

Nikah Al-Mut'ah, Zina or Sunnah?

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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Dedication

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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.

Acknowledgments

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Preface

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، فحجناه 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 نهيها 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 - 'Aṭa:

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 Ṭāif. 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...."

'Aṭa 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 - ‘Aṭa - said: By Allah, it is like I am still hearing his statement “except a wretched person”.

‘Aṭa 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-Hafiz (d. 852 H) states:

فأخرجه عبد الرزاق من طريق صفوان بن يعلى بن أمية أخبرني يعلى ان 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 Ṭaif. And its chain is sahih.²

However, we have seen certain Sunni elements who argue against the authenticity of this riwayat on the basis of Ibn Jurayj’s tadlis. The keen observer notices though that Ibn Jurayj has narrated from ‘Aṭa using the phrases (قال) [he said] and (قال عطاء) [‘Aṭa 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 دلسه 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-Hafiz 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. ‘Aṭa 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, raḍiyallahu ‘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 نهي 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-Hafiz says about him:

محمد بن مسلم بن تدرس بفتح المثناة وسكون الدال المهملة وضم الراء الأسدي

مولاهم أبو الزبير المكّي 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 riwayat which sheds more light:

عبد الرزاق عن ابن جريح قال: أخبرني أبو الزبير أنه سمع جابر بن عبد الله يقول: قدم عمرو بن حريث من الكوفة فاستمتع بمولاة، فأتي بها عمر وهي حبلى، فسألها، فقالت: استمتع بي عمرو بن حريث، فسأله، فأخبره بذلك أمراً ظاهراً، قال: فهلا غيرها؟ فذلك حين نهي 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، وعمرو بن حريث، وأبو سعيد الخدري، وسلمة، ومعبد ابنا أمية بن خلف.

ورواه جابر بن عبد الله، 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: Tawus, 'Aṭa, 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 riwayat 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 riwayat 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-Hafiz 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 سعيدا 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-Ṭabari 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 Ṭawus.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-Hafiz 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.

Notes

1. Abu Bakr ‘Abd al-Razzaq b. Hamam al-Ša’nani, al-Muṣannaf [annotator: Habib al-Rahman al-A’ẓami], vol. 7, pp. 496-497, # 14021
2. Shihab al-Din Ibn Hajar al-‘Asqalani, Fath al-Bari Sharh Ṣahih al-Bukhari (Beirut: Dar al-Ma’rifah li al-Ṭaba’ah wa al-Nashr; 2nd edition), vol. 9, p. 151
3. Muhammad Naṣir 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 Naṣir 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 riwayah.
5. Abu Bakr ‘Abd al-Razzaq b. Hamam al-Ša’nani, al-Muṣannaf [annotator: Habib al-Rahman al-A’ẓami], vol. 7, p. 499, # 14025
6. Ahmad b. ‘Ali b. Hajar al-‘Asqalani, Taqrib al-Taḥdhib (Beirut: Dar al-Maktabah al-‘Ilmiyyah; 2nd edition, 1415 H) [annotator: Muṣṭafa ‘Abd al-Qadir ‘Aṭa], vol. 2, p. 132, # 6310
7. Abu Bakr ‘Abd al-Razzaq b. Hamam al-Ša’nani, al-Muṣannaf [annotator: Habib al-Rahman al-A’ẓami], vol. 7, p. 500, # 14029
8. Abu Muhammad ‘Ali b. Ahmad b. Sa’id b. Hazm al-Andalusi al-Qurṭubi al-Ẓahiri, al-Muhalla (Dar al-Fikr li al-Ṭaba’ah wa al-Nashr wa al-Tawzi’), vol. 9, pp. 519-520
9. Shihab al-Din Ahmad b. ‘Ali b. Hajar al-‘Asqalani, Taḥdhib al-Taḥdhib (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-Ša’nani, al-Muṣannaf [annotator: Habib al-Rahman al-A’ẓami], vol. 7, p. 496, # 14020
12. Ahmad b. ‘Ali b. Hajar al-‘Asqalani, Taqrib al-Taḥdhib (Beirut: Dar al-Maktabah al-‘Ilmiyyah; 2nd edition, 1415 H) [annotator: Muṣṭafa ‘Abd al-Qadir ‘Aṭa], vol. 1, p. 513, # 3477

1. Mut'ah In The Qur'an

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-Naḍr b. Shumayl - Shu'bah - Abu Salamah - Abu Naḍrah:

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 Naḍrah 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 Naḍrah:

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

محمد بن المثنى بن عبيد العنزي يفتح 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-Hafiz 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-Ṭabari 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 مصحفًا 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 الآن حلالاً،

وأخبرني أنه كان يقرأ {فما استمتعتم} به [منهن إلى أجل فاتوهن أجورهن]

'Abd al-Razzaq - Ibn Jurayj - 'Aṭa:

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-Hafiz Ibn Kathir (d. 774 H) has some more relevant information for us:

وكان ابن عباس ، وأبي بن كعب ، وسعيد بن جبير ، والشُدِّي يقرءون : "فما

استمتعتم به منهن إلى أجل مسمى فاتوهن 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, raḍiyallahu 'anhu, also made this clear. Al-Ṭabari says:

حدثنا حميد بن مسعدة، قال : ثنا بشر بن المفضل، قال : ثنا داود، عن أبي نصره،

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 قرأها هكذا ما سألتك
إقال: فإنها كذا.

Hamid b. Mas'adah - Bashar b. al-Mufaḍḍal - 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-Hafiz comments:

حميد بن مسعدة بن المبارك السامي بالمهمله 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-Mufaḍḍal b. Lahik al-Raqashi, Abu Isma'il al-Basri: Thiqah (trustworthy), thabt (accurate), a devout worshipper of Allah.¹⁵

And al-Hafiz states about the third narrator:

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

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 riwayat, 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:

واذكرون 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 حرير، 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. Rabat - 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

Notes

1. Qur'an 4:24
2. Abu 'Abd Allah Muhammad b. 'Abd Allah al-Hakim al-Naysaburi, al-Mustadrak 'ala al-Şahihayn (Beirut: Dar al-Kutub al-'Ilmiyyah; 1st edition, 1411 H) [annotator: Muştafa 'Abd al-Qadir 'Aṭa], 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-Ṭabari, Jami al-Bayan fi Tawil al-Qur'an (Dar al-Fikr; 1415 H) [annotator: Şidqi Jamil al-'Aṭṭar], 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: Muştafa 'Abd al-Qadir 'Aṭa], 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-Ṭabari, Jami al-Bayan fi Tawil al-Qur'an (Dar al-Fikr; 1415 H) [annotator: Şidqi Jamil al-'Aṭṭar], vol. 5, p. 18
10. Prof. Dr. Hikmat b. Bashir b. Yasin, Mawsu'at al-Şahih al-Masbur min al-Tafsir bi al-Mathur (Madinah: Dar al-Mathar li al-Nashr wa al-Tawzi' wa al-Ṭaba'at; 1st edition, 1420 H), vol. 3, p. 239
11. Abu Bakr 'Abd al-Razzaq b. Hamam al-Şa'nani, al-Muşannaf [annotator: Habib al-Rahman al-A'ẓami], vol. 7, p. 498, # 14022
12. Abu al-Fida Isma'il b. 'Umar b. Kathir al-Qurshi al-Dimashqi, Tafsir al-Qur'an al-'Azim (Dar al-Ṭaybah 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-Ṭabari, Jami al-Bayan fi Tawil al-Qur'an (Dar al-Fikr; 1415 H) [annotator: Şidqi Jamil al-'Aṭṭar], 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: Muştafa 'Abd al-Qadir 'Aṭa], 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

2. Reign Of The Verse Of Al-Mut'ah

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 حرمها عمر ونهى عنها؟! فقال: وإن كان فعل، قال: إني أعيدك بالله من ذلك أن تحل شيئاً حرمه 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:

حسن

Hasan.²

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 البكرابي حدثنا عبدالواحد (يعني ابن زياد) عن عاصم عن أبي نضرة قال كنت عند جابر بن عبدالله فأثاءه 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 Naḍrah:

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 أخيرا يعني النساء

‘Abd Allah (b. Ahmad) - my father (Ahmad b. Hanbal) - Ishaq - ‘Abd al-Malik - ‘Aṭa - 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-Arnaūṭ 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 عبدالله يقول كنا نستمتع بالقبضة من التمر والدقيق الأيام على عهد رسول الله صلى الله عليه و سلم وأبي بكر حتى نهي 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 تمتعنا على عهد النبي صلى الله عليه و سلم الحج والنساء فنهانا عمر عنهما فانتبهنا

‘Abd Allah (b. Ahmad) - my father (Ahmad b. Hanbal) - Yunus - Hamad b. Salamah - ‘Ali b. Zayd AND ‘Asim al-Ahwal - Abu Naḍrah - 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-Arnauf 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 و سلم متعتين الحج والنساء وقد قال حماد أيضا متعة الحج ومتعة النساء فلما كان عمر نھانا عنھما فانتھينا

'Abd Allah (b. Ahmad) - my father (Ahmad b. Hanbal) - 'Affan - Hamad - 'Ali b. Zayd AND 'Asim al-Ahwal - Abu Naḍrah - 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-Arnauf again says:

إسناده صحيح

Its chain is sahih¹⁰

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 فنھانا عنھما عمر رضي الله تعالى عنه فانتھينا

'Abd Allah (b. Ahmad) - my father (Ahmad b. Hanbal) - 'Abd al-Samad - Hamad - 'Asim - Abu Naḍrah - 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-Arnauf 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 عبد الله بن نمير الهمداني حدثنا أبي ووكيع وابن بشر عن إسماعيل عن قيس قال سمعت عبد الله 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-Arnaū 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-Hafiz 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 اباحتها 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, raḍiyallahu ‘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 fawaid 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.

Notes

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, Ṣahih 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: Muassasat Qurṭubah) [annotator: Shu’ayb al-Arnaut], vol. 3, p. 304, # 14307

5. Ibid

6. Abu al-Husayn Muslim b. al-Hajjaj al-Qushayri al-Naysaburi, Ṣahih 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: Muassasat Qurṭubah) [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, Ṣahih 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: Muassasat Qurṭubah) [annotator: Shu’ayb al-Arnaut], vol. 1, p. 432, # 4113

15. Ibid

16. Shihab al-Din Ibn Hajar al-‘Asqalani, Fath al-Bari Sharh Ṣahih al-Bukhari (Beirut: Dar al-Ma’rifah li al-Taba’ah wa al-Nashr; 2nd edition), vol. 9, p. 102

17. Abu Zakariyyah Yahya b. Sharaf al-Nawawi, Sharh Ṣahih Muslim (Beirut: Dar al-Kitab al-‘Arabi; 1st edition, 1407 H) vol. 9, p. 182

3. Allah Calls Mut'ah "A Good Thing"

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

فما استمتعتم به منهن فاتوهن أجورهن فريضة

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:

فما استمتعتم به منهن إلى أجل مسمى فاتوهن أجورهن فريضة

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

Hasan³

Ayatullah al-Ruhani also comments:

صحيح

Sahih⁴

The ace Sunni exegete, Imam Ibn Jarir al-Ṭabari (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 أيماكم } إلى هذا الموضع:

{فما استمتعتم به منهن {أمنسوخة هي؟ قال: لا. قال الحكم: قال علي رضي الله عنه: لولا أن عمر رضي الله عنه نهي 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-Hafiz states about him:

الحكم بن عتيبة بالمشناة ثم الموحد 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 nikah⁷ - 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 فأتوهن 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} [٥ / مكية / المؤمن / ٢٣] وأجمعوا على أنها ليست بزوجة ولا ملك يمين فنسختها 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:

وذا بد ما آية م ن آية والله أعلم بما ي ل قالوا إنما أنت مفتر بل أكثرهم لا يعلمون

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:

ولا ينسخ كتاب الله إلا كتابه لقول الله { ما ننسخ من آية أو ننسها نأت بخير منها أو مثلها } وقوله { وإذا بدلنا آية مكان آية والله أعلم بما ينزل قالوا إنما أنت مفتر } فأبان أن نسخ القرآن لا يكون إلا بقرآن مثله

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:

عبد الرزاق قال قال معمر وقال قتادة وأما قوله نأت بخير منها أو مثلها يقول آية فيها تخفيف فيها رخصة فيها أمر فيها نهي

‘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 riwayat:

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 ملوم
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 riwayat 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-Nadar 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

Sahih¹⁷

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-Faql 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-Sahih²⁰

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 تحرمواطيبات 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 رخصنا 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-Arnauf 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 نفيير قال حججت فدخلت على عائشة رضي الله عنها فقالت لي : يا جبير تقرأ المائة ؟ 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 و سلم 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-Arnauf states:

إسناده صحيح

Its chain is sahih³³

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 : يارسول 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 sahih³⁷

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 ان 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

Sahih³⁹

And Shaykh al-Arnauf 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 ابي 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 تشركوا بالله ما لم ي ل 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 وبتاء ذبي القربى وينهى عن الفحشاء والمنكر والبغى

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?

Notes

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 Şadiq al-Husayni al-Ruhani, Fiqh al-Şadiq (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-Ṭabari, Jami al-Bayan fi Tawil al-Qur’an (Dar al-Fikr; 1415 H) [annotator: Şidqi Jamil al-‘Aṭṭar], 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: Muştafa ‘Abd al-Qadir ‘Aṭa], vol. 1, p. 232, # 1458
7. See Abu Ja’far Muhammad b. Jarir b. Yazid b. Kathir b. Ghalib al-Amuli al-Ṭabari, Jami al-Bayan fi Tawil al-Qur’an (Dar al-Fikr; 1415 H) [annotator: Şidqi Jamil al-‘Aṭṭar], 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-Şana’ani, Tafsir al-Qur’an (Riyadh: Maktabah al-Rushd; 1st edition, 1410 H) [annotator: Dr. Muştafa Muslim Muhammad], vol. 1, p. 55

13. Prof. Dr. Hikmat b. Bashir b. Yasin, Mawsu'at al-Şahih al-Masbur min al-Tafsir bi al-Mathur (Madinah: Dar al-Mathar li al-Nashr wa al-Tawzi' wa al-Ṭaba'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-Şahih al-Mukhtaşar (Beirut: Dar Ibn Kathir; 3rd edition, 1407 H) [annotator: Dr. Muştafa 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-Uşul 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-Uşul 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 Talkhiş Miqyas al-Hidayah (Jami'at al-Imam al-Şadiq; 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: 'Işam 'Abd al-Sayyid], Ch. 1, p. 22
23. Ja'far al-Subhani, Kulliyat fi 'Ilm al-Rijal (Qum: Muasassat al-Nashr al-Islami; 3rd edition, 1414 H), p. 27
24. Naşir 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-Şahih al-Mukhtaşar (Beirut: Dar Ibn Kathir; 3rd edition, 1407 H) [annotator: Dr. Muştafa Dib al-Bagha], vol. 5, p. 1953, # 4787
27. Abu 'Abd Allah Ahmad b. Hanbal al-Shaybani, Musnad (Cairo: Muasassat Qurţubah) [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-Şahihayn (Beirut: Dar al-Kutub al-'Ilmiyyah; 1st edition, 1411 H) [annotator: Muştafa 'Abd al-Qadir 'Aṭa], vol. 2, p. 340, # 3210
30. Ibid
31. Ibid
32. Abu 'Abd Allah Ahmad b. Hanbal al-Shaybani, Musnad (Cairo: Muasassat Qurţubah) [annotator: Shu'ayb 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-Mawşili 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, Şahih Ibn Hibban bi Tartib Ibn Balban (Beirut: Muasassat al-Risalah; 2nd edition, 1414 H) [annotators: Muhammad Naşir al-Din al-Albani and Shu'ayb 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

4. The Sunni Contradictions

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 نهي 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 عبدالمالك
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
عمارة 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 Fuḍayl b. Husayn al-Jahdari - Bishr b. Mufaḍḍal - ‘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-
Awṭas, and this is another relevant riwayat of Imam Muslim concerning it:

حدثنا أبو بكر بن أبي شيبة حدثنا يونس بن محمد حدثنا عبدالواحد 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 ‘Umays - Iyas b. Salama - his father (Salama):

The Messenger of Allah, peace be upon him, allowed mut’ah for three
days during the Year of Awṭas. 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 Awṭas) 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
Awṭas.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 محسن إلا رجته 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-Khattab 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-Arna’ut and two others say:

حديث صحيح وهذا سند حسن

A sahih hadith, and this chain is hasan.⁸

NOTE: This hadith is actually ḍa’if. Concerning one of its narrators, al-Hafiz (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 خطوؤه وانفرد بالمناكير، أخبرنا الهمداني قال سمعت عمرو بن علي يقول: ما سمعت يجي بن سعيد القطان يحدث عنه بشيء قط - يعني 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-Qaṭṭan ever narrating anything from him” - he meant Aban al-Bajali.¹⁰

In normal circumstances, a narrator like this is not just ḍa’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 سعد عمر على المنبر فحمد الله وأثنى عليه ثم قال ما بال رجال ينكحون هذه المتعة وقد نهي رسول الله صلى الله عليه و سلم عنها ألا وإني لا أوتي بأحد نكحها إلا رجمته

Abu Muhammad ‘Abd Allah b. Yusuf al-Asbahani - Abu Muhammad ‘Abd al-Rahman b. Yahya al-Zuhri al-Qadi - Muhammad b. Isma’il al-Saigh - Abu Khalid al-Umawi - Mansur b. Dinar - ‘Umar b. Muhammad - Salim b. ‘Abd Allah - his father - ‘Umar b. al-Khattab, 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 نهي عن نكاح المتعة لأنه علم نهي النبي صلى الله عليه و سلم 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-Hafiz 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: “Da’if.” I say: ... And al-‘Aqili has mentioned him in al-Du’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 mawḍu’ or at least ḍa’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 سيرة ان 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 شيئاً

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 sahih¹⁶

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

صحيح

Sahih¹⁸

And al-Arnauf agrees:

إسناده صحيح

Its chain is sahih¹⁹

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

فقد نص الشافعي على أنه لا يعلم شيئاً أبيض ثم حرم ثم أبيض 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 أبيضت ثلاث مرات وحرمت ثلاث مرات وقال آخرون أربع مرات وهذا بعيد جداً 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-Qada. 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 Awṭas, 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 نهي 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, radiyallahu 'anhu, 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 نهي 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 فناده 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 البكرابي 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 نأنا عنهما عمر فلم نعد لهما

Hamid b. ‘Amr al-Bakrawi - ‘Abd al-Wahid b. Ziyad - ‘Asim - Abu Nadrah:

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 في المتعة ثلاثة أقوال:

الأول: الإباحة مطلقا.

الثاني: 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 a 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.

Notes

1. Abu al-Husayn Muslim b. al-Hajjaj al-Qushayri al-Naysaburi, *Ṣaḥīḥ 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-Arna'ut, 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: Muṣṭafa '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-Faḍl Ahmad b. 'Ali b. Hajar al-'Asqalani, *Lisan al-Mizan* (Beirut: Manshurat Muasassat al-A'lami 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-Arna'ut and Ṣaḥīḥ 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, *Ṣaḥīḥ Ibn Hibban bi Tartib Ibn Balban* (Beirut: Muasassat al-Risalah; 2nd edition, 1414 H) [annotators: Muhammad Naṣir al-Din al-Albani and Shu'ayb al-Arna'ut], 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, *Ṣahih 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, *Ṣahih 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 Naṣir 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

5. The Practice Of Mut'ah

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. Yaqtin:

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 تستصي؟ ابنة ست أو سبع؟ فقال: لا ابنة تسع لا تستصي وأجمعوا كلهم على أن ابنة تسع لا تستصي 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-Ṭusi (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 فكذلك 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

Muwaththaq.¹³

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 - Faḍalah - 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

Sahih¹⁹

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 المؤمن

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-Ṭusi documents in this regard:

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 يحدد؟ وكيف يحدد اعظاما لذلك؟ قال الرجل فان اتمها 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-Riḍa, 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-Riḍa) 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-Riḍa) 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 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.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 مریم، عن أبي جعفر عليه السلام أنه سئل عن المتعة فقال: إن المتعة اليوم ليس كما كانت قبل اليوم إنهن كن يومئذ يؤمنن واليوم لا يؤمنن 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-Sahih²⁸

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-Fuḍayl:

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: سألته 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:

حسن

Hasan.³²

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 اصح 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 يجل له أن يتزوج امرأة كان يفجر بها؟ فقال: إن أنس منها رشدا فنعم وإلا فليزودها على الحرام فإن تابعته فهي عليه حرام وإن أبت فليتزوجهما.

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 - Fuḍayl 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 المؤمنة 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 mustaḍ’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-Ṭai - 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: فالجوسية؟ قال: أما الجوسية 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-Ṭusi:

وعنه عن إسماعيل بن سعد الأشعري قال: سألته عن الرجل يتمتع من اليهودية والنصرانية قال: لا أرى بذلك بأساً قال: قلت بالجوسية؟ قال: وأما الجوسية 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-Ṭusi 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 غضاضة.

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:

صحيح

Sahih.⁵³

And al-Ruhani concurs:

صحيح

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-Tusi too has the hadith through another tariq:

محمد بن أحمد بن يحيى عن يعقوب بن يزيد عن محمد بن 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

Sahih.⁶³

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

Hasan.⁶⁵

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-Ṭusi also documents:

عنه عن الحسن بن موسى الخشاب عن غياث بن كلوب عن إسحاق بن عمار عن جعفر عن أبيه عليه السلام ان علي بن أبي طالب عليه السلام كان يقول: من شرط لامرأته شرطا فليف لها به، فان 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 Ṭalib, 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 ذوات 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

Sahih⁷²

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

Sahih⁷⁴

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

فاما رواه أحمد بن محمد بن محمد بن إسماعيل عن أبي الحسن ظريف عن ابان عن

أبي مرثم عن أبي عبد الله عليه السلام قال: العذراء التي لها أب لا تتزوج متعة إلا بإذن 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-Sahih⁷⁶

Al-Ruhani also states:

صحيح

Sahih⁷⁷

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

Sahih⁸⁰

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-Ṭusi 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 اجل معلوم.

Ahmad b. Muhammad b. ‘Isa - ‘Ali b. al-Hakam - Aban - Isma’il b. al-Faḍl 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

Muwatthaq ka al-Sahih⁸³

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 أرثك 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 أرتك
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 sighth 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-Ṭusi 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-Naḍr - '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

Sahih.⁹¹

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 اشترطت كان وإن لم تشترط لم يكن.

'Ali b. Ibrahim - his father - Ahmad b. Muhammad b. Abi Nasr - Abu al-Hasan al-Riḍa, 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

Sahih.⁹⁵

This is also the fatwa of Shaykh al-Tusi:

واما الميراث فإنه اشترط انها ترث ورثت وان لم يشترط فليس لها ولا له ميراث وليس

يحتاج إلى أن يشترط انها لا ترث لان من شروط المتعة اللازمة ان 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: أرأيت 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-Naḍr - '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:

صحيح

Sahih.⁹⁸

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 Faḍḍal - 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-Ṭusi submits:

فالمراد بهذا الخبر إذا لم يشترط 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-Ṭusi:

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: سألته 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-Ṭusi 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-Ṭusi, elucidates further:

قوله سواء اشترط أي: نفى 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:

حسن

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 يمسهما 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-Tusi 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 الحيض 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 يمسهما 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-Ṭusi 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 Faḍḍal - 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-Ṭusi 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 ان 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: استمعتنا أصحاب النبي صلى الله عليه وسلم، حتى نهي 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 riwayat 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 بن 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 الإمام يتزوج منهن كم شاء وصاحب الأربع نسوة يتزوج منهن ما شاء بغير ولي ولا شهود فإذا انقضى الاجل بانته منه بغير طلاق ويعطيهما الشئ اليسير وعدتها حيضتان وإن كانت لا تحيض فخمسة وأربعون يوما فأتيت بالكتاب أبا عبد الله عليه السلام فعرضت عليه فقال: صدق وأقر به قال: ابن

أذينة و كان زرارة بن أعين يقول هذا ويجلف أنه الحق إلا أنه كان يقول: إن كانت تحيض فحيضة وإن كانت لا تحيض فشهري ونصف.

‘Ali b. Ibrahim - his father - Ibn Abi ‘Umayr - ‘Umar b. Uzaynah - Isma’il b. al-Faql 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 زبيح: سمعت جريرا الضبي يقول: كان ابن جريج يرى المتعة، تزوج بستين 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-Dabi 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: الحبل 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 وعشرا تعدد بعدما تضع تمام أربعة أشهر و عشرا 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

Muwatthaq, and upon it is the fatwa.¹⁴⁰

Al-Ruhani concurs too:

موثق

Muwatthaq.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-Ṭusi reports:

أحمد بن محمد بن أبي نصر عن عاصم بن حميد عن محمد بن مسلم عن أبي عبد الله عليه السلام قال قلت له: أرأيت إن حبلت؟ 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-Ṭusi again records:

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، قلت: أرأيت 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-Naḍr - '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-Ṭusi 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 ان لا يطلب ولدها فتأتي بعد ذلك بولد فينكر الولد فشدد في ذلك وقال يجحد؟ وكيف يجحد اعظاما لذلك؟ قال الرجل فان اتمهما 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-Riḍa, 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-Riḍa) 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-Riḍa) 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:

صحيح

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 وحرّم ذلك على المؤمنين

Then, the man said, “What if he accuses her (of fornication)?” He (al-Riḍa) 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-Tusi 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: أرأيت 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-Nadr - '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: استمتعنا أصحاب النبي صلى الله عليه وسلم، حتى نهي عمرو بن حريث، قال: وقال جابر: إذا انقضى الأجل فبدا لهما أن يتعاودا، فليمهرا 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.”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.

Notes

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-Tusi, 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 Şadiq al-Husayni al-Ruhani, Fiqh al-Şadiq (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 Şadiq al-Husayni al-Ruhani, Fiqh al-Şadiq (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 Şadiq al-Husayni al-Ruhani, Fiqh al-Şadiq (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-Tusi, 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 Şadiq al-Husayni al-Ruhani, Fiqh al-Şadiq (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 Şadiq al-Husayni al-Ruhani, Fiqh al-Şadiq (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 Şadiq al-Husayni al-Ruhani, Fiqh al-Şadiq (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 Şadiq al-Husayni al-Ruhani, Fiqh al-Şadiq (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, Tafşil Wasail al-Shi'ah ila Tahşil 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 Şadiq al-Husayni al-Ruhani, Fiqh al-Şadiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 439
50. Abu Ja'far Muhammad b. al-Hasan al-Tusi, 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-Tusi, 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 Şadiq al-Husayni al-Ruhani, Fiqh al-Şadiq (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 Şadiq al-Husayni al-Ruhani, Fiqh al-Şadiq (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-Tusi, 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 Şadiq al-Husayni al-Ruhani, Fiqh al-Şadiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 190
69. Abu Ja'far Muhammad b. al-Hasan al-Tusi, 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 Şadiq al-Husayni al-Ruhani, Fiqh al-Şadiq (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 Şadiq al-Husayni al-Ruhani, Fiqh al-Şadiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 154
75. Abu Ja'far Muhammad b. al-Hasan al-Tusi, 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)

76. 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
77. Muhammad Şadiq al-Husayni al-Ruhani, *Fiqh al-Şadiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 155
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-Ṭusi, *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)
83. Muhammad Baqir al-Majlisi, *Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar* (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 54, # 59
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-Ṭusi, *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 Şadiq al-Husayni al-Ruhani, *Fiqh al-Şadiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 36
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. 465, # 2
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. 255
95. Muhammad Şadiq al-Husayni al-Ruhani, *Fiqh al-Şadiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, pp. 48-49
96. Abu Ja'far Muhammad b. al-Hasan al-Ṭusi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 264, Ch. 24
97. Abu Ja'far Muhammad b. al-Hasan al-Ṭusi, *Tahdhib al-Ahkam* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 264, Ch. 24, # 66 (1141)
98. 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
99. Muhammad Şadiq al-Husayni al-Ruhani, *Fiqh al-Şadiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 36
100. 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. 465, # 1

101. 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. 255
102. Abu Ja'far Muhammad b. al-Hasan al-Ṭusi, 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 Ṣadiq al-Husayni al-Ruhani, Fiqh al-Ṣadiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 48
105. Abu Ja'far Muhammad b. al-Hasan al-Ṭusi, 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-Mar'ashi; 1407 H), vol. 12, p. 59, # 66
107. 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
108. 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
109. Muhammad Ṣadiq al-Husayni al-Ruhani, Fiqh al-Ṣadiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 23, p. 15
110. 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, # 2
111. 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
112. Muhammad Ṣadiq al-Husayni al-Ruhani, Fiqh al-Ṣadiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 23, p. 15
113. 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. 119, # 8
114. 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. 204
115. 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. 85, # 3
116. 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. 145
117. Muhammad Ṣadiq al-Husayni al-Ruhani, Fiqh al-Ṣadiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 23, p. 11
118. Abu Ja'far Muhammad b. al-Hasan al-Ṭusi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 8, p. 66, Ch. 3, # 137 (218)
119. Muhammad Ṣadiq al-Husayni al-Ruhani, Fiqh al-Ṣadiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 23, p. 10
120. See Qur'an 65:4
121. Qur'an 2:234
122. 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. 119, # 8
123. 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. 204
124. Abu Ja'far Muhammad b. al-Hasan al-Ṭusi, 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 Ṣadiq al-Husayni al-Ruhani, Fiqh al-Ṣadiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 52

126. 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, # 3
127. 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
128. Abu Ja'far Muhammad b. al-Hasan al-Tusi, 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 Şadiq al-Husayni al-Ruhani, Fiqh al-Şadiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 52
130. Abu Bakr 'Abd al-Razzaq b. Hamam al-Şa'nani, al-Muşannaf [annotator: Habib al-Rahman al-A'zami], vol. 7, p. 499, # 14025
131. 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, # 6
132. 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
133. Muhammad Şadiq al-Husayni al-Ruhani, Fiqh al-Şadiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 51
134. Shams al-Din Muhammad b. Ahmad b. 'Uthman al-Dhahabi, Siyar A'lam al-Nubala (Beirut: Muasassat al-Risalah; 9th edition, 1413 H) [annotators of the sixth volume: Shu'ayb al-Arnauf and Husayn al-Asad], vol. 6, p. 331, # 138
135. Ibid, vol. 6, p. 333, # 138
136. 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. 243
137. 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. 114, # 6
138. 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. 196
139. 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, pp. 113-114, # 1
140. 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. 195
141. Muhammad Şadiq al-Husayni al-Ruhani, Fiqh al-Şadiq (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 Şadiq al-Husayni al-Ruhani, Fiqh al-Şadiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 332
146. Abu Ja'far Muhammad b. al-Hasan al-Tusi, al-Istibşar (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 Şadiq al-Husayni al-Ruhani, Fiqh al-Şadiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 43
149. Abu Ja'far Muhammad b. al-Hasan al-Tusi, 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 Şadiq al-Husayni al-Ruhani, *Fiqh al-Şadiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 36
152. Abu Ja'far Muhammad b. al-Hasan al-Ṭusi, *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 Şadiq al-Husayni al-Ruhani, *Fiqh al-Şadiq* (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 Şadiq al-Husayni al-Ruhani, *Fiqh al-Şadiq* (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 Şadiq al-Husayni al-Ruhani, *Fiqh al-Şadiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 57
164. Abu Ja'far Muhammad b. al-Hasan al-Ṭusi, *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 Şadiq al-Husayni al-Ruhani, *Fiqh al-Şadiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 36
167. Abu Bakr 'Abd al-Razzaq b. Hamam al-Şa'nani, *al-Muşannaf* [annotator: Habib al-Rahman al-A'zami], vol. 7, p. 499, # 14025

6. Al-Zawaj bi Niyyah Al-Talaq, The Sunni Attempt to Reinvent Mut'ah

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-talaq (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-Hafiz (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 الا الأوزاعي فأبطله

'Iyad 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 الا مدة نواها فنكاحه صحيح حلال وليس نكاح متعة وإنما نكاح المتعة ما وقع بالشرط المذكور ولكن قال مالك ليس هذا من أخلاق الناس وشد 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 او شهرين ويعزل عنها ويخاف ان يقع في المعصية فهل له ان يتزوج في مدة إقامته في تلك البلدة وإذا سافر طلقها وأعطها 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 واعجبته 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 أمرا جائزا

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-ṭalaq; 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.

Notes

1. Shihab al-Din Ibn Hajar al-'Asqalani, Fath al-Bari Sharh Sahih al-Bukhari (Beirut: Dar al-Ma'rifah li al-Taba'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

7. Shi'i Ahadith Misused About Mut'ah

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 ḍa'if source book, (v) a declaration that it does not contradict the Qur'an as interpreted in authentic Shi'i ahadith, and (v) 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-Ṭusi (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:

واما 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 بعمرو بن خالد الواسطي، فإنه لم يوثق في كتب الرجال، واختلف في مذهبه، فقيل: 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 سُنيّ المذهب، وعبارة النجاشي في ترجمته موهمة تحتمل عود التوثيق فيها إليه أو إلى أخيه الحسن، ولا توثيق آخر له، ولهذا فنحن متوقفون فيه، وإن وثّقه بعض الأعلام، وضعّفه بعض آخر. والحاصل أن هذا الحديث اشتمل على راوٍ زيدي، وآخر سُنيّ المذهب، وكلاهما لم يثبت توثيقهما، وما قيل في توثيقهما ليس محلاً للاعتماد والوثوق.

This report has a da'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 da'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

Da'if 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 da'if. Al-Tusi submits:

وأما العدالة المراعاة في ترجيح أحد الخبرين على الآخر فهو: أن يكون الراوي معتقداً للحق، مستتبصراً ثقة في دينه، متحرّجاً من الكذب غير متهم فيما يرويه.

فأما إذا كان مخالفاً في الاعتقاد لأصل المذهب وروى مع ذلك عن الأئمة عليهم

السلام نظر فيما يرويه. فان كان هناك من طرق الموثوق بهم ما يخالفه وجب اطراح خبره.

As for the 'adalah that is required in the preference of one of two reports over another, it is: that the narrator should have the true 'aqidah, enlightened, trustworthy in his religion, who avoids telling lies, not accused in what he narrates.

But, if he deviates in 'aqidah 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, ḍa'if 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 mawḍu' (a fabrication) without a doubt. No wonder, after mentioning that the chain of the riwayat of Husayn and 'Amr is either "ḍa'if 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 mawḍu'.

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 ḍa'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 it.⁹

Mirza al-Nuri (d. 1320 H) also submits:

وأما ثالثاً: فقولہ رحمہ اللہ { : 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، ونوادير 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 Faḍl al-Shi'ah of al-Saduq, Tuḥaf 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 ḍa'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 ḍa'if by default.

Meanwhile, the hadith is equally mawḍu' 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 ḍa'if book. Therefore, it is ḍa'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 mawḍu' 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 عليكما المتعة من قبلي ما دتما بالمدينة لأنكما تكثران الدخول علي فأخاف أن تؤخذا، فيقال: هؤلاء أصحاب جعفر.

A number of our companions - Sahl b. Ziyad - 'Ali b. Asbat AND Muhammad b. al-Husayn - al-Hakam b. Miskin - 'Ammar:

Abu 'Abd Allah, peace be upon him, said to me and Sulayman bl 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

Da’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 da’if or his trustworthiness is not established.¹⁴

About another narrator, he further declares:

الحكم بن مسكين الثقفي : ... مجهول

Al-Hakam b. Miskin al-Thaqafi ...: Majhul.¹⁵

So, it is genuinely da’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 da’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 da’if report, the Madinah governorate was stricter against temporary marriage than other Sunni provinces.

In any case, the hadith is da’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 يستحي أحدكم أن يرى في موضع العورة فيحمل ذلك على صالح إخوانه وأصحابه.

‘Ali b. Muhammad - Salih b. Abi Hammad - Ibn Sinan - al-Mufaḍḍal 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

Da’if.¹⁷

Then, he adds:

قوله عليه السلام : (أن يرى في موضع العورة) أي يراه الناس في موضع يعيب من يجدونه فيه ، لكراهمهم 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 da'if. Meanwhile, if its texts does question the legitimacy of mut'ah, then it is in contradiction to the Verse of al-Mut'ah, and therefore mawdu'.

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 da'if. 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 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 ṭaifah 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 يصحح 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-Ṭusi) 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-Ṭusi 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 البطائني 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 وبالغ 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-Baṭāini 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 ḍa’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 ḍa’if by Shaykh at many places in his two books, and he was extremely emphatic in declaring him ḍa’if. His report from Yunus b. Zabyan 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 ḍa’if narrators, and even from al-Baṭāini 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 erroneoous 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 ḍa’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 ḍa’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 الإماء يتزوج منهن كم شاء وصاحب الأربع نسوة يتزوج منهن ما شاء بغير ولي ولا شهود فإذا انقضى الاجل بانته 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

Majhul.²⁸

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 يوماً

And from him - al-'Abbas b. Ma'ruf - al-Qasim b. 'Urwah - 'Abd al-Hamid al-Ṭai - 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 ḍa'if. Besides, Kitab al-Mahasin is also a ḍa'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 ألفاً 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 بالبركر 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-Ṭusi 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-Ṭusi records:

واما ما رواه أحمد بن محمد عن أبي الحسن عن بعض أصحابنا يرفعه إلى أبي عبد الله عليه السلام قال: لا تتمتع بالمؤمنة فتذلها.

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-Ṭusi himself declares:

فهذا الخبر مقطوع الاسناد مرسل

This report has a disconnected chain, mursal.³⁸

So, it is ḍa’if; and that basically deals with it.

Hadith Eight

Al-Ṭusi reports:

روى محمد بن أحمد بن يحيى عن أحمد بن محمد بن 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 جدا لا يعول على ما ينفرد
بنقله

As for the report of Zurarah, the route to him is 'Ali b. Hadid and he is
ḍa'if jiddan. Whatever he alone narrates is not relied upon.⁴⁰

Therefore, the report is ḍa'if jiddan in its sanad.

Al-Majlisi too says about the hadith:

ضعيف

Ḍa'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 mawḍū'.

Hadith Nine

Al-Ṭusi 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.
Yaqtin:

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. Yaqtin is ḍa’if. It also contradicts the Book of Allah, and that makes it mawḍū’.

Hadith Ten

Al-Ṭusi 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 إني تزوجت امرأة متعة فوقع في نفسي أن لها زوجا ففتشت عن ذلك فوجدت لها زوجا قال: ولم فتشت؟! 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 مرثم، 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

Muwatthaq ka al-Sahih⁴⁹

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-Ṭusi reports:

وعنه عن أيوب بن نوح عن مهران بن محمد عن بعض أصحابنا عن أبي عبد الله عليه السلام قال: قيل له ان 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 ḍa’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, its suffers from compounded unreliability.

Hadith Twelve

Al-Ṭusi 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 رأييت لو سألها البينة كان يجد من يشهد ان 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-Riḍa, 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-Ṭusi 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 أبيها.

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-Ṭusi:

فاما رواه أحمد بن محمد بن محمد بن إسماعيل عن أبي الحسن ظريف عن ابان عن

أبي مرثد 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-Sahih⁵⁹

Al-Ruhani also states:

صحيح

Sahih⁶⁰

That then delivers the fatal blow to it.

Hadith Fourteen

Al-Ṭusi says:

وعنه عن موسى بن عمر بن يزيد عن محمد بن سنان عن أبي سعيد القمطاط عمن

رواه قال: قلت لأبي عبد الله عليه السلام: جارية بكر بين أبيها تدعوني إلى نفسها سرا من

أبيها أفأفعل ذلك؟ قال: نعم واتق 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-Qimaṭ - 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

Da’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 ḍa’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 ḍa’if jiddan. Worse still, it is equally mursal, as its main narrator is unknown.

With that same ḍa’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 الأقتشاب

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

Da’if.⁶⁶

We already know of the severe weakness of the sanad, anyway.

Then, al-Ṭusi 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 إذن

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

Da’if ‘ala al-Mashhur.⁶⁸

And it is actually ḍa'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 أيجل 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 ḍa'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 ḍa'if. Meanwhile, al-Ṭusi himself gives some further information on the muwaththaq hadith:

وأما العدالة المراعاة في ترجيح أحد الخبرين على الآخر فهو: أن يكون الراوي معتقدا

للحق، مستتبصراً ثقة في دينه، متخرجاً من الكذب غير متهم فيما يرويه.

فأما إذا كان مخالفا في الاعتقاد لأصل المذهب وروى مع ذلك عن الأئمة عليهم السلام نظر فيما يرويه. 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 'adalah that is required in the preference of one of two reports over another, it is: that the narrator should have the true 'aqidah, enlightened, trustworthy in his religion, who avoids telling lies, not accused in what he narrates.

But, if he deviates in 'aqidah 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. 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. Shi'is) 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-Tusi also adds:

وان كان ما رووه ليس هناك ما يخالفه ولا يعرف من الطائفة العمل بخلافه، وجب أيضا العمل به إذا كان متحرجا في روايته موثوقا في أمانته، وان كان مخطئا في أصل الاعتقاد.

And if there is nothing that contradicts what he narrated, and the taifah (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 'aqidah.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 مشرقة 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 fornicatrices 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 أيما نكح 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 mawḍū', 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-Tusi 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-Fuḍayl:

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

Muwaththaq (Reliable)⁸⁶

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 حكيم 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-Tūsi:

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 وحرّم ذلك على المؤمنين

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

A man asked al-Riḍa, 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-Riḍa) 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-Riḍa) 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 حرير بن عبد الله، عن محمد بن 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 mawḍu’, 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 أيتمعت بها؟ قال: أرايت ذلك؟ قلت: لا، ولكنها ترمى به قال: نعم يمتع 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 ḍa’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 ḍa’if.⁹⁹ In particular, it is from Qurb al-Isnad, a ḍa’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 ḍa’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 mawḍū’.

Notes

1. Abu Ja’far Muhammad b. al-Hasan al-Ṭusi, al-Istibṣar (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-Ṭusi, 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-Ṭusi, al-‘Uddah fi Uṣul al-Fiqh (Qum: Muasassat al-Ba’tah; 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 Aṣif al-Muhsini, Buhuth fi ‘Ilm al-Rijal (Markaz al-Muṣṭafa 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-Ṭabarsi, *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 Tafsil Ṭabaqat 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 Aṣif al-Muhsini, *Buhuth fi ‘Ilm al-Rijal* (Markaz al-Muṣṭafa al-‘Alami li Tarjamah wa al-Nashr), pp. 424-425, # 4; Muhammad Aṣif 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-Ṭusi, *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-Ṭusi, al-Istibṣar (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-Ṭusi, 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-Ṭusi, al-Istibṣar (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-Ṭusi, 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-Ṭusi, 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-Ṭusi, 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-Ṭusi, 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-Ṭusi, 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-Ṭusi, 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 Ṣadiq al-Husayni al-Ruhani, Fiqh al-Ṣadiq (Qum: Muassasat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 155
61. Abu Ja'far Muhammad b. al-Hasan al-Ṭusi, 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 Mu'jam al-Rijal al-Hadith* (Qum: Manshurat Maktabah al-Mahalati; 2nd edition, 1424 H), p. 628, # 12817
64. Abu al-'Abbas Ahmad b. 'Ali b. Ahmad b. al-'Abbas al-Najashi al-Asadi al-Kufi, *Fihrist Asma Muşannafay al-Shi'ah* (Qum: Muasassat al-Nashr al-Islami; 5th edition, 1416 H) [annotator: Sayyid Musa al-Shubayri al-Zanjani], p. 328, # 888
65. Abu Ja'far Muhammad b. al-Hasan al-Ṭusi, *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 Ja'far Muhammad b. al-Hasan al-Ṭusi, *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 Ja'far Muhammad b. al-Hasan al-Ṭusi, *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 Şadiq al-Husayni al-Ruhani, *Fiqh al-Şadiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 320
72. Abu Ja'far Muhammad b. al-Hasan al-Ṭusi, *al-'Uddah fi Uşul al-Fiqh* (Qum: Muasassat al-Ba'thah; 1st edition, 1417 H) [annotator: Muhammad Riða al-Anşari 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-Ṭaba'ah wa al-Nashr wa al-Tawzi'; 4th edition, 1395 H), p. 231
79. Abu Ja'far Muhammad b. 'Ali b. Husayn b. Babuyah al-Qummi, *al-I'tiqadat* (Dar al-Mufid; 2nd edition, 1414 H) [annotator: 'Işam 'Abd al-Sayyid], Ch. 1, p. 22
80. Abu Ja'far Muhammad b. 'Ali b. al-Husayn b. Babuyah al-Qummi, *Man La Yahduruh al-Faqih* (Qum: Manshurat Jama'ah al-Mudarisin fi al-Hawzah al-'Ilmiyyah; 2nd edition, 1404 H) [annotator: 'Ali Akbar al-Ghiffari], vol. 3, pp. 405-406, # 4417
81. *Ibid*, vol. 3, p. 406, # 4417, footnote # 1
82. Muhammad Şadiq al-Husayni al-Ruhani, *Fiqh al-Şadiq* (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 319
83. Abu Ja'far Muhammad b. al-Hasan al-Ṭusi, *al-Istibşar* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 3, p. 168, Ch. 109, # 1 (613)
84. Muhammad Şadiq al-Husayni al-Ruhani, *Fiqh al-Şadiq* (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 Şadiq al-Husayni al-Ruhani, *Fiqh al-Şadiq* (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-Ṭusi, *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 Ṣadiq al-Husayni al-Ruhani, *Fiqh al-Ṣadiq* (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’mān al-Ukbari al-Baghdadi, *Risalah al-Mut’ah* (Beirut: Dar al-Mufid li al-Ṭaba’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 Aṣif al-Muhsini, *Mashra’ah Bihar al-Anwar* (Beirut: Muasassat al-‘Arif li al-Maṭbu’at; 2nd edition, 1426 H), vol. 2, p. 487
100. See Muhammad Aṣif al-Muhsini, *Buhuth fi ‘Ilm al-Rijal* (Markaz al-Muṣṭafa al-‘Alami li Tarjamah wa al-Nashr), pp. 427-428, # 6; Muhammad Aṣif al-Muhsini, *Mashra’ah Bihar al-Anwar* (Beirut: Muasassat al-‘Arif li al-Maṭbu’at; 2nd edition, 1426 H), vol. 1, p. 14 and 405

8. Sunni Athar Misused About Mut'ah

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 da'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 في المتعة ثلاثة أقوال:

الأول: الإباحة مطلقاً.

الثاني: الإباحة عند الضرورة.

والآخر: التحريم مطلقاً , 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-Hafiz 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 Baṭṭal said: The people of Makkah and Yemen narrated that Ibn ‘Abbas permitted mut’ah, and it is (also) narrated concerning him with ḍa’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 جارياتي 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 riwayat is ḍa’if. This is what al-Hafiz (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 ḍa’if; as al-Hafiz 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 ḍa’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 رخصنا 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 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' - (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-Arnauf 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-Arnauf 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 thiqaq narrator in his transmission from Isma’il b. Abi Khalid. This makes his report shadh and ḍa’if.

Well, al-Hafiz 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-Qurtubi said, “Maybe news of the abrogation had not reached him at that time. Then, it reached him, and he withdrew.” I (al-Hafiz) 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 ذلك 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 riwayat 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 ḍa’if by default.

Meanwhile, Imam Abu Yusuf al-Ansari (d. 182 H) tables this new hadith as well:

قال حدثنا يوسف عن ابيه عن ابي حنيفة عن حماد عن ابراهيم عن عبد الله 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 حديثاً مسانيد ماله حديث في الدنيا غيرها أخطأ منها في مائة وعشرين حديثاً. إما أن يكون أقلب إسناده أو غير متته 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 da'if chain is also munqati' (disconnected)!

Apart from its general worthlessness, this hadith falsely attributes deep ignorance of mut'ah to Ibn Mas'ud. Whoever forged the riwayah apparently did not know that temporary marriage was a nikah in Islam, and that there was 'iddah 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 Mas'ud himself used to refer to mut'ah 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 Mas'ud:

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 نسختها الطلاق والصداق والعدة والميراث

Sufyan - one of our companions - al-Hakam b. 'Utaybah - 'Abd Allah b. Mas'ud: "It was abrogated by 'iddah, divorce and inheritance." Al-'Adani said: "He meant mut'ah."

Al-Hajjaj b. Ar'at - al-Hakam - companions of 'Abd Allah - 'Abd Allah b. Mas'ud: "Mut'ah was abrogated, and its abrogation was by divorce, dowry, 'iddah, and inheritance."¹⁷

The first one is da'if by default. "One of our companions" in its sanad is unknown. Moreover, al-Hakam b. 'Utaybah was born in 47 H, while Ibn Mas'ud died in 32 H! So, the chain is equally munqati'.

The second athar is da'if by default, as well.. "Companions of 'Abd Allah" in its chain are unknown! In addition, this is what al-Hafiz submits about al-Hajjaj:

حجاج بن أرطاة الفقيه الكوفي المشهور أخرج له مسلم مقرونا وصفه النسائي وغيره بالتدليس عن الضعفاء ومن أطلق عليه التدليس بن المبارك ويحيى بن القطان ويحيى بن معين وأحمد وقال أبو حاتم إذا قال حدثنا فهو صالح وليس بالقوي

Hajjaj b. Artat, 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 da'if narrators. Among those who also described him with tadlis were Ibn al-Mubarak, Yahya b. al-Qattan, Yahya b. Ma'in and Ahmad. Abu Hatim said, "If he said, 'he narrated to us' then he is good. And he is not strong."¹⁸

Al-Hafiz 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 da'if and majhul narrators, like Baqiyyah b. al-Walid.¹⁹

With al-Hajjaj being like that, it is very obvious that his riwayat about Ibn Mas'ud above is da'if, as he has narrated it in an 'an-'an manner.

Then, 'Abd al-Razzaq closes this section with this final report on Ibn Mas'ud:

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 Mas'ud:

It was abrogated by divorce, 'iddah and inheritance.²⁰

This one is indeed very easy. The friend of al-Thawri is unknown and al-Hakam did not hear from Ibn Mas'ud. So, it is terribly da'if.

Those who quote these da'if reports seek to establish that Ibn Mas'ud later changed his view about the legitimacy of mut'ah. 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 Mas'ud (which he also personally adopted), mut'ah is one of the good things mentioned in Qur'an 5:87. So, naturally, to "prove" that mut'ah 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 الرنا

Abu ‘Abd Allah al-Hafiz - Abu Muhammad al-Hasan b. Sulayman al-Kufi - Muhammad b. ‘Abd Allah al-Haḍrami - 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 ḍa’if.

Athar Five

Imam Abu ‘Awanah documents:

حدثنا محمد بن إسحاق الصغاني ويحيى بن أبي طالب قالوا: 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 أعطها شيئا.

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 Ṭalib - ‘Abd al-Wahhab b. ‘Aṭa - ‘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 ḍa’if ! Ibn Jurayj had “informed” Wahhab b. ‘Aṭa of the hadith of ‘Abd al-‘Aziz b. ‘Umar. However, the last part of the entire riwayat 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 ḍa’if in its sanad.

Al-Hafiz 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 ṭabaqah 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-Hafiz 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 الا بما صرحوا فيه

بالسمع ومنهم من رد حديثهم مطلقا 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 da’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?

Notes

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 Naşir 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 Şahih al-Bukhari (Beirut: Dar al-Ma'rifah li al-Ṭaba'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: Muştafa 'Abd al-Qadir 'Aṭa], vol. 2, p. 355, # 7965
6. Ibid, vol. 1, p. 24
7. Abu Bakr 'Abd al-Razzaq b. Hamam al-Şa'nani, al-Muşannaf [annotator: Habib al-Rahman al-A'zami], vol. 7, p. 506, # 14048
8. Abu 'Abd Allah Muhammad b. Isma'il b. Ibrahim b. Mughirah al-Bukhari al-Ju'fi, al-Jami' al-Şahih al-Mukhtaşar (Beirut: Dar Ibn Kathir; 3rd edition, 1407 H) [annotator: Dr. Muştafa Dib al-Bagha], vol. 5, p. 1953, # 4787
9. Abu 'Abd Allah Ahmad b. Hanbal al-Shaybani, Musnad (Cairo: Muasassat Qurṭubah) [annotator: Shu'ayb al-Arnaut], vol. 1, p. 432, # 4113
10. Ibid
11. Ibid, vol. 1, p. 420, # 3986
12. Ibid
13. Shihab al-Din Ibn Hajar al-'Asqalani, Fath al-Bari Sharh Şahih al-Bukhari (Beirut: Dar al-Ma'rifah li al-Ṭaba'ah wa al-Nashr; 2nd edition), vol. 9, p. 102
14. 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. 207, # 13958
15. Abu Yusuf Ya'qub b. Ibrahim al-Anşari, al-Athar (Beirut: Dar al-Kutub al-'Ilmiyyah), p. 151, # 698
16. Abu Hatim Muhammad b. Hibban b. Ahmad al-Tamimi al-Busti, Kitab al-Majruhin [annotator: Mahmud Ibrahim Zayad], vol. 3, p. 63
17. 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. 207, # 13957
18. Ahmad b. 'Ali b. Muhammad, Ibn Hajar al-'Asqalani, Ta'rif Ahl al-Taqdis bi Maratib al-Mawşifin bi al-Tadlis (Jordan: Maktabah al-Manar; 1st edition) [annotator: Dr. Aşim b. 'Abd Allah al-Qaryuni], p. 49, # 118
19. Ibid, p. 14
20. Abu Bakr 'Abd al-Razzaq b. Hamam al-Şa'nani, al-Muşannaf [annotator: Habib al-Rahman al-A'zami], vol. 7, p. 505, # 14044
21. 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. 207, # 13960
22. 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. 31, # 4087
23. Ahmad b. 'Ali b. Muhammad, Ibn Hajar al-'Asqalani, Ta'rif Ahl al-Taqdis bi Maratib al-Mawşifin bi al-Tadlis (Jordan: Maktabah al-Manar; 1st edition) [annotator: Dr. Aşim b. 'Abd Allah al-Qaryuni], p. 41, # 85
24. Ibid, p. 13

Bibliography

1. 'Abd al-Razzaq b. Hamam al-Sana'ani, Tafsir al-Qur'an (Riyadh: Maktabah al-Rushd; 1st edition, 1410 H) [annotator: Dr. Mustafa Muslim Muhammad]
2. 'Ali Al Muhsin, Lillah wa li al-Haqiqah (2nd edition, 1425 H)
3. Abu 'Abd Allah Ahmad b. Hanbal al-Shaybani, Musnad (Cairo: Muasassat Qurṭubah) [annotator: Shu'ayb al-Arnaut]
4. 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: Mustafa 'Abd al-Qadir 'Aṭa]
5. 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]
6. Abu 'Abd Allah Muhammad b. Isma'il b. Ibrahim b. Mughirah al-Bukhari al-Ju'fi, al-Jami' al-Sahih al-Mukhtasar (Beirut: Dar Ibn Kathir; 3rd edition, 1407 H) [annotator: Dr. Mustāfa Dīb al-Bagha]
7. Abu 'Abd Allah Muhammad b. Muhammad b. al-Nu'man al-Ukbari al-Baghdadi, Risalah al-Mut'ah (Beirut: Dar al-Mufid li al-Ṭaba'ah wa al-Nashr wa al-Tawzi'; 2nd edition, 1414 H)
8. 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-Arnaut, Muhammad Kamil and Ahmad Barhum]
9. 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]
10. 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)
11. Abu al-'Abbas Ahmad b. 'Abd al-Halim b. Taymiyyah al-Harrani, Majmu' al-Fatawa
12. Abu al-'Abbas Ahmad b. 'Ali b. Ahmad b. al-'Abbas al-Najashi al-Asadi al-Kufi, Fihrist Asma Musannafay al-Shi'ah (Qum: Muasassat al-Nashr al-Islami; 5th edition, 1416 H) [annotator: Sayyid Musa al-Shubayri al-Zanjani]
13. 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)
14. Abu al-Fida Isma'il b. 'Umar b. Kathir al-Qurshi al-Dimashqi, Tafsir al-Qur'an al-'Azim (Dar al-Ṭaybah li al-Nashr wa al-Tawzi'; 2nd edition, 1420 H) [annotator: Sami b. Muhammad Salamah]
15. 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]
16. 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]
17. Abu al-Qasim al-Musawi al-Khui, al-Bayan fi Tafsir al-Qur'an (Beirut: Dar al-Zahra li al-Ṭaba'ah wa al-Nashr wa al-Tawzi'; 4th edition, 1395 H)

18. Abu al-Qasim al-Musawi al-Khui, Mu'jam Rijal al-Hadith wa Tafsil Tabaqat al-Ruwat (5th edition, 1413 H)
19. Abu Bakr 'Abd al-Razzaq b. Hamam al-Sa'nani, al-Musannaf [annotator: Habib al-Rahman al-A'zami]
20. 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]
21. 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]
22. Abu Hatim Muhammad b. Hibban b. Ahmad al-Tamimi al-Busti, Kitab al-Majruhin [annotator: Mahmud Ibrahim Zayad]
23. Abu Hatim Muhammad b. Hibban b. Ahmad b. Hibban b. Mu'adh b. Ma'bad al-Tamimi al-Darimi al-Busti, Sahih Ibn Hibban bi Tartib Ibn Balban (Beirut: Muasassat al-Risalah; 2nd edition, 1414 H) [annotators: Muhammad Nasir al-Din al-Albani and Shu'ayb al-Arnaut]
24. 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)
25. Abu Ja'far Ahmad b. Muhammad b. Khalid al-Barqi, Kitab al-Mahasin (Tehran: Dar al-Kutub al-Islamiyyah; 1st edition)
26. Abu Ja'far Muhammad b. 'Ali b. al-Husayn b. Babuyah al-Qummi, Man La Yahduruh al-Faqih (Qum: Manshurat Jama'ah al-Mudarisin fi al-Hawzah al-'Ilmiyyah; 2nd edition, 1404 H) [annotator: 'Ali Akbar al-Ghiffari]
27. Abu Ja'far Muhammad b. 'Ali b. Husayn b. Babuyah al-Qummi, al-I'tiqadat (Dar al-Mufid; 2nd edition, 1414 H) [annotator: 'Isam 'Abd al-Sayyid]
28. Abu Ja'far Muhammad b. al-Hasan al-Ṭusi, al-'Uddah fi Usul al-Fiqh (Qum: Muasassat al-Ba'thah; 1st edition, 1417 H) [annotator: Muhammad Riḍa al-Ansari al-Qummi]
29. Abu Ja'far Muhammad b. al-Hasan al-Ṭusi, al-Istibsar (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan]
30. Abu Ja'far Muhammad b. al-Hasan al-Ṭusi, Ikhtiyar Ma'rifat al-Rijal (Muasassat Al al-Bayt) [annotator: Sayyid Mahdi al-Rajai]
31. Abu Ja'far Muhammad b. al-Hasan al-Ṭusi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan]
32. Abu Ja'far Muhammad b. Jarir b. Yazid b. Kathir b. Ghalib al-Amuli al-Ṭabari, Jami al-Bayan fi Tawil al-Qur'an (Dar al-Fikr; 1415 H) [annotator: Sidqi Jamil al-'Aṭṭar]
33. 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]
34. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Usul min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari]

35. 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]
36. Abu Muhammad ‘Abd Allah b. Ahmad b. Muhammad b. Qudamah, al-Mughni (Dar al-Kitab al-‘Arabi)
37. Abu Muhammad ‘Ali b. Ahmad b. Sa’id b. Hazm al-Andalusi al-Qurtubi al-Zahiri, al-Muhalla (Dar al-Fikr li al-Ṭaba’ah wa al-Nashr wa al-Tawzi’)
38. Abu Ya’la Ahmad b. ‘Ali b. Muthanna al-Mawsili al-Tamimi, Musnad (Damascus: Dar al-Mamun li al-Turath; 1st edition, 1404 H) [annotator: Dr. Husayn Salim Asad]
39. Abu Yusuf Ya’qub b. Ibrahim al-Ansari, al-Athar (Beirut: Dar al-Kutub al-‘Ilmiyyah)
40. Abu Zakariyyah Yahya b. Sharaf al-Nawawi, Sahih Muslim bi Sharh al-Nawawi (Beirut: Dar al-Kitab al-‘Arabi; 1st edition, 1407 H)
41. Ahmad b. ‘Ali b. Hajar al-‘Asqalani, Taqrib al-Tahdhib (Beirut: Dar al-Maktabah al-‘Ilmiyyah; 2nd edition, 1415 H) [annotator: Mustafa ‘Abd al-Qadir ‘Aṭa]
42. Ahmad b. ‘Ali b. Muhammad, Ibn Hajar al-‘Asqalani, Ta’rif Ahl al-Taqdis bi Maratib al-Mawsifin bi al-Tadlis (Jordan: Maktabah al-Manar; 1st edition) [annotator: Dr. Asim b. ‘Abd Allah al-Qaryuni]
43. Hadi al-Najafi, Mawsu’at Ahadith Ahl al-Bayt (Beirut: Dar Ihya al-Turath al-‘Arabi; 1st edition, 1423 H)
44. Ja’far al-Subhani, Kulliyat fi ‘Ilm al-Rijal (Qum: Muasassat al-Nashr al-Islami; 3rd edition, 1414 H)
45. Mirza Husayn b. Muhammad Taqi al-Nuri al-Ṭabarsi, Khatimah Mustadrak al-Wasail (Qum: Muasassat Al al-Bayt ‘Alaihim al-Salam li Ihya al-Turath; 1st edition, 1415 H)
46. Muhammad al-Jawahiri, al-Mufid min Mu’jam al-Rijal al-Hadith (Qum: Manshurat Maktabah al-Mahalati; 2nd edition, 1424 H)
47. Muhammad Asif al-Muhsini, Buhuth fi ‘Ilm al-Rijal (Markaz al-Mustafa al-‘Alami li Tarjamah wa al-Nashr)
48. Muhammad Asif al-Muhsini, Mashra’ah Bihar al-Anwar (Beirut: Muasassat al-‘Arif li al-Maṭbu’at; 2nd edition, 1426 H)
49. 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)
50. Muhammad b. Idris al-Shafi’i, Kitab Ikhtilaf al-Hadith
51. Muhammad Baqir al-Majlisi, Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar (Qum: Maktabah Ayatullah al-Mar’ashi; 1407 H)
52. 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]
53. Muhammad Nasir al-Din al-Albani, Irwa al-Ghalil fi Takhrij Ahadith Manar al-Sabil (Beirut: al-Maktab al-Islami; 2nd edition, 1405 H)
54. Muhammad Sadiq al-Husayni al-Ruhani, Fiqh al-Sadiq (3rd edition, 1412 H)
55. Nasir Makarim al-Shirazi, al-Amthal fi Tafsir Kitab Allah al-Munzal

56. Prof. ‘Ali Akbar al-Ghiffari, Dirasat fi ‘Ilm al-Dirayah Talkhis Miqyas al-Hidayah (Jami’at al-Imam al-Sadiq; 1st edition)
57. Prof. Dr. Hikmat b. Bashir b. Yasin, Mawsu’at al-Sahih al-Masbur min al-Tafsir bi al-Mathur (Madinah: Dar al-Mathar li al-Nashr wa al-Tawzi’ wa al-Ṭaba’at; 1st edition, 1420 H)
58. Sayyid Sabiq, Fiqh al-Sunnah (Beirut: Dar al-Kitab al-‘Arabi; 3rd edition, 1397 H)
59. Shams al-Din Muhammad b. Ahmad b. ‘Uthman al-Dhahabi, Siyar A’lam al-Nubala (Beirut: Muasassat al-Risalah; 4th edition, 1406 H)
60. 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]
61. Shihab al-Din Abu al-Faḍl Ahmad b. ‘Ali b. Hajar al-‘Asqalani, Lisan al-Mizan (Beirut: Manshurat Muasassat al-A’lami li al-Maṭbu’at; 2nd edition, 1390 H)
62. Shihab al-Din Ahmad b. ‘Ali b. Hajar al-‘Asqalani, Tahdhib al-Tahdhib (Dar al-Fikr; 1st edition, 1404 H)
63. Shihab al-Din Ibn Hajar al-‘Asqalani, Fath al-Bari Sharh Sahih al-Bukhari (Beirut: Dar al-Ma’rifah li al-Ṭaba’ah wa al-Nashr; 2nd edition)