Nikah Al-Mut’ah, Zina or Sunnah?

Toyib Olawuyi

Al-Islam.org
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.
This book is dedicated to
Imam Muhammad b. ‘Ali al-Baqir,
peace be upon him, and upon his pure fathers and offspring.

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

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

That is when things get really messy. He will never be able to give the proof – no matter the spread of his knowledge, and no matter his scholarly standing. Demand also, if possible, the same evidence from one billion Sunni ‘ulama, and you will never get it till the Day of al–Qiyamah. Of course, it does not exist! Mut’ah was introduced to this planet, to this cosmos, for the very first time by none other than the Messenger of Allah, on the Order of his Lord. It was part of His Mercy, made especially for this Ummah, as Imam ‘Abd al–Razzaq (d. 211 H) records:
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 Ṭaif. 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-Hafiẓ (d. 852 H) states:

فأخرجه عبد الرزاق من طريق صفوان بن يعلى بن أمية أخبرني على ان
معاوية استمتع بأمرة 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 *riwayah* 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 *mut'ah*) ['Aṭa said] in addition to his *‘an–‘an* manner of transmission. ‘Allamah al-Albani (d. 1420 H) explains what both phrases indicate:
Abu Bakr b. Abi Khaythamah recorded with a *sahih* chain that Ibn Jurayj said: Whenever I say: “‘Ata 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:

Abu Bakr b. Abi Khaythamah has narrated with a *sahih* chain from Ibn Jurayj that he said: Whenever I say: “‘Ata 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 “‘Ata 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


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*. ‘Āṭa recited that *ayah*, and we will have more to say about it later in this book.


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: استمتعنا 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)."  

The only new name here is Abu al-Zubayr. Al-Hafiẓ says about him:
Muhammad b. Muslim b. Tadrus al-Asadi, their freed slave, Abu al-Zubayr al-Makki: Saduq (very truthful), except that he used to do taddis.6

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


‘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،
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-Khaṭṭab only denied it if two just people did not act as its witnesses, and he considered it permissible if two just people acted as witnesses to it.

And among the Tabi‘in were: Ṭawus, ‘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 *riwayah* once more? If yes, why were they constantly missing the *hadith*? Then, why did none of the majority of the other Sahabah who followed ‘Umar make any attempt to narrate it to them? Or, did they hear it? If yes, why then did they continue to defend the permissibility of *mut‘ah*? Why did they continue to practise it? Were they deliberately defending and committing *zina*? But, to what ends was that?
From whatever angle one looks at it, mut’ah is always an impossible situation for our Sunni brothers. If they accept its permissibility, ‘Umar takes a very devastating hit. Yet, if they proclaim its prohibition, a lot of the other Sahabah lose a lot of things within the Ummah! From our judgment, many Sunnis attack mut’ah in order to defend the honour of ‘Umar. However, little do they realize that they are only destroying that of other Sahabah, including Abu Bakr!

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

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

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

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.

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


There was a pious, beautiful Iraqi woman in Makkah. She had a son called Abu Umayyah; and Sa’d b. Jubayr 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.

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

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


Therefore, the report is hasan.

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:
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.

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:

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

Al-Hakim comments:

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

And Imam al-Dhahabi (d. 748 H) concurs:
Upon the standard of (Imam) Muslim

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

Hadith: ‘Abd al-Muttalib, the father of Muhammad, said: ‘We have a treaty with a man named Abu Salamah, the son of his brother. He said: ‘We have a treaty with a man named Abu Salamah, the son of his brother. We have a treaty with a man named Abu Salamah, the son of his brother. We have a treaty with a man named Abu Salamah, the son of his brother. We have a treaty with a man named Abu Salamah, the son of his brother. We have a treaty with a man named Abu Salamah, the son of his brother. We have a treaty with a man named Abu Salamah, the son of his brother.’

Ibn al-Muthanna – Muhammad b. Ja’far – Shu’bah – Abu Salamah – Abu Na’ithrah:

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

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

He also states concerning the second narrator:

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-Hafiẓ quotes:
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).’”

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

Al-Ṭabari further records:


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].

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

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.

Imam ‘Abd al-Razzaq (d. 211 H) too reports:
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}.\textsuperscript{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:

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}.\textsuperscript{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, ra’diyallahu ‘anhu, also made this clear. Al-Ṭabari says:

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.”\textsuperscript{13}

About the first narrator, al-Hafiz comments:
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:

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-Hafiẓ states about the third narrator:

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

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

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

To us, the best explanation of the status of the extra phrase is in this verse:

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 والحكمه

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

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:

واثنكن ما يتلي في بيوتكم من آيات الله والحكمة إن الله كان لطيفا خيبرا

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

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:

{نذركم إياه في الدنيا والآخرة، وفياً إلى من سألتي، فوالله إنما نذر لكم في الدنيا والآخرة


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:

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 عمر، عن علي بن الحسن بن رباط، عن حريز، عن عبد الرحمن بن أبي عبد الله قال: سمعت أبا حنيفة يسأل أبا عبد الله عليه السلام عن المتعة فقال: أي المتعتين تسأل؟ قال: سألتك عن متعة الحج فأنبئني عن متعة النساء أحق هي؟ فقال: سبحانه اللحه أما قرأتم كتاب اللحه عز وجل فما استمتعتم به منهن فآتوهن أجورهن فريضة {؟ فقال أبو حنيفة: والله فكأنها آية لم أقرأها قط.


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:

Hasan.23

1. Qur’an 4:24
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):


‘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
Al-Laythi was apparently a Sunni, who held ʿUmar in extremely high esteem. He did not believe in the legitimacy of mutʿah, solely on the premise that ʿUmar forbade it. The Ahl al-Bayt of the Prophet, ʿalaihim 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 mutʿah is decreed in the Qurʾan 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 bidʿah to consider mutʿah to be haram, and that whosoever does so has opposed the Prophet of Allah. Al-Laythi insulted Imam al-Baqir, ʿalaihi al-salam, by asking if it would please him if his wives and the daughters of his uncle did mutʿah. Of course, mutʿah 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 Shiʿī hadith. Imam Muslim (d. 261 H) has this surprising one:

I was with Jabir b. ʿAbd Allah, a person came and said, “Ibn ʿAbbas and Ibn al-Zubayr disagree concerning the two types of mutʿah.” So, Jabir said, “We practised BOTH of them along with the Messenger of Allah, peace be upon him. Then, ʿUmar forbade us from them both, and we have not reverted to them.”

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

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

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

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

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-Arnauṭ 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:

 الحديثي محمد بن رافع حدثنا عبد الرزاق أخبرنا ابن جرير أخبرن أبي الزبير قال سمعت جابر بن عبد الله يقول كنا نستمتع بالقبض من التمر والدقيق الأيام على عهد رسول الله صلى الله عليه وسلم وأبي بكى حتى نهى عنه عمر في شأن عمرو بن حربث

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 أبى حديثنا يونس ثنا حماد عني بن سلمة عن علي بن زيد ٍوعاصم الأحول عن أبي نضرة عن جابر بن عبد الله قال تعالى متعنين على ٍعهد النبي صلى الله عليه وسلم الحج والنساء فهنا عمر عنهما فانتهينا


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.**

Shaykh al-Arnauṭ comments:

إسناده صحيح على شرط مسلم

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

He also records:

ٍحدثنا أبى حديثنا يونس ثنا حماد أنا علي بن زيد وعاصم الأحول ٍعن أبي نضرة عن جابر بن عبد الله قال تعالى متعنين على عهد رسول الله صلى الله عليه وسلم متعتين الحج والنساء وقد قال حماد أيضا متعة الحج ومتعة النساء ٍفلمما كان عمر نهانا عنهما فانتهينا

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–Arnaüṭ again says:

إسناده صحيح

Its chain is *sahih*10

Then, Imam Ahmad tops them with this:

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


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–Arnaüṭ declares:

إسناده صحيح على شرط سلم

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:
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].

Ahmad has documented it too:

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

“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].

Shaykh al-Arnauṭ comments:

إسناده صحيح على شرط الشيخين
Its chain is *sahih* upon the standard of the two Shaykhs

Apparently, Ibn Mas‘ud issued this statement in response to 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-Hafiẓ Ibn Hajar al-‘Asqalani (d. 852 H) has this commentary of that *hadith*:

وظاهر استشهاد ابن مسعود بهذه الآية هنا يشعر بأنه كان يرى بجوز التمتع

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

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

(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.

The last part of al-Nawawi’s submission is only a desperate excuse. As Jabir b. ‘Abd Allah, *ra‘i yallahu ‘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.
We know already that Allah revealed the Verse of al-Mut‘ah in His Book:

فَمَا أَسْتَمَثَّمَ بِهِ مَنَهَنَ فَآتُوهُنَ أَجُورُهُنَ فَرِيضَةً

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

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

فَمَا أَسْتَمَثَّمَ بِهِ مَنَهَنَ إِلَى أَجْلٍ مُسْمِيَ فَآتُوهُنَ أَجُورُهُنَ فَرِيضَةً

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

The underlined part, however, is not part of the verse. It is only Allah’s Own *Tafsir* of it, and it belongs to
the Hikmah revealed to Prophet Muhammad, sallallahu ‘alaihi wa alihi. As we have discussed in the first chapter, it is allowed to recite this extra phrase along with the verse (as Ubayy b. Ka‘b, Ibn ‘Abbas and some others from the Salaf did), and it is equally allowed to remove it. The words “for a specified period” make it impossible to twist the verse – in desperate attempts – in favour of permanent marriages or concubine relationships. Only mut’ah is conducted “for a specified period”, and the ayah is definitely about it.

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

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


‘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.”

‘Allamah al-Majlisi (d. 1111 H) says:

حسن

Hasan

Ayatullah al-Ruhani also comments:

صحيح

Sahih

The ace Sunni exegete, Imam Ibn Jarir al-Tabari (d. 310 H), also documents:
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–Hafiẓ states about him:

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 استمعتم به منهن فأتوهن أجورهن فريضة} ٤٢ / النساء / ٤ \[ قولاً تعالى! \]

فنصحت بقوله صلى الله عليه وسلم إنها كنت أهللت هذه المتعة ألا وإن الله
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:

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:

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:

As for His Statement {We bring a better one or one similar to it}, He says: “A verse in which there is

relief, in which there is permission, in which there is a command, in which there is a prohibition.”12

Prof. Ibn Yasin says about this riwayah:
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 وسلم قال: لا يرث المسلم الكافر ولا الكافر المسلم


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

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

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

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

And those who guard their private parts, except from their wives or what their right hands possess (i.e. slave–women), for then, they are free from blame. But whoever seeks beyond that, then those
are the transgressors. 15

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

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

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


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
And Shaykh Hadi al-Najafi agrees:

الرواية صحيحة الإسناد

The report has a sahih chain

Al-Kulayni here again records:

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

Muhammad b. Isma‘il – al-Fa‘il 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.”

Al-Majlisi says:

مجهول كالمصحيح

Majhul ka al-Sahih

Prof. ‘Ali Akbar al-Ghiffari also declares:

سنده صحيح

A sahih chain
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 عدناها، 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:

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:

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:

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-Arnauṭ 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:

حددنا أبو العباس محمد بن يعقوب ثنا بحر بن نصر الخولاني قال: قرأ العباس على
عبد الله بن وهب أخبرك معاوية بن صالح عن أبي الزاهري عن جيبريل بن نفير
قال حججت فدخلت على عائشة رضي الله عنها فقالت لي: يا جيبر تقرأ المائدة؟ فقلت: نعم قالت: أما أنها آخر سورة نزلت فما وجدتم فيها من حلال
فاستحلوه وما وجدتم من حرام فحرمهم


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:

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 الزاهريء 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 خلال فاستحلوه وما وجدتم فيها من حرام فحرموه وسألتهم عن خلق رسول الله صلى الله عليه وسلم فقالت القرآن


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-Arnauṭ states:

إسناده صحيح

Its chain is *sahih*33

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

We are unsure about that exact military expedition which Ibn Mas’ud was making reference to. However, we know that a lot – perhaps the majority – of its Muslim soldiers were youths as stated by him. He himself died during the rule of ‘Uthman in 32 H34 and his age was sixty three then35. This means that he was already 31 during the *Hijrah* and had reached 33 by the time of the Battle of Badr – the first battle in
Islam. So, whenever that expedition was, Ibn Mas‘ud was, by all indications, already beyond youthfulness. Therefore, when he said “and we were youths”, he was most probably referring only to the dominant composition of the army.

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

حديث 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 وسلم ليس لنا نساء فقلنا: يارسول الله ألا تستختمي؟ فنهاننا 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 عيسى 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 تستختصي فنهانا عن ذلك وأمرنا أن ننحمر المرأة بالثوب ثم قرأ عبد الله هذه الآية يا أيها الذين آمنوا لا تحرموا طيبات ما أحل لله لكم


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

‘Allamah al-Albani states:

 صحيح

*Sahih*39

And Shaykh al-Arnauṭ 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 الامام الذي يجدونه مكتوباً عندهم في التوراة والإنجيل يأمرهم بالمعروف وينههم عن المنكر ويحل لهم الطيبات ويحرم عليهم الخبائث ويضعع 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 Makkah surahs, Allah declares *haram* all forms of indecent behaviours:

قُل إنما حرم ربي الفواحش ما ظهر منها وما بطن والإثم والبغي بغير الحق وأن تشركوا بالله ما لم ينزل به سلطانًا 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 Makkah 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:

قُل إن الله لا يأمر بالفحشاء

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

In fact, He actually forbids them:

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

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

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

1. Qur’an 4:24


9. Qur'an 2:106

10. Qur'an 16:101

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


25. Qur'an 5:87


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

28. Ibid


30. Ibid
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:


‘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.”

The incident, allegedly witnessed by Muhammad b. ‘Ali, apparently took place after the death of the
Prophet, sallallahu ‘alai 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:


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:


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.”

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-Awāṣ, and this is another relevant *riwayah* of Imam Muslim concerning it:


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

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

**(Year of Awāṣ) 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 Awāṣ.**

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:

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 ولى عمر بن الخطاب، خطب الناس فقال: إن رسول الله صلى الله عليه وسلم أذن لنا في المتاعة ثلاثا، ثم حرمها. والله إلا أعلم أحدًا يتمتع وهو محصن إلا رجعته بالحجارة إلا أن يأتيتي بأربعة يشهدون أن رسول الله أحلها بعد إذ حرمها.


When ‘Umar b. al–Khaṭṭab 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–Arnaūṭ and two others say:

 حديث صحيح وهذاسند حسن

A sahih hadith, and this chain is hasan.8

NOTE: This hadith is actually ḍa’if. Concerning one of its narrators, al–Hafiẓ (d. 852 H) states:

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

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.

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:
‘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.”

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 نه
النبي صلى الله عليه وسلم عنه

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

This was perhaps due to the presence of Mansur b. Dinar in the sanad. Al-Hafiẓ 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-ḍu’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 قلتك فلان في حديثه نظر، فهو منهم واه.
When I say “there is problem with the hadith of so–and–so”, then he is accused (of fabricating ahadith), weak. 14

This changes everything, since a jarh mufassar supercedes any praise for the narrator. That then makes this second report mawdu’ or at least sa’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 أن أباه حدثهم أنهم ساروا مع رسول الله صلى الله عليه وسلم في حجة الوداع فقال استمتعوا من هذه النساء ... ثم غدوت فإذا رسول الله صلى الله عليه وسلم قائم بين الركن والباب فقال يا أيها الناس اني قد كنت أذنت لكم في الاستمتاع من النساء إلا وان الله قد حرم ذلك إلى يوم القيامة فمن كان عنديه منهن شيء فليخل سبيلها ولا تأخذوا مما آتتهمن شيئًا


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

Shaykh Asad comments:

إسناده صحيح
Its chain is *sahih* 16

Imam Ibn Hibban (d. 354 H) has documented it too 17, and al–Albani (d. 1420 H) says about it:

صحيح

*Sahih* 18

And al–Arnaūṭ agrees:

أسلوبه صحيح

Its chain is *sahih* 19

Here, we are back again at the beginning! Our Sunni brothers consider *mut’ah* to be a form of fornication, and also declare that the *mut’ah* wife is no “wife”. Rather, she is a fornicator. *Alhamdulillah*, fornication was made *haram* during the Makkkan 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–Hafiẓ Ibn Kathir (d. 774 H), meanwhile, thinks he has an explanation:

فقد نص الشافعي على أنه لا يعلم شيئاً أبين ثم حرم ثم أبين ثم حرم غير نكاح المتعة وما حداد على هذا رحمه الله إلا اعتماده على هذين الحديثين كما قدمناه
Al-Shafi‘i had explicitly stated that he did not know of anything that was made halal, then made haram, then made halal and then made haram other than the marriage of mut‘ah. Nothing drew him, may Allah be merciful to him, to this conclusion except his reliance upon these two hadiths, as we previously discussed. Al-Suhayli and others have also narrated from one of them that he claimed that it (mut‘ah) was made halal three times and was made haram three times. The others said: four times. But, this is very unlikely, and Allah knows best.

They disagree on the exact time when it was FIRST made haram. It is said that it was at Khaybar, and it is said that it was at the ‘Umrah al-Qa‘a. It is said that it was during the Year of the Conquest, and this is the most likely; and it is said that it was at Aw‘ās, 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:

وَلاَ تَقْرِبُواَ الْزِّنَاءِ إِنَّهُ كَانَ فَاحْشَاءٌ وَسَأَىٰ سَبِيلًا

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:

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, raṣiyallahu ‘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:

‘Ali heard Ibn ‘Abbas allowing *mutʿah* 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 *mutʿah*. Imam Muslim again:


‘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 *mutʿah*.*” 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, *mutʿah* 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:

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.”

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:

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

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

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

2. Ibid, vol. 2, p. 1023, # 1406 (22)
3. Ibid, vol. 2, p. 1023, # 1406 (20)
5. Ibid
8. Ibid
12. Ibid
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 عمر، عن علي بن يقظين قال: سألت أبا
الحسن موسى عليه السلام عن المتعة فقال: وما أنت وذاك فقد أعناك الله
عنها، قلت: إنما أردت أن أعلمهما، فقال: هي في كتاب علي عليه السلام، فقلت:
نزيدها وتزداد؟ فقال: وهل يطيبه إلا ناك.


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?”

Al-Majlisi (d. 1111 H) says:

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 categories. 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 عمر، عن جميل بن دراج قال: سألت أبا عبد الله
عن الرجل يتمتع من الجارية البكر قال: لا يأس بذلك ما لم يستصرعها


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.**”

Al-Majlisi says:

Hasan.5
Then, he adds:

قوله : ( 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 تستصبه؟ ابنة ست أو سبع؟ فقال: لا ابنة تسع لا تستصبه وأجمعوا كلهم على أن ابنة تسع لا تستصبه إلا أن يكون في عقلها ضعف وإذا فهذا 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):

عن ابن محبوب عن أبي أيوب عن يزيد الكناسي عن أبي جعفر عليه السلام قال: الجارية إذا بلغت تسع سنين ذهب عنها اليم وزوّجت
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 بن بياض اللؤلؤ، عن عبد الله بن سنان، عن أبي عبد الله عليه السلام قال: إذا بلغ الغلام ثلاث عشرة سنة كتب كتب له الحسنة وكتبت عليه السيئة وعوقب، وإذا بلغت الجارية تسعة 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

Muwatthaq.12

Al-Ruhani too concurs:

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.**

Al-Majlisi comments:

\[\text{صحيح} \]

\(\text{Sahih}.\)

Al-Ruhani too says:

\[\text{صحيح} \]

\(\text{Sahih}.\)

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, \textit{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. Taqiyah 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 disqualified. 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:

أبي عبيد الله عليه السلام: ألق على الفلاء 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.”

Al–Majlisi says:

 صحيح

Sahih

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:
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 وانا اسمع عن الرجل يتزوج المرأة متعة ويشترط عليها ان لا يطلب ولدها فتأتي بعد ذلك بولد فينكر الولد فشد في ذلك وقال يجد؟ وكيف يجدن أعظاما لذلك؟ قال الرجل فان اتهمها قال: لا ينبغي لك ان تتزوج إلا مأمونة ان الله يقول: الزاني لا ينكح إلا زانية أو مشركة والزانية لا ينكحها إلا زان أو مشرك وحرم ذلك على المؤمنين

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

A man asked al-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:
Sahih.22

Al-Ruhani concurs:

Sahih.23

This is equally emphasized in this noble ayah:

اليوم أحل لكم الطيبات وطعام الذين أوتوا الكتاب حل لكم وطعامكم حل لهم والم梳صت من المؤمنات والمحصصات من الذين أوتوا الكتاب من قبلكم إذا أتينوهن أجورهن محصنين غير مسافحين ولا متخذي أخذان

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:
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).”

Al-Majlisi comments:

**Muwaththaq**

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:

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).”

Al-Majlisi says:

**Muwaththaq ka al-Sahih**

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:
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)."

Al-Majlisi comments:

---

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:

---

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.*"
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:

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.

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

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:

موثَق

Muwaththaq.35

Al-Ruhani concurs:

موثَق

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

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

Al-Majlisi states:

صحة

Sahih.38

Al-Ruhani agrees:

صحة

Sahih.39

Al-Kulayni also says:

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


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

Al-Majlisi states:
And al-Ruhani concurs:

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 بالله من النساء
```


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:

Shaykh Hadi al-Najafi too says:
The report has a *sahih* chain.45

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 الطبيبات وطعام الذين أوتوا الكتاب حل لكم وطعامكم حل لهم والمحصنات من المؤمنين والمحصنات من الذين أوتوا الكتاب من قبلكم إذا آتيموهن أجورهن محصنين غير مسافحين ولا متخذي أخداً

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 permanently.

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

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.”

Ayatullah Sadiq al–Ruhani comments about the report:

موثق

Muwaththaq (Reliable)

The hadith can indeed be found in al–Tahdhib of al–Tusi:
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.”

Al-Majlisi states:

**صحيح**

Sahih.

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:

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.”

Al-Majlisi declares:
Applying, 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 broken. Ayatullah al–Ruhani states:
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.**

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 عمر، عن حفص بن البختري، عن أبي عبد الله عليه السلام قال: في الرجل يتزوج البكر متعة، قال: يكره للعيب على أهلها


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.”

Al-Majlisi comments:

> Hasan.

Then, he adds:

ويدل على كراهة التمتع بالبكر مطلقًا

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

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-Ṭusi too has the *hadith* through another *ṭariq*:

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:

صحح

[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:


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:

 صحح
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.


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.”

Al-Majlisi says:

حسن

This *hadith* is explicit. The payment of the dowry becomes “obligatory” only after the *mut’ah* couple have had intercourse. Before that, it is only voluntary. Does this then mean that the virgin girl receives no dowry – or that the man is not under any obligation to give her – since there is no sex in her *mut’ah*?

Well, the above *hadith* apparently refers to a marriage – permanent or temporary – where sex is not explicitly ruled out. Therefore, where its exclusion is agreed between the two *mut’ah* parties as part of their union, and it does not take place, then neither the dowry nor the *‘iddah* period is obligatory.

However, if a Shi‘i man commits to pay the dowry to a virgin without having intercourse with her, then he must fulfil his commitment. Al-Kulayni reports:

ولا يجوز عليه والمسلمون عند شروطهم فيما وافق كتاب الله عزج.
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:

 عليه عن الحسن بن موسى الخشاب عن غياث بن كلوب عن إسحاق بن عمر
 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 أهل حراما.


‘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:
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:

\[
\]

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

Al-Majlisi says:

\[
\text{Sahih}
\]

Then, he concludes:

\[
\text{ويبدل على عدم جواز تزويج البكر مطلقًا بدون إذن الأب.}
\]
And it proves the impermissibility, in all situations, of marriage to the virgin without the permission of the father.  

Al-Ruhani declares as well about the hadith:

 صحيح

Sahih

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

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

Al-Majlisi comments:

موثق كصحيح

Muwaththaq ka al-Sahih

Al-Ruhani also states:

 صحيح

Sahih

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

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:

> Mut’ah does not exist except through two things: a specified term and a specified dowry.”

‘Allamah al-Majlisi says:

> صحيح

Sahih
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-\(\text{"\=\text{"}\text{"\=\text{"}\=\text{"}}\) also records:

أحمد بن محمد بن عيسى عن علي بن الحكم عن ابن عن إسماعيل بن الفضل

الهاشمي قال: سألت أبا عبد الله عليه السلام عن المتاعة فقال: مهر معلوم إلى أجل معلوم.


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

\(\text{Muwaththaq ka al-Sahi}\)\(^{83}\)

The dowry, for both permanent and temporary 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 سماحة، عن أبي بصير قال: لأبد من أن تقول في هذه الشروط: أتزوجك متاعة كذا وكذا يوما بكذا وكذا درهما نكاحا غير سفاح على كتاب الله عز وجل وسنة نبيه صلى الله عليه وآله وعلى أن لا ترثني 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.”

Al-Majlisi comments:

\\[\text{موثق}\\]

*Muwaththaq*.

Al-Kulayni again reports:

\\[\text{نصر، عن ثعلبة قال: تقول أتزوجه متعا علي بن إبراهيم، عن أبيه، عن ابن أبي نصر، عن ثعلبة قال: تقول أتزوجه متعا على كتاب الله وسنة نبيه صلى الله عليه وآله نكاحا غير سفاح وعلى أن لا ترثيني ولا أرثك كذا وكذا يوما بكذا وكذا درهما وعلى أن عليك العدة.}\\]


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*.”

Al-Majlisi comments:

\\[\text{حسن موقف}\\]

*Hasan Mawquf*.

Both *hadiths* are *mawquf*. However, they do inform us about how the companions of our Imams understood and practised *mut’ah*. Also, the fact that these two companions taught the same formula –
almost word-for-word – to others suggests that they did not invent it. Rather, they must have learnt it from the Ahl al-Bayt. This supposition is strengthened by the fact that both companions were teaching it as part of the religion. They, being righteous traditionists, would never have done that except if they had learnt the *sighah* from our Imams.

We understand from the two reports that:

(a) the exact number of days for the *mut’ah* must be explicitly spelt out before both parties agree to it;

(b) the exact amount of the dowry must equally be mutually agreed upon and explicitly stated;

(c) the fact that the marriage is being done in compliance with the Qur’an and *Sunnah* must also be explicitly declared;

(d) the fact that the intention of the *mut’ah* is marriage and not fornication or adultery must be stated explicitly as well;

(e) the condition that both parties shall not inherit each other may be explicitly declared, depending on their intention, as we shall soon explain; and

(f) the condition that the woman must observe the required ‘*iddah* period for their union must be explicitly stated.

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


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

Al-Majlisi proclaims:

 صحيح

*Sahih*.91
Al-Ruhani also says:

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:


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:

Hasan.94

Al-Ruhani also states:

صحيح
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 *mutʿah* is that there is no inheritance between both of them.96

He too then documents this *shahid*:


I asked Abu ‘Abd Allah, peace be upon him, “How much is the dowry, that is in *mutʿah*?” 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 *ʿiddah* in his case. However, for anyone else, she must observe forty–five nights. **Meanwhile, if inheritance is stipulated as a condition (of the *mutʿah*), then they both must comply with their condition.**”97

Al-Majlisi comments:
Then, al-Ruhani also states:

حسن

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-Taťhir*, *Hadith al-Thaqlayn* and several other *mutawatir* and *muťabar* 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 متعاً:
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 *mutʻah*:

“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:

مونِثَق

*Muwaththaq*.101

Explaining it, al-Ṭusi submits:
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:

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*
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: نفي الميراث

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

So, where the parties explicitly exclude inheritance from their mutʿah 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.

Mutʿah and its ‘Iddah Periods

Theoretically, mutʿah 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 mutʿah, 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 بمرأة قال: إذا التقى الختانان وجب المهر والعدة.


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

“When the two circumcised parts meet, the dowry and the ‘iddah become compulsory.” 107

Al-Majlisi says:
Hasan. 108

Al-Ruhani also declares:

 صحيح

Sahih. 109

Al-Kulayni further documents:

علي، عن أبيه، عن ابن أبي عمیر، عن حفص بن البختري، عن أبي عبد الله عليه السلام قال: إذا التقي 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:

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.”

Al-Majlisi comments:

*Muwaththaq.*

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:


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

Al-Majlisi declares:
Al-Ruhani agrees with him:

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-Ṭusi also records:

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

Al-Husayn b. Sa‘īd – 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.”

Al-Ruhani says:

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 يذرون أنفسهم أربعة أشهر وعشرين

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 يمسها قال: لا تنكل حتى تانته أربعة أشهر وعشرا، عدة المتوفى عنها زوجها.


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:

**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 يتوفي عنها زوجها هل عليها العدة؟ فقال: تعتعد أربعة أشهر وعشرا فإذا انقضت أيامها وهو حي ففيضحة ونصف مثل ما يجب على الأمة


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:

**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:
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 المتمعة إن كانت تحيض فحيضة وإن كانت لا تحيض فشهر ونصف.


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:
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.*”

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

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

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

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:
Abu Ghassan Zunayj said: I heard Jarir al-Ḍabi 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:

و قال محمد بن عبد الله بن عبد الحكم، سمعت الشافعي يقول: استمتع ابن جريح بتسعين امرأة


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*? 

---

134

135

136
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: الحبلة المتوفى عنها زوجها عدتها آخر الأجلين.


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 حبلة فتمت لها أربعة أشهر وعشرين ولم تضع فإن عدتها إلى أن تضع وإن كانت تضع حملها قبل أن يتم لها أربعة أشهر وعشرين تعتد بعدما تضع تمام أربعة أشهر وعشرا وذلك أبعد الأجلين.

‘Uthman b. ‘Isa – Sama’ah:

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

Al–Majlisi says:

موثق وعليه الفتوى

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

Al–Ruhani concurs too:

موثق

*Muwaththaq*.141

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

وأولات الأحمال أجلهن أن يضعن حملهن

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

Al–Kulayni also documents:

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

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 قلت له: أرأيت إن خبلت؟ قال: هو ولده.


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:
Sahih. 147

Al-Ruhani agrees:

Sahih. 148

Al-Ṭusi again records:

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


I asked Abu ‘Abd Allah, peace be upon him, “How much is the dowry, that is in *mut’ah*?” So, he said,
“Whatever 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:

Sahih. 150
Ahmad b. Muhammad b. ‘Iṣa – Muhammad b. ʿIṣa b. Bāzī:

A man asked al-Riḍa, peace be upon him, while I was listening, about the man who marries the woman in *mutʿah* 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:

Sahih.153

And al-Ruhani concurs:
Then, he explains:

(وَيَشَرَّطُ عَلَيْهَا أَنْ لَا يَطُولَ وَلَدُهَا) أَيْ يُعْزِزُ عَنْهَا (أَيْ يُعِزلُ عَنْهَا)

(meaning, he will use (the contraceptive method of) coitus interruptus with her.)

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 فًان اتهمها فقال: لا ينبغي لك أن تتزوج إلا مأمونة إن الله يقول: الزاني لا ينكح إلا زانية أو مشروكة والزانية لا ينكحها إلا زان أو مشرك وحرم ذلك على المؤمنين

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

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

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

محمد، عن أحمد، عن ابن محبوب، عن العلماء بن رزين، عن ابن أبي بعفور،
عن أبي عبد الله عليه السلام قال: لا يعلن 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:

> بﻦ إﺑﺮاﻫﻴﻢ، ﻋﻦ أﺑﻴﻪ ﺟﻤﻴﻊ، ﻋﻦ ﻋﺪة ﻣﻦ أﺻﺤﺎﺑﻨﺎ، ﻋﻦ ﺳﻬﻞ ﺑﻦ زﻳﺎد، وﻋﻠ ﺑﺼﻴﺮ ﻓﻘﻞ: ﻻ ﺑﺄس ﻧﺼﺮ، ﻋﻦ أﺑ َّﻧﺠﺮان، وأﺣﻤﺪ ﺑﻦ أﺑ ﻃﺤﺮ ﺑﻦ أﺑ ﻃﺤﺮ ﺑﻦ أﺑ َّﻣﺎ ﺗﻘﻮل: اﺳﺘﺤﻠﻠﺘﻚ ﺑﺄﺟﻞ آﺧﺮ ﺑﺄن ﺗﺰﻳﺪك وﺗﺰﻳﺪﻫﺎ إذا اﻧﻘﻄﻊ اﻻﺟﻞ ﻓﻴﻤﺎ ﺑﻴﻨ اﻟﺘﻨﻘﻀ ﻣﻨﻬﺎ وﻻ ﻳﺤﻞ ذﻟﻚ ﻟﻐﻴﺮك ﺣﺘ ﻛا ﻗ ﻏ ﻓ ﻣ ﻛا ﻗ ﻏ ﻓ ﻛا ﻗ ﻏ ﻓ ﻛا ﻗ ﻏ ﻓ ﻛا ﻗ ﻏ ﻓ ﻛا ﻗ ﻏ ﻓ ﻛا ﻗ ﻏ ﻓ ﻛا ﻛ ﻛ ﻛ ﻛ ﻛ ﻛ ﻛ ﻚ 


**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 كن الصحيح

*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:
Al-Husayn b. Sa`id – al-Na`r – ‘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.”

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 نهى عمر بن حريث، قال: وقال جابر: إذا انقضى الأجل فبدا لهما أن يتعاودا، فليمهرها مهرا

“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.”

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.

3. See Qur’an 4:23-25
6. Ibid
46. Qur’an 5:5
47. Qur’an 2:221
51. Muhammad Baqir al-Majlisi, Maladh al-Akhyar fi Fahm Tahdhib al-Akbar (Qum: Maktabah Ayatullah al-Ma’ashi; 1407 H), vol. 12, p. 117, # 6
53. 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.


73. Ibid


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


81. Ibid


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


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


120. See Qur’an 65:4

121. Qur’an 2:234


134. Shams al-Dīn 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-Arna’ū and Husayn al-Asad], vol. 6, p. 331, # 138

135. Ibid, vol. 6, p. 333, # 138


142. Qur’an 65:4


147. Muhammad Baqir al-Majlisi, Maladh al-Akhyar Ḥafiḥ Tahdhib al-Akbar (Qum: Maktabah Ayatullah al-Mar’ashi; 1407 H), vol. 12, p. 67, # 78


150. Muhammad Baqir al-Majlisi, Maladh al-Akhyar Ḥafiḥ Tahdhib al-Akbar (Qum: Maktabah Ayatullah al-Mar’ashi; 1407 H), vol. 12, p. 58, # 65


153. Muhammad Baqir al-Majlisi, Maladh al-Akhyar Ḥafiḥ Tahdhib al-Akbar (Qum: Maktabah Ayatullah al-Mar’ashi; 1407 H), vol. 12, p. 69, # 81


155. Ibid

156. See, for instance, Qur’an 4:15 and 24:4

157. See Qur’an 24:6–9


165. Muhammad Baqir al-Majlisi, Maladh al-Akhyar Ḥafiḥ Tahdhib al-Akbar (Qum: Maktabah Ayatullah al-Mar’ashi; 1407 H), vol. 12, p. 58, # 65


After declaring *mutʿah* 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-ṭalaq* (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-Hafiẓ (d. 852 H) opens the floor about this Sunni-invented marriage:

‘Iyaḍ 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.”

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:

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 *mutʿah* marriage. The *mutʿah* 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 *mutʿah* marriage, and there is no good in it.’” And Allah knows best.
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:

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
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.

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:

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.

Shaykh Sayyid Sabiq also declares:
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.

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.

4. Ibid, vol. 32, p. 147
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‘a 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 *da‘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:

أَفَامَ ما رَوَاهُ مُحَمَّدُ بْنُ أَحْمَدُ بْنِ يَحْيٍى عِنْ أَبِي الْجُوزَاءِ عَنْ الْحُسَيْنِ بْنِ عُلْوَانَ عَنْ عُمَروِ بْنِ خَالِدِ عَنْ زَيْدِ بْنِ عَلِيٍّ عَنِ اَبْنَاءِهِ عَنْ عَلِيٍّ عَلِيِّهِمْ سَلَامُ ﷺ ﻟَهُ ﺷُرَحُ اَلْمُتْهَى:

The Messenger of Allah, peace be upon him and his family, forbade the meat of domestic donkey and the marriage of *mut‘ah*.

He also documents in his *Tahdhib*:

أَفَامَ ما رَوَاهُ مُحَمَّدُ بْنُ أَحْمَدُ بْنِ يَحْيٍى عِنْ أَبِي جَعْفَرِ عِنْ أَبِي الْجُوزَاءِ عَنْ الْحُسَيْنِ بْنِ عُلْوَانَ عَنْ عُمَروِ بْنِ خَالِدِ عَنْ زَيْدِ بْنِ عَلِيٍّ عَنِ اَبْنَاءِهِ عَنْ عَلِيٍّ عَلِيِّهِمْ سَلَامُ ﷺ ﻟَهُ ﺷُرَحُ اَلْمُتْهَى:

The Messenger of Allah, peace be upon him and his family, forbade the meat of domestic donkey and the marriage of *mut‘ah*.1

The Messenger of Allah, peace be upon him and his family, forbade the meat of domestic donkey and the marriage of *mutʿah* on the Day of Khaybar.  

Shaykh ‘Ali Al Muhsin comments on it:

**This report has a ḍaʿīf chain,** due to ʿAmr b. Khalid al-Wasiṭī, for there is no *tawthiq* (accreditation) for him in the books of *al-rijaļ*. 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 *tarjamaḥ*, 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 thiqaḥ while others declare him ḍaʿīf.

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.**

ʿAllamah al-Majlisi (d. 1111 H) also declares about the *hadith* above:
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 *ḍa‘if*. Al-Ṭusi submits:

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

فأما إذا كان مخالفًا في الاعتقاد لأصل المذهب وروى مع ذلك عن الأئمة عليهم السلام نظر فيما يرويه. فكان هناك من طرق المؤتوق بهما ما يخالفه وجب اطرح 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.**

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 *riwayah* 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:

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:

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:
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, *Tuhaf al–Uqul*, *Tafsir al–Furat*, *Irshad* of al–Daylami, *Nawadir* of Ahmad b. Muhammad b. ‘Isa, and *al–Ikhtisas* of al–Mufid.10

He lists *al–Nawadir* among the ḍa‘īf 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‘īf by default.

Meanwhile, the hadith is equally mawḍū‘ 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 الفواجِر

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‘īf book. Therefore, it is ḍa‘īf. 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 mawḍū‘ due to its contradiction with the Verse of *al–Mut‘ah* and numerous *sahih ahadith*. 
Hadith Four

Shaykh al-Kulayni (d. 329 H) records:

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

a’if upon the mainstream (standards). 13

Al–Jawahiri also states about one of its narrators:

ساهل بن زياد: أبو سعيد الآدمي، الرازي ... ضعيف جزما أو لم تثبت وثاقته

Sahl b. Ziyad, Abu Sa’id al–Adami al–Razi ...: decidedly a’if or his trustworthiness is not
established. 14

About another narrator, he further declares:

الحكم بن مسكيه الثقفي: ... مجهول
So, it is genuinely ḍaʿif.

Those who quote it seek to prove that mutʿah is haram through it. However, it actually establishes the opposite of that! According to the ḍaʿif 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 Shiʿis. Besides, it was done to protect both ‘Ammar and Sulayman from arrest and possible persecution or even execution. The Ahl al-Sunnah had declared mutʿah a form of zina. Therefore, the Sunni government in al-Madinah could arrest the two Shiʿis 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 mutʿah; and that could soil the name of Imam Jaʿfar – with whom they were known – among the general Sunni public. From the look of it, in line with the ḍaʿif report, the Madinah governorate was stricter against temporary marriage than other Sunni provinces.

In any case, the hadith is ḍaʿif. Therefore, it is of no probative value.

**Hadith Five**

Al-Kulayni documents:


I heard Abu ‘Abd Allah, peace be upon him, saying about mutʿah: “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?”

Al-Majlisi says:

ضعيف

ḍaʿif.17
Then, he adds:

قهله عليه السلام: أن يرى في موضع الوعرة (أي يراه الناس في موضع يعيب من يجدونه فيه) لكراهتهم 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 do 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 عمر، عن بعض أصحابنا، عن زرارة، عن أبي جعفر عليه السلام قال: قلت له: جعلت فذاك الرجل يتزوج المتعة وينقضي شرطها ثم يتزوجها رجل آخر حتى بانت منه ثم يتزوجها الأول حتى بانت منه ثلاثا وتزوجت ثلاثة أزواج يحل للأول أن يتزوجها؟ قال: نعم كم شاء ليس هذه مثل الحرية هذه مستأجرة وهي منزلة الإمام.


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:
Hasan, and upon it are the companions (i.e. the scholars). 20

However, it is actually mursal and therefore ḍa’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 يروون ولا يرسلون إلا عن 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 tа’lіfah 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 irdа’s except from those that were trusted – with what others narrated in mustаd (fully connected) manners....” 21

Then, he adds:

فمن المطمأن به أن منشأ هذا الدعوى هو دعوى الكشی الإجماع على تصحيح ما يصح عن هؤلاء. وقد زعم الشيخ أن منشأ الإجماع 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 عمیر، روى عن علي بن أبي حمزة البطائي كتابه، ذكره النجاشي والشيخ، وروى محمد بن يعقوب بسند صحيح عن ابن أبي عمیر عن علي بن أبي حمزة وروى بسند صحيح عن ابن أبي عمیر عن الحسين بن أحمد المنقري، والحسين بن أحمد المنقري، ضعفه النجاشي والشيخ. وروى الشيخ بسند صحيح عن ابن أبي عمیر، 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–Baqaini 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 ṭa’īf 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 ṭa’īf by Shaykh at many places in his two books, and he was extremely emphatic in declaring him ṭa’īf. 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 ṭa’īf narrators, and even from al–Baqaini who was a liar! There are sahih chains reaching up to him confirming these crucial facts. As such, the basis for accepting his narrations without question, including his marasil, is defeated by this reality. Worse still, Ibn Abi ‘Umayr himself never claimed that he narrated from reliable narrators only. It was just some ‘ulama who made the apparently erroneous claim about him. Writing about Ibn Abi ‘Umayr and his colleagues, and the claim that they never narrated except from thiqah narrators, al–Khui further states:
From what is apparent is that it is not attributed to any of these people his information or declaration of that, and there is no other way for us to discover it.25

The bottomline then is that the marasil of Ibn Abi ‘Umayr are ḥa‘if like the other marasil. This is what al-Khui concludes as well:

We have earlier quoted al-Najashi saying that the companions (i.e. scholars) relied upon the marasil of Ibn Abi ‘Umayr, and Shaykh mentioned the like of that in Kitab al-‘Uddah. However, we have indicated in the Introduction that this statement has no basis, and that there is no difference between his marasil and the marasil of other thiqah narrators.26

Therefore, the hadith of Zurarah above is ḥa‘if, as it is a mursal report of Ibn Abi ‘Umayr. Those who quote it seek to prove:

(i) the mut‘ah wife is “rented” for sex in the marriage; and

(ii) she is like a slave woman.

Well, the comparison of the temporary wife to the slave woman is strictly relative:

(a) a man may have as many slave women with whom he enjoys sexual relations as he wants;

(b) in the same manner, the husband may have mut‘ah relationships with as many women as he wants at the same time;

(c) the master of a slave woman needs no wali or witnesses in order to enjoy a concubinage with her;

(d) the husband of a temporary wife needs no wali (except in the case of a virgin) and no witnesses (except where he voluntarily chooses to have them) in order to formalize the mut‘ah with her;

(e) the slave woman exits the concubinage without divorce;
(f) the temporary wife separates from the husband without a divorce.

These are the only areas of similarity between the *mut’ah* wife and the slave concubine. In everything else, they are different. This *hasan* or *sahih* hadith of al-Kulayni, which we have already quoted in full in this book, testifies to this:

\[
\text{ليس فيها وقت ولا عدد إنما هي بمنزلة الإمام يتزوج منهن كم شاء وصاحب الأربع نسوة يتزوج منهن ما شاء بغير ولي ولا شهود فإذا انقضي الاجل بانت منه بغير طلاق ويعطيها الشيء اليسير.}
\]

There is no specific length or any (maximum) number (of the wives) in it. They are only of the status of slave women: he marries any number of them as he wishes, and the husband of four women (also) marries from them whatever he wishes, with no *wali* or witnesses. When the (agreed) term expires, she separates from him without divorce, and he gives her the small thing.

As for the claim that she is “rented” for sex in the *mut’ah*, we will have more to say about this. But, first, let us examine the other *ahadith* which also described her as “rented”. Al-Kulayni gives us the second report, as well:

\[
\text{محمد بن يحيى، عن أحمد بن محمد بن عيسى، عن الحسين بن سعيد، ومحمد بن خالد البرقي، عن القاسم بن عروة، عن عبد الحميد، عن محمد بن مسلم، عن أبي جعفر عليه السلام في المتعة قال: ليست من الأربع لأنها لا تطلق ولا ترث وإنما هي مستأجرة.}
\]


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.”

Al-Majlisi states:
And al–Jawahiri declares concerning one of its narrators:


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.”

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. That compounds the unreliability of the hadith.

And, here is al–Kulayni with the final hadith on this matter:


I mentioned mut’ah to him, “Is she from the four?” So, he said, “Marry a thousand of them, for they are rented women.”
And, al-Majlisi submits:

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*:


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:

Sahih.35
Even the locus classicus in this matter, the *mursal hadith* of Ibn Abi ‘Umayr, affirms the same truth. Al-Ṭusi documents:


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:

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 عن علي ابن حيدر عن جميل عن زرارة قال: سأل عمار وانا عنده عن الرجل يتزوج الفاجرة متعة قال: لا بأس وإن كان التزويج الآخر فليقصن بابه.


‘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 حيدر وهو ضعيف جدا لا يوزع على ما ينفرد بنقله

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

Therefore, the report is *a’if jiddan* in its *sanad*.

Al-Majlisi too says about the *hadith*:
Meanwhile, it also directly contradicts this ayah of the Qur'an:

الزاني لا ينكح إلا زانية أو مشرفة 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.

On this account alone, the hadith is mawḍu’.

**Hadith Nine**

Al-Ṭusi documents:

١٤٩

From him (i.e. Muhammad b. Ahmad b. Yahya) – Sa’dan – ‘Ali b. Yaqīn:

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.”

Al-Majlisi says:

١٤٩٤٤

Majhūl.
As such, this *hadith* of ‘Ali b. Yaqţin is *ḍa’if*. It also contradicts the Book of Allah, and that makes it *mawtū‘*.

**Hadith Ten**

Al-Ṭusi records:

> روِى مُحَمَّد بن أَحْمَد بن يَحْيى عن عَلِيِّ بن السَنْدِي عِن عُثْمَانِ بن عِيَسِى عِن إسحاق بن عمار عن فَضِل مُولَى مُحَمَّد بن راَشِد عن أَبِي عَبْد اللَّه عليه السلام
> قال: قُلْت ائِن زَوَّجَت امْرَأَة مَتَعَة فَوْقَعُتُ فِي نَفْسِي أَن لَّهَا زَوْجٌ فَفَتَشْتَتْ عَن ذَلِك
> فَوْجِدْتُ لَهَا زَوْجٌ قَالَ: وَلَمْ فَتْشَتْ؟!


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 السندى: روى ۸۴ رواية، وروى بعنوان علي بن السندى 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-Kulaynī:
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).”

Al-Majlisi says:

Muwaththaq ka al-Sahih

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:

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?”
Al–Jawahiri says about one of the narrators:

مرتان 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 مسرووق النهدي عن أحمد بن محمد بن أبي نصر ومحمد بن الحسن الأشعري عن محمد بن عبد الله الأشعري قال: قلت للرضوا عليه السلام: الرجل يتزوج بالمرأة فيقع في قلبه أن لها زوجة قال: ما عليه أرأيت لو سألها البيئة كان يجد من يشهد أن ليس لها زوج


I said to al–Rida, 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:
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:

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 مرسال

Majhul Mursal.57

Thus, it is very weak. It equally contradicts this authentic hadith of the same al-Ṭusi:
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 كالم صحيح`

*Muwaththaq ka al-Sahih*59

Al-Ruhani also states:

`صحيح`

*Sahih*60

That then delivers the fatal blow to it.

**Hadith Fourteen**

Al-Ṭusi says:

وعنه عن موسى بن عمر بن يزيد بن محمد بن سنان عن أبي سعيد القشاط

عمن رواه قال: قلت لأبي عبد الله عليه السلام: حارق بكر بين أبوبيها تدعوني

إلى نفسها سرا من أبوبيها أن أفعل ذلك؟ قال: نعم واتق موضوع الفرج قال: قلت

فإن رضيت بذلك? قال: وان رضيت بذلك فإنه عار على البكار.

And from him from Musa b. ‘Umar b. Yazid – Muhammad b. Sinan – Abu Sa’id al-Qimaṭ – from the
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.”

Al-Majlisi comments:

ضعيف على المشهور

\( \text{\textit{a’if ‘ala al-Mashur}} \).

Al-Jawahiri too states about one of the narrators:

موسى بن عمر بن يزيد بن ذبيان: الصيقل – مجهول

Musa b. ‘Umar b. Yazid Dhiba al-Sayqal: Majhul.

And, about another narrator, Shaykh al-Najashi (d. 450 H) submits:

محمد بن سنان ... هو رجل ضعيف جدا لا يعول عليه ولا يلفت إلى ما تفرد به

Muhammad b. Sinan ... he is a man who is \( \text{\textit{a’if jiddan (very weak)}} \). He is not relied upon, and no attention is paid to whatever he narrated without corroboration.

As such, the hadith is \( \text{\textit{a’if jiddan}} \). Worse still, it is equally mursal, as its main narrator is unknown.

With that same \( \text{\textit{a’if jiddan}} \) chain, al-Tusi proceeds with this further riwayah:

وبهذا الاستناد عن أبي سعيد قال: سئل أبو عبد الله عليه السلام عن التمتع من الإبكار اللواتي بين الأبوين فقال: لا يأس ولا أقول كما يقول هؤلاء الأشخاص

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.”

Al-Majlisi says:

ضعيف

َّاَيَّف.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 أبيها بلا إذن أبيها 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.”

Al-Majlisi declares:

ضعيف على المشهور

َّاَيَّف ‘الـأَلـاَّف -المَشْحُور.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:
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:

موثّق

Muwaththaq.70

Al-Ruhani agrees:

موثّق

Muwaththaq.71

The last part of the hadith is mursal and therefore ṣa’īf, 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
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-Ṭusi also adds:
And if there is nothing that contradicts what he narrated, and the ِṣa‘īfah (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 ‘aqīdah.73

So, what saves a muwaththaq ḥadīth is the complete absence of any saḥīh Shi‘ī hadīth that contradicts it. If there is, the muwaththaq ḥadīth becomes mattruk (rejected) and thrown away.

With that in mind, we ask: is there any saḥīh Shi‘ī hadīth which contradicts the muwaththaq ḥadīth of Ishaq b. Jarir above?

First, it directly opposes this āyah of Allah:

الزاني لا ينكح إلا زانية أو مشركة والزائية 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 āyah:

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

Today, the good things are made halal to you; and the food of those who were given the Book is halal for you, and your food is halal for them; and also (halal to you are) the CHASTE ONES from the believing women and the CHASTE ONES from those who were given the Book before you, when you have given them their dowries, taking (them) in marriage, not fornicating (with them), nor taking them as girlfriends.75

Only chaste Muslim and Kitabi women are halal for marriage. All others are therefore haram. Of course,
there is absolutely no doubt that fornicatresses and prostitutes are NOT chaste women. As such, *mut’ah* with any unchaste woman – in particular, with a fornicatress or prostitute – is *haram* in Islam, according to the Book of our Lord.

The third *ayah* which the *muwaththaq hadith* of Ishaq b. Jarir contradicts is this:

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:

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

Therefore, the *hadith* of Ishaq b. Jarir is *mawḍu‘*, a fabrication.

Then, al-Saduq has this *hadith* too:

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.**”

The annotator, Prof. ‘Ali Akbar al-Ghiffari, comments:

The chain is *sahih*.81

Al-Ruhani agrees with him:

*Sahih*.82
Al-Ṭusi also reports this:

أحمد بن محمد بن عيسى عن أبي المعزا 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.”

Al-Ruhani comments:

صحيح

Sahih.

Al-Kulayni is not left out either:

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


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).”

Al-Majlisi comments:

موثق
Al-Ruhani says:

 صحيح

Sahih.87

Then, al-Kulayni reports this too:

Hamid 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–Tusi:

أحمد بن محمد بن عيسى عن محمد بن إسماعيل بن بزيع قال: سأل رجل الرضا عليه السلام وانا اسمع عن الرجل يتزوج المرأة متعة ويشترط عليها ان لا يطلب ولدها فتأتي بعد ذلك بولد فتفكر الولد فشدد في ذلك وقال يجحد;
A man asked al-Riḍa, peace be upon him, while I was listening, about the man who marries the woman in *mutʿah* 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:

\[
\text{سَيِّدَةُ صَدَقَةٍ، إِنَّهَا يُقَدِّرُهَا أَنِّي نَاشِطُ فِي تَحْيَىٰنِهَا، يَقُوَّمُهَا أَنِّي نَاشِطُ فِي تَحْيَىٰنِهَا،}
\]

Sahih.91

Al-Ruhani concurs:

\[
\text{صحيح}
\]

Sahih.92

Meanwhile, al-Kulayni still has more:

\[
\text{علي بن إبراهيم، عن أبيه، عن حماد بن عيسى، عن حريز بن عبد الله، عن محمد ابن مسلم، عن أبي جعفر عليه السلام قال: سألته عن الخبيثة أتزوَّجها؟}
\]

\[
\text{قال: لا.}
\]

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:


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:
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.”

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:

‘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.”

Ayatullah al-Muhsini declares it ḍa‘if. In particular, it is from *Qurb al-Isnad*, a ḍa‘if book, 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‘.

---

9. Ibid, pp. 421–424, # 3
15. Ibid, p. 191, # 3879
18. Ibid
22. Ibid
23. Ibid
24. Ibid, vol. 1, p. 64
25. Ibid, vol. 1, p. 63
Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 254–255, Ch. 24, # 24 (1099)
62. Muhammad Baqir al-Majlisi, Maladh al-Akhyar fi Fahm Tahdhib al-Akhrbar (Qum: Maktabah Ayatullah al-Mar’ashi; 1407 H), vol. 12, p. 38, # 21
65. Abu Ja’far Muhammad b. al-Ḥasan al-Ṯusi, Tahdhib al-Ākham (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, Ch. 24, # 22 (1097)
66. Muhammad Baqir al-Majlisi, Maladh al-Akhyar fi Fahm Tahdhib al-Akhrbar (Qum: Maktabah Ayatullah al-Mar’ashi; 1407 H), vol. 12, p. 29, # 22
68. Muhammad Baqir al-Majlisi, Maladh al-Akhyar fi Fahm Tahdhib al-Akhrbar (Qum: Maktabah Ayatullah al-Mar’ashi; 1407 H), vol. 12, p. 39, # 23
70. Muhammad Baqir al-Majlisi, Maladh al-Akhyar fi Fahm Tahdhib al-Akhrbar (Qum: Maktabah Ayatullah al-Mar’ashi; 1407 H), vol. 12, p. 507, # 155
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.
81. Ibid, vol. 3, p. 406, # 4417, footnote # 1
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

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 الربع بن سبيرة 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.”

This report is munqati’ (disconnected), and therefore ḍa’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 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.2

Al-Hafiṣ 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:


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 ʿiddah 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 ʿiddah which the woman must fulfil after each mut’ah?

Anyway, the riwayah is ḍaʿīf. This is what al-Hafiẓ (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 ḍaʿīf; as al-Hafiẓ confirms:

 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 ḍaʿīf.

Athar Three

Imam ʿAbd 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 عزبنا فقلنا: ألا نختصي یا رسول الله فنهانا، ثم رخص أن نتزوج المرأة إلى أجل بالشیئ، ثم نهانا عنها يوم خيبر، وعن لحوم الحمر الانسیة

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:

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:

“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].

Shaykh al-Arnauṭ comments:

إسناده صحيح على شرط الشيخين

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

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 وسلم ولسنا لنا نساء فقلنا يا رسول الله ألا نستخصص فنهاهنا 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].

Al-Arnauṭ says:

إسناده صحيح على شرط الشيخين

Its chain is sahih upon the standard of the two Shaykhs.
We see here that Ibn ‘Uayynah has fundamentally contradicted three thiqah narrator in his transmission from Isma’il b. Abi Khalid. This makes his report shadh and ḍa’if.

Well, al-Hafiẓ is not going to give up that easily:

Wظاهر استشهاد ابن مسعود بهذه الآية هنا يشعر بأنه كان يرى بجاوزتمتعة فقال القرطبي لعله لم يكن حينئذ بلغه النسخ ثم بلغه فرجع بعد قلت يويده ما ذكره الإمام علي أنه وقع في رواية أبى معاوية عن إسماعيل بن أبي خالد فعله ثم ترك ذلك قال وفي رواية ابن 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-Qurṭubi said, “Maybe news of the abrogation had not reached him at that time. Then, it reached him, and he withdrew.” I (al-Hafiẓ) say: He is supported by what al–İsmā’îlî (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 ‘Uayynah from Isma’il: “Then, its prohibition came later.” And in the report of Ma’mar from Isma’il: “Then, it was abrogated.”

Even al-Bayhaqi too makes some last-minute efforts:

أخبرنا أبو عمرو الأديب أنبا أبو بكر الإمام علي فذكر الحديث بإسناده عن عبد الله بن مسعود في المتعة قال عقبة وروى أبو معاوية عن إسماعيل بن أبي خالد عن قيس عن عبد الله هذا الحديث وقال في آخره ثم ترك ذلك قال وفي الحديث بن المصنف عن بن عيينة عن إسماعيل في آخره ثم جاء تحريمها بعد وفي الحديث عبد الزاق عن معمر عن إسماعيل عن قيس بننسخ ذلك يعني المتعة

Abu ‘Amr al–Adib informed us: Abu Bakr al–İsmâ’îlî (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 ‘Uayynah 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.

The first general problem with these new entries is their lack of clearly defined chains of transmission.
With that, it is impossible to investigate their authenticity or make pronouncements on it. Meanwhile, unless their authenticity is known, they remain invalid evidences. Secondly, we see this phrase “So, he did it. Then, he abandoned that” which, obviously, is an interpolation in the unverifiable riwayah of Ibn Mas’ud. He could not have narrated about himself in such a manner. Lastly, the other reports only mention that mut’ah was prohibited or abrogated later, after Ibn Mas’ud had practised it.

But, we know from the more authentic ahadith that he continued to defend the legitimacy, morality and permissibility of mut’ah after the departure of the Messenger. If he had truly narrated about its prohibition or abrogation, why would he do that?! The contradiction of these unverifiable reports against the more authentic athar makes them (i.e. the unverifiable reports) munkar and ḍa’if by default.

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

مثلاً حديث يوسف بن أمير كتابة من عبد الله بن مسعود رضي الله عنه أنه قال شكونا العزوبة فأحلت لنا المتعة ثلاثاً فثمن نسختها آية النكاح والعدة والمراتح

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:

حديث بينينين حديثان حديثين مسانيد ماله حديث في الدنيا غيرها أخطأ منها في مائة وعشرين حديثا. إما أن يكون أغلب إسناده أو غير متمة من حيث لا يعلم فلما غلب خطؤه على صوابه استحق ترك الاحتجاج به في الاختبار

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 ḍa'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:


Al-Hajjaj b. Arṭat – 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 ḍa‘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 ḍa‘if by default, as well. “Companions of ‘Abd Allah” in its chain are unknown! In addition, this is what al-Hafiẓ submits about al-Hajjaj:

Hajjaj b. Arṭat, the Kufan jurist, well-known. Muslim narrated from him while attaching others with him, and al-Nasai and others qualified him with doing tadlis from ḍa‘if narrators. Among those who also described him with tadlis were Ibn al-Mubarak, Yahya b. al-Qaṭṭan, 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.”

Al-Hafiẓ has placed him in the fourth category of mudalisun. Explaining what that means, he states:

الرابعة: من أتفق على أنه لا يحتاج بشئ من حديثهم إلا بما صرحوا فيه بالسماع
لكثرة تدليسهم على الضعفاء والمجاهيل كثيقة بن الوليل

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 ḍa‘īf and majhul narrators, like Baqīyyah b. al-Walid.

With al–Hajjaj being like that, it is very obvious that his riwayah about Ibn Mas‘ud above is ḍa‘īf, 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.


It was abrogated by divorce, ’iddah and inheritance.

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 ḍa‘īf.

Those who quote these ḍa‘īf 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:
I asked Ja’far b. Muhammad concerning mut’ah, and I described it. So, he said to me, “That is zina.”

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:

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 riwayah is different from the main report, and is not part of what Ibn Jurayj “informed” ‘Abd al-Wahhab from ‘Abd al-‘Aziz. Rather, it was ‘Abd al-Wahhab himself who was personally telling his student of what Ibn Jurayj allegedly declared. It is this part that our Sunni brothers present to us; and it is this part that is ḍa’if in its sanad.

Al-Hafiẓ states about ‘Abd al-Wahhab:

عبد الوهاب بن عطاء الخفاف البصري صدوق معروف من طبقة أبي أسامة
قال البخاري كان يدلس 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-Hafiẓ 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 يلتح الأئمة من أحاديثهم إلا بما صرحوا فيه بالسماع ومنهم من رد حديثهم مطلقًا 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 ḍa’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 *mutʿah*, 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?

9. Abu ‘Abd Allah Muḥammad b. Ḥanbal al-Šaybānī, Musnad (Cairo: Muṣṣaṣṣat Qurṭubah) [annotator: Shuʿayb al-ʿArnaʿūt], vol. 1, p. 432, # 4113
10. Ibid
11. Ibid, vol. 1, p. 420, # 3986
12. Ibid


3. Abu ‘Abd Allah Ahmad b. Hanbal al-Shaybani, *Musnad* (Cairo: Muasassat Qurṭubah) [annotator: Shu’ayb al-Arnaut]


50. Muhammad b. Idris al–Shafi’i, *Kitab Ikhtilaf al–Hadith* 


---

**Source URL:** https://www.al-islam.org/nikah-al-mutah–zina–or–sunnah–toyib–olawuyi

**Links**