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5. The Practice Of Mut'ah

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

Mut'ah: A Tool Of Necessity

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

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

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

'Ali b. Ibrahim – his father – Ibn Abi 'Umayr – 'Ali b. Yaq□in:

I asked Abu al-Hasan Musa, peace be upon him, concerning *mut'ah*, and he said, "**What do you have to do with that, for Allah has already made you needless of it**?" I said, "I only want to learn about it." Then he said, "It is in the Book of 'Ali, peace be upon him." So, I said, "Do we increase it and is it multiplied?" He said, "Is there anything that pleases him except that?"[1]

Al-Majlisi (d. 1111 H) says:

> حسن

Hasan.[2]

This is quite clear and straightforward. If you are not in a state of need – with regards to *mut'ah* – you

have nothing to do with it. So, the Shi'i asks himself if he is really in need of a temporary marriage. If he is not, he abandons the whole idea, as the Imams, *'alaihim al-salam*, want.

The Suitable Mut'ah Wives

After deciding that he is genuinely in need of *mut'ah*, then he must decide whom to marry temporarily. He is absolutely forbidden from marrying any woman who falls in the forbidden categories[3]. The Shi'i man knows this. So, he is only searching *outside* the forbidden categories. There are some crucial duties upon him, in his search, however.

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

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

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

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

Al-Majlisi says:

> حسن

Hasan.[5]

Then, he adds:

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

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

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

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

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

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

Al-Majlisi declares:

> حسن

Hasan.[8]

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

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

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

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

‘Allamah Al-Ruhani comments:

> حسن أو صحيحه

Hasan or *Sahih*.[10]

Al-Kulayni too has this further *shahid*:

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

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

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

And al-Majlisi states:

> موثق

Muwaththaq.[12]

Al-Ruhani too concurs:

> موثق

Muwaththaq.[13]

Al-Kulayni also documents one more *shahid*:

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

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

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

Al-Majlisi comments:

> صحيح

Sahih.[15]

Al-Ruhani too says:

> صحيح

Sahih.[16]

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

Our Shi'i man is above thirteen, *alhamdulillah*; and he has his eyes on a particular Muslim woman who is above nine too. So, what must he do next? In our modern, heavily Westernized world, the age of consent has been statutorily fixed in most countries. This is why the Shi'i man must be careful here. He does not have to get himself into trouble simply because he wants to do *mut'ah*. Therefore, in fulfilment of the obligations of *taqiyyah*, he must respect the statutory age of consent in his country of residence. Usually, the man and the woman are considered legally capable of consensual intercourse starting from the age of 18 (eighteen). The Shi'i man, then, must obey that, as long as he has no other trouble-free option. *Taqiyyah* is indeed a shield, and a blessing, to the believers.

Now, our man lives in a Western(ized) country, and he has been able to find a woman who is eighteen years old or above. In that case, he must confirm the marital status of the woman he intends to do *mut'ah* with. If she is married – whether in *mut'ah* or permanently, then she is automatically and *absolutely* disqualified[17]. Normally, the man should be able to easily confirm the marital status of the woman through her neighbours, friends or colleagues. In case that becomes difficult, then if he is able to confirm directly from the woman, that is even better. Whatever she says about herself is believed to be true. Al-Kulayni says:

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

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

I said to Abu 'Abd Allah, peace be upon him, "I met a woman in the wilderness in which there was no one else. So I said to her, 'Do you have a husband?' She said, 'No.' Do I marry her?" He said, "Yes. **She is the trustworthy one concerning herself**."[18]

Al-Majlisi says:

> صحيح

Sahih[19]

After determining that the woman has no husband – whether she is single, divorced or widowed and is available for marriage – then, the Shi'i man must establish that she is also *morally* eligible for *mut'ah*.

The Qur'an has forbidden certain categories of men and women for marriage – whether permanently or temporarily:

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

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

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

Al-Tusi 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 فشدد في ذلك وقال يجحد؟ وكيف يجحد اعظاما لذلك؟ قال الرجل فان اتهمها قال: لا ينبغي لك ان تتزوج إلا مأمونة ان الله يقول: الزاني لا ينكح إلا زانية أو مشركة والزانية لا ينكحها إلا زان أو مشرك وحرم ذلك على المؤمنين

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

A man asked al-Rida, 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-Rida) 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-Rida) said, "It is not appropriate for you to marry except a faithful woman**. Verily, Allah the Almighty says: {The fornicator shall not marry any but a fornicatress or an idolatress; **and the fornicatress, none shall marry her but a fornicator or an idolater**: and that is made *haram* for the believers}.[21]

Al-Majlisi states:

صحيح

Sahih.[22]

Al-Ruhani concurs:

> صحيح

Sahih.[23]

This is equally emphasized in this noble *ayah*:

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

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

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

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

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

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

Al-Majlisi comments:

> موثق

Muwaththaq.[26]

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

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

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

Abu Ja'far, peace be upon him, was asked about *mut'ah*. So, he said, "Verily, *mut'ah* today is not as it used to be in the past. They (i.e. the women) used to be faithful. But, today, they are not faithful. **Therefore, investigate about them (i.e. the women)**.[27]

Al-Majlisi says:

> موثق كالصحيح

Muwaththaq ka al-Sahih[28]

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

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

'Ali b. Ibrahim – Muhammad b. 'Isa – Yunus – Muhammad b. al-Fu□ayl:

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

Al-Majlisi comments:

> موثق

Muwaththaq (Reliable)[30]

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

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

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

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

Al-Majlisi says:

> حسن

Hasan.[32]

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

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

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

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

propose fornication to her. If she responds positively to him, her repentance is not genuine. But, if she does not respond positively to him, then she has (genuinely) repented.[33]

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

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

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

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

Al-Majlisi comments:

> موثق

Muwaththaq.[35]

Al-Ruhani concurs:

> موثق

Muwaththaq.[36]

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

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

Meanwhile, something must be quickly mentioned here. There is a group among Muslims who are known as the Nawasib. These are people who openly express or manifest violence, ill-will, hatred,

mockery or insult against any of the Twelve Imams or Sayyidah Fa□imah, *‘alaihim al-salam*. The *Sunnah* has forbidden *nikah* to such people too, in addition to fornicators and idolaters. Al-Kulayni, for instance, documents:

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

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

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

Al-Majlisi states:

> صحيح

Sahih.[38]

Al-Ruhani agrees:

> صحيح

Sahih.[39]

Al-Kulayni also says:

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

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

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

Al-Majlisi states:

صحيح

Sahih.[41]

And al-Ruhani concurs:

صحيح

Sahih.[42]

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

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

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

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

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

Al-Majlisi comments:

صحيح

Sahih.[44]

Shaykh Hadi al-Najafi too says:

الرواية صحيحة الإسناد

The report has a *sahih* 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 الطيبات وطعام الذين أوتوا الكتاب حل لكم وطعامكم حل لهم والمحصنات من المؤمنات
> والمحصنات من الذين أوتوا الكتاب من قبلكم إذا آتيتموهن أجورهن محصنين غير مسافحين ولا متخذي أخدان

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

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

(a) she is unmarried and available for marriage;

(b) she is chaste;

(c) the purpose of the union is marriage and not fornication;

(d) she must not be taken as a girlfriend; and

(e) she must be paid her dowry.

However, a Muslim woman is absolutely forbidden from marrying absolutely *any* non-Muslim man – whether temporarily or permanently[47].

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

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

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

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

Ayatullah Sadiq al-Ruhani comments about the report:

> موثق

Muwaththaq (Reliable)[49]

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

> وعنه عن إسماعيل بن سعد الأشعري قال: سألته عن الرجل يتمتع من اليهودية والنصرانية قال: لا أرى بذلك بأسا قال: قلت بالمجوسية؟ قال: واما المجوسية فلا.

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

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

Al-Majlisi states:

> صحيح

Sahih.[51]

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

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

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

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

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

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

Al-Majlisi declares:

> صحيح

Sahih.[53]

And al-Ruhani concurs:

> صحيح

Sahih[54]

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

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

(i) be unmarried and available for marriage;

(ii) be chaste, and not a fornicatress;

(iii) agree to stop drinking alcohol or eating pork throughout the duration of the marriage.

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

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

The Case Of The Virgin Woman

In the case of a "virgin" woman, there are still further steps to take. Note that a "virgin", in principle, is any woman who has never married. It does not matter whether she still has her hymen undamaged or not. As long as she has never married, she is technically considered a "virgin" by the *Shari'ah*. To "deflower" her is, then, to have penetrative sex with her, whether her hymen is still intact or had been broken[55]. Ayatullah al-Ruhani states:

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

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

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

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

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

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

Al-Majlisi comments:

> حسن

Hasan.[58]

Then, he adds:

ويدل على كراهة التمتع بالبكر مطلقا

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

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

Al-[illegible]usi too has the *hadith* through another [illegible]*ariq*:

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

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

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

Al-Majlisi says:

صحيح

Sahih.[61]

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

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

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

I heard Abu 'Abd Allah, peace be upon him, saying: "**There is no problem in doing *mut'ah* with the**

virgin as long as he does not have intercourse with her, for fear of the disgust of the blemish upon her family."[62]

Al-Majlisi declares:

> صحيح

Sahih.[63]

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

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

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

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

Abu 'Abd Allah, peace be upon him, said about a man who has sexual intercourse with a woman: "**When the two circumcised parts meet, the dowry and the *'iddah* become compulsory**."[64]

Al-Majlisi says:

> حسن

Hasan.[65]

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

> عدة من أصحابنا، عن سهل بن زياد، وأحمد بن محمد جميعا، عن ابن محبوب، عن عبد الله بن سنان، عن أبي عبد الله عليه السلام قال: سمعته يقول: من اشترط شرطا مخالفا لكتاب الله فلا يجوز له ولا يجوز على الذي اشترط

عليه والمسلمون عند شروطهم فيما وافق كتاب الله عزو جل.

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-Tusi also documents:

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

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

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

Al-Ruhani comments:

موثق

Muwaththaq.[70]

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

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

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

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

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

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

Al-Majlisi says:

> صحيح

Sahih[72]

Then, he concludes:

> ويدل على عدم جواز تزويج البكر مطلقا بدون إذن الأب.

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

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

> صحيح

Sahih[74]

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

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

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

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

Al-Majlisi comments:

> موثق كالصحيح

Muwaththaq ka al-Sahih[76]

Al-Ruhani also states:

> صحيح

Sahih[77]

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

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

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

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

The Terms Of The Contract

Our Shi'i man is lucky. The father of the virgin woman is alive, and he gives his permission for the *mut'ah*. Alternatively, the father is dead, but the grandfather, who is alive, has allowed it. Or, neither the

father nor the grandfather is alive. So, the man needs no-one's permission. Or, the woman is not a virgin, and only her consent matters. In any case, our Shi'i man now has the full go-ahead to contract the temporary marriage with his prospective wife.

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

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

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

"*Mut'ah* does not exist except through two things: **a specified term and a specified dowry**."[79]

'Allamah al-Majlisi says:

> صحيح

Sahih[80]

Then, he adds:

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

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

Al-Tusi also records:

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

Ahmad b. Muhammad b. 'Isa – 'Ali b. al-Hakam – Aban – Isma'il b. al-Fadl al-Hashimi:

I asked Abu 'Abd Allah, peace be upon him, about *mut'ah*. So, he said, "**A specified dowry for a specified period**."[82]

Al-Majlisi declares:

موثق كالصحيح

Muwaththaq ka al-Sahih[83]

The dowry, for both permanent[84] and temporary[85] marriages, is sometimes called a "wage" in the Qur'an and *Sunnah*.

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

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

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

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

Al-Majlisi comments:

موثق

Muwaththaq.[87]

Al-Kulayni again reports:

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

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

You should say: "I marry you in *mut'ah* upon the Book of Allah and the *Sunnah* of His Prophet, peace be upon him and his family, **in marriage and not for fornication or adultery**; and upon the condition that you shall not inherit me and I shall not inherit you; for such-and-such days and for such-and-such

amount; **and upon the condition that you must observe the *'iddah***."[88]

Al-Majlisi comments:

حسن موقوف

Hasan Mawquf.[89]

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

We understand from the two reports that:

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

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

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

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

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

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

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

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

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

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

Al-Majlisi proclaims:

> صحيح

Sahih.[91]

Al-Ruhani also says:

> حسن

Hasan.[92]

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

On The Inheritance Rights Of The Spouses

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

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

'Ali b. Ibrahim – his father – Ahmad b. Muhammad b. Abi Nasr – Abu al-Hasan al-Ri[illegible]a, peace be upon him:

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

Al-Majlisi says:

> حسن

Hasan.[94]

Al-Ruhani also states:

> صحيح

Sahih.95

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

> واما الميراث فإنه اشرط انها ترث ورثت وان لم يشترط فليس لها ولا له ميراث وليس يحتاج إلى أن يشترط انها لا ترث لان من شروط المتعة اللازمة ان لا يكون بينهما توارث

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

He too then documents this *shahid*:

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

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

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

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

Al-Majlisi comments:

> صحيح

Sahih.98

Then, al-Ruhani also states:

> حسن

Hasan.[99]

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

For instance, al-Kulayni says:

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

Muhammad b. Yahya – Ahmad b. Muhammad – Ibn Fa*ه*al – Ibn Bukayr – Muhammad b. Muslim:

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

Al-Majlisi says:

> موثق

Muwaththaq.[101]

Explaining it, al-*ه*usi submits:

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

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

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

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

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

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

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

Al-Ruhani comments:

صحيح

Sahih.[104]

And, al-Tusi explains:

هذا الخبر المراد به ما قدمناه من أنه سواء اشترط أو لم يشترط فإنها لا ترث فإنه ليس لها ميراث، وإنما يحتاج ثبوته إلى شرط لا ارتفاعه

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

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

قوله سواء اشترط أي :نفي الميراث

His statement "whether it is stipulated as a condition", refers to the exclusion of inheritance.[106]

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

Mut'ah and its 'Iddah Periods

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

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

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

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

Al-Majlisi says:

> حسن

Hasan.[108]

Al-Ruhani also declares:

> صحيح

Sahih.[109]

Al-Kulayni further documents:

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

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 تنكح حتى تعتد أربعة أشهر وعشرا، عدة المتوفى عنها زوجها.

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

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

Al-Majlisi comments:

موثق

Muwaththaq.[114]

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

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

أبو علي الأشعري، عن محمد بن عبد الجبار، والرزاز، عن أيوب بن نوح، وحميد بن زياد، عن ابن سماعة جميعا،

عن صفوان، عن محمد بن حكيم، عن محمد بن مسلم، عن أبي جعفر عليه السلام قال: التي لا تحبل مثلها لا عدة عليها.

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

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

Al-Majlisi declares:

حسن.

Hasan.[116]

Al-Ruhani agrees with him:

حسن

Hasan.[117]

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

Al-Tusi also records:

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

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

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

Al-Ruhani says:

صحيح

Sahih.[119]

This reiterates the points in the *hadith* of Muhammad b. Muslim: the underage girl and the woman who has reached menopause do not observe any *'iddah* after the *mut'ah* in any circumstance. As for the underage girl, her *mut'ah* is also invalid, to begin with. Meanwhile, if a woman has apparently reached her menopause, but there is still some doubt about it, then she must observe the required *'iddah* if her temporary husband had intercourse with her.[120]

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

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

والذين يتوفون منكم ويذرون أزواجا يتربصن بأنفسهن أربعة أشهر وعشرا

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

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

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

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

Amir al-Muminin, peace be upon him, decided concerning the woman **whose husband died, leaving her, before ever having intercourse with her**. He said, "**She cannot re-marry until after observing**

the *‘iddah* for four months and ten days, the *‘iddah* of the woman whose husband dies.”[122]

Al-Majlisi rules:

> موثق

Muwaththaq.[123]

Al-Ḥusi also records:

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

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

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

Al-Ruhani says:

> صحيح

Sahih.[125]

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

> محمد بن يحيى، عن أحمد بن محمد، عن ابن فضال، عن ابن بكير، عن زرارة قال: عدة المتعة خمسة وأربعون يوما كأني أنظر إلى أبي جعفر عليه السلام يعقد بيده خمسة وأربعين فإذا جاز الاجل كانت فرقة بغير طلاق.

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

The *‘iddah* of *mut’ah* is forty-five days. It is as though I am looking at Abu Ja’far, peace be upon him, forming “forty-five” with his hand. When the term (of the *mut’ah*) expires, there is separation

(between the spouses) without divorce.[126]

And al-Majlisi states:

> موثق

Muwaththaq.[127]

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

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

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

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

Al-Ruhani comments:

> صحيح

Sahih.[129]

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

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

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

"**We, the Sahabah of the Prophet, peace be upon him, did *mut'ah* until 'Amr b. Hurayth was forbidden**."

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

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

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

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

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

'Ali b. Ibrahim – his father – Ibn Abi 'Umayr – 'Umar b. Uzaynah – Isma'il b. al-Fa□l al-Hashimi:

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

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

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

Al-Majlisi declares:

> حسن

Hasan.[132]

Ayatullah al-Ruhani also states:

> صحيح أو حسن

Sahih or *Hasan*.[133]

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

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

Abu Ghassan Zunayj said: I heard Jarir al-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:

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

Muhammad b. 'Abd Allah b. 'Abd al-Hakam said: I heard al-Shafi'i saying: "**Ibn Jurayj did *mut'ah* with ninety women**."[135]

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

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

> وحمل الزائدة على الحيضة على الاستحباب لا يخلو من قوة

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

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

What then happens if the woman in a concluded *mut'ah* is pregnant from it? How long is her *'iddah*? Shaykh al-Kulayni reports:

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

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

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

Al-Majlisi comments:

> موثق

Muwaththaq.[138]

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

Al-Kulayni also documents:

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

عشرا وذلك أبعد الأجلين.

A number of our companions – Ahmad b. Muhammad b. Khalid AND ‘Ali b. Ibrahim – his father – ‘Uthman b. ‘Isa – Sama’ah:

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

Al-Majlisi says:

موثق وعليه الفتوى

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

Al-Ruhani concurs too:

موثق

Muwaththaq.[141]

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

وأولات الأحمال أجلهن أن يضعن حملهن

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

Al-Kulayni also documents:

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

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

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

Al-Majlisi says:

> حسن

Hasan.[144]

And al-Ruhani also declares:

> صحيح أو حسن

Sahih or *Hasan*.[145]

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

Children Of Mut'ah

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

> أحمد بن محمد بن أبي نصر عن عاصم بن حميد عن محمد بن مسلم عن أبي عبد الله عليه السلام قال قلت له: أرأيت إن حبلت؟ قال: هو ولده.

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

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

Al-Majlisi says:

> صحيح

Sahih.[147]

Al-Ruhani agrees:

> صحيح

Sahih.148

Al-Tusi again records:

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

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

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

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

Al-Majlisi comments:

> صحيح

Sahih.150

Al-Ruhani also states:

> حسن

Hasan.151

Al-Tusi further documents:

> 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 فشدد في ذلك وقال يجحد؟ وكيف يجحد اعظاما لذلك؟ قال الرجل فان اتهمها قال: لا ينبغي لك ان تتزوج إلا مأمونة ان الله يقول: الزاني لا ينكح إلا زانية أو مشركة والزانية لا ينكحها إلا زان أو مشرك وحرم ذلك على المؤمنين

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

A man asked al-Ri□a, 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-Ri□a) 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-Ri□a) said, "It is not appropriate for you to marry except a faithful woman**. Verily, Allah the Almighty says: {The fornicator shall not marry any but a fornicatress or an idolatress; and the fornicatress, none shall marry her but a fornicator or an idolater: and that is made *HARAM* for the believers}.[152]

Al-Majlisi declares:

> صحيح

Sahih.[153]

And al-Ruhani concurs:

> صحيح

Sahih.[154]

Then, he explains:

> ويشترط عليها أن لا يطلب ولدها (أي يعزل عنها)

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

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

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

Then, the man said, "What if he accuses her (of fornication)?" He (al-Ri□a) 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[156]. 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[157]. Al-Kulayni reports:

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

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

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

Al-Majlisi says:

> صحيح

Sahih.[159]

Al-Ruhani concurs:

> صحيح

Sahih.[160]

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

Renewal Of The Mut'ah

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

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

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

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

Al-Majlisi states:

> حسن كالصحيح

Hasan ka al-Sahih.[162]

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

> صحيح أبي بصير عن أبي جعفر عليه السلام في المتعة

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

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

Al-Ḵusi also says:

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

Al-Husayn b. Sa'id – al-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."[164]

Al-Majlisi states:

صحيح

Sahih.[165]

Al-Ruhani, on his own, submits:

حسن

Hasan.[166]

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

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

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

"**We, the Sahabah of the Prophet, peace be upon him, did *mut'ah* until 'Amr b. Hurayth was forbidden**."

Jabir also said, "**When the time expires, and both (spouses) wish to repeat (the *mut'ah*), then he**

must give her another dowry". One of us asked him, "How long is her *'iddah*?" He said, "A single menstruation."[167]

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

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

1. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 452, # 1
2. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 233
3. See Qur'an 4:23-25
4. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 463, # 4
5. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 252
6. Ibid
7. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 463, # 5
8. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 252
9. Abu Ja'far Muhammad b. al-Hasan al-□usi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 10, p. 38, Ch. 1, # 133 (133)
10. Muhammad □adiq al-Husayni al-Ruhani, Fiqh al-□adiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 20, p. 106
11. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 7, pp. 68-69, # 6
12. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 23, p. 110
13. Muhammad □adiq al-Husayni al-Ruhani, Fiqh al-□adiq (3rd edition, 1412 H), vol. 2, p. 16
14. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 398, # 2
15. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 138
16. Muhammad □adiq al-Husayni al-Ruhani, Fiqh al-□adiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 88
17. See Qur'an 4:24
18. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 462, # 2
19. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 251
20. Qur'an 24:3

21. Abu Ja'far Muhammad b. al-Hasan al-□usi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 269, Ch. 24, # 82 (1157)

22. Muhammad Baqir al-Majlisi, Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 69, # 81

23. Muhammad □adiq al-Husayni al-Ruhani, Fiqh al-□adiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 43

24. Qur'an 5:5

25. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 355, # 6

26. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 62

27. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 453, # 1

28. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 235

29. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 454, # 6

30. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 237

31. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 454, # 4

32. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 237

33. Abu al-'Abbas Ahmad b. 'Abd al-Halim b. Taymiyyah al-Harrani, Majmu' al-Fatawa, vol. 15, p. 328

34. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, pp. 355-356, # 1

35. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 62

36. Muhammad □adiq al-Husayni al-Ruhani, Fiqh al-□adiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 314

37. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 348, # 3

38. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 51

39. Muhammad □adiq al-Husayni al-Ruhani, Fiqh al-□adiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 476

40. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 349, # 8

41. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 51

42. Muhammad □adiq al-Husayni al-Ruhani, Fiqh al-□adiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 476

43. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 348, # 2

44. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 50

45. Hadi al-Najafi, Mawsu'at Ahadith Ahl al-Bayt (Beirut: Dar Ihya al-Turath al-'Arabi; 1st edition, 1423 H), vol. 2, p. 87, # 1353

46. Qur'an 5:5

47. Qur'an 2:221

48. Muhammad b. al-Hasan al-Hurr al-'Amili, Taf□il Wasail al-Shi'ah ila Tah□il Masail al-Shari'ah (Qum: Muasassat Al al-Bayt 'Alaihim al-Salam li Ihya al-Turath; 2nd edition, 1414 H), vol. 21, p. 37, Ch. 13, # 1 (26465)

49. Muhammad □adiq al-Husayni al-Ruhani, Fiqh al-□adiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 439

50. Abu Ja'far Muhammad b. al-Hasan al-□usi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 256, Ch. 24, # 30 (1105)

51. Muhammad Baqir al-Majlisi, Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 42, # 30

52. Abu Ja'far Muhammad b. al-Hasan al-□usi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 298, Ch. 26, # 6 (1248)

53. Muhammad Baqir al-Majlisi, Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 117, # 6

54. Muhammad □adiq al-Husayni al-Ruhani, Fiqh al-□adiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 438

55. The hymen can be broken on account of consensual sex, masturbation, rape, disease, accident, injury, medical examination, physical exercise, cycling, the use of a tampon during menstruation, and so on. By contrast, there are women whose hymen still remains intact even after having had penetrative sex.

56. Muhammad □adiq al-Husayni al-Ruhani, Fiqh al-□adiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 25, pp. 420-421

57. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 462, # 1

58. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 251

59. Ibid

60. Abu Ja'far Muhammad b. al-Hasan al-□usi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 255, Ch. 24, # 27 (1102)

61. Muhammad Baqir al-Majlisi, Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 41, # 27

62. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 462, # 2

63. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 251

64. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 6, p. 109, # 1

65. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 21, p. 185

66. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 169, # 1

67. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 19, p. 165

68. Muhammad □adiq al-Husayni al-Ruhani, Fiqh al-□adiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 190

69. Abu Ja'far Muhammad b. al-Hasan al-□usi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 467, Ch. 41, # 80 (1870)

70. Muhammad □adiq al-Husayni al-Ruhani, Fiqh al-□adiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 190

71. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 393, # 1

72. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 129

73. Ibid

74. Muhammad □adiq al-Husayni al-Ruhani, Fiqh al-□adiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 154

75. Abu Ja'far Muhammad b. al-Hasan al-□usi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 254-255, Ch. 24, # 24 (1099)

76. Muhammad Baqir al-Majlisi, Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 39, # 24

77. Muhammad □adiq al-Husayni al-Ruhani, Fiqh al-□adiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 21, p. 155

78. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 251

79. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 455, # 1

80. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 238

81. Ibid

82. Abu Ja'far Muhammad b. al-Hasan al-□usi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, pp. 262-263, Ch. 24, # 60 (1135)

83. Muhammad Baqir al-Majlisi, Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 54, # 59

84. See Qur'an 4:25, 5:5, 33:50, and 60:10

85. See Qur'an 4:24

86. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 455, # 2

87. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 238

88. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 455, # 4

89. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 239

90. Abu Ja'far Muhammad b. al-Hasan al-□usi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 264, Ch. 24, # 66 (1141)

91. Muhammad Baqir al-Majlisi, Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 58, # 65

92. Muhammad □adiq al-Husayni al-Ruhani, Fiqh al-□adiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 36

93. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 465, # 2

94. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 255

95. Muhammad □adiq al-Husayni al-Ruhani, Fiqh al-□adiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, pp. 48-49

96. Abu Ja'far Muhammad b. al-Hasan al-□usi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 264, Ch. 24

97. Abu Ja'far Muhammad b. al-Hasan al-□usi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 264, Ch. 24, # 66 (1141)

98. Muhammad Baqir al-Majlisi, Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 58, # 65

99. Muhammad □adiq al-Husayni al-Ruhani, Fiqh al-□adiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 36

100. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 465, # 1

101. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 255

102. Abu Ja'far Muhammad b. al-Hasan al-□usi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 265, Ch. 24, # 69 (1144)

103. Ibid, vol. 7, pp. 264-265, Ch. 24, # 67 (1141)

104. Muhammad □adiq al-Husayni al-Ruhani, Fiqh al-□adiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 48

105. Abu Ja'far Muhammad b. al-Hasan al-□usi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 265, Ch. 24

106. Muhammad Baqir al-Majlisi, Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar (Qum: Maktabah Ayatullah al-Mar'ashi; 1407 H), vol. 12, p. 59, # 66

107. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 6, p. 109, # 1

108. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 21, p. 185

109. Muhammad □adiq al-Husayni al-Ruhani, Fiqh al-□adiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 23, p. 15

110. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 6, p. 109, # 2

111. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 21, p. 185

112. Muhammad □adiq al-Husayni al-Ruhani, Fiqh al-□adiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 23, p. 15

113. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 6, p. 119, # 8

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

115. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 6, p. 85, # 3

116. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 21, p. 145

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

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

119. Muhammad □adiq al-Husayni al-Ruhani, Fiqh al-□adiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 23, p. 10

120. See Qur'an 65:4

121. Qur'an 2:234

122. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-

Islamiyyah) [annotator: ‘Ali Akbar al-Ghiffari], vol. 6, p. 119, # 8

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

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

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

126. Abu Ja’far Muhammad b. Ya’qub b. Ishaq al-Kulayni al-Razi, al-Furu’ min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: ‘Ali Akbar al-Ghiffari], vol. 5, p. 458, # 3

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

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

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

130. Abu Bakr ‘Abd al-Razzaq b. Hamam al-San’ani, al-Musannaf [annotator: Habib al-Rahman al-A’zami], vol. 7, p. 499, # 14025

131. Abu Ja’far Muhammad b. Ya’qub b. Ishaq al-Kulayni al-Razi, al-Furu’ min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: ‘Ali Akbar al-Ghiffari], vol. 5, p. 451, # 6

132. Muhammad Baqir al-Majlisi, Mir-at al-‘Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 232

133. Muhammad Sadiq al-Husayni al-Ruhani, Fiqh al-Sadiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 51

134. Shams al-Din Muhammad b. Ahmad b. ‘Uthman al-Dhahabi, Siyar A’lam al-Nubala (Beirut: Muasassat al-Risalah; 9th edition, 1413 H) [annotators of the sixth volume: Shu’ayb al-Arnau and Husayn al-Asad], vol. 6, p. 331, # 138

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

136. Muhammad Baqir al-Majlisi, Mir-at al-‘Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 243

137. Abu Ja’far Muhammad b. Ya’qub b. Ishaq al-Kulayni al-Razi, al-Furu’ min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: ‘Ali Akbar al-Ghiffari], vol. 6, p. 114, # 6

138. Muhammad Baqir al-Majlisi, Mir-at al-‘Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 21, p. 196

139. Abu Ja’far Muhammad b. Ya’qub b. Ishaq al-Kulayni al-Razi, al-Furu’ min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: ‘Ali Akbar al-Ghiffari], vol. 6, pp. 113-114, # 1

140. Muhammad Baqir al-Majlisi, Mir-at al-‘Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 21, p. 195

141. Muhammad Sadiq al-Husayni al-Ruhani, Fiqh al-Sadiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 56

142. Qur’an 65:4

143. Abu Ja’far Muhammad b. Ya’qub b. Ishaq al-Kulayni al-Razi, al-Furu’ min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: ‘Ali Akbar al-Ghiffari], vol. 6, p. 103, # 1

144. Muhammad Baqir al-Majlisi, Mir-at al-‘Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 21, p. 173

145. Muhammad Sadiq al-Husayni al-Ruhani, Fiqh al-Sadiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 332

146. Abu Ja’far Muhammad b. al-Hasan al-Tusi, al-Istibsar (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 3, p. 152, Ch. 100, # 1 (557)

147. Muhammad Baqir al-Majlisi, Maladh al-Akhyar fi Fahm Tahdhib al-Akhbar (Qum: Maktabah Ayatullah al-Mar’ashi;

1407 H), vol. 12, p. 67, # 78

148. Muhammad ṣadiq al-Husayni al-Ruhani, Fiqh al-ṣadiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 43

149. Abu Ja'far Muhammad b. al-Hasan al-ṭusi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 264, Ch. 24, # 66 (1141)

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

151. Muhammad ṣadiq al-Husayni al-Ruhani, Fiqh al-ṣadiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 36

152. Abu Ja'far Muhammad b. al-Hasan al-ṭusi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 269, Ch. 24, # 82 (1157)

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

154. Muhammad ṣadiq al-Husayni al-Ruhani, Fiqh al-ṣadiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 43

155. Ibid

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

157. See Qur'an 24:6-9

158. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 6, p. 166, # 17

159. Muhammad Baqir al-Majlisi, Mir-at al-'Uqul fi Sharh Akhbar Al al-Rasul (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 21, p. 276

160. Muhammad ṣadiq al-Husayni al-Ruhani, Fiqh al-ṣadiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 44

161. Abu Ja'far Muhammad b. Ya'qub b. Ishaq al-Kulayni al-Razi, al-Furu' min al-Kafi (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: 'Ali Akbar al-Ghiffari], vol. 5, p. 458, # 1

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

163. Muhammad ṣadiq al-Husayni al-Ruhani, Fiqh al-ṣadiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 57

164. Abu Ja'far Muhammad b. al-Hasan al-ṭusi, Tahdhib al-Ahkam (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Hasan al-Musawi al-Khurasan], vol. 7, p. 264, Ch. 24, # 66 (1141)

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

166. Muhammad ṣadiq al-Husayni al-Ruhani, Fiqh al-ṣadiq (Qum: Muasassat Dar al-Kitab; 3rd edition, 1414 H), vol. 22, p. 36

167. Abu Bakr 'Abd al-Razzaq b. Hamam al-ṣa'nani, al-Muṣannaf [annotator: Habib al-Rahman al-A'ṣami], vol. 7, p. 499, # 14025

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