husayni al-Ruhani, Fiqh al-'Iyad (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 43

155. Ibid

156. See, for instance, Qur'an 4:15 and 24:4

157. See Qur'an 24:6-9

158. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 6, p. 166, # 17

159. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 21, p. 276

160. Muhammad 'Iyad al-Husayni al-Ruhani, Fiqh al-'Iyad (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 44

161. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 458, # 1

162. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 244

163. Muhammad 'Iyad al-Husayni al-Ruhani, Fiqh al-'Iyad (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 57

164. Abu Ja'far Muhammad b. al-Hasan al-'Usi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 264, Ch. 24, # 66 (1141)

165. Muhammad Baqir al-Majlisi, Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 58, # 65

166. Muhammad 'Iyad al-Husayni al-Ruhani, Fiqh al-'Iyad (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 36

167. Abu Bakr 'Abd al-Razzaq b. Hamam al-'A'nani, al-Mu'annaf [annotator: Habib al-Rahman al-A'ami], vol. 7, p. 499, # 14025

After declaring *mut'ah* to be *haram*, Sunni Muslims were faced with the very situations which it was meant to address. But, unable to backtrack on it, the *'ulama* of the Ahl al-Sunnah instead invented a new form of marriage – called *al-zawaj bi niyyah al-ʿalaq* (marriage with the intention of divorce) – to cater for their needs. Its nature is exactly as its name suggests: the “marriage” is contracted with a *deliberate* intention to dissolve it sometimes in the future. To say this in clearer words, it is a *temporary* form of *nikah*!

Here, al-Hafi (d. 852 H) opens the floor about this Sunni-invented marriage:

قال عياض وأجمعوا على أن شرط البطلان التصريح بالشرط فلو نوى عند العقد أن يفارق بعد مدة صح نكاحه إلا الأوزاعي فأبطله

‘Iya said: “**They unanimously agreed that the condition of invalidity is to openly disclose the condition (of time limit). So, if he intends, during the ‘aqd (i.e. the formalization of the marriage) to separate after a period, his marriage is correct.** Only al-Awza’i disagreed, and he declared it invalid.”¹

So, when a Sunni man wishes to temporarily marry a woman, he must never disclose his real intention to her. If he does that, it becomes illegal for him to proceed with the marriage. However, as long as he does not tell her, he is allowed to marry her with his *hidden* intention to divorce her after a period of time. He knows of his secret plan in his heart, but must never let the woman discover it until when it happens.

Imam al-Nawawi (d. 676 H) also mentions:

قال القاضي وأجمعوا على أن من نكح نكاحا مطلقا ونيته أن لا يمكث معها إلا مدة نواها فنكاحه صحيح حلال وليس نكاح متعة وإنما نكاح المتعة ما وقع بالشرط المذكور ولكن قال مالك ليس هذا من أخلاق الناس وشذ الأوزاعي فقال هو نكاح متعة ولا خير فيه والله أعلم

Al-Qadi said, “**They unanimously agreed that whoever contracts an (outwardly) permanent marriage while his (real) intention is to stay with her for only a period of time which he intends, then his marriage is correct and *halal*, and is not a *mut'ah* marriage.** The *mut'ah* marriage is only that which occurs with the (previously) mentioned condition. However, Malik said, ‘It is not from the manners of the people.’ As for al-Awza’i, he disagreed and said, ‘It is a *mut'ah* marriage, and there is no good in it.’” And Allah knows best.²

Of course, it is NOT *mut'ah*! Al-Awza'i was definitely *very* wrong. In *mut'ah*, both parties – again, both parties – mutually and voluntarily agree on the temporary nature of their prospective union, and on the exact time of its end. However, in this Sunni-invented “marriage”, both would-be spouses *outwardly* agree on a permanent marriage while the man inwardly intends *only* a temporary relationship. He basically tricks the unsuspecting woman till the very end.

Shaykh Ibn Taymiyyah (d. 728 H) has his submission too:

وسئل رحمه الله عن رجل ركاض يسير في البلاد في كل مدينة شهرا أو شهرين
ويعزل عنها ويخاف أن يقع في المعصية فهل له أن يتزوج في مدة إقامته في
تلك البلدة وإذا سافر طلقها وأعطائها حقها أو لا وهل يصح النكاح أم لا

فأجاب له أن يتزوج لكن ينكح نكاحا مطلقا لا يشترط فيه توقيتا بحيث يكون إن
شاء مسكها وإن شاء طلقها وإن نوى طلاقها حتما عند انقضاء سفره كره في
مثل ذلك وفي صحة النكاح نزاع ولو نوى أنه إذا سافر وأعجبته أمسكها وإلا
طلقها جاز ذلك فأما أن يشترط التوقيت فهذا نكاح المتعة الذي اتفق الأئمة
الأربعة وغيرهم على تحريمه

He (Ibn Taymiyyah), may Allah be merciful to him, was asked about a running man, who goes through countries, spending a month or two months in each city, and then leaves it; and he fears that he might commit sin. **So, can he marry during the period of his stay in those cities, divorcing her when he travels and giving her right to her?** Or can he not? And is the marriage valid or not?

So, he (Ibn Taymiyyah) answered:

He can marry. However, he contracts an (outwardly) permanent marriage. He cannot openly disclose any time limit as its condition, so that if he wishes he retains her, and if he wishes he divorces her. But, if he absolutely intends to divorce her at the end of his journey (in the city), the like of that is disliked (*makruh*), and there is dispute concerning the validity of such marriage. **If he intends that when he travels, if he loves her he will retain her, and if otherwise, he will divorce her, that is permissible.** However, to (openly) disclose a time limit as a condition, that would be the marriage of *mut'ah*, which is unanimously agreed to be *haram* by the four Imams and others.³

He also states about this same type of “marriage”:

والصحيح أن هذا ليس بنكاح متعة ولا يحرم وذلك أنه قاصد للنكاح وراغب فيه بخلاف المحلل لكن لا يريد دوام المرأة معه وهذا ليس بشرط فإن دوام المرأة معه ليس بواجب بل له أن يطلقها فإذا قصد أن يطلقها بعد مدة فقد قصد أمراً جائزاً

The correct opinion is that it is not a *mut'ah* marriage, and it is not *haram*. And that is: **he intends marriage and is desirous of it**, as opposed to the practitioner of *al-tahlil*. **However, he does not want the permanency of the woman with him**; and this is not a condition, as the permanency of the woman with him is not obligatory. Rather, he has the right to divorce her. **So, when he intends to divorce her after a period, he has intended a permissible affair.**⁴

Ibn Taymiyyah apparently attempts to refine this Sunni invention. He therefore introduces a new condition: the man must intend that if he loves her at the end of his stay in the town, city or country, he *may* retain her. But then, even if he loves her, he still has the right NOT to retain her after having used her. He is free to divorce her, despite his love for her, and permanently move away from her. To Ibn Taymiyyah, as long as the man holds that in his secret intentions, the marriage is correct.

Imam Ibn Qudamah (d. 620 H) submits this *fatwa* as well:

وان تزوجها بغير شرط الا أن في نيته طلاقها بعد شهر أو إذا انقضت حاجته في هذا البلد فالنكاح صحيح في قول عامة أهل العلم الا الأوزاعي قال هو نكاح متعة والصحيح انه لا بأس به ولا تضر نيته

If he marries her without (openly disclosing) any condition (of time limit), except that (in his heart) he intends to divorce her after a month, or after fulfilling his need in this town, **then the marriage is valid according to the statement of the generality of the scholars** except al-Awza'i. He said: "It is a *mut'ah* marriage". **The correct opinion is that there is no problem with it**, and his intention does no harm.⁵

Shaykh Sayyid Sabiq also declares:

اتفق الفقهاء على أن من تزوج امرأة دون أن يشترط التوقيت وفي نيته أن يطلقها بعد زمن، أو بعد انقضاء حاجته في البلد الذي هو مقيم به، فالزواج صحيح. وخالف الأوزاعي فاعتبره زواج متعة.

The jurists unanimously agree that whoever marries a woman without (openly disclosing) any time limit as a condition, and his intention is to divorce her after a period of time, or after the fulfilment of his need in the town where he resides, then **the marriage is valid**. But, al-Awza'i disagreed and called it a *mut'ah* marriage.⁶

Honestly, we find it insulting to Allah and His Messenger, *sallallahu 'alaihi wa alihi*, to equate the divinely legislated *mut'ah* with this Sunni-invented "marriage". Their distance, in all ways and manners, is far more than that between the heavens and the earth.

So, to do a recap, before the Sunni-invented "marriage" could be valid:

- (i) the would-be "husband" must never openly disclose any time limit for the proposed marriage to the would-be "wife";
- (ii) if he openly discloses to the woman that their "marriage" would only be temporary or for a period of time, then it would be invalid;
- (iii) however, he is allowed to formulate a time limit for the "marriage" in his mind, and to enforce it;
- (iv) yet, he must always pretend to the woman that he is permanently "married" to her, and that he has no premeditated intention of ever leaving her;
- (v) the only problem is the open disclosure of a time limit for the proposed or ongoing marital union – whether it is specified or obscure;
- (vi) as long as the (would-be) "husband" keeps his time limit for the "marriage" in his heart, serious on carrying it out, there is no problem;
- (vii) Ibn Taymiyyah introduced the condition that the man must also uphold a non-binding plan to retain the woman after the intended time limit if he loves her;
- (viii) but, if he dumps her despite loving her, there is no blame on him.

To understand how the Ahl al-Sunnah practise their innovated "marriage", let us illustrate with a scenario. Let us assume that a major Saudi Salafi shaykh is invited by a Salafi organization in the United Kingdom to a Salafi conference. He is to stay in London for three days. However, he is unable to bring any of his three wives along, due to visa problems. Therefore, he will remain without any of his women throughout his three-day stay in England. But, after spending just over twenty four hours in London, he experiences very strong sexual urges. He fears committing adultery. So, he discusses the option of this Sunni-invented "marriage" with his British hosts. They are to help him find a suitable "wife" for it, with whom he satisfies his sexual urges until he leaves the United Kingdom.

His hosts discuss with various Christian, Jewish and Salafi women. There is a pious shaykh from Saudi

Arabia, they tell them, and he wants a fourth wife. They must never inform the women that the shaykh only wants a “wife” for about forty–eight hours or less. Otherwise, it would be *haram* to proceed with the plan. Therefore, the Salafi hosts assure all the women that the marriage is intended to be permanent: it is not a *mut’ah*, and there is no premeditated time limit to it. One of the women asks whether the shaykh intends to relocate to Britain, or if she is expected to move to Saudi Arabia. They tell her that she will permanently join him in the Arabian kingdom as soon as the necessary immigration processes are completed. They must never let her discover that the Salafi shaykh never intends to stay with her beyond forty–eight hours. If they do, the marriage becomes *haram* under the Sunni *Shari’ah*. So, they must absolutely deceive her in order to make the “marriage” lawful!

Luckily, there are four different successful candidates among the women. But, the shaykh cannot marry more than one of them. He already has three wives in Saudi Arabia. Therefore, he has only the option of a single makeshift “wife”, as the women in this innovated “marriage” are counted among the four legitimate wives. As a result, his British hosts devise a plan. He “marries” one of them around 8:00 am. Fortunately, none of them is a virgin in the *Shari’i* sense, and all of them are financially capable. So, the shaykh has intercourse with her around 9.00 am. Then, he “divorces” her at about 10:00 am. He needs no reason in order to do the divorce, and he owes no one – not even the “divorced wife” – any explanation for it. Then, he “marries” the second “wife”, has sex with her, and “divorces” her too after some hours. Using the same method, he successfully “marries” and sleeps with, and “divorces” all four of the women before he leaves the United Kingdom.

This is *al-zawaj bi niyyah al-‘alaq*; and what the shaykh has done is perfectly *halal* in Sunni *fiqh*. In fact, he is lawfully allowed to “marry” a qualified woman for just one hour or less, “divorcing” her immediately after enjoying sex with her. He literally has the right to “marry”, sleep with and immediately “divorce” as many women as he wishes on any given day – as long as he does not exceed four wives (in addition to his standard women) at a time, and he is able to flawlessly pull wool over their eyes concerning the true nature of their “marriages”.

The keen observer notices an absolute lack of proof for this Sunni–invented marriage. There is no *ayah* of the Qur’an to back it, nor any reliable Sunni *hadith*. Without doubt, it is a blatant *bid’ah*; and its proponents and practitioners are all, thereby, people of heresy. Moreover, since it is a non-*Shari’i* union, any sexual contact made within it is indisputably *zina*.

1. Shihab al-Din Ibn Hajar al-‘Asqalani, *Fath al-Bari Sharh al-Sahih al-Bukhari* (Beirut: Dar al-Ma’rifah li al-‘Aba’ah wa al-Nashr; 2nd edition), vol. 9, p. 150
2. Abu Zakariyyah Yahya b. Sharaf al-Nawawi, *Sahih Muslim bi Sharh al-Nawawi* (Beirut: Dar al-Kitab al-‘Arabi; 1st edition, 1407 H), vol. 9, p. 182
3. Abu al-‘Abbas Ahmad b. ‘Abd al-Halim b. Taymiyyah al-Harrani, *Majmu’ al-Fatawa*, vol. 32, pp. 106–107
4. *Ibid*, vol. 32, p. 147
5. Abu Muhammad ‘Abd Allah b. Ahmad b. Muhammad b. Qudamah, *al-Mughni* (Dar al-Kitab al-‘Arabi), vol. 7, p. 573
6. Sayyid Sabiq, *Fiqh al-Sunnah* (Beirut: Dar al-Kitab al-‘Arabi; 3rd edition, 1397 H), vol. 2, p. 45

We have seen the Ahl al-Sunnah quoting certain *ahadith* from the Shi'i books in desperate efforts to "prove" *mut'ah* wrong. We will be examining these *riwayat* here, with the Grace and Help of Allah. Meanwhile, we strongly advise our brothers and sisters from the Ahl al-Sunnah wa al-Jama'ah and the Shi'ah Imamiyyah: whenever anyone – whether Sunni, Shi'i or otherwise – claims to you that a certain *hadith* exists in the Shi'i sources, demand adamantly that he must produce (i) its full Arabic text with its chain of narration, (ii) evidence of the reliability of its *sanad*, (iii) its primary source with the full citation, (iv) a declaration that it does not originate from a *Ja'if* source book, (v) a declaration that it does not contradict the Qur'an as interpreted in authentic Shi'i *ahadith*, and (vi) a declaration that it does not contradict superior Shi'i *ahadith*. When you do this, you have already won 2/3 of the battle to defeat deceit and trickery.

Hadith One

Shaykh al-Husayni (d. 460 H) records:

فأما ما رواه محمد بن أحمد بن يحيى عن أبي الجوزا عن الحسين بن علوان
عن عمرو بن خالد عن زيد بن علي عن آبائه عن علي عليهم السلام قال: حرم
رسول الله صلى الله عليه وآله لحوم الحمر الأهلية ونكاح المتعة.

Muhammad b. Ahmad b. Yahya – Abu al-Jawza – **al-Husayn b. 'Alwan** – **'Amr b. Khalid** – Zayd b. 'Ali
– his fathers – 'Ali, peace be upon them:

The Messenger of Allah, peace be upon him and his family, forbade the meat of domestic donkey and the marriage of *mut'ah*.¹

He also documents in his *Tahdhib*:

وأما ما رواه محمد بن يحيى عن أبي جعفر عن أبي الجوزا عن الحسين بن
علوان عن عمرو بن خالد عن زيد بن علي عن آبائه عن علي عليهم السلام قال:
حرم رسول الله صلى الله عليه وآله يوم خيبر لحوم الحمر الأهلية ونكاح
المتعة.

Muhammad b. Yahya – Abu Ja'far – Abu al-Jawza – **al-Husayn b. 'Alwan** – **'Amr b. Khalid** – Zayd b.
'Ali – his fathers – 'Ali, peace be upon them:

The Messenger of Allah, peace be upon him and his family, forbade the meat of domestic donkey and the marriage of *mut'ah* on the Day of Khaybar.²

Shaykh 'Ali Al Muhsin comments on it:

هذه الرواية ضعيفة السند بعمر بن خالد الواسطي، فإنه لم يوثق في كتب الرجال، واختلف في مذهبه، فقل: إنه من أهل السنة. والمشهور أنه من رؤساء الزيدية، وأغلب رواياته يرويها عن زيد بن علي، ومنها هذه الرواية .

ومن جملة رواة هذا الحديث الحسين بن علوان، وهو سُني المذهب، وعبارة النجاشي في ترجمته موهمة تحتل عود التوثيق فيها إليه أو إلى أخيه الحسن، ولا توثيق آخر له، ولهذا فنحن متوقفون فيه، وإن وثقه بعض الأعلام، وضعفه بعض آخر .

والحاصل أن هذا الحديث اشتمل على راوٍ زيدي، وآخر سُني المذهب، وكلاهما لم يثبت توثيقهما، وما قيل في توثيقهما ليس محلاً للاعتماد والوثوق.

This report has a *'a'if* chain, due to 'Amr b. Khalid al-Wasiti, for there is no *tawthiq* (accreditation) for him in the books of *al-rijal*. There is also dispute about his sect. It is said that he was from the Ahl al-Sunnah. However, the widespread opinion is that he was from the leaders of the Zaydiyyah, and he narrated most of his reports from Zayd b. 'Ali, including this report.

One of the narrators of this *hadith* is also al-Hasan b. 'Alwan, and he was a Sunni by sect. As for the statement of al-Najashi in his *tarjamah*, it is inconclusive. It is possible that the *tawthiq* in it refers to him or to his brother, al-Hasan; and there is no other *tawthiq* for him. For this reason, we stop short about him, even those some of the great *'ulama* call him *thiqah* while others declare him *'a'if*.

In conclusion, this *hadith* has a Zaydi reporter, and another who belonged to the Sunni sect; and *tawthiq* is not established for both of them. **As for the *tawthiq* that is said for them both, it is neither reliable nor trustworthy.**³

'Allamah al-Majlisi (d. 1111 H) also declares about the *hadith* above:

ضعيف أو موثق

ʿaʿif or Muwaththaq.4

Apparently, the best that the chain of the *hadith* can be is *muwaththaq*. However, in line with the Shi'i rijali *manhaj*, if a *muwaththaq*-chained *hadith* contradicts a *sahih*-chained *hadith*, the former becomes *munkar* (rejected) and therefore very ʿaʿif. Al-ʿusi submits:

وأما العدالة المراعاة في ترجيح أحد الخبرين على الآخر فهو: أن يكون الراوي معتقدا للحق، مستبصرا ثقة في دينه، متحرجا من الكذب غير متهم فيما يرويّه.

فأما إذا كان مخالفا في الاعتقاد لأصل المذهب وروى مع ذلك عن الأئمة عليهم السلام نظر فيما يرويّه. فان كان هناك من طرق الموثوق بهم ما يخالفه وجب اطراح خبره.

As for the *ʿadalah* that is required in the preference of one of two reports over another, it is: that the narrator should have the true *ʿaqidah*, enlightened, trustworthy in his religion, who avoids telling lies, not accused in what he narrates.

But, if he deviates in *ʿaqidah* from the root of the (Shi'i) sect, and narrates nonetheless from the Imams, peace be upon them, what he narrates is looked at. **If there is what contradicts it from the routes of trusted narrators, it becomes obligatory to throw away his report.**⁵

As our esteemed reader can clearly see, the report of al-Husayn b. 'Alwan and 'Amr b. Khalid above contradicts – not one or two, but – several *sahih* Shi'i *ahadith* that explicitly establish the unbroken legitimacy of *mut'ah*! This makes it severely unreliable, ʿaʿif *jiddan*. Meanwhile, an additional argument against this *hadith* of al-Husayn and 'Amr is that it further contradicts the Qur'an – specifically, the Verse of *al-Mut'ah* and several dual-purpose *ayahs*, which have declared the purity of temporary marriage till the Last Hour. This makes it *mawḍuʿ* (a fabrication) without a doubt. No wonder, after mentioning that the chain of the *riwayah* of Husayn and 'Amr is either “ʿaʿif or *muwaththaq*”, al-Majlisi immediately proceeds to proclaim:

الأظهر أنه من مفتريات الزيدية، كما يظهر من أكثر أخبارهم

The most apparent is that it is from the **FABRICATIONS** of the **Zaydiyyah**, as obvious from most of their reports.⁶

So, the *hadith* is *mawḥū*.

Hadith Two

Ahmad b. Muhammad b. ‘Isa al-Ash’ari is also said to have documented:

قال محمد بن أبي عمير، عن عبد الله بن سنان، قال: سألت أبا عبد الله عليه السلام عن المتعة؟ فقال: لا تدنس نفسك بها

Muhammad b. Abi ‘Umayr – ‘Abd Allah b. Sinan:

I asked Abu ‘Abd Allah, peace be upon him, about *mu’tah*. So, he said, “**Do not desecrate yourself with it.**”⁷

The first problem with this report is that it is from a *ḥa’if* book. While it is true that Ahmad b. Muhammad b. ‘Isa did write a *Nawadir*, it has not reached us through authentic means, and there is not enough evidence to establish that what we have today is a true copy of his original book. Rather, ‘Allamah al-Muhsini declares about *al-Nawadir* as we have it in our hands:

والحق عدم إعتبار أحاديثها المنقولة في البحار و الوسائل و المستدرک وما يوجد في النسخة المطبوعة منها

The truth is the UNRELIABILITY of its *ahadith* which are quoted in *al-Bihar*, *al-Wasail* and *al-Mustadrak*, and whatever is found in the published manuscript from it.⁸

Whoever seeks the detailed arguments about the unreliability of the book’s transmission to al-Majlisi (d. 1111 H), al-Hurr al-‘Amili (d. 1104 H) and to us is strongly referred to the academic research of al-Muhsini on it⁹.

Mirza al-Nuri (d. 1320 H) also submits:

وأما ثالثاً: فقلوه رحمه الله { : ولذا لم ينقل عنه الحر في الوسائل } فإن فيه أنه من أين علم أن الكتاب كان عنده ولم يعتمد عليه ولذا لم ينقل عنه؟ بل المعلوم

المتيقن أنه كغيره من الكتب المعتبرة لم يكن عنده، ولو كان لنقل عنه قطعاً، فإنه ينقل عن كتب هي دونه بمراتب من جهة المؤلف، أو لعدم ثبوت النسبة إليه، أو ضعف الطريق إليه، كفضل الشيعة للصدوق، وتحف العقول، وتفسير فرات، وإرشاد الديلمي، ونوادر أحمد بن محمد بن عيسى، والاختصاص للمفيد.

And thirdly, as for his statement, may Allah be merciful to him {this is why al-Hurr in *al-Wasail* did not quote from it}, what is there is: how did he know that the book was with him and he did not rely upon it and so did not quote from it? Rather, what is undoubtably certain is that it, like other authentic books, was not with him. If it had been, he would certainly have quoted from it, **because he quoted from books that are inferior to it by degrees in terms of (the unreliability of) the author, or due to the unreliability of its (i.e. the book's) attribution to him, or the weakness of the chain (of the book) to him**, like *Faṣḥ al-Shi'ah* of al-Saduq, *Tuhaf al-'Uqul*, *Tafsir al-Furat*, *Irshad* of al-Daylami, ***Nawadir of Ahmad b. Muhammad b. 'Isa***, and *al-Ikhtisas* of al-Mufid.¹⁰

He lists *al-Nawadir* among the *ḥa'if* books which al-Hurr al-'Amili relies upon in his *Wasail*. So, whatever is quoted from it – in *al-Bihar*, *al-Wasail* or its published editions – is *ḥa'if* by default.

Meanwhile, the *hadith* is equally *mawḥū'* on account of its opposition to the Verse of *al-Mut'ah* and several *sahih ahadith*.

Hadith Three

Ahmad b. Muhammad b. 'Isa al-Ash'ari is further said to have recorded:

ابن أبي عمير، عن هشام بن الحكم، عن أبي عبد الله عليه السلام، قال: ما
تفعلها عندنا إلا الفواجر

Ibn Abi 'Umayr – Hisham b. al-Hakam – Abu 'Abd Allah, peace be upon him:

None does it, in our view, except the unchaste.¹¹

It comes from a *ḥa'if* book. Therefore, it is *ḥa'if*. But then, it is also obscure. What exactly is it that is done by the unchaste? It is not mentioned. So, it is not known. However, if it is were a reference to *mut'ah*, then the *hadith* would become *mawḥū'* due to its contradiction with the Verse of *al-Mut'ah* and numerous *sahih ahadith*.

Hadith Four

Shaykh al-Kulayni (d. 329 H) records:

عدة من أصحابنا، عن سهل بن زياد، عن علي بن أسباط، ومحمد بن الحسين جميعاً، عن الحكم بن مسكين، عن عمار قال: قال أبو عبد الله عليه السلام لي ولسليمان بن خالد: قد حرمت عليكم المتعة من قبلي ما دمتما بالمدينة لأنكما تكثران الدخول علي فأخاف أن تؤخذا، فيقال: هؤلاء أصحاب جعفر.

A number of our companions – **Sahl b. Ziyad** – ‘Ali b. Asba[ؓ] AND Muhammad b. al-Husayn – **al-Hakam b. Miskin** – ‘Ammar:

Abu ‘Abd Allah, peace be upon him, said to me and Sulayman b. Khalid, “**I have made *mut’ah* (temporary marriage) *haram* upon you both as long as you are in al-Madinah**, because you frequently visit me and **I fear that you might be arrested**, and it would be said, ‘These are companions of Ja’far.’”¹²

‘Allamah al-Majlisi comments:

ضعيف على المشهور

[ؓ]*a’if* upon the mainstream (standards).¹³

Al-Jawahiri also states about one of its narrators:

سهل بن زياد: أبو سعيد الآدمي، الرازي ... ضعيف جزماً أو لم تثبت وثاقته

Sahl b. Ziyad, Abu Sa’id al-Adami al-Razi **decidedly [ؓ]*a’if* or his trustworthiness is not established.**¹⁴

About another narrator, he further declares:

الحكم بن مسكين الثقفي : ... مجهول

So, it is genuinely *ḥa'if*.

Those who quote it seek to prove that *mut'ah* is *haram* through it. However, it actually establishes the opposite of that! According to the *ḥa'if hadith*, both 'Ammar and Sulayman were forbidden to do temporary marriage in Madinah but free to practise it elsewhere. Moreover, the prohibition covered only both of them, and did not extend generally to all Shi'is. Besides, it was done to protect both 'Ammar and Sulayman from arrest and possible persecution or even execution. The Ahl al-Sunnah had declared *mut'ah* a form of *zina*. Therefore, the Sunni government in al-Madinah could arrest the two Shi'is and accuse them of fornication or adultery. They both could be stoned to death, or lashed, depending on their marital status, as a result of their *mut'ah*; and that could soil the name of Imam Ja'far – with whom they were known – among the general Sunni public. From the look of it, in line with the *ḥa'if* report, the Madinah governorate was stricter against temporary marriage than other Sunni provinces.

In any case, the *hadith* is *ḥa'if*. Therefore, it is of no probative value.

Hadith Five

Al-Kulayni documents:

علي بن محمد، عن صالح بن أبي حماد، عن ابن سنان، عن المفضل بن عمر
قال: سمعت أبا عبد الله عليه السلام يقول في المتعة: دعوها أما يستحيي
أحدكم أن يرى في موضع العورة فيحمل ذلك على صالح إخوانه وأصحابه.

'Ali b. Muhammad – Salih b. Abi Hammad – Ibn Sinan – al-Mufaḥḥal b. 'Umar:

I heard Abu 'Abd Allah, peace be upon him, saying about *mut'ah*: “Abandon it. Would any of you be ashamed to be seen at the place of blemish, and that is placed upon his righteous brothers and companions?”¹⁶

Al-Majlisi says:

ضعيف

Then, he adds:

قوله عليه السلام : (أن يرى في موضع العورة) أي يراه الناس في موضع يعيب
من يجدونه فيه ، لكراهم للمتعة فيصير ذلك سببا للضرر عليه وعلى إخوانه

His statement, peace be upon him (to be seen at the place of blemish) meaning, the people see him at a place where whosoever they find there is condemned, due to their abhorrence of *mut'ah*, hence that becomes a cause of harm to him and to his brothers. 18

This seems to be a conditional ban imposed to curb the harm which accrues to righteous Shi'is from ignorant Sunnis. Wherever the practice of *mut'ah* would not put the Shee'ah in danger, then the prohibition would not apply. In any case, the *hadith* is *ḥa'if*. Meanwhile, if its text does question the legitimacy of *mut'ah*, then it is in contradiction to the Verse of *al-Mut'ah*, and therefore *mawḥū'*.

Hadith Six

Al-Kulayni reports:

علي بن إبراهيم، عن أبيه، عن ابن أبي عمير، عن بعض أصحابنا، عن زرارة،
عن أبي جعفر عليه السلام قال: قلت له: جعلت فداك الرجل يتزوج المتعة
وينقضي شرطها ثم يتزوجها رجل آخر حتى بانث منه ثم يتزوجها الأول حتى
بانث منه ثلاثا وتزوجت ثلاثة أزواج يحل للأول أن يتزوجها؟ قال: نعم كم شاء
ليس هذه مثل الحرة هذه مستأجرة وهي بمنزلة الإمام.

‘Ali b. Ibrahim – his father – Ibn Abi ‘Umayr – **one of our companions** – Zurarah:

I said to Abu Ja'far, peace be upon him, “May I be sacrificed for you. The man marries in *mut'ah* and its term expires. Then, another man marries her until she separates from him. Then, the first (man) re-marries her until she separates from him three times; and she married three husbands. Is it permissible for the first (man) to re-marry her (again)?” He said, “Yes, any number of times he wishes. **This one is not like the free woman. This one is rented, and she is of the status of the slave woman.**” 19

Al-Majlisi declares:

حسن وعليه الأصحاب

Hasan, and upon it are the companions (i.e. the scholars).²⁰

However, it is actually *mursal* and therefore *ʿaʿif*. Al-Majlisi grades it *hasan*, apparently because he belongs to the camp of Shi'i scholars who accept the *marasil* of Ibn Abi 'Umayr – as in this case. Our great leader, 'Allamah al-Khui (d. 1411 H), traces the origin of this practice:

أقول: الأصل في هذه الدعوى هو الشيخ – قدس سره – ، فقد قال في أواخر بحثه عن خبر الواحد في كتاب العدة (...): ولأجل ذلك سوت الطائفة بين ما يرويه محمد بن أبي عمير، وصفوان بن يحيى، وأحمد بن محمد بن محمد بن أبي نصر، وغيرهم من الثقات الذين عرفوا بأنهم لا يروون ولا يرسلون إلا عما يوثق به، وبين ما أسنده غيرهم (...).

I say: The root of this claim was Shaykh, may Allah sanctify his secret, for he had said at the end of his research concerning the solitary report in *Kitab al-'Uddah*:

“... It is for this reason that the *ʿaʿifah* have equated the reports of Muhammad b. Abi 'Umayr, Safwan b. Yahya, and other *thiqah* narrators – whom they know that they did not narrate or do *irsal* except from those that were trusted – with what others narrated in *musnad* (fully connected) manners....”²¹

Then, he adds:

فمن المطمأن به أن منشأ هذا الدعوى هو دعوى الكشي الاجماع على تصحيح ما يصح عن هؤلاء. وقد زعم الشيخ أن منشأ الاجماع هو أن هؤلاء لا يروون إلا عن ثقة، وقد مر قريبا بطلان ذلك.

From what is certain is that the origin of this claim (of Shaykh al-ʿusi) was the claim of al-Kashi that there was *ijma'* (consensus) upon the authentication of whatsoever is authentically transmitted from these people. The Shaykh had claimed that the origin of the *ijma'* was that these people did not narrate except from *thiqah* narrators, and the fallacy of that has just been mentioned.²²

So, there was a claim of *ijma'* by al-Kashi upon the acceptance of whatsoever Ibn Abi 'Umayr and a few other people narrated. From this claim of al-Kashi, al-ʿusi concluded that Ibn Abi 'Umayr never narrated

except from *thiqah* narrators. His conclusion became accepted among many *'ulama*; and, as such, they accepted all his *ahadith* indiscriminately, including even where he has not given the name of his source. However, as al-Khui demonstrates, both the *'ijma* itself and the conclusion from it were made in error. He first declares:

ولكن هذه الدعوى باطلة

But, this claim (i.e. that they narrated from *thiqah* narrators only) is fallacious.²³

Then, with specific reference to Ibn Abi 'Umayr, he debunks the myth surrounding him:

وهذا ابن أبي عمير، روى عن علي بن أبي حمزة البطائي كتابه، ذكره النجاشي والشيخ، وروى محمد بن يعقوب بسند صحيح عن ابن أبي عمير عن علي بن أبي حمزة وروى بسند صحيح عن ابن أبي عمير عن الحسين بن أحمد المنقري، والحسين بن أحمد المنقري، ضعفه النجاشي والشيخ. وروى الشيخ بسند صحيح عن ابن أبي عمير، عن علي بن حديد وعلي ابن حديد ضعفه الشيخ في موارد من كتابيه وبالع في تضعيفه. وتقدمت روايته عن يونس بن ظبيان أنفا. وأما روايته عن المجاهيل غير المذكورين في الرجال فكثيرة

:And this is Ibn Abi 'Umayr. He narrated from 'Ali b. Abi Hamzah al-Baḥā'ini his book. Al-Najashi and Shaykh mentioned it. Muhammad b. Ya'qub also narrated with a *sahih* chain from Ibn Abi 'Umayr from 'Ali b. Abi Hamzah; and he also narrated with a *sahih* chain from Ibn Abi 'Umayr from al-Husayn b. Ahmad al-Munqiri, and al-Husayn b. Ahmad al-Munqiri was declared *ḥa'if* by al-Najashi and Shaykh. Shaykh too narrated with a *sahih* chain from Ibn Abi 'Umayr from 'Ali b. Hadid, and 'Ali b. Hadid was declared *ḥa'if* by Shaykh at many places in his two books, and he was extremely emphatic in declaring him *ḥa'if*. His report from Yunus b. Ḥabyan has been previously mentioned. As for his reports from *majhul* narrators who are not mentioned in the *rijal* books, then they are several.²⁴

Basically, Ibn Abi 'Umayr used to narrate from *ḥa'if* narrators, and even from al-Baḥā'ini who was a liar! There are *sahih* chains reaching up to him confirming these crucial facts. As such, the basis for accepting his narrations without question, including his *marasil*, is defeated by this reality. Worse still, Ibn Abi 'Umayr himself never claimed that he narrated from reliable narrators only. It was just some *'ulama* who made the apparently erroneous claim about him. Writing about Ibn Abi 'Umayr and his colleagues, and the claim that they never narrated except from *thiqah* narrators, al-Khui further states:

ومن الظاهر أنه لم ينسب إلى أحد هؤلاء إخباره وتصريحه بذلك، وليس لنا طريق آخر لكشفه

From what is apparent is that it is not attributed to any of these people his information or declaration of that, and there is no other way for us to discover it.²⁵

The bottomline then is that the *marasil* of Ibn Abi ‘Umayr are *ḥa’if* like the other *marasil*. This is what al-Khui concludes as well:

تقدم عن النجاشي في أن الأصحاب سكنوا إلى مراسيل ابن أبي عمير، وذكر
مثل ذلك الشيخ في كتاب العدة، ولكننا قد تعرضنا في المقدمة، إلى أن هذا
الكلام لا أساس له، وأنه لا فرق بين مراسيله ومراسيل غيره من الثقات.

We have earlier quoted al-Najashi saying that the companions (i.e. scholars) relied upon the *marasil* of Ibn Abi ‘Umayr, and Shaykh mentioned the like of that in *Kitab al-‘Uddah*. **However, we have indicated in the Introduction that this statement has no basis, and that there is no difference between his *marasil* and the *marasil* of other *thiqah* narrators.**²⁶

Therefore, the *hadith* of Zurarah above is *ḥa’if*, as it is a *mursal* report of Ibn Abi ‘Umayr. Those who quote it seek to prove:

- (i) the *mut’ah* wife is “rented” for sex in the marriage; and
- (ii) she is like a slave woman.

Well, the comparison of the temporary wife to the slave woman is strictly relative:

- (a) a man may have as many slave women with whom he enjoys sexual relations as he wants;
- (b) in the same manner, the husband may have *mut’ah* relationships with as many women as he wants at the same time;
- (c) the master of a slave woman needs no *wali* or witnesses in order to enjoy a concubinage with her;
- (d) the husband of a temporary wife needs no *wali* (except in the case of a virgin) and no witnesses (except where he voluntarily chooses to have them) in order to formalize the *mut’ah* with her;
- (e) the slave woman exits the concubinage without divorce;

(f) the temporary wife separates from the husband without a divorce.

These are the only areas of similarity between the *mut'ah* wife and the slave concubine. In everything else, they are different. This *hasan* or *sahih* *hadith* of al-Kulayni, which we have already quoted in full in this book, testifies to this:

ليس فيها وقت ولا عدد إنما هي بمنزلة الإمام يتزوج منهن كم شاء وصاحب
الأربع نسوة يتزوج منهن ما شاء بغير ولي ولا شهود فإذا انقضى الاجل بانت
منه بغير طلاق ويعطيها الشيء اليسير

There is no specific length or any (maximum) number (of the wives) in it. They are only of the status of slave women: he marries any number of them as he wishes, and the husband of four women (also) marries from them whatever he wishes, with no *wali* or witnesses. When the (agreed) term expires, she separates from him without divorce, and he gives her the small thing.

As for the claim that she is “rented” for sex in the *mut'ah*, we will have more to say about this. But, first, let us examine the other *ahadith* which also described her as “rented”. Al-Kulayni gives us the second report, as well:

محمد بن يحيى، عن أحمد بن محمد بن عيسى، عن الحسين بن سعيد، ومحمد
بن خالد البرقي، عن القاسم بن عروة، عن عبد الحميد، عن محمد بن مسلم،
عن أبي جعفر عليه السلام في المتعة قال: ليست من الأربع لأنها لا تطلق ولا
ترث وإنما هي مستأجرة.

Muhammad b. Yahya – Ahmad b. Muhammad b. 'Isa – al-Husayn b. Sa'id AND Muhammad b. Khalid al-Barqi – **al-Qasim b. 'Urwah** – 'Abd al-Hamid – Muhammad b. Muslim:

Abu Ja'far, peace be upon him, said concerning *mut'ah*: “She is not from the four (permanent wives), because she is not divorced and she does not inherit. She is only a rented woman.”²⁷

Al-Majlisi states:

مجهول

And al-Jawahiri declares concerning one of its narrators:

القاسم بن عروة: أبو محمد مولى أبي أيوب الخوزي – مجهول

Al-Qasim b. 'Urwah, Abu Muhammad, freed slave of Abu Ayyub al-Khawzi: **Majhul.29**

Meanwhile, al-Barqi is equally said to have documented this *hadith*:

وعنه، عن العباس بن معروف، عن القاسم بن عروة: عن عبد الحميد الطائي، عن محمد بن مسلم، قال: قلت لأبي جعفر عليه السلام: لم لا تورث المرأة عمن يتمتع بها؟ - قال: لأنها مستأجرة، وعدتها خمسة وأربعون يوما

And from him – al-'Abbas b. Ma'ruf – **al-Qasim b. 'Urwah** – 'Abd al-Hamid al-ṣai – Muhammad b. Muslim:

I said to Abu Ja'far, peace be upon him, "Why does the woman not inherit the one who does *mut'ah* with her?" He said, "It is because she is a rented woman, and her *'iddah* is forty-five days."³⁰

This is from al-Qasim b. 'Urwah, the same *majhul* narrator, and it is therefore also *ṣa'if*. Besides, *Kitab al-Mahasin* is also a *ṣa'if* book, as it has not reached us through authentic means.³¹ That compounds the unreliability of the *hadith*.

And, here is al-Kulayni with the final *hadith* on this matter:

الحسين بن محمد، عن أحمد بن إسحاق، عن سعدان بن مسلم، عن عبيد بن زرارة، عن أبيه، عن أبي عبد الله عليه السلام قال: ذكرت له المتعة أهي من الأربع؟ فقال: تزوج منهن ألفا فإنهن مستأجرات.

Al-Husayn b. Muhammad – Ahmad b. Ishaq – Sa'dan b. Muslim – 'Ubayd b. Zurarah – his father:

I mentioned *mut'ah* to him, "Is she from the four?" So, he said, "Marry a thousand of them, for they are rented women."³²

And, al-Majlisi submits:

مجهول

Majhul.33

This basically establishes that there is NO authentic basis for referring to *mut'ah* wives as rented women.

But then, let us assume, for the sake of argument, that she *is* rented. Is it really for sex? There are two possibilities here:

- (i) The woman is rented for sex in *mut'ah*. Therefore, there can be no *mut'ah* without intercourse.
- (ii) The woman is not rented for sex in *mut'ah*. As such, there can be *mut'ah* without intercourse.

There is no third way to this. If *mut'ah* is only a “rental” of the woman for sex, then any *mut'ah* without sex is no *mut'ah*. However, as al-Kulayni has reported, *mut'ah* can be without sex, and still be *mut'ah*:

محمد بن يحيى، عن أحمد وعبد الله ابني محمد بن عيسى، عن علي بن الحكم،
عن زياد بن أبي الحلال قال: سمعت أبا عبد الله عليه السلام يقول: لا بأس بأن
يتمتع بالبكر ما لم يفض إليها مخافة كراهية العيب على أهلها.

Muhammad b. Yahya – Ahmad and ‘Abd Allah, sons of Muhammad b. ‘Isa – ‘Ali b. al-Hakam – Ziyad b. Abi al-Hilal:

I heard Abu ‘Abd Allah, peace be upon him, saying: **“There is no problem in doing *mut'ah* with the virgin as long as he does not have sex with her,** for fear of the disgust of the blemish upon her family.”³⁴

Al-Majlisi declares:

صحيح

Sahih.35

Even the locus classicus in this matter, the *mursal hadith* of Ibn Abi ‘Umayr, affirms the same truth. Al-‘usi documents:

روى محمد بن يعقوب عن علي بن إبراهيم عن أبيه عن ابن أبي عمير عن بعض أصحابنا عن زرارة عن أبي جعفر عليه السلام قال: قلت له: جعلت فداك تتزوج المتعة وينقضي شرطها ثم يتزوجها رجل آخر حين بانث منه ثم يتزوجها الرجل الأول حين بانث منه ثلاثا وتزوجت ثلاثة أزواج يحل للأول ان يتزوجها؟ قال: نعم كم شاء ليس هذه مثل الحرة هذه مستأجرة وهي بمنزلة الإماء. ومتى تزوج الرجل امرأة متعة وشرطت عليه ان لا يطأها في فرجها فليس له إلا ما اشترطت.

Muhammad b. Ya’qub – ‘Ali b. Ibrahim – his father – Ibn Abi ‘Umayr – **one of our companions** – Zurarah:

I said to Abu Ja’far, peace be upon him, “May I be sacrificed for you. *Mut’ah* was contracted and its term expires. Then, another man marries her when she separates from him. Then, the first man re-marries her when she separates from him, three times; and she married three husbands. Is it permissible for the first (man) to re-marry her (again)?” He said, “Yes, any number of times he wishes. This one is not like the free woman. This one is rented, and she is of the status of the slave woman. **And when the man marries a woman in *mut’ah*, and she imposes a condition upon him that he shall not have sexual intercourse with her, then there is nothing for him except whatever is stipulated as a condition.**”³⁶

So, then, how exactly is *mut’ah* a “rental” of the woman *for sex*?

Hadith Seven

Shaykh al-‘usi records:

وأما ما رواه أحمد بن محمد عن أبي الحسن عن بعض أصحابنا يرفعه إلى أبي عبد الله عليه السلام قال: لا تتمتع بالمؤمنة فتذللها.

Ahmad b. Muhammad – Abu al-Hasan – **one of our companions** – Abu ‘Abd Allah, peace be upon him:

Do not do *mut'ah* with a *muminah* (believing woman), thereby humiliating her.³⁷

Then, al-ʿusi himself declares:

فهذا الخبر مقطوع الاسناد مرسل

This report has a disconnected chain, *mursal*.³⁸

So, it is *ʿa'if*; and that basically deals with it.

Hadith Eight

Al-ʿusi reports:

روى محمد بن أحمد بن يحيى عن أحمد بن محمد عن علي ابن حديد عن
جميل عن زرارة قال: سألت عمار وأنا عنده عن الرجل يتزوج الفاجرة متعة قال:
لا بأس وإن كان التزويج الآخر فليحصن بابه.

Muhammad b. Ahmad b. Yahya – Ahmad b. Muhammad – ‘Ali b. Hadid – Jamil – Zurarah:

‘Ammar asked, while I was with him, about the man who marries the prostitute in *mut'ah*. He said,
“There is no problem. But, if it were the other marriage, then he must fortify his door.”³⁹

And, in his *Istibsar*, he proclaims:

وأما خبر زرارة فالطريق إليه علي بن حديد وهو ضعيف جداً لا يعول على ما
ينفرد بنقله

As for the report of Zurarah, **the route to him is ‘Ali b. Hadid and he is *ʿa'if jiddan***. Whatever he
alone narrates is not relied upon.⁴⁰

Therefore, the report is *ʿa'if jiddan* in its *sanad*.

Al-Majlisi too says about the *hadith*:

ضعيف

¶a'if.41

Meanwhile, it also directly contradicts this *ayah* of the Qur'an:

الزاني لا ينكح إلا زانية أو مشركة والزانية لا ينكحها إلا زان أو مشرك وحرم
ذلك على المؤمنين

The fornicator shall not marry any but a fornicatress or an idolatress; **and the fornicatress, none shall marry her but a fornicator or an idolater: and that is made *haram* for the believers.**⁴²

On this account alone, the *hadith* is *mawḍuʿ*.

Hadith Nine

Al-Ḥusi documents:

عنه عن سعدان عن علي بن يقطين قال: قلت لأبي الحسن عليه السلام: نساء
أهل المدينة قال: فواسق قلت: فأتزوج منهن؟ قال: نعم. ومتى أراد الرجل تزويج
المتعة فليس عليه التفتيش عنها بل يصدقها في قولها.

From him (i.e. Muhammad b. Ahmad b. Yahya) – Sa'dan – 'Ali b. Yaqin:

I said to Abu al-Hasan, peace be upon him, "The women of al-Madinah." He said, "Unchaste." I said, "So, can I marry from them?" He said, "Yes. And when the man intends to contract *mut'ah*, he does not have to do investigation about her. Rather, he should trust her in her statement."⁴³

Al-Majlisi says:

مجهول

Majhul.⁴⁴

As such, this *hadith* of ‘Ali b. Yaqū’in is *ḍa’if*. It also contradicts the Book of Allah, and that makes it *mawḍū’*.

Hadith Ten

Al-Faḍl records:

روى محمد بن أحمد بن يحيى عن علي بن السندي عن عثمان بن عيسى عن
إسحاق بن عمار عن فضل مولى محمد بن راشد عن أبي عبد الله عليه السلام
قال: قلت اني تزوجت امرأة متعة فوقع في نفسي أن لها زوجا ففتشت عن ذلك
فوجدت لها زوجا قال: ولم فتشت؟!

Muhammad b. Ahmad b. Yahya – ‘**Ali b. al-Sindi** – ‘Uthman b. ‘Isa – Ishaq b. ‘Ammar – **Faḍl, freed slave of Muhammad b. Rashid:**

I said, “I married a woman in *mut’ah*. But, it occurred in my mind that she had a husband. So, I investigated that and discovered that she had a husband.” Abu ‘Abd Allah, peace be upon him, said, “Why did you investigate?!”⁴⁵

Al-Jawahiri says about one of the narrators:

علي بن السندي: روى ٨٤ رواية، وروى بعنوان علي بن السندي القمي – لم
تثبت وثاقته

‘Ali b. al-Sindi: he narrated 84 reports, and he also narrated under the name ‘Ali b. al-Sanadi al-Qummi: **his trustworthiness is NOT established.**⁴⁶

This makes him *majhul* and *ḍa’if*. Al-Jawahiri also states about another narrator:

الفضل مولى محمد بن راشد :مجهول

Al-Faḍl, freed slave of Muhammad b. Rashid: ***Majhul.***⁴⁷

Apparently, the report has a *ḍa’if* chain. It also contradicts this authentic *hadith* of al-Kulayni:

محمد بن يحيى، عن أحمد بن محمد، عن ابن محبوب، عن أبان، عن أبي مريم،
عن أبي جعفر عليه السلام أنه سئل عن المتعة فقال: إن المتعة اليوم ليس كما
كانت قبل اليوم إنهن كن يومئذ يؤمن واليوم لا يؤمن فاسألوا عنهن.

Muhammad b. Yahya – Ahmad b. Muhammad – Ibn Mahbub – Aban – Abu Maryam:

Abu Ja'far, peace be upon him, was asked about *mut'ah*. So, he said, "Verily, *mut'ah* today is not as it used to be in the past. They (i.e. the women) used to be faithful. But, today, they are not faithful.

Therefore, investigate about them (i.e. the women).⁴⁸

Al-Majlisi says:

موثق كالصحيح

*Muwaththaq ka al-Sahih*⁴⁹

Therefore, the man must thoroughly investigate about the woman – including concerning her marital status – before contracting *mut'ah* with her. Besides, even during their marriage, he must still carry out fresh investigations if he has any suspicions. The Imam, *'alaihi al-salam*, has not placed any time limitations on the obligation to investigate.

Hadith Eleven

Al-ʿusi reports:

وعنه عن أيوب بن نوح عن مهران بن محمد عن بعض أصحابنا عن أبي عبد
الله عليه السلام قال: قيل له إن فلانا تزوج امرأة متعة ف قيل له ان لها زوجا
فسألها فقال أبو عبد الله عليه السلام: ولم سألها؟

And from him (Muhammad b. Ahmad b. Yahya) – Ayyub b. Nuh – **Mihran b. Muhammad – one of our companions:**

It was said to Abu 'Abd Allah, peace be upon him, "So-and-so married a woman in *mut'ah*. Then, he was informed that she had a husband. Therefore, he asked her." So, Abu 'Abd Allah, peace be upon him, said, "And why did he ask her?"⁵⁰

Al-Jawahiri says about one of the narrators:

مهران بن محمد: مجهول

Mihran b. Muhammad: **Majhul**.⁵¹

As such, the *hadith* is *ḥa'if*. But, it is also *mursal*, as our esteemed reader can see. Al-Majlisi too confirms this when he declares concerning it:

مرسل

Mursal.⁵²

Therefore, it suffers from compounded unreliability.

Hadith Twelve

Al-Ḥusi documents:

وعنه عن الهيثم بن أبي مسروق النهدي عن أحمد بن محمد بن أبي نصر
ومحمد بن الحسن الأشعري عن محمد بن عبد الله الأشعري قال: قلت للرضا
عليه السلام: الرجل يتزوج بالمرأة فيقع في قلبه أن لها زوجا قال: ما عليه رأي
لو سألها البينة كان يجد من يشهد أن ليس لها زوج

And from him (i.e. Muhammad b. Ahmad b. Yahya) – al-Haytham b. Abi Masruq al-Hindi – Ahmad b. Muhammad b. Abi Nasr AND Muhammad b. al-Hasan al-Ash'ari – **Muhammad b. 'Abd Allah al-Ash'ari**:

I said to al-Riḥā, peace be upon him, “The man marries the woman. Then, it occurs in his mind that she has a husband.” He said, “It is not upon him. Have you seen: if he asks her for proof, there will be someone who will testify that she has no husband?”⁵³

Al-Majlisi states about the *hadith*:

مجهول

Majhul.54

Al-Jawahiri also submits about one of the narrators:

محمد بن عبد الله الأشعري: مجهول

Muhammad b. ‘Abd Allah al-Ash’ari: ***Majhul.55***

Therefore, the *hadith* is **ḍa’if**.

Hadith Thirteen

Al-ḥusni records:

محمد بن أحمد بن يحيى عن العباس بن معروف عن سعدان بن مسلم عن رجل
عن أبي عبد الله عليه السلام قال: لا بأس بتزويج البكر إذا رضيت من غير إذن
أبويها.

Muhammad b. Ahmad b. Yahya – al-‘Abbas b. Ma’ruf – Sa’dan b. Muslim – a man – Abu ‘Abd Allah,
peace be upon him:

There is no problem in marrying the virgin when she consents, without the consent of her parents.⁵⁶

Al-Majlisi declares:

مجهول مرسل

Majhul Mursal.57

Thus, it is very weak. It equally contradicts this authentic *hadith* of the same al-ḥusni:

فاما رواه أحمد بن محمد عن محمد بن إسماعيل عن أبي الحسن ظريف عن
ابان عن أبي مريم عن أبي عبد الله عليه السلام قال: العذراء التي لها أب لا
تتزوج متعة إلا باذن أبيها.

Ahmad b. Muhammad – Muhammad b. Isma'il – Abu al-Hasan Zarif – Aban – Abu Maryam – Abu 'Abd
Allah, peace be upon him:

The virgin who has a father cannot be married in *mut'ah* except with the permission of her father.⁵⁸

Al-Majlisi comments:

موثق كالصحيح

*Muwaththaq ka al-Sahih*⁵⁹

Al-Ruhani also states:

صحيح

*Sahih*⁶⁰

That then delivers the fatal blow to it.

Hadith Fourteen

Al-⁶¹usi says:

وعنه عن موسى بن عمر بن يزيد عن محمد بن سنان عن أبي سعيد القمط
عمن رواه قال: قلت لأبي عبد الله عليه السلام: جارية بكر بين أبويها تدعوني
إلى نفسها سرا من أبويها أفأفعل ذلك؟ قال: نعم واتفق موضع الفرج قال: قلت
فان رضيت بذلك؟ قال: وان رضيت بذلك فإنه عار على الابكار.

And from him from **Musa b. 'Umar b. Yazid – Muhammad b. Sinan – Abu Sa'id al-Qima⁶² – from the**

one who narrated it:

I said to Abu ‘Abd Allah, peace be upon him: “A virgin girl who is still with her parents invites me to herself secretly without the knowledge of her parents. Should I do that?” He said, “Yes, and avoid the place of the vulva.” I said, “So, if she consents to that?” He said, “Even if she consents to that, for it is a shame upon the virgins.”⁶¹

Al-Majlisi comments:

ضعيف على المشهور

‘a’if ‘ala al-Mashhur.⁶²

Al-Jawahiri too states about one of the narrators:

موسى بن عمر بن يزيد بن ذبيان: الصيقل – مجهول

Musa b. ‘Umar b. Yazid Dhibyan al-Sayqal: **Majhul**.⁶³

And, about another narrator, Shaykh al-Najashi (d. 450 H) submits:

محمد بن سنان ... هو رجل ضعيف جدا لا يعول عليه ولا يلتفت إلى ما تفرد به

Muhammad b. Sinan ... **he is a man who is ‘a’if jiddan (very weak)**. He is not relied upon, and no attention is paid to whatever he narrated without corroboration.⁶⁴

As such, the *hadith* is ‘a’if jiddan. Worse still, it is equally *mursal*, as its main narrator is unknown.

With that same ‘a’if jiddan chain, al-Tusi proceeds with this further *riwayah*:

وبهذا الاسناد عن أبي سعيد قال: سئل أبو عبد الله عليه السلام عن التمتع من
الابكار اللواتي بين الأبوين فقال: لا بأس ولا أقول كما يقول هؤلاء الأقشاب

And with this chain from Abu Sa’id:

Abu ‘Abd Allah, peace be upon him, was asked about *mut’ah* with virgins who are still with their parents. So, he said, “There is no problem (with it), and I do not say as these scoundrels say.”⁶⁵

Al-Majlisi says:

ضعيف

‘a’if.⁶⁶

We already know of the severe weakness of the *sanad*, anyway.

Then, al-‘usi proceeds to narrate one more *hadith* through that same chain:

أبو سعيد عن الحلبي قال: سألته عن التمتع من البكر إذا كانت بين أبويها بلا
اذن أبويها قال: لا بأس ما لم يقتض ما هناك لتعف بذلك.

Abu Sa’id from al-Halabi:

I asked him about *mut’ah* with the virgin who is still with her parents without the consent of her parents. He said, “There is no problem as long as one does not consummate what is there, so that she could be chaste by that.”⁶⁷

Al-Majlisi declares:

ضعيف على المشهور

‘a’if ‘ala al-Mashhur.⁶⁸

And it is actually ‘a’if *jiddan* due to Muhammad b. Sinan. Of course, it equally contradicts the *sahih hadith* of Abu Maryam, quoted above – a fact that makes its case even more hopeless.

Hadith Fifteen

Al-Tusi records:

الحسن بن محبوب عن إسحاق بن جرير قال: قلت لأبي عبد الله عليه السلام ان عندنا بالكوفة امرأة معروفة بالفجور أيحل ان أتزوجها متعة؟ قال فقال: رفعت راية؟ قلت: لا لو رفعت راية اخذها السلطان قال فقال: نعم تزوجها متعة قال: ثم إنه اصغى إلى بعض مواليه فاسر إليه شيئاً، قال: فدخل قلبي من ذلك شيء قال: فلقيت مولاه فقلت له: اي شيء قال لك أبو عبد الله عليه السلام؟ قال: فقال لي: ليس هو شيء تكرهه فقلت: فأخبرني به قال فقال: إنما قال لي: ولو رفعت راية ما كان عليه في تزويجها شيء إنما يخرجها من حرام إلى حلال.

Al-Hasan b. Mahbub – Ishaq b. Jarir:

I said to Abu ‘Abd Allah, peace be upon him, “**With us in Kufah, there is a woman who is famous for prostitution. Is it *halal* to marry her in *mut’ah*?**” He said, “Did she raise a flag (i.e. openly practises prostitution)?” I said, “No. If she raised a flag, the ruler would arrest her.” So, he said, “**Yes. Marry her in *mut’ah*.**” Then, he listened to one of his slaves and confided something to him. As a result, something entered my heart concerning that. Therefore, I met his slave and said to him, “What did Abu ‘Abd Allah, peace be upon him, say to you?” So, he said to me, “It is not something you dislike.” Then I said, “In that case, inform me of it.” Then he said, “He only said to me: even if she raised a flag, there would not be anything against his marriage of her. He only takes her out of a *haram* to a *halal*.”⁶⁹

Al-Majlisi says:

موثق

Muwaththaq.70

Al-Ruhani agrees:

موثق

Muwaththaq.71

The last part of the *hadith* is *mursal* and therefore *‘a’if*, as it is narrated to Ishaq by an unnamed, unknown slave. As for the first part, it is *muwaththaq*.

A *muwaththaq hadith* is only conditionally authentic, and is inferior to a *sahih hadith*. This is why, in the

case of a conflict between a *muwaththaq hadith* and a *sahih hadith*, the former becomes *shadh* and *ʿaʿif*. Meanwhile, al-ʿusi himself gives some further information on the *muwaththaq hadith*:

وأما العدالة المراعاة في ترجيح أحد الخبرين على الآخر فهو: أن يكون الراوي معتقدا للحق، مستبصرا ثقة في دينه، متحرجا من الكذب غير متهم فيما يرويّه.

فأما إذا كان مخالفا في الاعتقاد لأصل المذهب وروى مع ذلك عن الأئمة عليهم السلام نظر فيما يرويّه. فان كان هناك من طرق الموثوق بهم ما يخالفه وجب اطراح خبره. وان لم يكن هناك ما يوجب اطراح خبره ويكون هناك ما يوافقه وجب العمل به.

وان لم يكن من الفرقة المحقة خبر يوافق ذلك ولا يخالفه، ولا يعرف لهم قول فيه، وجب أيضا العمل به

As for the *ʿadalah* that is required in the preference of one of two reports over another, it is: that the narrator should have the true *ʿaqidah*, enlightened, trustworthy in his religion, who avoids telling lies, not accused in what he narrates.

But, if he deviates in *ʿaqidah* from the root of the (Shiʿi) sect, and narrates nonetheless from the Imams, peace be upon them, what he narrates is looked at. **If there is what contradicts it from the routes of trusted narrators, it becomes obligatory to throw away his report.** However, if there is nothing that necessitates throwing away his report, and there is what agrees with it, it becomes obligatory to follow it.

Meanwhile, if there is no report from the saved sect (i.e. Shiʿis) which agrees with that, and no report which contradicts it, and no opinion is known from them concerning it, it is equally obligatory to follow it.⁷²

In other words, a *muwaththaq hadith* – which is what a non-Imami Muslim narrates from the Ahl al-Bayt – is authentic only if there is nothing *sahih* that contradicts it. Al-ʿusi also adds:

وان كان ما روهه ليس هناك ما يخالفه ولا يعرف من الطائفة العمل بخلافه، وجب أيضا العمل به إذا كان متحرجا في روايته موثوقا في أمانته، وان كان

مخطئاً في أصل الاعتقاد.

And if there is nothing that contradicts what he narrated, and the *ʿaifah* (i.e. Shi'is) are not known to have acted contrary to it, it is obligatory to follow it as well, if he is restrained (from telling lies) in his report, trustworthy in his honesty, even if he deviates in the root of *ʿaqidah*.⁷³

So, what saves a *muwaththaq hadith* is the complete absence of any *sahih Shi'i hadith* that contradicts it. If there is, the *muwaththaq hadith* becomes *matruk* (rejected) and thrown away.

With that in mind, we ask: is there any *sahih Shi'i hadith* which contradicts the *muwaththaq hadith* of Ishaq b. Jarir above?

First, it directly opposes this *ayah* of Allah:

الزاني لا ينكح إلا زانية أو مشركة والزانية لا ينكحها إلا زان أو مشرك وحرم
ذلك على المؤمنين

The fornicator shall not marry any but a fornicatress or an idolatress; **and the fornicatress, none shall marry her but a fornicator or an idolater: and that is made *HARAM* for the believers.**⁷⁴

This explicitly forbids marriage with fornicators and fornicatresses. The instruction is also general, and the Ahl al-Bayt have applied the verse to both permanent marriage and *mut'ah*.

It also contradicts this *ayah*:

اليوم أحل لكم الطيبات وطعام الذين أوتوا الكتاب حل لكم وطعامكم حل لهم
والمحصنات من المؤمنات والمحصنات من الذين أوتوا الكتاب من قبلكم إذا
آتيتموهن أجورهن محصنين غير مسافحين ولا متخذي أخدان

Today, the good things are made *halal* to you; and the food of those who were given the Book is *halal* for you, and your food is *halal* for them; **and also (*halal* to you are) the CHASTE ONES from the believing women and the CHASTE ONES from those who were given the Book before you**, when you have given them their dowries, taking (them) in marriage, not fornicating (with them), nor taking them as girlfriends.⁷⁵

Only chaste Muslim and Kitabi women are *halal* for marriage. All others are therefore *haram*. Of course,

there is absolutely no doubt that fornicatresses and prostitutes are NOT chaste women. As such, *mut'ah* with any unchaste woman – in particular, with a fornicatress or prostitute – is *haram* in Islam, according to the Book of our Lord.

The third *ayah* which the *muwaththaq* *hadith* of Ishaq b. Jarir contradicts is this:

ومن لم يستطع منكم طولا أن ينكح المحصنات المؤمنات فمن ما ملكت
أيمانكم من فتياتكم المؤمنات والله أعلم بإيمانكم بعضكم من بعض فانكحوهن
بإذن أهلهن وآتوهن أجورهن بالمعروف محصنات غير مسافحات ولا متخذات
أخدان

And whoever of you is not able to afford to marry free believing women, let him marry from the believing girls from among those whom your right hands possess, and Allah has full knowledge about your faith. You are one from another. **Marry them with the consent of their masters and give them their dowries justly: they being CHASTE, not fornicating, nor taking boyfriends.**⁷⁶

So, even a slave girl must be chaste before she can qualify for marriage – whether permanently or in *mut'ah*. *Alhamdulillah*, there are hardly any slaves in the world today. Meanwhile, the significance of this verse to our research is in the fact that Allah generally sets lower standards for slaves and higher for free believers⁷⁷. Since chastity is strictly required from slave girls before they can qualify for *nikah*, then the standard is even higher for free Muslimahs! Apparently, the average Muslim woman must indeed be *very* chaste in order to be suitable for *mut'ah*.

Thus, what happens to the *muwaththaq* *hadith* of Ishaq b. Jarir which opposes these verses? Al-Khui has a clear answer for this:

وقد دلت الأخبار المتواترة على وجوب عرض الروايات على الكتاب والسنة
وأن ما خالف الكتاب منها يجب طرحه، وضربه على الجدار.

The ***mutawatir* reports** have proved that it is obligatory to compare reports with the Book and the *Sunnah*, and that **whatsoever contradicts the Book from them must be thrown away and discarded.**⁷⁸

Shaykh al-Saduq (d. 381 H) too declares:

وكل حديث لا يوافق كتاب الله فهو باطل

Every *hadith* that does not agree with the Book of Allah is a fabrication.⁷⁹

Therefore, the *hadith* of Ishaq b. Jarir is *mawdu'*, a fabrication.

Then, al-Saduq has this *hadith* too:

روى داود بن سرحان، عن زرارة عن أبي عبد الله عليه السلام قال: سألته عن قول الله عز وجل: الزاني لا ينكح إلا زانية أو مشركة والزانية لا ينكحها إلا زان أو مشرك " قال: هن نساء مشهورات بالزنا، ورجال مشهورون بالزنا، شهروا بالزنا وعرفوا به، والناس اليوم بتلك المنزلة من أقيم عليه حد الزنا أو شهر بالزنا لم ينبغ لاحد أن يناكحه حتى يعرف منه توبة

Dawud b. Sarhan – Zurarah:

I asked Abu 'Abd Allah, peace be upon him, about the Statement of Allah, the Almighty {**The fornicator shall not marry any but a fornicatress or an idolatress; and the fornicatress, none shall marry her but a fornicator or an idolater**}. He said, "They are women who are famous for *zina*, and men who are famous for *zina*. They became famous for *zina* and became known with it; and the people today are of that status. **Whoever is judicially punished for *zina* or is famous for it, it is NOT appropriate for anyone to marry them until repentance is known from them.**"⁸⁰

The annotator, Prof. 'Ali Akbar al-Ghiffari, comments:

الطريق صحيح

The chain is *sahih*.⁸¹

Al-Ruhani agrees with him:

صحيح

Sahih.⁸²

Al-Fusi also reports this:

أحمد بن محمد بن عيسى عن أبي المعز عن الحلبي قال قال: أبو عبد الله عليه السلام لا تتزوج المرأة المعلنة بالزنا ولا تزوج الرجل المعلن بالزنا إلا أن يعرف منهما التوبة.

Ahmad b. Muhammad b. 'Isa – Abu al-Mua'za – al-Halabi – Abu 'Abd Allah, peace be upon him:

“Do NOT marry the woman who overtly commits *zina*, and do NOT marry the man who overtly commits *zina*, **EXCEPT when repentance is known from them both.**”⁸³

Al-Ruhani comments:

صحيح

Sahih.⁸⁴

Al-Kulayni is not left out either:

علي بن إبراهيم، عن محمد بن عيسى، عن يونس، عن محمد بن الفضيل قال: سألت أبا الحسن عليه السلام عن المرأة الحسناء الفاجرة هل يجوز للرجل أن يتمتع منها يوماً أو أكثر؟ فقال: إذا كانت مشهورة بالزنا فلا يتمتع منها ولا ينكحها.

'Ali b. Ibrahim – Muhammad b. 'Isa – Yunus – Muhammad b. al-Fuṣayl:

I asked Abu al-Hasan, peace be upon him, about the beautiful woman who is a prostitute: is it permissible for the man to do *mut'ah* with her for a day or more? He said: “**If she is famous for *zina*, then he must NOT do *mut'ah* with her and also must NOT marry her (permanently).**”⁸⁵

Al-Majlisi comments:

موثق

Al-Ruhani says:

صحيح

Sahih.87

Then, al-Kulayni reports this too:

حميد بن زياد، عن الحسن بن محمد بن سماعة، عن أحمد بن الحسن الميثمي،
عن أبان، عن حكم بن حكيم، عن أبي عبد الله عليه السلام في قوله عز وجل:
والزانية لا ينكحها إلا زان أو مشرك قال: إنما ذلك في الجهر ثم قال: لو أن
إنسانا زنى ثم تاب تزوج حيث شاء.

Humayd b. Ziyad – al-Hasan b. Muhammad b. Sama’ah – Ahmad b. al-Hasan al-Maythami – Aban –
Hakam b. Hakim – Abu ‘Abd Allah, peace be upon him, concerning His Statement, the Almighty {**and
the fornicatress, none shall marry her but a fornicator or an idolater**}:

“That is only in the publicity (of the fornication)”. Then, he (Abu ‘Abd Allah) said, “**If a person commits
zina, and then repents, they can marry wherever they wish (in the *halal* categories).**”⁸⁸

Al-Majlisi comments:

موثق

Muwaththaq.89

And, of course, we must not forget this *hadith* of al-ʿUsi:

أحمد بن محمد بن عيسى عن محمد بن إسماعيل بن بزيع قال: سأل رجل
الرضا عليه السلام وأنا اسمع عن الرجل يتزوج المرأة متعة ويشترط عليها ان
لا يطلب ولدها فتأتي بعد ذلك بولد فينكر الولد فشدد في ذلك وقال يجحد؟

وكيف يجحد اعظاما لذلك؟ قال الرجل فان اتهمها قال: لا ينبغي لك ان تتزوج إلا مأمونة ان الله يقول: الزاني لا ينكح إلا زانية أو مشركة والزانية لا ينكحها إلا زان أو مشرك وحرم ذلك على المؤمنين

Ahmad b. Muhammad b. 'Isa – Muhammad b. Isma'il b. Bazi':

A man asked al-Riḥā, peace be upon him, while I was listening, about **the man who marries the woman in *mut'ah*** and he imposes a condition upon her that he will not seek her child. But, she later comes with a child and he severely denies the child. So, he (al-Riḥā) said, "Does he deny? How can he deny primarily because of that?" Then, the man said, "What if he accuses her (of fornication)?" **He (al-Riḥā) said, "It is not appropriate for you to marry except a faithful woman.** Verily, Allah the Almighty says: {The fornicator shall not marry any but a fornicatress or an idolatress; **and the fornicatress, none shall marry her but a fornicator or an idolater:** and that is made *haram* for the believers}.⁹⁰

Al-Majlisi states:

صحيح

Sahih.⁹¹

Al-Ruhani concurs:

صحيح

Sahih.⁹²

Meanwhile, al-Kulayni still has more:

علي بن إبراهيم، عن أبيه، عن حماد بن عيسى، عن حريز بن عبد الله، عن محمد ابن مسلم، عن أبي جعفر عليه السلام قال: سألته عن الخبيثة أتزوجها؟ قال: لا.

'Ali b. Ibrahim – his father – Hammad b. 'Isa – Hariz b. 'Abd Allah – Muhammad b. Muslim:

I asked Abu Ja'far, peace be upon him, about the fornicatress, “**Can I marry her?**” He said, “**No.**”⁹³

Al-Majlisi declares:

حسن

Hasan.⁹⁴

Let us then cap everything with this additional *hadith* of al-Kulayni:

محمد بن يحيى، عن أحمد بن محمد، عن علي بن الحكم، عن العلاء بن رزين،
عن محمد بن مسلم قال: سألت أبا جعفر عليه السلام عن الخبيثة يتزوجها
الرجل، قال: لا، وقال: إن كان له أمة وطئها ولا يتخذها أم ولده.

Muhammad b. Yahya – Ahmad b. Muhammad – ‘Ali b. al-Hakam – al-‘Ala b. Zarin – Muhammad b. Muslim:

I asked Abu Ja'far about the fornicatress, “**Can the man marry her?**” He said, “**No.**” And he (further) said, “If he has a slave woman, he should have intercourse with her (instead), and he should not take her as the mother of his child.”⁹⁵

And, al-Majlisi states:

صحيح

Sahih.⁹⁶

The bottom-line of all this is that the *hadith* of Ishaq b. Jarir fails the full conditions of authenticity. It contradicts the Book of Allah as well as several *sahih*, *muwaththaq* and *hasan ahadith*. As a result, it is *mawdu'*, thrown out and discarded.

Hadith Sixteen

Shaykh al-Mufid (d. 413 H) records:

وعن الحسن بن جرير قال: سألت أبا عبد الله عليه السلام في المرأة تزني عليها أيتها بها؟ قال: أرأيت ذلك؟ قلت: لا، ولكنها ترمى به قال: نعم يتمتع بها على أنك تغادر وتغلق بابك.

Narrated al-Hasan b. Jarir:

I asked Abu ‘Abd Allah, peace be upon him, about the woman upon whom *zina* is committed. Can I do *mut’ah* with her?” He said, “Did you see that?” I said, “No. But, she is accused of it.” He said, “Yes. Do *mut’ah* with her, upon (the condition) that you leave and lock your door.”⁹⁷

This one is *mursal* and therefore *‘a’if*, as it has no chain of narration. Moreover, its only narrator, al-Hasan b. Jarir, is *muhmal* (untraceable). Therefore, the *hadith* is very weak.

Hadith Seventeen

Al-Himyari (d. 300 H), in the book attributed to him, has this *hadith*:

قال علي بن رئاب: سألت أبا عبد الله عليه السلام عن المرأة الفاجرة يتزوجها الرجل المسلم؟ قال: نعم، وما يمنعه؟ إذا فعل فليحصن بابه مخافة الولد

‘Ali b. Riab said:

I asked Abu ‘Abd Allah, peace be upon him, concerning with the prostitute: “Does the Muslim man marry her?” He said, “Yes. And what prevents him? If he does, he must fortify his door, for fear of the child.”⁹⁸

Ayatullah al-Muhsini declares it *‘a’if*.⁹⁹ In particular, it is from *Qurb al-Isnad*, a *‘a’if* book¹⁰⁰, which has not reached us through any reliable means; and there is also dispute over its exact authorship.

Moreover, the *hadith* is not about *mut’ah* specifically. Rather, it addresses marriage generally.

Meanwhile, despite that it is intrinsically *‘a’if*, it nonetheless also contradicts *sahih* and *muwaththaq* reports. This significantly worsens its unreliability. Most importantly, it opposes the Book of Allah, and that makes it *maw‘u’*.

1. Abu Ja’far Muhammad b. al-Hasan al-‘Usi, al-Istib‘ar (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 3, p. 142, Ch. 92, # 5 (511)

2. Abu Ja’far Muhammad b. al-Hasan al-‘Usi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 251, Ch. 24, # 10 (1085)

3. ‘Ali Al Muhsin, Lillah wa li al-Haqiqah (2nd edition, 1425 H), vol. 1, p. 209

4. Muhammad Baqir al-Majlisi, Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar (Qum: Maktabah Ayatullah al-Mar’ashi; 1407

H), vol. 12, p. 32, # 10

5. Abu Ja'far Muhammad b. al-Hasan al-ʿUsi, al-ʿUddah fi Uṣūl al-Fiqh (Qum: Muasassat al-Ba'thah; 1st edition, 1417 H) [annotator: Muhammad Riḍa al-Anṣari al-Qummi], vol. 1, pp. 148–149

6. Muhammad Baqir al-Majlisi, Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 32, # 10

7. Abu Ja'far Ahmad b. Muhammad b. 'Isa al-Ash'ari al-Qummi, Kitab al-Nawadir (Qum: Muasassat al-Imam al-Mahdi; 1st edition, 1408 H), p. 87, # 198

8. Muhammad Aḥif al-Muhsini, Buhuth fi 'Ilm al-Rijal (Markaz al-Muṭafa al-'Alami li Tarjamah wa al-Nashr), p. 422, # 3

9. Ibid, pp. 421–424, # 3

10. Mirza Husayn b. Muhammad Taqi al-Nuri al-Ḥabarsi, Khatimah Mustadrak al-Wasail (Qum: Muasassat Al al-Bayt 'Alaihim al-Salam li Ihya al-Turath; 1st edition, 1415 H), vol. 1, pp. 30–31

11. Abu Ja'far Ahmad b. Muhammad b. 'Isa al-Ash'ari al-Qummi, Kitab al-Nawadir (Qum: Muasassat al-Imam al-Mahdi; 1st edition, 1408 H), p. 87, # 200

12. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 467, # 10

13. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 226

14. Muhammad al-Jawahiri, al-Mufid min Mu'jam al-Rijal al-Hadith (Qum: Manshurat Maktabah al-Mahalati; 2nd edition, 1424 H), p. 273, # 5630

15. Ibid, p. 191, # 3879

16. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 453, # 4

17. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 234

18. Ibid

19. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 460, # 1

20. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 247

21. Abu al-Qasim al-Musawi al-Khui, Mu'jam Rijal al-Hadith wa Tafṣil ʿAbbaqat al-Ruwat (5th edition, 1413 H), vol. 1, p. 61

22. Ibid

23. Ibid

24. Ibid, vol. 1, p. 64

25. Ibid, vol. 1, p. 63

26. Ibid, vol. 15, p. 297, # 10043

27. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 451, # 5

28. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 232

29. Muhammad al-Jawahiri, al-Mufid min Mu'jam al-Rijal al-Hadith (Qum: Manshurat Maktabah al-Mahalati; 2nd edition, 1424 H), p. 464, # 9521

30. Abu Ja'far Ahmad b. Muhammad b. Khalid al-Barqi, Kitab al-Mahasin (Tehran: Dar al-Kutub al-Islamiyyah; 1st edition), vol. 2, p. 330, # 90

31. See Muhammad Aḥif al-Muhsini, Buhuth fi 'Ilm al-Rijal (Markaz al-Muṭafa al-'Alami li Tarjamah wa al-Nashr), pp. 424–425, # 4; Muhammad Aḥif al-Muhsini, Mashra'ah Bihar al-Anwar (Beirut: Muasassat al-'Arif li al-Maṭbu'at; 2nd edition, 1426 H), vol. 1, p. 14

32. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 452, # 7

33. Muhammad Baqir al-Majlisi, *Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 233
34. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, *al-Furu' min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 462, # 2
35. Muhammad Baqir al-Majlisi, *Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 251
36. Abu Ja'far Muhammad b. al-Hasan al-ʿusi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 270, Ch. 24, # 84 (1159)
37. Abu Ja'far Muhammad b. al-Hasan al-ʿusi, *al-Istibʿar* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 3, p. 143, Ch. 93, # 4 (515)
38. Ibid
39. Abu Ja'far Muhammad b. al-Hasan al-ʿusi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 253, Ch. 24, # 15 (1090)
40. Abu Ja'far Muhammad b. al-Hasan al-ʿusi, *al-Istibʿar* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 3, p. 95, Ch. 62, # 9 (325)
41. Muhammad Baqir al-Majlisi, *Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar* (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 35, # 15
42. Qur'an 24:3
43. Abu Ja'far Muhammad b. al-Hasan al-ʿusi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 253, Ch. 24, # 16 (1091)
44. Muhammad Baqir al-Majlisi, *Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar* (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 36, # 16
45. Abu Ja'far Muhammad b. al-Hasan al-ʿusi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 253, Ch. 24, # 17 (1092)
46. Muhammad al-Jawahiri, *al-Mufid min Mu'jam al-Rijal al-Hadith* (Qum: Manshurat Maktabah al-Mahalati; 2nd edition, 1424 H), p. 398, # 8183
47. Ibid, p. 458, # 9403
48. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, *al-Furu' min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 453, # 1
49. Muhammad Baqir al-Majlisi, *Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 235
50. Abu Ja'far Muhammad b. al-Hasan al-ʿusi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 253, Ch. 24, # 18 (1093)
51. Muhammad al-Jawahiri, *al-Mufid min Mu'jam al-Rijal al-Hadith* (Qum: Manshurat Maktabah al-Mahalati; 2nd edition, 1424 H), p. 632, # 12903
52. Muhammad Baqir al-Majlisi, *Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar* (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 36, # 18
53. Abu Ja'far Muhammad b. al-Hasan al-ʿusi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, pp. 253-254, Ch. 24, # 19 (1094)
54. Muhammad Baqir al-Majlisi, *Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar* (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 37, # 19
55. Muhammad al-Jawahiri, *al-Mufid min Mu'jam al-Rijal al-Hadith* (Qum: Manshurat Maktabah al-Mahalati; 2nd edition, 1424 H), p. 543, # 11077
56. Abu Ja'far Muhammad b. al-Hasan al-ʿusi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 254, Ch.24, # 20 (1095)
57. Muhammad Baqir al-Majlisi, *Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar* (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 37, # 20
58. Abu Ja'far Muhammad b. al-Hasan al-ʿusi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator:

- Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 254–255, Ch. 24, # 24 (1099)
59. Muhammad Baqir al-Majlisi, *Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar* (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 39, # 24
60. Muhammad ʿAdiq al-Husayni al-Ruhani, *Fiqh al-ʿAdiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 155
61. Abu Jaʿfar Muhammad b. al-Hasan al-ʿUsi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 254, Ch. 24, # 21 (1096)
62. Muhammad Baqir al-Majlisi, *Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar* (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 38, # 21
63. Muhammad al-Jawahiri, *al-Mufid min Muʿjam al-Rijal al-Hadith* (Qum: Manshurat Maktabah al-Mahalati; 2nd edition, 1424 H), p. 628, # 12817
64. Abu al-ʿAbbas Ahmad b. ʿAli b. Ahmad b. al-ʿAbbas al-Najashi al-Asadi al-Kufi, *Fihrist Asma Muʿannafay al-Shiʿah* (Qum: Muasassat al-Nashr al-Islami; 5th edition, 1416 H) [annotator: Sayyid Musa al-Shubayri al-Zanjani], p. 328, # 888
65. Abu Jaʿfar Muhammad b. al-Hasan al-ʿUsi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 254, Ch. 24, # 22 (1097)
66. Muhammad Baqir al-Majlisi, *Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar* (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 39, # 22
67. Abu Jaʿfar Muhammad b. al-Hasan al-ʿUsi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 254, Ch. 24, # 23 (1098)
68. Muhammad Baqir al-Majlisi, *Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar* (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 39, # 23
69. Abu Jaʿfar Muhammad b. al-Hasan al-ʿUsi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 485, Ch. 41, # 157 (1949)
70. Muhammad Baqir al-Majlisi, *Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar* (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 507, # 155
71. Muhammad ʿAdiq al-Husayni al-Ruhani, *Fiqh al-ʿAdiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 320
72. Abu Jaʿfar Muhammad b. al-Hasan al-ʿUsi, *al-Uddah fi Uṣul al-Fiqh* (Qum: Muasassat al-Ba'thah; 1st edition, 1417 H) [annotator: Muhammad Riḍa al-Anṣari al-Qummi], vol. 1, pp. 148–149
73. Ibid, vol. 1, p. 150
74. Qur'an 24:3
75. Qur'an 5:5
76. Qur'an 4:25
77. See for instance Qur'an 4:25, 2:178 and 16:75.
78. Abu al-Qasim al-Musawi al-Khui, *al-Bayan fi Tafsir al-Qur'an* (Beirut: Dar al-Zahra li al-ʿAba'ah wa al-Nashr wa al-Tawzi'; 4th edition, 1395 H), p. 231
79. Abu Jaʿfar Muhammad b. ʿAli b. Husayn b. Babuyah al-Qummi, *al-I'tiqadat* (Dar al-Mufid; 2nd edition, 1414 H) [annotator: ʿIṣam ʿAbd al-Sayyid], Ch. 1, p. 22
80. Abu Jaʿfar Muhammad b. ʿAli b. al-Husayn b. Babuyah al-Qummi, *Man La Yahduruh al-Faqih* (Qum: Manshurat Jama'ah al-Mudarisin fi al-Hawzah al-ʿIlmiyyah; 2nd edition, 1404 H) [annotator: ʿAli Akbar al-Ghiffari], vol. 3, pp. 405–406, # 4417
81. Ibid, vol. 3, p. 406, # 4417, footnote # 1
82. Muhammad ʿAdiq al-Husayni al-Ruhani, *Fiqh al-ʿAdiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 319
83. Abu Jaʿfar Muhammad b. al-Hasan al-ʿUsi, *al-Istibṣar* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 3, p. 168, Ch. 109, # 1 (613)
84. Muhammad ʿAdiq al-Husayni al-Ruhani, *Fiqh al-ʿAdiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 319

85. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, *al-Furu' min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 454, # 6
86. Muhammad Baqir al-Majlisi, *Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 237
87. Muhammad 'Adiq al-Husayni al-Ruhani, *Fiqh al-'Adiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 320
88. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, *al-Furu' min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 355, # 6
89. Muhammad Baqir al-Majlisi, *Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 62
90. Abu Ja'far Muhammad b. al-Hasan al-'Uusi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 269, Ch. 24, # 82 (1157)
91. Muhammad Baqir al-Majlisi, *Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar* (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 69, # 81
92. Muhammad 'Adiq al-Husayni al-Ruhani, *Fiqh al-'Adiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 43
93. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, *al-Furu' min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 353, # 1
94. Muhammad Baqir al-Majlisi, *Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 56
95. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, *al-Furu' min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 353, # 4
96. Muhammad Baqir al-Majlisi, *Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 57
97. Abu 'Abd Allah Muhammad b. Muhammad b. al-Nu'man al-Ukbari al-Baghdadi, *Risalah al-Mut'ah* (Beirut: Dar al-Mufid li al-'Aba'ah wa al-Nashr wa al-Tawzi'; 2nd edition, 1414 H), p. 12, # 29
98. Abu al-'Abbas 'Abd Allah b. Ja'far al-Himyari, *Qurb al-Isnad* (Qum: Muasassat Al al-Bayt 'Alaihim al-Salam li Ihya al-Turath; 1st edition, 1413 H), p. 166, # 609
99. Muhammad A'if al-Muhsini, *Mashra'ah Bihar al-Anwar* (Beirut: Muasassat al-'Arif li al-Ma'bu'at; 2nd edition, 1426 H), vol. 2, p. 487
100. See Muhammad A'if al-Muhsini, *Buhuth fi 'Ilm al-Rijal* (Markaz al-Mu'tafa al-'Alami li Tarjamah wa al-Nashr), pp. 427-428, # 6; Muhammad A'if al-Muhsini, *Mashra'ah Bihar al-Anwar* (Beirut: Muasassat al-'Arif li al-Ma'bu'at; 2nd edition, 1426 H), vol. 1, p. 14 and 405

There are a few reports in the Sunni books, which some from the Ahl al-Sunnah quote to "prove" that certain Sahabah and Tabi'in later abandoned their positive views of *mut'ah*. Generally, the views of the Sahabah and others are of zero value in determining the morality and permissibility of anything in Islam.

What matters to a Muslim is only what his Lord says. Of course, Allah has revealed the Verse of *al-Mut'ah* in His Book, and that *ayah* is still unabrogated till this very moment. With this fact, nothing else matters to us. Yet, we will look at the reports about the alleged reversal of certain Sahabah and Tabi'in on *mut'ah*. This is primarily to ensure that history is not distorted.

Athar One

Imam Abu ‘Awanah (d. 316 H) records:

قال يونس قال ابن شهاب وسمعت الربيع بن سبرة يحدث عمر بن عبد العزيز، وأنا جالس [أنه قال: ما مات ابن عباس حتى رجع عن هذا الفتيا

Yusuf – Ibn Shihab:

I heard al-Rabi’ b. Sabrah narrating to ‘Umar b. ‘Abd al-‘Aziz [while I was sitting]. He said: “**Ibn ‘Abbas did not die until he had withdrawn from this fatwa.**”¹

This report is *munqati’* (disconnected), and therefore *ʿa’if*. Al-Rabi’ did not hear from Ibn ‘Abbas, even though they were contemporaries; and he did not give the source of his information either.

No wonder, ‘Allamah al-Albani (d. 1420 H) declares:

وجملة القول: أن ابن عباس رضى الله عنه روى عنه فى المتعة ثلاثة أقوال:

الأول: الإباحة مطلقا.

الثانى: الإباحة عند الضرورة.

والآخر: التحريم مطلقا , وهذا مما لم يثبت عنه صراحة , بخلاف القولين الأولين , فهما ثابتان عنه.

The summary is: three opinions are narrated from Ibn ‘Abbas, may Allaah be pleased with him, about *mut’ah*:

The one: he permitted it unconditionally.

The second: he permitted it in cases of necessity.

The last: he forbade it unconditionally, **but this is from what is NOT authentically transmitted from him**, unlike the first two opinions which are authentically transmitted from him.²

Al-Hafi³ too is not left out:

وأما ابن عباس فروى عنه أنه أباحها وروى عنه أنه رجع عن ذلك قال ابن بطال
روى أهل مكة واليمن عن ابن عباس إباحة المتعة وروى عنه الرجوع بأسانيد
ضعيفة وإجازة المتعة عنه أصح وهو مذهب الشيعة

As for Ibn ‘Abbas, it is narrated concerning him that he permitted it, and it is also narrated concerning him that he withdrew from that. Ibn Ba⁴‘al said: The people of Makkah and Yemen narrated that Ibn ‘Abbas permitted *mut’ah*, **and it is (also) narrated concerning him with ⁵a’if chains that he withdrew**. That he permitted *mut’ah* (till death) is more authentically transmitted, and it is the *madhhab* of the Shi’ah.³

Ibn ‘Abbas apparently permitted *mut’ah* till his last breath on the earth.

Athar Two

Imam al-Jasas (d. 370 H) submits:

ومما يدل على رجوعه عن إباحتها ما روى عبد الله بن وهب قال: أخبرني
عمرو بن الحارث أن بكير بن الأشج حدثه: أن أبا إسحاق مولى بني هاشم
حدثه: أن رجلا سأل ابن عباس فقال: كنت في سفر ومعني جارية لي ولي
أصحاب فأحللت جاريتي لأصحابي يستمتعون منها؟ فقال: ذاك السفاح، فهذا
أيضا يدل على رجوعه.

From what proves his withdrawal from its permissibility is what ‘Abd Allah b. Wahb narrated: ‘Amr b. al-Harith – Bukayr b. al-Ashja – **Abu Ishaq, freed slave of Banu Hashim**:

A man asked Ibn ‘Abbas, and said, “I am on a journey, and there is with me a slave-girl belonging to me, and I have companions. So, do I make my slave-girl available to my companions so that they do *mut’ah* with her?” He said, “That is fornication.”

And this too proves his withdrawal.⁴

Al-Jasas' conclusion from this *athar* reveals his deep ignorance about *mut'ah*. Temporary marriage can be done only with a single man at a time; and after its conclusion, if there was intercourse, the woman observes her obligatory *'iddah* period. What Abu Ishaq was asking about was more like sex slavery or an orgy: the slave girl would be available to his companions generally, and whichever of them wanted sex would just go to her anytime he wanted. What then about the compulsion of *'iddah* which the woman must fulfil after each *mut'ah*?

Anyway, the *riwayah* is *ʿa'if*. This is what al-Hafi (d. 852 H) states about its main narrator:

أبو إسحاق الدوسي مولى بني هاشم مقبول

Abu Ishaq al-Dawsi, freed slave of Banu Hashim: **Maqbul**.⁵

Uncorroborated reports of *maqbul* narrators are *ʿa'if*; as al-Hafi confirms:

"مقبول" حيث يتابع، وإلا فلين الحديث

Maqbul (accepted) where he is seconded (i.e. from the same Shaykh). **Otherwise, he is weak in *hadith***.⁶

Of course, this one by Abu Ishaq has no corroboration. As such, it is *ʿa'if*.

Athar Three

Imam 'Abd al-Razzaq (d. 211 H) documents:

عبد الرزاق عن ابن عيينة عن إسماعيل عن قيس [عن عبد الله بن مسعود] قال:
كنا نغزو مع رسول الله صلى الله عليه وسلم فتطول عزبتنا فقلنا: ألا نختصي يا
رسول الله فنهانا، ثم رخص أن نتزوج المرأة إلى أجل بالشئ، ثم نهانا عنها يوم
خيبر، وعن لحوم الحمر الانسية

'Abd al-Razzaq – **Ibn 'Uyaynah** – Isma'il – Qays – ['Abd Allah b. Mas'ud]:

We were on an expedition with the Messenger of Allah, peace be upon him, and our celibacy had been prolonged. So, we said, “Should we castrate ourselves?” But, he forbade us. **Then, he permitted that we should do *nikah* (marriage) with the woman for a specified period with something. Then, he forbade us from it on the Day of Khaybar** and from the flesh of domestic asses.⁷

However, this same *hadith* has been recorded by al-Bukhari (d. 256 H) with significant differences:

حدثنا قتيبة بن سعيد حدثنا جرير عن إسماعيل عن قيس قال : قال عبد الله
كنا نغزو مع رسول الله صلى الله عليه و سلم وليس لنا شيء فقلنا ألا
نستخصي ؟ فنهانا عن ذلك ثم رخصلنا أن ننكح المرأة بالثوب ثم قرأ علينا { يا
أيها الذين آمنوا لا تحرموا طيبات ما أحل الله لكم ولا تعتدوا أن الله لا يحب
المعتدين }

Qutaybah b. Sa'id – **Jarir** – Isma'il – Qays – 'Abd Allah (b. Mas'ud):

We were on an expedition with the Messenger of Allah, peace be upon him, and we had nothing with us. So, we said, “Should we castrate ourselves?” But, he forbade us to do that. Then, he permitted us to do *nikah* (marriage) with the woman, giving her a garment (as the dowry). **Then, he recited to us** {O you who believe! **Do not make *haram* the good things which Allah has made *halal* for you**; and do not exceed the limits; surely Allah does not love those who exceed the limits}.⁸

This version which Jarir transmitted from the same Isma'il mentions no prohibition of *mut'ah* at Khaybar. Moreover, in it, Ibn Mas'ud quoted Qur'an 5:87 to Qays to defend its permissibility. This apparently took place *after* the death of the Messenger of Allah, *sallallahu 'alaihi wa alihi*.

This is also what yet another narrator transmitted from Isma'il. Imam Ahmad (d. 241 H) records:

حدثنا عبد الله حدثني أبي ثنا وكيع عن بن أبي خالد عن قيس عن عبد الله قال
كنا مع النبي صلى الله عليه و سلم ونحن شباب فقلنا يا رسول الله ألا
نستخصي فنهانا ثم رخص لنا في أن ننكح المرأة بالثوب إلى الأجل ثم قرأ عبد
الله { لا تحرموا طيبات ما أحل الله لكم }

'Abd Allah (b. Ahmad) – my father (Ahmad b. Hanbal) – **Waki'** – (Isma'il) Ibn Abi Khalid – Qays – 'Abd Allah:

“We were with the Prophet, peace be upon him, and we were youths. So, we said to the Messenger of Allah, “Should we castrate ourselves?” But, he forbade us (to do that). **Then, he permitted us to do *nikah* (marriage) with the woman for a stipulated period**, giving her a garment (as the dowry).” Then, ‘Abd Allah recited, {**Do not make *haram* the good things which Allah has made *halal* for you**} [5:87].9

Shaykh al-Arnau⁹ comments:

إسناده صحيح على شرط الشيخين

Its chain is *sahih* upon the standard of the two Shaykhs¹⁰

Ahmad reports again:

حدثنا عبد الله حدثني أبي ثنا محمد بن عبيد ثنا إسماعيل عن قيس عن عبد الله قال كنا نغزو مع رسول الله صلى الله عليه و سلم وليس لنا نساء فقلنا يا رسول الله ألا نستخصي فنهانا عنه ثم رخص لنا بعد في أن نتزوج المرأة بالثوب إلى أجل ثم قرأ عبد الله { يا أيها الذين آمنوا لا تحرموا طيبات ما أحل الله لكم ولا تعتدوا إن الله لا يحب المعتدين

‘Abd Allah (b. Ahmad) – my father (Ahmad b. Hanbal) – **Muhammad b. ‘Ubayd** – Isma’il – Qays – ‘Abd Allah:

“We were with the Messenger of Allah, peace be upon him, and we had no women. So, we said to the Messenger of Allah, “Should we castrate ourselves?” But, he forbade us to do it. **Then, he permitted us later to do *nikah* (marriage) with the woman for a stipulated period**, giving her a garment (as the dowry).” Then, ‘Abd Allah recited, {**Do not make *haram* the good things which Allah has made *halal* for you**; and do not exceed the limits; surely Allah does not love those who exceed the limits } [5:87].¹¹

Al-Arnau⁹ says:

إسناده صحيح على شرط الشيخين

Its chain is *sahih* upon the standard of the two Shaykhs.¹²

We see here that Ibn ‘Uyaynah has fundamentally contradicted three *thiqah* narrator in his transmission from Isma’il b. Abi Khalid. This makes his report *shadh* and *ʿa’if*.

Well, al-Hafī is not going to give up that easily:

وظاهر استشهاد ابن مسعود بهذه الآية هنا يشعر بأنه كان يرى بجواز المتعة فقال القرطبي لعله لم يكن حينئذ بلغه الناسخ ثم بلغه فرجع بعد قلت يؤيده ما ذكره الإسماعيلي أنه وقع في رواية أبي معاوية عن إسماعيل بن أبي خالد ففعله ثم ترك ذلك قال وفي رواية لابن عيينة عن إسماعيل ثم جاء تحريمها بعد وفي رواية معمر عن إسماعيل ثم نسخ

Apparently, Ibn Mas’ud’s use of this verse here as evidence shows that he considered *mut’ah* to be permissible. Thus, al-Qurṭubī said, “Maybe news of the abrogation had not reached him at that time. Then, it reached him, and he withdrew.” I (al-Hafī) say: He is supported by what al-Isma’ili (d. 371 H) mentioned that it occurred in the report of Abu Mu’awiyah from Isma’il b. Abi Khalid: “So, he did it. Then, he abandoned that.” He said: And in a report of Ibn ‘Uyaynah from Isma’il: “Then, its prohibition came later.” And in the report of Ma’mar from Isma’il: “Then, it was abrogated.”¹³

Even al-Bayhaqi too makes some last-minute efforts:

أخبرنا أبو عمرو الأديب أنبأ أبو بكر الإسماعيلي فذكر الحديث بإسناده عن عبد الله بن مسعود في المتعة قال عقبه وروى أبو معاوية عن إسماعيل بن أبي خالد عن قيس عن عبد الله هذا الحديث وقال في آخره ثم ترك ذاك قال وفي حديث بن المصنف عن بن عيينة عن إسماعيل في آخره ثم جاء تحريمها بعد وفي حديث عبد الرزاق عن معمر عن إسماعيل عن قيس بنسخ ذلك يعني المتعة

Abu ‘Amr al-Adib informed us: Abu Bakr al-Isma’ili (d. 371 H) informed us and he mentioned the *hadith* with his chain from ‘Abd Allah b. Mas’ud concerning *mut’ah*. He said at its end: and Abu Mu’awiyah narrated this *hadith* from Isma’il b. Abi Khalid from Qays from ‘Abd Allah and he said at its end, “Then he abandoned that.” He said, “And in the *hadith* of al-Musaffa from Ibn ‘Uyaynah from Isma’il. At its end: “Then, its prohibition came later.” And in the *hadith* of ‘Abd al-Razzaq from Ma’mar from Isma’il from Qays, there is the abrogation of that, that is *mut’ah*.¹⁴

The first general problem with these new entries is their lack of clearly defined chains of transmission.

With that, it is impossible to investigate their authenticity or make pronouncements on it. Meanwhile, unless their authenticity is known, they remain invalid evidences. Secondly, we see this phrase “So, he did it. Then, he abandoned that” which, obviously, is an interpolation in the unverifiable *riwayah* of Ibn Mas’ud. He could not have narrated about himself in such a manner. Lastly, the other reports only mention that *mut’ah* was prohibited or abrogated later, after Ibn Mas’ud had practised it.

But, we know from the more authentic *ahadith* that he continued to defend the legitimacy, morality and permissibility of *mut’ah* after the departure of the Messenger. If he had truly narrated about its prohibition or abrogation, why would he do that?! The contradiction of these unverifiable reports against the more authentic *athar* makes them (i.e. the unverifiable reports) *munkar* and *ʿa’if* by default.

Meanwhile, Imam Abu Yusuf al-Ansari (d. 182 H) tables this new *hadith* as well:

قال حدثنا يوسف عن أبيه عن أبي حنيفة عن حماد عن إبراهيم عن عبدالله بن مسعود رضى الله عنه انه قال شكونا العزوبة فأحلت لنا المتعة ثلاثا قط ثم نسختها آية النكاح والعدة والميراث

Yusuf – his father – **Abu Hanifah** – Hammad – **Ibrahim** – ‘Abd Allah b. Mas’ud, may Allah be pleased with him:

We complained of celibacy. So, *mut’ah* was made *halal* for us for three days only. Then, the Verse of *al-Nikah*, and *al-‘Iddah* and Inheritance abrogated it. 15

Concerning Abu Hanifah, Imam Ibn Hibban (d. 354 H), despite his notorious leniency, has this to say:

حدث بمائة وثلاثين حديثا مسانيد ماله حديث في الدنيا غيرها أخطأ منها في مائة وعشرين حديثا. إما أن يكون أقلب إسناده أو غير متنه من حيث لا يعلم فلما غلب خطؤه على صوابه استحق ترك الاحتجاج به في الاخبار

He narrated 130 full-chained *ahadith*. He had no other *hadith* in this world except them. He made mistakes in 120 of them. He either changed its chain or altered its text, inadvertently. So, since his mistakes were more than his correct transmissions, it is appropriate to **forsake** taking his reports as *hujjah*. 16

As such, he was *matruk*; and that makes this *athar* severely weak.

Secondly, Ibrahim in the chain – and he was Ibrahim al-Nakh’ai – was born in 46 H while Ibn Mas’ud

died in 32 H. So, the already terribly *ʿaʿif* chain is also *munqatiʿ* (disconnected)!

Apart from its general worthlessness, this *hadith* falsely attributes deep ignorance of *mutʿah* to Ibn Masʿud. Whoever forged the *riwayah* apparently did not know that temporary marriage was a *nikah* in Islam, and that there was *ʿiddah* in it, and that there was inheritance in it where both parties agreed on it! Worse still, it is possible to have a valid marriage without inheritance between the two parties – such as one between a Muslim and a non-Muslim. Did the forger know that? Clearly, he did not. In fact, even Ibn Masʿud himself used to refer to *mutʿah* as a *nikah*! Yet, the forger obviously was not aware of that too!

Imam al-Bayhaqi (d. 458 H) then gives us further reports about Ibn Masʿud:

وعن سفيان قال قال بعض أصحابنا عن الحكم بن عتيبة عن عبد الله بن مسعود قال نسختها العدة والطلاق والميراث قال العدني يعني المتعة ورواه الحجاج بن أرطاة عن الحكم عن أصحاب عبد الله عن عبد الله بن مسعود قال المتعة منسوخة نسخها الطلاق والصدّاق والعدة والميراث

Sufyan – **one of our companions** – al-Hakam b. ʿUtaybah – ʿAbd Allah b. Masʿud: “It was abrogated by *ʿiddah*, divorce and inheritance.” Al-ʿAdani said: “He meant *mutʿah*.”

Al-Hajjaj b. Arṭat – al-Hakam – **companions of ʿAbd Allah** – ʿAbd Allah b. Masʿud: “*Mutʿah* was abrogated, and its abrogation was by divorce, dowry, *ʿiddah*, and inheritance.”¹⁷

The first one is *ʿaʿif* by default. “One of our companions” in its *sanad* is unknown. Moreover, al-Hakam b. ʿUtaybah was **born** in 47 H, while Ibn Masʿud **died** in 32 H! So, the chain is equally *munqatiʿ*.

The second *athar* is *ʿaʿif* by default, as well.. “Companions of ʿAbd Allah” in its chain are unknown! In addition, this is what al-Hafīḥ submits about al-Hajjaj:

حجاج بن أرطاة الفقيه الكوفي المشهور أخرج له مسلم مقرونا وصفه النسائي وغيره بالتدليس عن الضعفاء وممن أطلق عليه التدليس بن المبارك ويحيى بن القطان ويحيى بن معين وأحمد وقال أبو حاتم إذا قال حدثنا فهو صالح وليس بالقوي

Hajjaj b. Arṭat, the Kufan jurist, well-known. Muslim narrated from him while attaching others with him, and al-Nasai and others qualified him with doing *tadlis* from *ʿaʿif* narrators. Among those who also described him with *tadlis* were Ibn al-Mubarak, Yahya b. al-Qaṣṣan, Yahya b. Maʿin and

Ahmad. Abu Hatim said, “If he said, ‘he narrated to us’ then he is good. And he is not strong.”¹⁸

Al-Hafī¹⁹ has placed him in the fourth category of *mudalisun*. Explaining what that means, he states:

الرابعة: من اتفق على أنه لا يحتج بشئ من حديثهم الا بما صرحوا فيه بالسماع
لكثرة تدليسهم على الضعفاء والمجاهيل كبقية بن الوليد

The fourth (category): those about whom there is consensus that they cannot be relied upon as *hujjah* in anything of their *ahadith* except what they explicitly declare to have heard, due to the frequency of their *tadlis* from *ʿaʿif* and *majhul* narrators, like Baqiyyah b. al-Walid.¹⁹

With al-Hajjaj being like that, it is very obvious that his *riwayah* about Ibn Masʿud above is *ʿaʿif*, as he has narrated it in an *ʿan-ʿan* manner.

Then, ‘Abd al-Razzaq closes this section with this final report on Ibn Masʿud:

عبد الرزاق عن الثوري عن صاحب له عن الحكم قال: قال ابن مسعود: نسخها
الطلاق، والعدة، والميراث.

‘Abd al-Razzaq – al-Thawri – **a friend of his** – **al-Hakam** – Ibn Masʿud:

It was abrogated by divorce, *ʿiddah* and inheritance.²⁰

This one is indeed very easy. The friend of al-Thawri is unknown and al-Hakam did not hear from Ibn Masʿud. So, it is terribly *ʿaʿif*.

Those who quote these *ʿaʿif* reports seek to establish that Ibn Masʿud later changed his view about the legitimacy of *mutʿah*. However, they have no reliable proof. As such, their effort is “dead on arrival”.

Meanwhile, according to the *tafsir* of the Messenger of Allah, as narrated by Ibn Masʿud (which he also personally adopted), *mutʿah* is one of the good things mentioned in Qurʿan 5:87. So, naturally, to “prove” that *mutʿah* is abrogated, our opponents must prove that the *ayah* has been abrogated. Well, no creature can do that, till the Hour!

Athar Four

Imam al-Bayhaqi records:

أخبرنا أبو عبد الله الحافظ أنبأ أبو محمد الحسن بن سليمان الكوفي ببغداد ثنا محمد بن عبد الله الحضرمي ثنا إسماعيل بن إبراهيم ثنا الأشجعي عن بسام الصيرفي قال سألت جعفر بن محمد عن المتعة فوصفتها فقال لي ذلك الزنا

Abu ‘Abd Allah al-Hafī – **Abu Muhammad al-Hasan b. Sulayman al-Kufi** – Muhammad b. ‘Abd Allah al-Haṣṣramī – Isma’il b. Ibrahim – al-Ashja’i – Bassam al-Sayrafi:

I asked Ja’far b. Muhammad concerning *mut’ah*, and I described it. So, he said to me, “That is *zina*.”²¹

This *athar* does not give the details of what Bassam al-Sayrafi described as *mut’ah*, which Imam al-Sadiq, *alaihi al-salam*, allegedly called “*zina*”. Perhaps, he had (given) a very wrong concept of temporary marriage. Who knows? Anyway, Abu Muhammad al-Hasan b. Sulayman al-Kufi in the *sanad* is *majhul*. So, the report is *ḥa’if*.

Athar Five

Imam Abu ‘Awanah documents:

حدثنا محمد بن إسحاق الصغاني ويحيى بن أبي طالب قال: ثنا عبد الوهاب بن عطاء قال: أنبا عبد الملك بن جريج، عن عبد العزيز بن عمر، أن الربيع بن سبرة، حدثه عن أبيه قال ... : إذا كان يوم التروية قام النبي صلى الله عليه وسلم بين الحجر والركن فقال: ألا إني كنت أمرتكم بهذه المتعة، وإن الله قد حرمها إلى يوم القيامة، فمن كان استمتع من امرأة فلا يرجع إليها، وإن كان بقي من أجله شيء فلا يأخذ منها مما أعطاه شيئاً.

قال ابن جريج يومئذ: اشهدوا أنني قد رجعت عنها بعد ثمانية عشر حديثاً أروي فيها لا بأس بها.

Muhammad b. Ishaq al-Saghani and Yahya b. Abi ḥalib – **‘Abd al-Wahhab b. ‘Aḥa** – ‘Abd al-Malik b. Jurayj – ‘Abd al-‘Aziz b. ‘Umar – al-Rabi’ b. Sabrah – his father:

On the Day of *al-Tarwiyah*, the Prophet, peace be upon him, stood between *al-Hijr* and *al-Rukn* and said, “I used to ORDER you to perform this *mut’ah*. However, Allah has (now) made it *haram* till the Day

of *al-Qiyamah*. Therefore, whosoever is doing *mut'ah* with any woman, he should not return to her. And even if his period still remains something, he must not take back from her whatever he has given her.”

Ibn Jurayj said on that day, “**Testify that I have (now) withdrawn from it after eighteen *ahadith* that I narrated concerning it that there is no problem with it.**”²²

This *athar* is often vaunted by our brothers from the Ahl al-Sunnah as evidence that Ibn Jurayj later abandoned *mut'ah*. However, the most relevant part of it is actually *ʿa'if*! Ibn Jurayj had “informed” Wahhab b. ‘Aṭa of the *hadith* of ‘Abd al-‘Aziz b. ‘Umar. However, the last part of the entire *riwayah* is different from the main report, and is not part of what Ibn Jurayj “informed” ‘Abd al-Wahhab from ‘Abd al-‘Aziz. Rather, it was ‘Abd al-Wahhab himself who was personally telling his student of what Ibn Jurayj allegedly declared. It is this part that our Sunni brothers present to us; and it is this part that is *ʿa'if* in its *sanad*.

Al-Hafiṣ states about ‘Abd al-Wahhab:

عبد الوهاب بن عطاء الخفاف البصري صدوق معروف من طبقة أبي أسامة
قال البخاري كان يدلّس عن ثور الحمصي وأقوام أحاديث مناكير

‘Abd al-Wahhab b. ‘Aṭa al-Khaffaf al-Basri: *Saduq* (very truthful), well-known, from the *ʿabaqah* of Abu Usamah. **Al-Bukhari said, “He used to do *tadlis* in *ahadith* of *manakir* (repugnancies) from Thawr al-Himsi and several people.**”²³

Interestingly, al-Hafiṣ has put him in the third category of *mudalisun*. In the *Introduction* to his book, he has explained what this means:

الثالثة: من أكثر من التدليس فلم يحتج الأئمة من أحاديثهم إلا بما صرحوا فيه
بالسمع ومنهم من رد حديثهم مطلقاً ومنهم من قبلهم كأبي الزبير المكي

The third (category): those who did *tadlis* A LOT. As a result, the Imams did not take their *ahadith* as *hujjah* except that which they explicitly stated to have heard. Among them (i.e. the Imams) were those who rejected their *ahadith* unconditionally, and among them were those who accepted them, like Abu al-Zubayr al-Makki.²⁴

Basically, the above *athar* is *ʿa'if*, because ‘Abd al-Wahhab did NOT explicitly state that he “heard” that declaration from Ibn Jurayj. Instead, he only stated: “Ibn Jurayj said”. Of course, both of these statements are different:

(a) I heard Ibn Jurayj saying such-and-such; and

(b) Ibn Jurayj said such-and-such.

In the first one, there is no doubt that the speaker heard Ibn Jurayj. However, in the second, there is no evidence of that. The speaker could simply have heard a third person who claimed that Ibn Jurayj said such-and-such. In these days of ours, we often see Muslim scholars who proclaim on pulpits “the Prophet said such-and-such” and we know that they never heard directly from him. In fact, on several occasions, such *ahadith* turn out to be outright fabrications!

Another wonderous aspect of the declaration which ‘Abd al-Wahhab attributed to Ibn Jurayj is his alleged confession that he knew eighteen different *ahadith* on the permissibility of *mut’ah*, and yet would disregard them all and turn against them! ‘Abd al-Wahhab would have us believe that Ibn Jurayj was abandoning these eighteen *ahadith* in favour of this single one he narrated from ‘Abd al-‘Aziz b. ‘Umar?! What do these really people take us for?

1. Abu ‘Awanah Ya’qub b. Ishaq al-Asfarani, Musnad Abi Awanah (Beirut: Dar al-Ma’rifah; 1st edition, 1419 H) [annotator: Ayman b. ‘Arif al-Dimashqi], vol. 3, p. 23
2. Muhammad Na’ir al-Din al-Albani, Irwa al-Ghalil fi Takhrij Ahadith Manar al-Sabil (Beirut: al-Maktab al-Islami; 2nd edition, 1405 H), vol. 6, p. 319, # 1903
3. Shihab al-Din Ibn Hajar al-‘Asqalani, Fath al-Bari Sharh ‘Uhih al-Bukhari (Beirut: Dar al-Ma’rifah li al-‘aba’ah wa al-Nashr; 2nd edition), vol. 9, p. 150
4. Abu Bakr Ahmad b. ‘Ali al-Razi al-Jasas, Ahkam al-Qur’an (Beirut: Dar al-Kutub al-‘Ilmiyyah; 1st edition, 1415 H) [annotator: ‘Abd al-Salam Muhammad ‘Ali Shahin], vol. 2, p. 186
5. Ahmad b. ‘Ali b. Hajar al-‘Asqalani, Taqrib al-Tahdhib (Beirut: Dar al-Maktabah al-‘Ilmiyyah; 2nd edition, 1415 H) [annotator: Mu’tafa ‘Abd al-Qadir ‘A’a], vol. 2, p. 355, # 7965
6. Ibid, vol. 1, p. 24
7. Abu Bakr ‘Abd al-Razzaq b. Hamam al-‘a’nani, al-Mu’annaf [annotator: Habib al-Rahman al-A’ami], vol. 7, p. 506, # 14048
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