



REVEALING THE TRUTH

Mut'ah; a comprehensive guide

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1. The Marriage of Mut'ah

1. Introduction

Preface

The Shi'a of Maula 'Ali (as) are a people whose legacy of truth is so sharp and hard hitting that many of our opposing *'ulama* choose to steer clear from engaging in any type of lively discussions with us. Their fear is so strong that these self declared advocates of the first three khalifas do not have the courage to debate with us on issues of belief. Alhamdulillah in the Indian Subcontinent when the handful of brave defenders have sought to engage in debates with us on the topic of the first three khalifas, these Nasibi flee with their tails in between their legs, with no means of escape. Too stubborn to acknowledge defeat, these followers of Mu'awiyah have gone back to the drawing table and devised a brand new approach altogether, where they attack the Shi'as on issues of *fiqh*.

Despite the fact that the four Sunni madhabs are bitterly divided amongst themselves on issues of fiqh to the point that they cannot even agree on how Rasulallah (s) offered salat, these noble warriors have not been undeterred, and have chosen to ignore their own differences and set sights on the Shi'a. Mut'ah is an issue linked to fiqh, a topic which like many has created many differences amongst the 'ulama. The only reason that these Nasibis (enemies of the Ahl al-Bayt (as)) have chosen to clog their Web Sites and books with articles and books is to keep the Shi'a 'ulama busy, so that they are provided with fewer opportunities to highlight the transgressions of their khalifas. Many followers of Mu'awiyah have dedicated hours of their free time on this topic, and we pray that this book shall answer all the propaganda and lies that are perpetuated against us. Those great works that we have singled out for special attention are as follows:

1. [!\[\]\(7a8011739ec4e250e2f89a547d75fb0a_img.jpg\) The unlawfulness of Mut'ah by Maulana Mufti Muhammad Shafi](#)
2. [!\[\]\(07dce76283bf618e2364d95ae0021e26_img.jpg\) The Shi'a practice of the forbidden temporary marriage, by Abu Sufyan](#)
3. [!\[\]\(44ee86b940d3a0ca166486da8985875e_img.jpg\) Temporary Marriage by an unnamed Muslim Sister](#)
4. [!\[\]\(2262b99b3a4953f9b3dfd64b89c00d2e_img.jpg\) Temporary Marriage & Its Illegitimacy in Islam, by Nida'ul Islam magazine](#)
5. [!\[\]\(72fd141c2b650e3974b4ac376f402874_img.jpg\) Shiah Concept of Temporary Marriage, by Dr. Ahmad 'Abdullah Salamah](#)
6. [!\[\]\(2477f3a1e0e03bb543b1e7662e8cfcee_img.jpg\) 'Muta \(Temporary marriage Or Legalised Prostitution\)' by Maulana Haq Nawaz Jhangvi](#)
7. [!\[\]\(b3585519a49e38e8d8527211b2b955fa_img.jpg\) 'The Difference between the Shee'ah and the Muslims who follow the Sunnah' by Saeed Ismaeel](#)
8. [!\[\]\(adbcc76182846c2ac4eb313487e4a2bb_img.jpg\) Excerpts from "Al-Halal wal-Haram fil Islam" by Yusuf al-Qaradawi](#)
9. [!\[\]\(e44030763054d056f0c2076bb43543da_img.jpg\) Did Hazrat Umar abrogate Muta'? taken from 'Islamic Voice Monthly \[Vol 13-11 No:155\] November 1999.](#)
10. [!\[\]\(69fd8fc035f6423999c8bc336ddaacf7_img.jpg\) 'Fatwa' by Darul-Iftah Jamia Ashrafia](#)
11. [!\[\]\(6a9cf1e556842e523644649bd85d3d25_img.jpg\) Mut` ah by Understanding-Islam.com](#)
12. [!\[\]\(4083627e3f79a04c0c7f38ba137b4c9d_img.jpg\) 'Aboobakr's daughter made Temporary Marriage?'](#)

13. Tauhfa Ithna Ashari by Al Muhaddith Shah Abdul Aziz Dehlavi
14. Khutbah Jail by Maulana Azam Tariq (former leader of Sipah-e-Sahaba, Pakistan)
15. Hurmut Mu'tah, by Muhammad'Ali Jaanbaz (founder of Jamia Ibrahimiyah, Siyalkot, Pakistan)
16. Hurmut Mu'tah by Husayn Surwandhi (Pakistan)
17. Tahqeeq Mu'tah by Mufti Bashir Ahmed Sayrpuri (Pakistan)
18. Muta ya Zina? By Allamaa Ahmad Wasaya (Pakistan)
19. In this 2nd edition of our article, we will also be refuting the lies posted in various articles on Mutah by Ibn al-Hashimi, an ignorant Nasibi author of <http://www.ahlelbayt.com/articles/mutah>

Note: All the above articles are backed-up and are available to download in ZIP format. Please click on the link above titled "Original articles against Mut'ah".

These great writers told numerous lies and sought to throw as much filth as they could get in their hands, and abandoned all principles of honesty and intellectual rigour whilst seeking to achieve their objective. We felt that it was essential that we answered these 'defenders of decency' back, in the manner that they deserve. We have raised our pens and now ask for justice before our readers, by citing evidences from the Qur'an, hadith, testimonies of the Sahaba and the Salaf 'ulama to support our arguments.

May Allah (swt) accept our intention, and bless Prophet Muhammad and his purified family.

2. What is Mut'ah?

Mut'ah is a type of marriage, used in the same way as a permanent marriage (Nikah) in order to make a man and woman physically halaal to each other. A Mut'ah is a temporary marriage that ends at a fixed period. Imam of Ahl as-Sunnah Waheed ad-Deen az-Zaman, in his footnotes of Sunan ibn Majah, defined Mut'ah as follows:

Mut'ah is a type of Nikah until an agreed time. It can be for a day, two days, a month, one year, three years etc.

Waheed ad-Deen az-Zaman. Sunan Ibn Majah. Volume 2, p. 76

Imam Nawawi in his commentary of Sahih Muslim, relied on the definition of Mut'ah advanced by Imam of Ahle Sunnah Qadi Iyad as follows:

وَاتَّفَقَ الْعُلَمَاءُ عَلَى أَنَّ هَذِهِ الْمُتَعَةَ كَانَتْ نِكَاحًا إِلَى أَجَلٍ لَا مِيرَاثَ فِيهَا , وَفِرَاقَهَا يَحْصُلُ بِإِنْقِضَاءِ الْأَجَلِ مِنْ غَيْرِ طَّلَاقٍ

"Ulema agree that this Mut'ah is a Nikah in which the husband and wife do not inherit from each other and separation would take place on the completion of the Specified time without Talaq".

Sharh Sahih Muslim, Volume 4 page 13

The Sunni scholar Allamah 'Abd Ar-Rahman al-Jazeri in his *Al-fiqh 'Ala Al-Madhahib al-Arba'* said:

أما حقيقة نكاح المتعة، فهو أن يقيد عقد الزواج بوقت معين، كأن يقول لها: زوجيني نفسك شهراً. أو تزوجتك مدة سنة. أو نحو ذلك، سواء كان صادراً أمام شهود وبمباشرة ولي، أو لا

The reality of Nikah Mut'ah is that, in the marriage recital performed with a woman, words are added which stipulate that the marriage is for a fixed time. For example a man shall say 'she shall remain as my wife for a month, or I shall have Nikah Mut'ah with you for a year.' The parties themselves act as witnesses. It can occur in the presence of a Wali or witnesses, or without them.

Al-fiqh 'Ala Al-Madhahib al-Arba' (Lahore Edition) Volume 4, page 167

The book can also be downloaded from the following Salafi library

<http://saaid.net/book/open.php?cat=4&book=2692>

The Sunni and Shi'a have no disagreement as to its original permissibility, though in recent years a number of Wahabis have claimed that Mut'ah was never permissible at all (contradicting the mainstream Sunni attitude). Sunnis believe that, in spite of its original permissibility in Islamic law, it was later abrogated, whereas the Shi'a reject this view. According to the teachings of the Imams (as) who came after the Prophet (s), Mut'ah was never abrogated and continues to be halaal until the Day of Judgement. The Prophet (s) neither deemed it haram, nor put an end to it, nor did Allah (swt) send a verse abrogating it. Rather, Mut'ah was declared impermissible by 'Umar ibn al-Khattab, in direct contradiction to the command of Allah (swt) and His Prophet (s).

2. How is Mut'ah Contracted?

The contracting of Mut'ah is just like that of Nikah, both require specific words to make the contract halaal - both types of marriage have Dower. The difference between Mut'ah and standard Nikah is that there is no specified time scale, whilst a time scale is necessary with Mut'ah. Mut'ah has many Shari'ah rules / regulations if one wishes to learn further they should consult Shi'a books of fiqh.

3. Which type of women can you contract Mut'ah with?

Similar rules that apply for Nikah apply for Mut'ah - if certain types of women are haram for a man to contract Nikah then the same rule applies with Mut'ah. A man cannot contract Mut'ah with a married women, as is the case with a normal Other rules along this line are stipulated in our books of fiqh, which will be discussed in the appendix.

4. Iddah (Waiting Period) in Mut'ah

Iddah is obligatory upon women in Mut'ah, just like in Nikah i.e.

1. A woman cannot enter into Mut'ah marriage, till the time she has become pure by observing the 'iddah (waiting period) from her earlier husband.
2. And after expiration of Mut'ah marriage, again she has to observe 'iddah, before getting married (either Nikah or Mut'ah) to any other person.

5. What is the position of children born from Mut'ah?

There is no difference between the children of Nikah or Mut'ah. Both are considered legitimate under the Shari'ah - they inherit from their parents, and all Islamic laws apply with regards to paternity.

6. Do all principles that apply on women in Nikah also apply in Mut'ah?

Yes the same principle/rights apply - two people cannot contract Mut'ah with the same woman at one given time, and so forth. We will discuss this further in our appendix.

3. The necessity of Mut'ah

It is a matter of fact that Allah (swt) has placed within humans certain innate characteristics including sexual desire. Allah (swt) is not unjust to his Creations He does not place this desire into human beings, and then tell them to quash such feelings (as is the thinking of certain religions) - on the contrary Allah (swt) provides the means of controlling that desire via the institution of marriage - and during the lifetime of Rasulallah (s) both types of Nikah ran in parallel with one another Nikah and Nikah Mut'ah. From an analytical point of view, let us take the example of one Islamic Republic, Pakistan. The average marital age for the Pakistani male is 30 years, while for a female it is around 25 years of age. Pakistani parents assume that their offspring are 'angels' and perpetuate no sins of the flesh until they marry. Sadly, contrary to the conjecture of Pakistani parents, many of their offspring do indulge in immoral practices. In the Islamic Republic of Pakistan:

1. Masturbation is a widespread problem
2. There are thousands of video centers supplying pornographic movies.
3. Pakistani cinemas show porn movies.
4. There are 'red light areas' in almost every city

Why does the the Islamic Republic of Pakistan possess such evils in its society? Let us give you a simple answer. Just read the following tradition:

Narrated 'Abdullah Ibn Masud: We used to participate in the holy battles led by Allah's Apostle and we had nothing (no wives) with us. So we said, "Shall we get ourselves castrated (for fear of making sin)?" He forbade us (to castrate ourselves) and then allowed us to marry women with a temporary contract (Mut'ah) and recited to us: 'O you who believe! Make not unlawful the good things, which Allah has made lawful for you, but commit no transgression.' (5.87)

Sahih al Bukhari Volume 7 tradition 13a

This tradition makes the following things clear to us, the Sahaba (including the great Sahaba like Abdullah Ibn Masud):

- Were unable to control themselves for even a small period of time (i.e.during battles), and were convinced that they would indulge in sin.
- had wives at home, but the period away from them (due to war) was long enough for them to indulge in sin.

This being the case, how can Pakistani parents expect their children to live like infallible angels until they attain the age of 30? Do Pakistani Muslim parents believe that their children are at a greater level of Iman than the pious Sahaba like Abdullah Ibn Masud?

Now let us cite another example. Initaly, Allah (swt) made it Haram for the Sahaba to go to their wives for all thirty nights during the month of fasting. But what happened? The Sahaba were unable to control their sexual desires, even for only thirty consecutive nights and hence they would climb over the backwalls of their houses and sleep with their wives. Upon that Allah (swt) sent a new revelation in the Quran:

أَجَلٍ لَكُمْ لَيْلَةَ الصِّيَامِ الرَّقْتُ إِلَىٰ نِسَائِكُمْ هُنَّ لِبَاسٍ لَكُمْ وَأَنْتُمْ لِبَاسٍ لِهِنَّ عَلِمَ اللَّهُ أَنَّكُمْ كُنْتُمْ تَخْتَانُونَ أَنْفُسَكُمْ فَتَابَ عَلَيْكُمْ وَعَفَا عَنْكُمْ قَالَانَٰ بِأَشْرَوْهِنَّ وَابْتَغُوا مَا كَتَبَ اللَّهُ لَكُمْ

[Shakir 2:187]

It is made lawful to you to go into your wives on the night of the fast; they are an apparel for you and you are an apparel for them; Allah knew that you acted UNFAITFULLY to yourselves, so He has turned to you (mercifully) and removed from

you (this burden).

The Sunni Ulema in their commentaries of this verse have recorded that Umar Ibn Khattab and other Sahaba were unable to control their sexual desires even for thirty nights.

"Sahaba refrained from going to their wivies during Ramadhan, but some used to commit mistakes due to which this verse was revealed. It is narrated in one tradition that such mistake was committed by several men that also included Umar Bin Khattab, who after Mahgrib prayers did intercourse with his wife. Then people launched complaints about it before Prophet [s] and then these blessed verses were revealed. According to one tradition. When Umar came to the Prophet [s] and told Him [s] the story, He [s] said: 'O Umar, I had not expected this from you'. Thus, this verse was revealed"

 [Tafseer Ibn Katheer \(Urdu\), Volume 1 page 41 \(Dehli\)](#)

Qadi Thanauallah Pani Patti al-Hanafii records the following in his authority work Tafseer Mazhari:

"Bukhari has narrated from Hadrath Bura [ra] that when the fasts of Ramadhan were made obligatory, people refrained from going to their wives for the whole month of Ramadhan but incidentally some men did intercourse with their wives, therefore Allah [swt] revealed the verse: '*Allah knew that you acted unfaithfully to yourselves*'. Imam Ahmed, Ibn Jareer and Ibn Abi Hatim have narrated from Abdullah Ibn Ka'ab who narrated from his father that the condition of the people during Ramadhan was such that if someone sleeps in the evening, then eating, drinking and approaching his wife would get Haram and will remain so till the time of Iftaar next day. One night Umar [ra] got late while chatting with the Holy Prophet [s], when he returned home, he planned to do intercourse with his wife, she objected and argued that she had slept but Umar argued that he wasn't slept, after that he started doing intercourse with her and similar act was committed by Ka'ab bin Malik [ra]. Next morning, Umar [ra] told the incident to Holy Prophet [s]"


 [Tafseer Mazhari, Volume 1 pages 251-252](#)

When the 'great' Sahaba that Ahle Sunnah venerate were incapable of controlling their sex drives for thirty days, how can Pakistani parents expect that their children to successfully control their sexual desires until the age of 30 or until they get married?

Sex is a reality, whilst it might be taboo in Islamic societies the fact is, it happens and people use all manner of methods to release sexual tension that ultimately leads to individuals falling into the lowest forms of depravity such as prostitution, paedophilia and homosexuality. If it is assumed that this problem is only synonymous with the West then allow us to highlight the case in Pakistan:

The largest and most popular group of Pakistani newspapers is the "Jang Group of Newspapers". According to them, in the city of Lahore alone, there are more than 55 thousand sex workers in total, and out of them 19 thousand are children. This news is absolutely shocking. Please read complete news which also telling about HIV and other issues of these sex workers.

One would assume that Islamic schools would be houses of protection, far aloof from sexual abuse; sadly this is not the case. In Pakistan, this is an appalling reality that Dr Amir Liaqat, the minister for religious affairs in Pakistan highlighted in the Senate in 2007. Child sex abuse is rife in Pakistani madrassas. This evil has spread its tentacles into Pakistani society and has even taken the shape of custom in many areas, to the point that it is not even frowned upon by people. Moreover, sex evil is also heigh in all over Arabic Countries, see the link:

 <http://fjordman.blogspot.com/2005/03/hidden-in-plain-sight-prostitution-in.html>

Though we are avoiding to go in this issue at moment, but to quote one such incident, a police

raid unearthed a 'mini-jail' set up at a seminary in the suburban of the Kotaddu city of Pakistan wherein the children were detained, tortured and sodomised.

 [Read the story from the zipped webpage of daily Dawn](#)

Whilst an Islamic State may indeed be successful in curbing vices, you cannot prevent the influences of Western ideology entering into a Society. Images of sexual behaviour are rife in the West, sex before marriage is a norm. Whilst in the past Muslim countries might have been able to block such behaviour, Western images through the Web and Media means that there is no effective means of preventing Muslims from being exposed to the lures of sexual freedom. The harsh reality is Muslim countries have been unable to control such voyeurism. According to the BBC Website:

1. 45.1% Pakistani net users regularly visit porno websites
2. 31.9% Pakistani net users visit Newspapers websites.
3. 19.5% Pakistani net users visit other websites.

 www.bbc.co.uk/urdu

 [bbc article zipped](#)

Similarly "Google Trend" shows that Pakistan is No. 1 in the world for searching for word "SEX".

 <http://www.google.com/trends?q=sex&ctab=1&date=all&geo=all>

 [google trend zipped](#)

"Google Trend" lists the first 10 Countries where users search most for word "SEX". And out of these 10 Countries, 6 are Muslim Countries. This is a point which should make Muslim Parents think more about their children.

Actually, this is no surprise when one sees internet cafes populated by youth observing pornographic material on the internet. Frequent Pakistani Government attempts to curb this problem have all been in vain. In the past people could only access pornography from video centers, people can now access it at the click of a mouse button.

Similar difficulties have also been brought by television cable networks in Pakistan that show pornographic movies and western movies without any form of censorship.

The situation is all the more difficult for pious Muslims living in the West, parents may try their utmost to prevent such activity influencing minds, but how can they hide their children from a Society where all taboos have ended, the move towards a tolerant society includes the acceptance of sex before marriage and homosexual relationships. Pressure on Muslim youth living in places such as University Halls is even greater where there is a pressure to conform, to be one of 'us'. Parents living in Muslim countries would be very naïve if they assumed that these difficulties only refer to the generation of Muslims born in the West, and not to their beloved children, that the send out to study. Such parents send their children for 4-5 years to study in Europe. They mistakenly believe that they are angels who would commit no sin during this period, rather they will remain locked inside their flats, reading the Qur'an and praying Salat. Unfortunately, they are totally wrong. The reality is many of these 'students' who enter these hedonistic European societies may avoid alcohol, and haraam meat, they may avoid going to Discos, many do become victims of lust / sex that opens the door to further sins. Their steps into deviation are as follows:

- They set about locating girls.
- Unable to locate them in the immediate locality they switch venues to disco's wherein women can be easily located. Their intention is not to listen to music or dance; it is simply to form relationships with women.
- Once they are in Discos, they see girls drinking alcohol, and ultimately such Muslim students also start to drink in order to gain their company (i.e. whilst alcohol does not

interest them, it becomes a means to an end, and as such committing this sin will aid their ultimate aim of bedding women).

- The need to maintain female company also compels them to eat Haram Meat (although the majority of them still avoid eating/touching pig meat)
- They satiate their sexual desires by sleeping with European girls.

It is sheer stupidity for Pakistani parents to assume that their children are leading monastic lives studying in European countries, when they are fully aware that the married Sahaba were unable to control their sexual desires for 30 consecutive nights of Ramadhan, or even worse just for few nights when setting out for war.

Such evils experienced by Muslims in Europe might have influenced Muslim Students to perform "Misyar Marriage" i.e. to marry European girls with the intention of deception and leaving them after their studies are complete. Such deception has no basis in the Qur'an or Sunnah.

7. Can fasting be the answer to eminating one's sex drive?

Some people still believe that there is no need of encouraging Mutah in society, and for them 'fasting' is enough to remove all the evils of masturbation, Porno movies, red light areas etc. Fasting is indeed an effective way of controlling oneself, but look at all of the Islamic societies where fasting is already being encouraged and performed, despite this, these evils are growing more and more. Why?

The reason is you cannot control the "MASSES" through Fasting alone. You need to fulfil their 'natural demand' in a natural way, while fasting is the 'last option' when one is unable to find a woman for marriage. If the logic of "masses" and "last option" is still not clear, then look at the following example of fasting by the Sahaba.

8. "The fasting Sahaba" were unable to control themselves during month of Ramadhan

The Sahaba, who were already married, had to stay away from their wives for 30 nights during the month of Ramadhan. But their fasting was unable to help them control their sexual desires for those 30 nights and they committed sexual sins. And upon that Allah (swt) had to reveal this verse:

[Shakir 2:187]

It is made lawful to you to go into your wives on the night of the fast; they are an apparel for you and you are an apparel for them; Allah knew that you acted UNFAITFULLY to yourselves, so He has turned to you (mercifully) and removed from you (this burden).

Those Sahaba were already married, but natural desires were so strong that they were unable to keep a check on their testosterone levels for 30 nights (despite their fasting). When the Sahaba encountered such sexual frustration what can we expect of present day Muslim youth who remain unmarried until the age of 30 in a society surrounded engulfed with impudent activities and vice, are they really going to act like angels for such long period of time?

Alhamdulillah the message of Allah (swt) is clear to us:

- You cannot control the "Masses" through fasting only.
- The first option is to fulfil this natural demand in a natural way i.e. by marrying either permanently or temporarily (based on a respective situation).
- Permanent marriage (i.e. Nikah) is preferred over all other options.

- If the conditions for permanent marriage are unsuitable, then the second option is temporary Marriage (i.e. Muttah), as it was personally recommended by Rasul Allah (saw) himself during battles and time of Hajj [as the Sunni tradition recorded in Sahih Muslim narrated by Sabra proves].
Simple conclusion is Rasul Allah (saw) recommended/ordered to perform Muttah in all cases when one is away from his permanent wife and is in danger of indulging in sin.
- Fasting is a last option to curtail this problem i.e. when one is in a condition wherein he is unable to find any suitable woman either for Nikah or Mutah, even then he is not allowed to commit evils, but he has to fast and still protect himself from such evils].

Islam is applicable to all situations until the day of judgement. In earlier centuries traders had to visit other countries. One trip could take months even years. Do you believe they would act like angels for that whole period in terms of controlling their sexual desires? For present day Muslim students who visit Europe for 4-5 years for studying, Mutah marriage is highly recommended for them (and if they fear indulging in sin, it becomes obligatory on them to enter into a permanent or temporary Nikah. Muslims have only two options either fornicate or seek out the means of lawful intercourse via the contracting permanent or temporary marriage. The Sahaba were unable to control their sexual desires through fasting or whilst away for brief periods which is Rasulallah (s) ordered that they contract Mut'ah, would Allah (swt) not provide for the same option for later generations of Muslims, who often spend months and even years away from home (due to work and study commitments)? Would Allah (swt) really leave such people to their own devices, or would he provide the relevant safety mechanism? Sexual desire exists in humans, and in the same way Allah (swt) assisted the frustrated Sahaba to relieve themselves by utilising Mut'ah, Allah (swt) has also given Muslims that option today.

When the present day Saudi Ulama (like Bin-Baz) were presented with problems of Muslims students in West, they innovated a new type of thing in Islam, and marketed it with the name "Misyar Marriage" (i.e. marrying a girl with intention of deceiving by divorcing her later on).

The facts are clear to us:

1. No one could deny that it was Rasul Allah (saw) himself who RECOMMENDED (in fact ORDERED) Mutah Marriage in order to save oneself from sin.
2. The argument of "Fasting" alone, cannot counter the well established recommendation/orders of Rasul Allah (saw) in relation to Mutah Marriage.

Allah (swt) and Rasulallah (s) never told the Muslims to control their sex drive via monasticism, neither did He (swt) give an order that they relieve themselves by acts such as masturbation or sex with melons - these innovations entered the religion later by the Ahl'ul Sunnah Ulema as methods of preventing Zina when these Ulema prescribed such curious methods to prevent Zinah don't you think Allah (swt) who is the best of Planners would have also prescribed the appropriate method? Alhamdulillah He (swt) did, He provided the option of temporary marriage to his adherents, a marriage that according to Ibn Abbas can be reinstated in emergency scenarios. An emergency scenario is clearly open to interpretation, and is very personal thing if a person needs a means of controlling his sexual desire then that emergency scenario has triggered and s/he can utilise Mut'ah. On a wider level if emergency scenario does not arise in the West where the pressure to commit Zinah is so great that safe sex is taught as part of a Curriculum in High Schools then when will it arise?

We hereby cite a few examples, about Mut'ah being a basic necessity for the human nature, and where this emergency situation clearly arises.

- In History of Tabari, we learn that when Umar sought to justify his prohibition of Mutah saying "**The Messenger of God permitted it at the time of necessary. Then people regained their life of comfort**" (*History of al-Tabari, English version, Volume 14, pp 139 & 140*). This reasoning carries no basis since we learn that the Sahaba would practice it whilst away on journeys etc. Traveling was not just restricted

to the lifetime of the Holy Prophet (s). Man still travels today's, to even greater lengths, periods etc. If Rasulullah (s) permitted the Sahaba to partake in Mutah while on journeys, hence the need arose, the same is the case today. Whenever man sets foot on the earth the need to travel always emerges. Sometimes traveling can involve man going thousands of miles away from home, sometimes for months, even years. Do one's sexual desires just evaporate when an individual is traveling? Sexual desire isn't like some light switch that turns off when a man leaves his wife to set off on his travels, and turns back home when he gets back! Sexual desire is something that remains permanently with a human, when it accompanies him at all times then how can he curtail such sexual feelings? When someone is traveling and accessing his wife is impossible, and he is incapable of summing her to join him, then what will a young red blooded male do? Miles away from home, feeling sexually aroused his situation is not one wherein he can get permanently married, so what is he to do? He will feel the only way that he can relieve himself is by amalgamating himself into the society around him. Islam does not permit a person to sexually relieve himself through masturbation nor is he permitted to adopt the ways of the kufr and indulge himself in fornication, it offers him a legitimate mechanism with which to relieve himself and that is temporary marriage. That is exactly why Maula Ali (as) said: **if it were not Umar forbidding it, no one would commit (the sin) of fornication except the wretched (Shaqi; an utmost wrongdoer).**" (*Tafseer Dur al-Manthur, Volume 2 page 486*)

- It is not just traveling, that might necessitate Mutah, there are many in society who just does not have the financial ability / standing to get permanent married, yet they still have sexual desires, again Mutah is there to ensure that they practice sex within the boundaries set by Allah (swt).
- In some countries the law says a non-naturalised citizen cannot marry a woman and take her back to his country. In this circumstance if Mut'ah is performed, after the set period both the man and the woman are free, from each other. If marriage is commenced then the couple are tied with other for the rest of their lives, or they will get tangled in achieving a divorce.
- Islam is a religion that is suited for all nations and ages. Mut'ah is a good example of that. It is only the Deen of Islam that caters for sexual desire by permitting a legitimate method of control. For others societies the only mechanism that they see as the solution to relieving sexual feelings is through the practice of fornication. In the western world adultery and fornication are common and openly performed. Mut'ah is a way of protecting a person from committing these serious sins and vices.
- One of the benefits of Mut'ah is that a couple who do Mut'ah get to understand each other better over that period of time. If all goes well, when the period of Mut'ah is over they may engage in a permanent marriage. This could also be in a reverse case, if all does not go to plan then they may go their own ways after the limit of Mut'ah. Rather than getting married and then having a divorce Mut'ah is a great way of overcoming this undesirable act (divorce).
- Mut'ah is particularly advantageous to reverts. For male reverts to Islam in relationships with non-Muslims prior to reverting, practicing Mu'ta is the only option they have to continue their marriage in a lawful manner. Rather than being forced to walk out of the family unit, performing Mutah provides the opportunity for a new revert to propagate / show his beliefs to his spouse on a practical basis. It is far more beneficial than walking out of a relationship, and then utilizing phone conversation about child maintenance to perform dawah over the phone. Spouses have the opportunity to practically see how Islam has changed their husband, and this is much more likely to change them than brief conversations! From this context we can understand why Ibn Abbas (ra) described Mutah as a blessing, it certainly is for reverts keen to continue conjugal relations, and influence their partners. For reverts married to a non-Muslim -- it leaves open the door for the non-Muslim spouse to more fully explore Islam without having to be forced to choose to revert under difficult and 'forced' conditions of Nikkah.

4. Qur'anic Evidences for the Legitimacy of Mut'ah

The first set of evidences for the permissibility of Mut'ah lie in the Holy Qur'an itself. It is commonplace that, when arguing with the enemies of the Ahl al-Bayt (as), any and all Sunni narrations that support the stance of the Prophet (s) and his family are dismissed as being "weak" (*da'eef*), even when the book is found in one of the allegedly *sahih* collections (such as that of Bukhari or Muslim). No reason is ever given for why the *hadeeth* is weak; rather, the claim serves as a failsafe when the Ahl al-Bayt (as)'s enemies are backed into a corner by their own hadeeth literature. As such, we will first deal with the text of the Holy Qur'an itself, and discover how the Qur'an legitimises *Mut'ah*, and how the vast majority of Sunni scholars have accepted this.

9. Authentic Sunni Ahadith prove that the verse of temporary marriage revealed in the Quran was never abrogated

It is indeed surprising to see that some of the Nawasib even try to turn their eyes from historical proofs and go on to claim that there never exist a verse regarding temporary marriage. Let us bring the testimony of the Sahaba they adore about the verse of temporary marriage in Quran.

10. The testimony of Imam Ali [as]

Imam Jalaluddin Suyuti records:

Narrated Abdulrazaq and Abu Dawoud in (book) Nasikh and narrated ibn Jareer from al-Hakam that he was asked whether the verse on Mut'ah has been abrogated, he said: "No, Ali (RA) said that if it were not Umar forbidding it, no one would commit (the sin) of fornication except the wretched (Shaqi; an utmost wrongdoer)."

[Tafseer Dur al-Manthur, Volume 2 page 140](#)

Also see

[Online Tafseer Tabari](#)

All the narrators of this tradition are authentic. Muhammad bin al-Muthna: Imam Dhahabi called him Thiqa.

Muhammad bin Jafar: Dhahabi says that he was one of the most accurate narrators.

Shu'ba bin al-Hajaj: According to Imam Dhahabi he is Ameer ul Mumineen in hadith.

Al-Hakam bin Utebah al-Kindi: According to Imam Dhahabi he is thiqah and 'sahib sunnah'.

11. Testimony of Imran bin Hussain

We read in Sahih Bukhari, Book of "Tafseer of Prophet":

Narrated 'Imran bin Husain:

"The Verse of Mut'a was revealed in Allah's Book, so we did it at the time of Allah's Apostle, and nothing was revealed in Quran to make it illegal, nor did the Prophet prohibit it till he died. But a man (who regarded it illegal) expressed what his own mind suggested."

[Sahih Bukhari \[Arabic\], Kitab al Tafseer, Tradition 4559](#)

Note: The Saudi paid English translator of Sahih Bukhari namely Mohsin Khan made Tehrif in this tradition and added word "Hajj" with word Muttah (i.e. Mutah-ul-Haj), while in Arabic only

the word "Mutah" has been mentioned.

Now the Nasibi excuse is that Imam Bukhari put this tradition under the chapter of Hajj, and therefore this refers to Mutah-ul-Haj and not Mutah-ul-Nisa.

Our answer is, that Bukhari has shown dishonesty by putting this hadith under chapter of Hajj, whilst it is absolutely clear that companion Imran bin Hussain was referring to temporary marriage (Mutah-ul-Nisa). All Sunni Muffasssireen (commentators of the Quran) are unanimous that this hadith refers to Mutah-ul-Nisa and not Mutah-ul-Haj.

1. *Al Kashaf al Bayan fi Tafsir al Quran by Imam Abu Ishaq Thalabi, under commentary of verse 4:24 of Quran*
2. *Tafsir al-Kabir, by Imam Fakhr al-Razi, v3, pp 200,202, under the verse 4:24*
3. *Tafsir Ibn Hayyan, v3, p218, under commentary of verse 4:24 of Quran*
4. *Tafsir Nisaboori (Gharaib al Quran), by Nizamuddin al-Nisaboori*

Any how, our opponents have to answer the following in every case:

1. Show us that particular verse of Mutah (Hajj/Nisa) in Quran, which companion Imran bin Hussain was talking about.
2. According to Sahabi Imran bin Hussain, the verse has not been abrogated.
3. Who was Imran bin Hussain referring to **'a man (who regarded it illegal) expressed what his own mind suggested.'**

Our opponents always run away from these questions, and never answer them, while whenever they start answering these questions, the real situation automatically becomes clear.

It is quite evidence that among a number of Qur'anic, there is one that specifically refers to temporary marriage (Mutah al Nisa or Nikah al Mutah). So which is that verse? That verse is the 24th verse of Surah Nisa.

12. The Verse of Mut'ah (4:24)

The most important verse of the Holy Qur'an which establishes the legitimacy of Mut'ah is verse 24 of Surat an-Nisa, known to all hadeeth commentators (Sunni and Shi'a) as "the verse of Mut'ah." This verse provides a clear and unshakeable permission for the practice of temporary marriage. In the same way that Islam has established principles to protect human beings, via rules and regulations, it has at the same time provided for legitimate means by which man can enjoy himself, and Mut'ah is one of these ways. The Shari'ah prohibits fornication, but at the same time allows the practise of Mut'ah. If anyone is unaware of this blessing from Allah (swt), then let us set out the evidences from the Holy Qur'an:

[Forbidden to you] are married woman, except what your right hand possesses. This Allah has written for you, and all other women besides these are permitted to you, so that you may seek them out with your wealth, seeking chastity and not fornication. So when you have contracted temporary marriage [istimt'atum] with them, then give them their words. There is no sin on you for whatever you agree to after this. Indeed, Allah is Knowing, Wise.

Al-Qur'an, Surah An-Nisa, Ayah 24

Allah (swt) has used the word *istimta'tum*, which is the verbal form of the word Mut'ah. While the word has many other numerous meanings (as will be discussed below), we see that in the same way that the terms Zakat, Saum, and hajj carry a specific Islamic definition, so does the word *istimta'*. The specific, Islamic meaning which the word refers to is the performance of a temporary marriage, and nobody has denied this.

13. Four main evidences that prove that verse 4:24 refers to Mutah

We initially submitted Sunni materials that prove that amongst the numerous Qur'anic verses, there exists a specific one regarding Mutah, namely the 24th verse of Surah Nisa. In that verse Allah (swt) has used the Arabic word **istimta'tum**, which is the verbal form of the word Mut'ah. Many Nawasib try their best to prove that **istimta'tum** does not in any way refer to Nikah al-Mutah, but all such Nasibi attempts fall flat since there are three key pieces of evidence that negate the Nasibi notion.

First evidence- The fact that authentic Sunni books are replete with traditions informing us of episodes wherein the Sahabah performed temporary marriage (Mutah) and many of these traditions contain the same Arabic word **istimta**. Let us cite two of such examples, first from Sahih Muslim, the second most authentic Sunni Hadith book.

حدثني الربيع بن سبرة الجهني، أن أباه، حدثه أنه، كان مع رسول الله صلى الله عليه وسلم فقال " يا أيها الناس إني قد كنت أذنت لكم في الاستمتاع من النساء

"Sabra al-Juhanni reported on the authority of his father that while he was with Allah's Messenger (may peace be upon hm) he said: O people, I had permitted you to contract temporary marriage with women..."

[Sahih Muslim Book 008, Number 3255](#)

We read the following episode in Muwatta by Imam Malik:

... عمر بن الخطاب فقالت ان ربيعة بن امية استمتع بامرأة فحملت منه ...

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az-Zubayr that Khawla ibn Hakim came to Umar ibn al-Khattab and said, "Rabia ibn Umayya made a temporary marriage with a woman and she..."

[Muwatta Imam Malik, Book 28, Number 28.18.42](#)

Second evidence - The the fact that all Sunni commentators have recorded arguments regarding the permissibility or impermissibility of Mutah and have recorded the practices and views of Sahaba, Tabaeen and Ulema regarding Mutah under the commentary of the no other verse but 4:24. For those Nawasib who advance the notion that this verse does not deal with Mutah, we would like to ask them:

"Did the Sunni commentators of the Quran including the Nasibi's favourite Ibn Kathir, Imam Tabari, Qurtubi etc have no understanding as to what they were doing when advancing their arguments about Mutah under the commentary of 4:24?"

Third evidence - The fact that many of the prominent Sahaba and Tabayeen that present day Nawasib adhere to would read the cited verse with some extra words, making it crystal clear that the verse referred to temporary marriage. They would recite the verse in this manner:

"And those of whom ye seek content (by marrying them) for a specified period..."

The recitation of the words 'for a specefied period' by Sahaba and Taba'een proves this to be the verse dealing with Mutah in which the period of marriage is specefied.

Fourth evidence - The fact that the leading Sahaba, Tabayeen and scholars clearly stated that the verse 4:24 refers to 'temporary marriage' leaves no ground for our opponents to bring absurd excuses. We read the testimony of great jurist, Mujahid who stated:

"This (verse) revealed for mutah marriage"

[Tafseer Ibn Katheer](#)

Famed Sunni commentator of Holy Quran namely Maqatil bin Sulaiman himself would read the verse in this manner: ***'Then as to those whom you profit by for a specified period'*** making it clear that this verse refers to temporary marriage according to him.

We will inshallah expand on second and third evidences later in this chapter.

14. The Nasibi arguments about the verse 4:24; the verse of Mutah

Nonetheless, the Wahabi Dr Salamah has published a critique of the Islamic belief that this verse deals with Mut'ah. This article has been trumpeted as being one of the best critiques of the Shi'a belief in Mut'ah, though what it only demonstrates is the author's utter disbelief in the Islamic revelation. The article revolves around a crass critique of Mut'ah, arguing that it is a form of fornication which violates Islamic norms of chastity. Rather than reading like the reasoned work of an Islamic scholar, it reads more like the tired moralism of Orientalists who attack Islam for having a positive attitude towards sexuality. The question of whether or not Mut'ah constitutes any type of moral outrage, or whether or not it will lead to the sexual corruption of society, will be dealt with in a later chapter. Here, however, we will deal with his argument that Mut'ah is a type of fornication (zina).

To claim that Mut'ah is fornication is to claim that it is a haram sexual act. This is all the word fornication means: sexual relations that are not permitted by Allah (swt), the Lawgiver. If Allah (swt) permits a type of sexual practice, then it by definition ceases to be fornication. If one accepts that Allah (swt) has permitted a certain type of sexual practice, and yet continues to argue that such a practice is immoral and evil, then such a person has ascribed a direct insult against his Creator, Allah (swt). Before anybody can begin to say that Mut'ah is evil or an act of impiety, one must first ask if Allah (swt) has forbidden it. To do otherwise would be to merely be following one's whims and desires and introducing an impermissible innovation (bid'a) into Islamic law.

The Wahabi author Dr. Salamah makes a critique of the above quoted verses where the verbal form of the word Mut'ah is used, in which he makes several key errors:

Dr. Salamah states:

Two terms in the verse under discussion are used by Shi'ah commentators to allow Mut'ah. The first word is "ujur" (pi. of ajr), which means "compensation"; the second is "istamta'tum" which can be translated as "what you have enjoyed." So the end of the verse could be translated: "But give them their compensation for what you have enjoyed of them [in keeping with your promise]." Shi'ah commentators claim that "ajr" refers to the price of Mut'ah agreed upon by the two parties. On the contrary, Sunnis state that it refers to the mahr (bridal money given by the husband to the wife). Similarly, Shi'as explain the term "istamta'tum" as the physical act of consummation.

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The author is clearly ignorant of Shi'ism and the Shi'ite Tafsir. He writes that the word ujur, which the author translates as "compensation," is understood as the "price" which a man pays to a temporary wife. He then argues that Sunnis say it refers to the mahr, the dowry. It is difficult to see what the author is intending to say here: in fact, there is absolutely no

disagreement between Sunnis and Shi'as on this issue. The "compensation" paid by a husband to his temporary wife is the mahr for the temporary marriage. It is absolutely no different than the "compensation" paid by a husband to his permanent wife. The word is general and covers the dowry of a permanent or temporary wife. It would seem that the author is attempting to imply that the Shi'as are reading something into the verse that is not there; however, what exactly we are reading into it that Sunnis say is not there remains unknown. In refuting Dr. Salamah's argument, we are burdened by the fact that he is a very bad writer, with a bad grasp of both English and Arabic, and so it is often difficult to understand what he is talking about. In any case, it seems that he means to imply that Shi'as say that this ayat does not refer to a mahr but refers to something different, and that this somehow proves that the ayat is about Mut'ah, and not about permanent marriage.

If this is what Dr. Salamah means (and his poor grasp of English and bad writing style makes it hard to tell), then the author is entirely wrong: not only is the dowry of Mut'ah also referred to as a mahr, but the tendency amongst many 'ulama has been to refer more to the dowry of Mut'ah with the word mahr and to refer to the dowry of a Nikah with the word sadaq. The common fatwa about how to recite the seegah (marriage vows) of a temporary marriage uses the word mahr: **"Zawajtuka nafsi fi al-mida al-ma'lumah wa 'ala al-mahr al-ma'lum"** which means **"I marry myself to you in the known time limit and on the known dowry (using the word mahr)"** whereas the seegah for a permanent marriage is commonly ruled to be **"Zawajtuka nafsi 'ala al-sidaq al-ma'lum"** which means **"I marry myself to you on the known dowry (this time using the word sadaq to refer to the mahr)."**

Cf. Ayatullah Kho'i, Al-Masa'il al-Muntakhibah, p. 327

What we see from this is that Shi'as have never denied the obligation of mahr in Mut'ah; and in fact, the use of the word mahr is more emphasised with Mut'ah than with Nikah. In any case, it is difficult to see what was the point of the Wahabi author's argument about the word ajr. There is no disagreement between Sunnis and Shi'as about this ayat referring to the marriage dowry; the difference between Shi'as and some contemporary Wahabis is whether or not this verse refers to permanent marriage, or temporary marriage.

The author then moves on to the part where he demonstrates not only his contempt for the Holy Qur'an, but also his contempt for the great commentators of Qur'an amongst the Sunni 'ulama. He says that we explain the term **"istimta'tum"** as meaning the physical act of consummation. He writes:

Dr. Salamah states:

Similarly, Shi'as explain the term "istamta'tum" as the physical act of consummation. However, this is contradicted by the following Qur'anic verses: "There is no blame upon you if you have divorced women whom you have not touched [i.e., the marriage has not been consummated] or specified for them a mahr. But give them [a gift of] compensation [matti'uhunna]. The wealthy has his capability and the poor has his capability - a provision [mata'an] according to what is acceptable, an obligation upon the righteous."¹⁵

It is difficult to tell, but it seems that Dr. Salamah has got something reversed here: the Shi'a argue that it refers to Mut'ah, temporary marriage, and not the physical act of consummation. Those Wahabis who attempt to deny Mut'ah are the ones saying it refers to the act of consummation, in their attempt to deny the verse's indication (dalalat) upon the permissibility of temporary marriage. An example of some Wahabi writings on this issue comes from the author of 'The Illegitimacy of Temporary Marriage in Islam':

Nida ul Islam magazine:

Allah Most High says: "So whatever you enjoy from them, give them their recompense, this is an obligation." [4:24]. This is the verse relied on by those who support temporary marriage. They rely on it either in ignorance or in order to fool others, giving a superficial meaning to the verse without referring to the interpretation of it, and without availing the correct interpretation to the general public. The following is the interpretation of it: Imam Qurtuby says in his commentary on this verse, the payment in the context is the dowry, it has been called recompense because it is a fee for the enjoyment. This is a support for dowry being a recompense. Alhasan, Mujahid, and others said: The meaning relates to what you have 'enjoyed' through your union with women in proper marriage, so "give them their recompense" that is, their dowries. Ibn Khuwayz Mindad said: There is no support and it is not permissible to use the verse as a permission for temporary marriage as the Messenger of Allah (swt) has warned against and has forbidden temporary marriage as Allah Most High said: "So marry them with the permission of their families." It is natural for the marriage to take place with the permission of the parents, this is a proper marriage which has a trustee and two witnesses, temporary marriage is not like that. 'A'isha said: "It has been forbidden in the Qur'an in the words of the Most High: "And those who preserve their private parts except with their spouses or what their right hands possess, then they would have no blame." [23:5]. Temporary marriage is not regarded as a proper marriage, and the spouse does not fall into the category of what the right hand possesses.

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Here, we see several Sunni authors being quoted by "Nida ul Islam magazine" as saying that the verse has absolutely nothing to do with marriage, rather that it has to do with sexual act itself, viz.:

Nida ul Islam magazine states:

Alhasan, Mujahid, and others said: The meaning relates to what you have 'enjoyed' through your union with women in proper marriage, so "give them their recompense" that is, their dowries.

The same argument has also been put forward by former Head of Sipah-e-Sahaba in his wonderfully titled 'Muta (Temporary marriage Or Legalised Prostitution)':

Jhangvi states:

THE CORRECT POSITION IS THAT THE SAID

VERSE HAS COME TO SPECIFY THE AJR OR RECOMPENSE WHICH BECOMES PAYABLE IN FULL WHEN THE WIFE IN A REGULAR MARRIAGE IS GONE IN. "BUT GIVE THEM THEIR RECOMPENSE I.E. DOWER FOR WHAT YOU HAVE ENJOYED OF THEM" ARE THE ACTUAL WORDS AND BY ENJOYMENT IS MEANT THE SEXUAL INTERCOURSE AFTER MARRIAGE THAT MAKES THE RECOMPENSE OR DOWER PAYABLE IN FULL WHILE ONLY THE HALF OF IT IS TO BE PAID, IF THE MARRIAGE IS DISSOLVED BEFORE SUCH INTERCOURSE. THE PURPOSE OF THIS VERSE IS THEREFORE, TO CLARIFY THE OBLIGATION OF THE HUSBAND IN CASE THE MARRIAGE IS CONSUMMATED BY SEXUAL INTERCOURSE.

Dr. Salamah, then, seems to be very confused. He has all of his arguments backward: the entire point of the debate about the verse of Mut'ah is that some Wahabis claim that it does not refer to Mut'ah at all, but rather that it refers to the sexual act itself and therefore does not establish the permissibility of Mut'ah. The Prophet (s), the Holy Imams (as) and the community of the Shi'a have always argued that the use of the term "**istimta'tum**" refers to the permissibility of temporary marriage, of Mut'ah, while their enemies have argued that the verse refers only to the sexual act of a Nikah. This Wahabi clearly has everything backwards! It is shocking, but the author attributes the Wahabi argument to the Shi'a, and then under the confused belief that it is a "Shi'a" argument goes on to refute his own belief system!

Dr. Salamah states:

Similarly, Shi'as explain the term "istamta'tum" as the physical act of consummation. However, this is contradicted by the following Qur'anic verses: "There is no blame upon you if you have divorced women whom you have not touched [i.e., the marriage has not been consummated] or specified for them a mahr. But give them [a gift of] compensation [matti'uhunna]. The wealthy has his capability and the poor has his capability - a provision [mata'an] according to what is acceptable, an obligation upon the righteous."¹⁵

We could not have said it better ourselves. The author deserves great congratulation for refuting those Wahabi 'ulama who have argued that this verse refers to the sexual act as opposed to temporary marriage. What he did not realize in his argument is that Allah (swt) has, in this verse that he quotes ("There is no blame...") already specified the obligation of dowry, which is made obligatory by the marriage contract, not by the consummation of the marriage. It does not make sense for Allah (swt) to say if you do not have sex with your wife, you must pay her the dowry, and then to later on say: "If you have sex with them, you must pay them their dowry."

In the same vein, Allamah Tabataba'i writes:

If the meaning of the verse is tamt'atum [meaning physical enjoyment in this case], then this does not fit with the part of this verse which follows, i.e. "Give them their compensation." This is because the dowry (mahr!) is obligatory (wajib) by the simple establishment of the marital contract (aqd), and it does not rely upon the actual act of physical enjoyment...Rather, one half is made wajib by the contract,

and the other half is made wajib by sexual penetration (dukhu). Furthermore, the ayat which was revealed before is sufficient in making clear the dowry has to be paid under all circumstance, and so there is no point in repeating. This is the verse [4:4] that says: "And give the women their dowries as a gift," as well as the verse "There is no sin upon you if you divorce your wives before you have touched them or specified a dowry. But give them a gift of compensation, the wealthy what he can, and the poor what he can" until He says: "And if you divorce them before you have touched them, and you have decided upon a dowry, then give them half of what you have agreed upon."

Tabataba'i, Al-Mizan, vol. 4, p. 280

The fact is that Allah (swt) has already explained all of the ahkam of dowry before this in quite a detailed fashion. There is no point in then repeating it, in a much more general fashion, later on.

In any case, the fact of the matter is that the word *istimta'* has many different meanings. In order to understand it, we must turn to the context of the verse, which is marriage. It is pointless to say that the word *istimta'* only refers to "taking benefit" in the sense of taking sexual pleasure, for this would imply that dowry is only obligatory when the sexual act is consummated. This argument is contradicted by verse 4:4, as Allamah Tabataba'i has pointed out, and is also contradicted by the verse 2:236 which Dr. Salamah cited. Dowry is not made obligatory by the sexual act; it is already made obligatory by the marriage contract, albeit only in part.

Misunderstanding this, the Sunni author at Islamic Voice Magazine also criticizes the proper interpretation of this verse when he writes:

Islamic Voice Magazine states:

Below are the verses of Qur'an which in some companions' opinion and in the opinion of Shi'as, legitimize the Muta'.

"...All women other than these (described in 5:22,23) are lawful to you, provided you seek them with your wealth (Mehar) in modest conduct, not in fornication. Give them their Mehar as a duty for the 'ISTAMTA' (benefit) you have had with them."(5:24)

The relevant Arabic word in the above verse is 'Famastamta'tum' which means, 'when you have had benefited with them'. Those favouring the Muta' translate it as 'when you had made Muta' with them'. There is one clear proof in Qur'an that they are mistaken. This particular word has been used as it is in two other verses of Qur'an viz 9:69 and 46:20. I am presenting the translation of one of these. You can check the other verse yourself. First, see the translation of the verse preceding 9:69 so that the context could be known that the description is of hypocrites.

"Allah has promised the hypocrites, both men and women, and the unbelievers, the fire of Hell. They shall abide in it. It is sufficient for them; theirs shall be a lasting torment". (9:68)

And now, the next verse with the actual translation of the relevant word in question:

"As in the case of those before you, they were mightier than you and had greater riches and more children. They had BENEFITED from their portion and you have BENEFITED from yours as did those before you. You indulge in idle talk as they did. They! Their works are fruitless in this world and in the Hereafter, and they are the losers". (9:69)

I am again reproducing the same verse below but this time I am putting the word Muta' in the translation of the word FAMASTAMTA'TUM, which Shias claim to mean Muta', the same word, which occurred in (5:24

"As in the case of those before you, they were mightier than you and had greater riches and more children. They had their portion of Muta' and you have had your portion of Muta' as did those before you. You indulge in idle talk as they did. They! Their works are fruitless in this world and in the Hereafter, and they are the losers". (9:69)

I have no hesitation in saying that those companions who against the opinion of other companions thought that the verse (5:24) of Qur'an authenticated Muta', erred in its interpretation.

Salamah, then, has (in the midst of his confusion) accidentally made the same point that the Shi'as do: that this verse does not merely refer to the physical act of sexual enjoyment. However, Salamah does not seem to go on and ever say what it does mean. The root m-t-' has a great number of meanings, some of which are listed by Ayatullah Maghniyah in his Fiqh al-Imam Ja'far as-Sadiq:

Mut'ah has many meanings. In some cases it may mean to take benefit, such as when Allah (swt) refers to "They take the benefits of the worldly life." It may refer to increase, or it may refer to remaining, such as when He says: "He let them remain for a while." It may also refer to a gift, such as when He, Blessed be His Names, says: "They are gifted of knowledge." As far as the legal scholars, they talk about Mut'ah in the meaning of a gift, in the sense of what they make obligatory on a man who has married a woman without specifying a dowry, and then divorces her before having sexual relations. They would necessitate that the divorced woman be a gift that is appropriate for his economic status. This is based upon the ayat 236 of Surah al-Baqara: "There is no sin on you that you divorce women whom who you have not touched, and that you give them a gift (Mut'ah), the rich man based on his ability, and the poor based on his ability, a righteous gift which is a right over the pure ones." They also talk about Mut'ah in terms of hajj, which we have discussed elsewhere. Alongside of these uses, the scholars of law talk about Mut'ah in terms of a fixed-time marriage. There is universal consensus amongst Sunni and Shi'a scholars that Islam has legislated this, and that the Prophet (s) made this permissible. This is based upon ayat 24 of Surat an-Nisa': "When you have done

Mut'ah with them, so give them the agreed upon dowry."

 [Reference at Mutah.com](http://Mutah.com)

The Hans-Wehr dictionary gives the following meanings for the root m-t-'l:

"Verbal form: to carry away, take away; to be strong, firm, sold...To make enjoy; to furnish, equip supply; to give as a compensation...to gratify the eye; to make enjoy, to have the usufruct; to be blessed and to enjoy, savour, relish"

Noun form: enjoyment, pleasure, delight, gratification; recreation; compensation paid to a divorced woman; Muta'h, temporary marriage, usufruct marriage contracted for a specified time".

Hans Wehr dictionary, p. 1045

Now, given that this verse comes in the context of marriage, it can only mean one of three things:

1. Enjoyment, in the sense that it is used to refer to the sexual act itself
2. Giving a woman her dowry or other compensation after divorce
3. Temporary Marriage

The Wahabi author has already refuted those who argue that the use of the word istamta' means the first, because it is either contradictory or repetitive (depending on how one wants to look at it), and we have seen that it does not fit with the context of the overall Surah. As far as the second meaning, it is entirely prohibited by the verse, for otherwise we would have to translate it as:

"As for those women who you compensate, then compensate them."

Such a translation is obviously meaningless. As such, we can only predicate the meaning of the verb on the third meaning, i.e., temporary marriage.

The author makes another critical mistake as well:

Dr Salamah states:

It should be noted that the Qur'an continues with this statement: "So marry them with the permission of their families and give them their dowers according to what is reasonable." Such a case is only possible in a regular marriage since these conditions are not necessary in Mut'ah.

Firstly, a large number of Shi'a Fuqaha have argued that it is obligatory to seek the permission of parents for a temporary marriage with a virgin girl, so the author has demonstrated his complete lack of knowledge with regards to Shi'a fiqh. Ayatullah Kho'i, for example, writes:

It is an obligatory precaution that an adult, mature, virgin girl seeks the permission of her father or paternal grandfather in her marriage.

Cf. Kho'i, Ibid. pp. 329-330

In any case, there is dispute on this issue amongst the Fuqaha of the Shi'a, just as there is dispute about it amongst the Sunnis. But this verse has nothing to do with that, for the author has quoted the verse out of context. There is a gap between the verse of Mut'ah and this verse, where Allah (swt) says:

If any of you do not have the means to marry a chaste, believing woman, then take those handmaidens from whom your right hand possesses. Allah has full knowledge of your Faith. You are from one or another, so marry them with the permission of their people, and give them their compensation.

Al-Qur'an, Surah An-Nisa, Ayah 24

Allah (swt) uses the word *Ahl*, which means people or family. Now, since it is clear that this verse is referring to slave-women, it is clear that the word *Ahl* is referring to the owners of the slave-girls, and to this end Yusuf 'Ali has correctly translated it as:

Wed them with the leave of their owners.

As such, this verse has nothing to do with marriage between free parties. The beginning of the verse makes this clear:

If any of you do not have the means to marry a chaste, believing woman...

Clearly, then, this verse deals with people who *cannot marry*, and so has nothing to do with either *Mut'ah* or *Nikah*. Once again, it remains unclear what the point of the author's argument was: he seems to be implying that, since all the Shi'a supposedly believe that the permission of the guardian is not necessary in a temporary marriage (which, as we have seen, is not the case), then since this second verse mentions the condition of seeking the guardian's permission, it somehow proves that the first verse has nothing to do with temporary marriage. However, we have seen that a clear reading of the entire verse shows that it is entirely unrelated to marriage at all; the Qur'an has, in fact, moved on to a separate discussion at this point. If the Wahabi author chooses to disagree, then let him reference the Tafsir of Ibn Kathir:

Allah said, those who do not have, (the means), financial capability (Wherewith to wed free believing women) meaning, free faithful, chaste women. (They may wed believing girls from among those whom your right hands possess,) meaning, they are allowed to wed believing slave girls owned by the believers. (And Allah has full knowledge about your faith; you are one from another.) Allah knows the true reality and secrets of all things, but you people know only the apparent things. Allah then said, (Wed them with the permission of their own folk) indicating that the owner is responsible for the slave girl, and consequently, she cannot marry without his permission. The owner is also responsible for his male slave and they cannot wed without his permission. A hadith states, (Any male slave who marries without permission from his master, is a fornicator.)


[Reference at Tafsir.com](#)

It is then established, without a doubt, that Allah (swt) is referring to temporary marriage in the ayat al-Mut'ah. This is agreed upon by the Sunni Tafsir writers. If it does not refer to temporary marriage, the only thing it could refer to is the sexual act itself, something that the Wahabi author refutes! As such, this leaves only one possibility, namely that the Imams (as) as well as the Sunni Tafsir commentators were all correct in understanding this verse as referring to Mut'ah.

15. Sunni commentaries of the verse 4:24 prove that it refers to Mutah

The Wahabi author not only demonstrates his contempt for the Qur'an, but also his disregard for the Sunni Tafsir writers who have all agreed that this verse deals explicitly with Mut'ah and nothing else. We shall now cite 16 books of Ahl'ul Sunnah who testify from Companions it referred to Mut'ah. Sunni Ulama undoubtedly confirm that this verse refers to Mut'ah. As proof we have relied on the following Sunni texts:

1. Tafseer Kashaf, Volume 1 page 20- commentary of Nisa

2. Tafseer ibn Katheer, Volume 1 page 84
3. Tafseer Tabari, Page 9 part 5
4. Tafseer Fathul Qadeer, page 14
5. Tafseer Gharib Qur'an, page 2 part 5
6. Tafseer Qurtabi, Volume 5 page 60
7. Tafseer Mu'alim al Tanzeel, Volume 1 page 63
8. Tafseer Khazan, Volume 1 page 63 Ayat Mut'ah
9. Tafseer Kabeer, Volume 3 page 95
10. Tafseer Durre Manthur, Volume 2 page 140
11. Tafseer Akham of Quran, Volume 2 page 45
12. Tafseer Baydhawi, Volume 2 page 9
13. Tafseer Haqqani, Volume 2 page 3
14. Tafseer Ahmadi, Volume 1 page 10
15. Tafseer Jama al Bayan, Volume 1 page 22
16.  [Tafseer Mazhari, Volume 3 page 18](#)

We may quote some of these authors and their views on Mut'ah. Qadhi Thanauallah Paani Patti records in Tafseer Mazhari (Volume 3 page 18):

"According to a group, this verse refers to Mut'ah marriage, which means a marriage in which the both dowry and the time are specefied and when the specefied time expires, the woman gets free and there is no need of divorce and in order to be sure of the womb, waiting for one menstrual cycle is necessary"

On the next page we read:

Abdur Razak in Musnaf has narrated the statement of Atta through Ibn Juraij that Ibn Abbas still believed that Mutah is Halal and in his proof he used to cite this verse"

 [Tafseer Mazhari, Volume 3 page 19](#)

We read in Tafseer Qurtubi:

وقال الجمهور: المراد نكاح المتعة الذي كان في صدر الإسلام

"The majority said that it refers to Nikah al-Mut'ah which existed during the beginning of Islam"

 [Tafseer Qurtubi, commentary of the verse 4:24](#)

Fathul Qadeer:

وقال الجمهور: إن المراد بهذه الآية: نكاح المتعة الذي كان في صدر الإسلام

"The majority said that this verse refers to Nikah al-Mut'ah which existed during the beginning of Islam"

Tafseer Khazan:

قوم المراد من حكم الآية وهو نكاح المتعة

"A group said that the meaning of the verse is Nikah al-Mut'ah"

We read in Allamah Baghwi's authortiy wotk 'Tafseer Mu'alim al Tanzeel' popularly known as Tafseer Baghwi:

هو نكاح المتعة وهو أن ينكح امرأة إلى مدة

"This verse refers to Mut'ah Nikah, that is to perform Nikah for a specific period".

We read in Tafseer Beydhawi:

نزلت الآية في المتعة

"This verse was revealed regarding Mut'ah"

Imam of Deobandies Allamah Abu Muhamad Abdul Haq Haqqani states in 'Tafseer Haqqani':

This verse refers to Nikah al Mut'ah, which was permissible in the beginning of Islam then Sharyah deemed it Haram. And in the recitations of Abi bin Ka'ab, Ibn Abbas and Saeed bin Jubayr i.e. ila ajal al Musama (for a prescribed period) confirm this.

 [Tafseer Haqqani, Vol 2 page 3 \(published in 1956, Deoband UP, India\)](#)

Ibn Katheer recorded the belief of famed Tabaiyee namely Mujahid:

وقال مجاهد : نزلت في نكاح المتعة

"Mujahid said that this (verse) revealed for mutah marriage"

 [Tafseer Ibn Katheer](#)

Imam Jalaluddin Suyuti records the views of a great Tabaiyee, Ismaeel bin Abdulrahman al-Sedi (d. 127 H):

Narrated ibn Jarir from al-Sedi about the verse: 'This is the Mutah, the man marries a woman on a condition of a specified period, if the period ends, neither he will be related to her nor she will be related to him, she has to perform isteбра for what is in her womb, there is no inheriting between them, one of them inherit the other'

 [Tafseer Dur al-Manthur, Volume 2 page 140](#)

We have cited 16 books confirming that a verse regarding Mut'ah with women appears in the Qur'an. The Qur'anic evidence destroys Nasibi claims that there is no base for Mut'ah in the Quran, and the verdicts of these 16 Sunni 'ulama shall suffice to destroy the claims of these Nasibis. A further analysis of these texts also shows that the companions acknowledged that Mut'ah was originally permissible:

1. Tafseer Kabeer, Volume 3 page 95
2. Tafseer Ibn Katheer, Volume 1 page 84
3. Tafseer Ruh al Maani, Volume 1 page 5
4. Tafseer Gharab al Qur'an, p. 2 Part 5
5. Tafseer Mu'alim al Tanzeel, Volume 1 page 20
6. Tafseer Maarif al Qur'an, Volume 1 page 28
7. Tafseer Muraghee. Volume 5 page 10 by A. Mustafa Muraghee
8. Fatawa Abdul Hai, page 20

Tafseer Kabeer:

إنا لا ننكر أن المتعة كانت مباحة

"We don't deny that Mut'ah was Mubah".

Tafseer Ibn Katheer:

ولا شك أنه كان مشروعاً في ابتداء الإسلام

"There is no doubt that in the start Mut'ah was Halal".

Tafseer Muraghee:

"In the beginning of Islam Mut'ah was allowed".

All of these texts point to a single, irrefutable fact: that Mut'ah was originally allowed in Islam. This has always been the common ruling of the Sunni 'ulama and it was not until the coming of the Wahabi movement that some began to doubt this issue. Furthermore, many Sunni 'ulama have argued that Mut'ah is a legitimate type of Nikah (marriage). For example:

1. Tafseer Qurtubi, Volume 5 page 36
2. Tafseer Baydhwaji, Volume 2 page 9
3. Tafseer Jama al Bayan, Volume 1 page 66
4. Tafseer Muraghee, page 1

For example, we read on the above-cited page of Tafseer Qurtubi:

"The majority said that it refers to the Nikah al-Mut'ah which existed during the beginning of Islam"

[Tafseer Qurtubi, commentary of the verse 4:24](#)

And we read in Tafseer Baydhwaji:

وهي النكاح المؤقت بوقت معلوم

"Mut'ah is Nikah for a specefied time."

There can be no doubt that the Qur'an bears witness that Mut'ah was originally halaal. Supporting this are the actions of the Companions themselves Nasibi of course know this, but as is their habit prefer to deny this fact so as to keep their subjects living in ignorance. Here is Ansar.Org's response to this vicious Rafidi claim that appeared on the 'frequently asked questions' section:

Ansar.Org states:

Question:
Salamon Alaykom,

I have heard that Zubayr Al-Sabilbi married Asma Bint Abu Bakr by Mut'ah Marriage and from this union were born, Abdalliih Ibin Zubayr and Urwah Ibin Zubayr

Is this correct?

So does this mean that Temporary marriage was being practiced even in the time of Aboobakr?

Please note that this is the daughter of Aboobakr that is engaged, so it does not make sense to say maybe Aboobakr was not aware of this marriage.

Will appreciate a sufficient reply

Answer:

Wa alikum assalam wa rahmatullah wa baraktuh

First of all brother , Abdullah & Urwah are the sons of Alzubair ibn Al-Awwam not Zubayr Al-Sabilbi.

And there were not temporary marriage between Asma Bint Abu Bakr and anyone.

And for your information brother , Abdullah ibn Alzubair was very strict in the topic of Muta'a, he believe that it is haram and was very strict with the people who said it is halaal in his time.

So how comes he was born from A Muta'a (Temporary marriage)?!

As I said brother before , Shia used to lie sometimes to prove that they are correct!

One wonders 'why' these Nasibi make such confident assertions, when ample material exists confirming that Asma did indeed contract Mut'ah with Zubayr and her two sons Urwa and Abdullah were indeed the products of this union. This Nasibi should know that the 'lie to prove that we are correct' for Asma's Mut'ah is discussed in the following Sunni sources:

1. [Talkhees al Habeer fi Takhreej ahadeeth al Rafa al Kabeer, Volume 3 page 159 Topic 1506 \(printed Cairo\)](#)
2. [Musnad Abu Dawood al Tayaalsi, Volume 7 Page 227 \(printed in Hyderabad\)](#)
3. [Sunan Kabeera by Imam Nasai Volume 3 page 326 Tradition 5540](#)
4. [Muajam al-Kabir by Imam Tabarani, Vol 24 page 103 Tradition 277](#)
5. [Muntaha al M'abood al Tarteeb Musnad Abu Dawood, Volume 1, Page 309 \(Printed Beirut\)](#)
6. [Neel al Autar by Imam Showkani, Volume 6 page 194](#)
7. [Aqd al Fareed, Volume 3, Page 157](#)
8. [Tuhfatul Ashraaf by Imam Jamaluddin Mizi, Vol 13 page 152 Tradition 15734](#)
9. [Sharh Muwatta by Imam Zarqani, Volume 3 page 153](#)
10. [Tafseer al-Mazhari, Surah an-Nisa, Page 74](#)
11. Sharh Ibn al Hadeed, Volume 4 page 75
12. Al-Muhazraat, Volume 3 page 14
13. Murujh al Dhahab, Volume 3 page 90 Dhikr Mu'awiya bin Yazeed

Imam Ibn Hajr Asqalani in 'Talkhees al Habeer fi Takhreej al Hadeeth al Rafa al Kabeer' Volume 3 page 159 (printed Cairo) narrates as follows:

"After the death of Holy Prophet [s], a group of Salaf deemed it Halal. Amongst the Sahaba they were Asma bint Abi Bakr, Jabir bin Abdullah, Ibn Masood, Ibn Abbas, Mu'awiya, Amro bin Huraith, Abo Saeed, Salama and Mu'abed-the sons of Umayya bin Khalaf. He said that Jabir reported from the companions that (it was valid) during the reign of the Prophet, Abubakr and some part of Umar's reign. He said that it is reported from Umar that he forbade it only if there were not two just witnesses. Some of Tab'een deemed (it halal) such as Tawous, Atta, Saeed bin Jubair and the majority of the jurists of Makka."

Moreover we read:

"What has been reported from Asma, al-Nesa'i narrates it from Muslim Quri: 'We

went before Asma bint Abu Bakr and we asked her about Mut'ah al-Nisa, she replied: 'I performed this Mut'ah during the lifetime of Rasulullah (s)''

[http://feqh.al-](http://feqh.al-islam.com/Display.asp?Mode=0&MaksamID=101&DocID=51&ParagraphID=1206&Diacratic=1)

[islam.com/Display.asp?Mode=0&MaksamID=101&DocID=51&ParagraphID=1206&Diacratic=1](http://feqh.al-islam.com/Display.asp?Mode=0&MaksamID=101&DocID=51&ParagraphID=1206&Diacratic=1)

[Download book from www.almeshkat.net](http://www.almeshkat.net) (Volume 3 No. 1506)

Imam Shokani in his book 'Neel al-Autar' has also relied on the list of Sahabah and Tabayeen provided by Imam Ibn Hazam who deemed Mutah to be permissible which includes Asma bint Abu Bakr (as quoted by Ibn Hajar Asqalani). [Imam Muhammad bin Abdul Baqi bin Yusuf al-Zarqani](#) in his commentary of Muwatta of Imam Malik, also provided the names of Sahabah who believed in the legitimacy of Mutah:

ثبت الجواز عن جمع من الصحابة كجابر وابن مسعود وأبي سعيد ومعاوية وأسماء بنت أبي بكر وابن عباس وعمرو بن الحويرث وسلمة، وعن جماعة من التابعين

"Its permissibility is proved from a group of companions such as Jabir, Ibn Masoud, Abi Saeed, Mu'awiya, Asma bint Abi Bakr, Ibn Abbas, Amro bin Huraith, Salamah and also from a group of Tabyeen."

[Download Sharah Zarqani from almeshkat.com](#) (Volume 3 page 153)

In the version of Musnad Abu Dawood available on the internet, the tradition can be read in Volume 5 page 48 Tradition 1731:

حدثنا يونس قال : حدثنا أبو داود قال : حدثنا شعبة ، عن مسلم القري ، قال : دخلنا على أسماء بنت أبي بكر ، فسألناها عن متعة النساء ، فقالت : « فعلناها على عهد النبي صلى الله عليه وسلم

"We came to Asma Bint Abu Bakr and asked her about Mut'ah with women. She said: 'We performed this during the lifetime of Rasulullah (s)'"

[Musnad Abu Dawood al-Tayaalsi, Volume 5 page 48 Tradition 1731](#)

All the narrators in this chain are authentic. Yunus bin Habib: Imam Dahabi said: 'Hujjah' (Siar alam alnubala, v12 p596), Imam Abu Hatim Razi said: 'Thiqa' (Al-Jarh wa al-Tadeel, v9 p237). Abu Dawood al-Tayaalsi: Dahabi said: 'One of the celebrities of Hufaz' (Tazkirat al-Hufaz, v1 p351), Imam Ibn Hajar Asqalani said: 'Thiqa' (Taqrrib al-Tahdib, v1 p384). Shu'aba bin al-Hajaj: Dahabi said: 'Thabt Hujjah' (Al-Kashef, v1 p485), Ibn Hajar Asqalani said: 'Thiqa' (Taqrrib al-Tahdib, v1 p418). Muslim bin Makhraq al-Abdi al-Quri: Dahabi said: 'authenticated' (Al-Kashef, v2 p260), Imam Ibn Hajar Asqalani said: 'Thiqa' (Taqrrib al-Tahdib, v2 p180).

We read in Tafseer Mazhari:

Amongst the Sahaba exist a group that believed in the legitimacy of Mut'ah. Nasai and Tahawi have stated that Asma [ra] Bint Sidiq Akbar [ra] said: "We practised it during the life of Rasulullah(s)."

[Tafseer al-Mazhari, Surah an-Nisa, Page 74](#)

If anyone is a pioneer/groundbreaker in a field we have to admire them, no matter who they are. Some Muslims at that time would have no doubt had concerns that their women would become rendered useless through this practise. Fortunately a woman from an upstanding household of Abu Bakr ventured out and offered herself to the Muslim males. Ansar.Org had posed this amazing rhetorical question:

Ansar.org

And for your information brother, Abdullah ibn Alzubair was very strict in the topic of Mutaa, he believe that it is haram and was very strict with the people who said it is halaal in his time. So

how comes he was born from A Mutaa
(Temporary marriage)?!

What great logic! Does the Nasibi author want to suggest that Ibn Zubayr prior to his conception appeared in his mothers dream and asked that she steer clear of Nikah al Mutah as he would deem it impermissible in the future?

Mu'awiya and Amr ibn al Aas were the products of a union between their mothers and several men. All because they were born in such a manner does not automatically mean they liked this type of conception, or that they believed in its legitimacy! The 'honest' scholar is correct. Ibn Zubayr was indeed opposed to Mut'ah, and he voiced his opposition to it when debating with Ibn Abbas. What this man of truth has forgotten to tell his adherent is the fact that the same Ibn Abbas managed to silence Ibn Zubayr by informing him that he was the product of Mut'ah, as can be evidenced in your esteemed Sunni works. Imam of Ahl as-Sunnah al-Raghib al-Isfahani reported in Muhazraat, Volume 2 page 96:

"Ibn Zubair denounced Ibn Abbas for his opinion on Mut'ah. Thus Ibn Abbas told him: "Go and ask your mother what she did with your father." When Ibn Zubair asked her, she said: "By God, I did not conceive you except through Mut'ah".

Indeed, both of Abu Bakr's daughters believed that Mut'ah was halaal. We read in Ahl as-Sunnah's authority work Sahih Muslim, Sharh Nawawi, Volume 4 page 189 on Nikah Mut'ah:

طائفة يسيرة من السلف فقد روى عن بن عباس وعائشة وبعض السلف اباحته

"With the exception of a few groups of the Salaf, it has been narrated from Ibn Abbas, Ayesha and other of Salaf that it is lawful"

<http://hadith.al-islam.com/Display/Display.asp?Doc=1&Rec=3222>

So we come to know that one daughter of Abu Bakar issued a fatwa in connection with the lawfulness of Nikah al Mutah while the other one personally performed it. Despite such clear evidence some modern day adherents of Mu'awiya have decided to rewrite history all together, by denying that Mut'ah was ever allowed in Islam! Take the Fatwa on Mut'ah by the Deobandi Madrassa 'Darul-Iftah Jamia Ashrafia', based in Lahore, Pakistan. In response to a query on Mut'ah this is the Fatwa they give

Darul Iftah states:

Assalaam o Alaikum

MUTTA has been declared HARAAM from the very outset of Islam. The usual MUTA, in force amongst AHL-E-TASHEE, was never permitted in Islam. This wicked thing was in vogue before Islam in the dark ages. (Ahsan ul Fatawa page 42 Vol. 5) Hazrat Shah Abdul Aziz has refuted the permission of MUTA from the very beginning of Islam. (Ahsan ul Fatawa page 52 Vol. 5)

The falsity of such a fatwa is clear when we have testimony of the Sahaba that Mut'ah was allowed and they practised it accordingly, claims that exists in works such as Sahih al Bukhari! Clearly this revision has history has been created with the sole of objective of defaming the Shi'a, we are in doubt that this Nasibi Mullah is fully aware that the vast number of Sunni 'ulama (the clear majority) have all argued that Mut'ah was originally halaal. It is unfortunate to see that this Deobandi mullah is not even aware of the comments of his late Imam Allamah Abu Muhamad Abdul Haq Haqqani. Regarding verse 4 of Surah Nisa Haqqani recorded:

"This verse refers to Nikah al Mut'ah, which was permissible in the beginning of Islam then Sharyah deemed it Haram. And in the recitation of Abi bin Ka`ab, Ibn Abbas and Saeed bin Jubayr i.e. ila ajal al Musama (for a prescribed period) confirms this. Mutah is a type of Nikah in which man keeps a woman for a prescribed period with a prescribed amount and its acceptance from both sides is also a condition therefore it is useless to call it prostitution... Some Ulema have said that Mutah is still valid just like among Sahabah Ibn Abbas and Imran bin Hussain, they say that this woman is also a wife"

 [Tafseer Haqqani, Vol 2 pages 3-4 \(published in 1956, Deoband UP. India\)](#)

If according to the above quoted website Mutah was Haram from the very beginning then what views will such people maintain about Sahabah like Ibn Abbas and Imran bin Hussain and Ulema of their sect as Allamah Haqqani pointed who deemed Mutah to be Halal?

For further evidence we shall rely on the following Sunni sources:

1. Tafseer Kabeer, Volume 4 page 41
2. Tafseer Gharab al Qur'an, Volume 5 page 5
3. Tafseer Qurtubi, Volume 5 page 132
4. Tafseer Ibn Katheer, Volume 1 page 474
5. Tafseer Murghanee, Volume 5 page 8
6. Tafseer Waheedi, page 107
7. Tafseer Tarjamun 'ul Qur'an, Volume 1 page 624 part 5
8. Tafseer Baydhawi, Volume 2 page 79
9. Tafseer Fathul Qadeer, Volume 1 page 414
10. Tafseer Zia ul Qur'an, Volume 1 page 134
11. Tafseer Haqqani, Volume 2 page 6
12. Fathul Bari fi Sharh Bukhari, Volume 9 page 173
13. Sharh Muslim, by Nawawi Volume 1 page 150
14. Au Jaza al Masalik fi Sharh Muwatta Imam Malik, Volume 9 page 404
15. al Muhalla, Volume 9 page 519 by Ibn Hazm
16. Ma'alim al Sunan ma Mukhthasar Sunan Abi Daud, Volume 3 page 18
17. Neel al Autar, Volume 6 page 153
18. Sharh Zurqani, Volume 3 page 152, Dhikr Mut'ah
19. Mirqat Sharh Mishkat, Volume 6 page 220
20. Zaad al Maad, Volume 2 page 205

We read in Tafseer Kabeer:

واتفقوا على أنها كانت مباحة في ابتداء الاسلام

There is no doubt that at the beginning of Islam, Mut'ah was permissible.

 [Tafseer Kabeer, Volume 4 page 41](#)

We read in Tafseer Murghanee:

At the beginning of Islam, Mut'ah was permissible.

We read in Tafseer Gharab al Qur'an:

The scholars are in agreement that in the beginning of Islam, Mut'ah was Mubah.

We read in Tafseer Fathul Qadeer:

وقال الجمهور: إن المراد بهذه الآية: نكاح المتعة الذي كان في صدر الإسلام

"The majority said that this verse refers to Nikah al-Mut'ah which existed during the

beginning of Islam"

Tafseer Qurtubi:

"The majority said that it refers to the mutah marriage which existed during the beginning of Islam"

Tafseer Waheedi:

Many 'ulama have said that when Islam started Mut'ah was allowed.

Great anti Shi'a scholar Peer Karam Shah in Zi'a ul Qur'an stated:

Mut'ah was declared haram at the time of the farewell pilgrimage.

We read in Fath ul Bari:

The permissibility to practise Mut'ah was endorsed by the early scholars and this is proven.

In Sharh Muslim:

The permissibility to practice Mut'ah at the beginning of Islam is proven.

In al Muhalla:

Nikah Mut'ah was halaal during the lifetime of the Prophet.

In Ma'alim al Sunan:

At the start of Islam Mut'ah was Mubah.

Unfortunately, some 'scholars' have dispensed with centuries of Sunni scholarship and begun to argue against all of these 'ulama. Hanafi author, Maulana Mufti Muhammad Shafi, gives another strange and hitherto unheard of Tafsir of this ayat:

Muhammad Shafi states:

The root of the Arabic word, istimta' is ? - ? - ? (meem, taa, 'ain) which means to derive benefit. Any benefit derived from a person or from wealth, property, assets, etc. is called istimta'. According to Arabic grammar, the addition of the letters ? (seen) and ? (taa) to the root of any word gives the meaning of seeking. Based on this lexical explanation, the simple and straight sense of the Qur'anic expression, Istamta'tum (you have benefited), as understood by the entire Muslim Ummah from the revered early elders to their successors and followers, is just what we have stated a little earlier. But, a sect [1] says that it means the conventional Mut'ah and, according to its adherents, this Ayat proves that Mut'ah is halaal (lawful). Therefore, it is pertinent here to give a brief account of Mut'ah and its unlawfulness.

Mut'ah, which was in vogue before the advent of

Islam, was a temporary contract between a man and a woman for having sexual relationship between them for a specified period in exchange of money or a specified kind offered by the man to the woman. This type of contract, which was never meant to create permanent rights and obligations of marriage, was clearly prohibited by the Holy Qur'an and the Sunnah; however, this particular sect claims that it is still halaal. They sometimes seek support to this claim from the present Ayat just on the ground that the word Mut'ah has been derived from the same root wherefrom the word Istamta'tum used in this Ayat has been derived. Obviously, this argument is too far-fetched, and the present Ayat itself is sufficient to refute it, because before the word, Istamta'tum, Allah uses the words "binding yourself in marriage and not only for lust," which clearly prove that the sexual relationship approved by Allah (in the Holy Qur'an) is the only one which aims at chastity through the permanent bond of marriage, and not a relationship based on satisfying lust for a temporary period which has been termed by the Holy Qur'an as flowing water.

Now, it is obvious that the contract of Mut'ah has nothing to do with this concept. It neither creates permanent rights and obligations, nor does it bring about a family set-up, nor does it aim at having children and maintain chastity. It is nothing but to satisfy the sexual desire for a short period of time

This Mufti's arguments are so badly written it is difficult to understand what he means in some places (the "flowing water" reference, for example). In any case, if the meanings of his arguments are vague, the flaws in his argument are obvious. As far as his translation of the verse, he says that the words **istimta'tum** means "to take benefit," and this is how it has always been understood. We have already seen that the great Sunni Tafsir writers did not understand the verse this way, and so "Maulana" Shafi's comments that this verse has "always" been understood by all generations as referring to the "taking of benefit" is entirely invalid.

In any case, if this is the meaning of the verse under discussion, than the Wahabi must provide an answer as to what benefit is being taken. It is not enough to merely say that this verse means "to take benefit." The verse is giving several different hukms (ruling) on Islamic Law, and in order for us to be able to know and understand what those rulings are, we would have to understand what benefit is being referred to here, i.e. what benefit the husband must compensate his wife for. However, this is not made clear in the verse: and so if we deny that the words **istimta'tum** refers to Mut'ah and say that it refers to a general taking of benefit, then we really have no idea what Allah (swt) is telling us here. As such, if we accept Shafi's translation, then we must say that this verse has no meaning and that we cannot possibly decipher what it refers to.

This is because of the way the verse has been written: Fama **istimta'tum** bi minhun fatuhunna ujurahunn. This line of the verse begins with the words Fa and Ma, meaning "So" and "What." As such, if we were to accept Muhammad Shafi's translation, the verse would mean "And so

from what you have taken benefit from them, give them their rewards." If **istimta'tum** means to take benefit, then we would have to understand the verse as being an order to compensate your wives for the benefit that one takes from them. However, we would have to then ask: Which benefit? Since the ayat is unconditional (mutlaq), we would therefore have to assume any benefit. Does a husband, therefore, have to pay his wife for sex? Does he have to pay her for having children? What does he have to pay her for, and what does he not have to pay her for? If we accept Shafi's idea that the word **istimta'tum** means taking any benefit, than this would mean that a husband would be obligated to pay his wife for every task that she does. It would, therefore, be obligatory for a man to pay his wife for sex, since this would fall under the classification of "taking benefit." As such, we see that after this Wahabi condemns Mut'ah for being a type of prostitution, he then gives a Tafsir of the Qur'an that makes prostitution (the paying of money for sex) obligatory in marriage. What hypocrisy!

However, if we understand the words as referring to Mut'ah (as have all the Shi'a and Sunni 'ulama through history), then we do not have this problem: the verse refers to the obligation of paying the ajr, or the dowry, to the temporary wife.

Furthermore, his argument that the verses "binding yourself in marriage and not only for lust" indicate that the verse does not have anything to do with Mut'ah is entirely invalid, for the simple reason that no such verse exists. Rather, this translation is an example of Wahabi distortion (tahreef) in the Holy Qur'an. The word lust does not occur in this verse. Rather, the word used is musafiheen, and the Qur'an tells the believers that they should seek marriage as muhsineen and not as musafiheen. The word muhsineen in this context refers to those who keep themselves chaste, who protect themselves from fornication through marriage. The word musafiheen refers to prostitution or fornication. The word "lust" does not occur anywhere here, and so the believers are not being told to avoid their lust, but rather that they should satisfy their sexual desires through halaal ways. Since Mut'ah is one of these halaal ways, it does not qualify as fornication.

However, if the Wahabi author believes that this verse is telling believers not to satisfy their sexual desires, then this would obviously mean that all marriage is haram, as well as concubinage. Does the Maulana really believe that it is haram for a husband and wife to engage in sexual relations solely for the sake of sexual desire? If Maulana Shafi really believes that this ayat is a prohibition on satisfying one's sexual desires, than he should probably contemplate a change of religion from Islam to Christianity. The idea that it is wrong to engage in marriage for the sake of sexual desire has nothing to do with Islam, and the tired moralism of anti-Mut'ah Wahabis is something truly foreign to Islam. Maulana Shafi seems to believe that the only purpose for marriage is to establish a family. According to his logic, then, it is not permissible to marry a barren woman who cannot have children, since sexual relations with her would only be for the sake of sexual desire and not for the sake of having children.

16. The Sunni concept of 'marriage with the intention of divorce'

Furthermore, if this ayat is a prohibition on marrying for the sake of sexual relations, then what does Maulana Shafi have to say about this fatwa of the late Grand Mufti of Saudi Arabi, Shaykh Bin Baz:

Someone asked him: In one of your tapes, you have a fatwa that it is permissible for someone in a Western country to get married with the intention of getting divorced after a specific period...What is the difference between this and between Mut'ah?

Response: Yes, this fatwa has come from Permanent Council (of Muftis), and I am its leader, and we have ruled that it is permissible to marry with the intention of getting divorced [i.e. Deceiving the girl by not telling her about your Intention of divorcing her later[, if this intention [of Deceiving] is between the servant and his

Lord. If someone marries in a Western country, and his intention is that when he finishes his studies or finds a job or something like this that he will get divorced, then there is absolutely no problem with this in the opinion of all 'ulama. This intention is something between the servant and Allah, and is not a condition. The difference between this and Mut'ah is that Mut'ah has the condition of a definite time period, such as a month or two months or a year or two years and so forth. If the time period fends, then the Nikah is abrogated. This is the invalid form Mut'ah. However, if somebody marries according to the Sunnah of Allah and the Prophet, but he nonetheless holds the intention [of deception] in his heart that when he leaves the (Western) country he will divorce, then there is no harm in it. This intention might change, and so it is not something definite. This intention is not a condition, and it is something between the servant and his Lord. There is no harm in it, and it is one of the ways that a person may remain chaste and avoid fornication and debauchery. This is the statement of all people of knowledge.

 [Reference at BinBaz.com](#)

Note: Brackets used within are from outside in order to make our point clear to the readers.

If someone suggests that it was only the esteemed Salafi Shaykh Bin Baz that came up with this thought then allow us to present the edicts from the great Hanafi work 'Fatawa Alamgiri':

ولو تزوجها مطلقا وفي نيته أن يقعد معها مدة نواها فالنكاح صحيح

"If he performed mutlaq marriage with her but his intention is to stay with her for a prescribed period, the marriage is correct"

 [Online Fatwa Alamgiri](#)

 [Fatwa Alamgiri, Volume 2 page 155](#)

We also read:

ولو تزوجها على أن يطلق بعد شهر فإنه جائز

"Though he married her on a condition to divorce her after one month, the marriage is valid"

 [Online Fatwa Alamgiri](#)

 [Fatwa Alamgiri, Volume 2 page 155](#)

In another authority Hanafi work 'Al-Hidayah' Volume 1 page 186 we read the views of famed Hanafi scholar Zafar bin al-Hazeel al-Basri (d. 158 H) about a marriage of prescribed time:

"Temporary marriage is Batil, this is where a man and woman get married by the testimony of two witnesses until ten days, Zafar has commented that this type of Nikah is correct (sahih), because Nikah does not become batil with the incorrect conditions."

Note: So we see that whether or not the condition of a prescribed time for Nikah is considered correct or not in the Hanafi fiqh such a Nikah remain valid and will not be deemed fornication as our opponents suggest.

Comments

Why is it our opponents who bark at the concept of Nikah-Mutah deeming it adultery because the man and woman separate (divorce) after a prescribed time remain silent at their schools' belief about **"The marriage with the intention of divorce"**? Can they explain how this differs from Nikah al-Mutah? The only difference we find is that Nikah al-Mutah is done with mutual agreement and it has a basis in Islam which is why the Sahabah and Tabaeen

accordingly performed it, while the Sunni belief of **"The marriage with the intention of divorce"** is nothing but an innovated deception which has no Islamic basis!

If a man lies to a woman and promises her a permanent marriage, has sex with her and then divorces her one-hour later, this is fine. But if a man and woman actually agree together that the marriage is only to last for a certain time, then the Nikah is invalid and is adultery. What logic!

Is there any other objective behind marriage with the intent of divorce other than seeking to satisfy one's sexual desire? According to Maulana Shafi, such an intention is entirely haram, so if we accept his logic, than Shaykh Bin Baz and their Hanafi brethren must have been the great advocates of fornication.

If this discussion makes anything clear, it is that the enemies of the Ahl al-Bayt (as) clearly need to find somebody with more experience and knowledge in Tafsir to comment on these verses.

17. Nasibi's attempt to prove Mutah is Haram by incorrectly translating/interpreting verse 4:24

A very interesting situation occurs when Nasibies try to prove that this verse 4:24 does not legitimise Mutah Marriage, they wrongly translate/interpretate it the conclude that the verse in fact proves that Mutah Marriage is Haram. Let us first give their translation and then their interpretation:

[Yusufali 4:24]

Also (prohibited are) women already married, except those whom your right hands possess: Thus hath Allah ordained (Prohibitions) against you: Except for these, all others are lawful, provided ye seek (them in marriage) with gifts from your property,- desiring chastity, not lust(Ghair Musafihin).

The literal meaning of word "Musafihin" is "Spilling of Semen". See, spilling of semen is involved in in all kind of sexual relations irrespective of own wife, or slave woman or prostitute. When this spilling of semen is done according to rules and regulations prescribed by Sharia, then it is Halal. And when it is done against these rules and regulations, then it is Haram and is tantamount to Zina.

Therefore, here the word "Musafihin" means "Spilling of semen in Haram ways" [i.e. Zina aka fornication]. We don't know on what basis Nasibies deem it to be "LUST" and their further claim that while Mutah is done in order to satisfy sexual lust, this verse prohibits Mutah marriage.

Such efforts demonstrate the worst type of deception by Nasibies in order to prove Mutah to be Haram, they are playing with the verses of the Quran in order to achieve their evil wishes. We shall advance further arguments which will prove these enemies of Allah have played with the verses of the Quran.

Mutah was practiced long after the revelation of this verse

Surah Nisa was revealed in first years of Madinian period (see any Tafsir of Quran for time of revelation of this Surah. This was the time when the Islamic society was initially established in Madina and Sharia laws were revealed for nascent society.

As compared to this Surah, the whole Ummah is unanimous that Mutah was practised at least until 7th Hijri i.e. long after the revelation of this verse. It is therefore impossible to conclude that this verse made Mutah Haram. (We shall later on cite the names of various reound Sunni

Uleme, who declared that this verse could not abrogate Mutah, as Mutah was practiced till long after it's revelation). Hence, this verse was recited by Rasul Allah (saw) too, and he never took the literal meaning of "Musafihin" here and allowed/ordered the Sahaba and Sahabiat to contract Mutah marriage. Do the Ahle Sunnah understand the Quranic verses better than Rasul Allah (saw)?

Sexual relationship with Slave-women are 'only for lust' in Sunni Fiqh

If the Ahle Sunnah still insist that word "Musafihin" is used in literal meaning of lust, then they have to explain this tradition from Sahih Muslim, Book 008, Number 3371:

Abu Sirma said to Abu Sa'id al Khadri (may Allah be pleased with him): O Abu Sa'id, did you hear Allah's Messenger (may peace be upon him) mentioning al-'azl? He said: Yes, and added: We went out with Allah's Messenger (may peace be upon him) on the expedition to the Bi'l-Mustaliq and took captive some excellent Arab women; and we desired them, for we were suffering from the absence of our wives, (but at the same time) we also desired ransom for them (by selling them). So we decided to have sexual intercourse with them but by observing 'azl (Withdrawing the male sexual organ before emission of semen to avoid-conception). But we said: We are doing an act whereas Allah's Messenger is amongst us; why not ask him? So we asked Allah's Messenger (may peace be upon him), and he said: It does not matter if you do not do it, for every soul that is to be born up to the Day of Resurrection will be born.

This tradition of 'Azl could be found at many places in authentic Sunni Ahadith books. Moreover, this tradition also contradicts another Sunni claim that sexual relationship in Islam are only done in order to bear children. Ahle Sunnah also use this excuse in order to prove that Mutah Marriage is Haram since the objective is not to bear children. Actually they are entirely wrong as Mutah marriage can also be performed with the intention to bear children, and Nikah can be performed with the intention of having no children. That is why Sunni Fiqh allows impotent men to perform a Nikah even though they cannot procreate.

Why is the Lust of Misyar Marriage not Haram in Sunni Fiqh?

Misyar Marriage is allowed by Salafi Ulama in order to curtail sexual lust (even if your objective is to deceive the woman and you actually intend on divorcing her later). It is indeed strange logic that Mutah is Haram because it involves Lust, but Salafies can fulfil their lust through Misyar Marriage even if it is accompanied by deception!

We hope and pray that our readers are able to see the contradictions in relation to the Sunni interpretation of this verse. We end this topic by quoting Imam Fakhar-ud-Din Razi, who wrote under the explanation of this verse:

"... Mutah marriage does not fall under Safah (root form of word Musafihin), while Mutah marriage is done right from beginning under the rules and regulations which are revealed by Allah".









18. Sunni Doubts as to the Correct Recitation of this Verse

Beyond these facts, we see that not only do the majority of Sunni 'ulama accept that this verse was revealed about Mut'ah, but a large majority also believe that there has been tahreef (change, distortion) in this verse in order to create confusion as to its real meaning. A number

of Sunni hadeeth claim that this verse was read in a different way than it is today, in a way that makes it clear that it refers to Mut'ah. Imam of Ahl as-Sunnah Abu Hayyan Andalusi in his book 'al Bahar al Maheet' Volume 3 page 218 states:

"Ubay ibn Ka'b, Ibn Abbas and Ibn Jubayr would read the verse with the words 'for a prescribed period'.

A number of Sunni Tafsir claim that the words "for a prescribed period" were read by the Sahaba when they recited this verse:

1.  [Tafseer Durre Manthur, Volume 2 pages 140-141](#)
2.  [Tafseer Tabari, Volume 5 pages 14-15](#)
3. Fathul Qadeer, Volume 1 page 14
4. Tafseer Ibn Katheer, Volume 1 page 84
5. Tafseer Ruh al Maani, Volume 5 page 5
6. Tafseer Kashaf, Volume 1 page 20
7.  [Tafseer Mazhari, Volume 3 page 19](#)
8.  [Tafseer Ahkam al Quran, Volume 2 page 47](#)
9.  [Tafseer Mu'alim al Tanzeel, page 414](#)
10. Mustadrak Al Hakim, volume 2 page 47
11. Al Musahif by Abi Bakr Sijistani, page 3
12. Tafseer Mawahib al Rahman, page 4 part 5
13.  [Tafseer Haqqani, Vol 2 page 3 \(published in 1956, Deoband UP. India\)](#)
14. Tafseer Jama Al Bayan, Volume 1 page 66
15.  [Neel al Autar, Volume 6 page 53 Chapter: The abrogation of Nikah al-Mutah](#)
16.  [Tafseer Qurtabi, Volume 5 page 30](#)
17. Zaraqani Sharh Muwatta, Volume 1 page 54
18. Kitab al Musahaf, page 342
19. Al Bahar al Maheet, Volume 3 page 218
20. Maini al-Quran, Volume 2 page 61

In later chapters when pages of sources are not mentioned then we are referring to references from above pages.

Specifically, the companion Abdullah ibn Masu'd is cited as reading the verse on Mut'ah with the additional words **'for a prescribed period'** confirming its legitimacy, as well as testifying to tahreef in Uthman's compiled Quran. This is cited in the following sources:

1. Tafseer Manar, Volume 5 page 5
2. Tafseer Jama al Bayan, Volume 6 page 9
3. Tafseer Ruh al-Ma'ani, Volume 5 page 5
4. Sharh Sahih Muslim of al-Nawawi, Volume 9 page 179
5. Umdat al-Qari Shrah Sahih Bukhari, Volume 18 page 208

All of these sources agree that Ibn Masud would read the verse of "Istimatum" followed by the words **'for a prescribed period'**. Can we conclude that these Sahaba were liars or were they suggesting that words were missing in the Quran collected by Uthman? The companion Ubay Ibn Ka'b is also said to have stated that the verse of Mut'ah included the words **"for a prescribed period"** and that the Companions remained silent when he recited the verse in this way.

Further evidences in this regard as are follows. Imam of Ahl as-Sunnah Sulayman bin Ashash Sijistani the son of the author of Sunan Abu Daud in his renowned Sunni work 'al Musahaf' page 286 records as follows:

"Ubay bin Ka'b and Saeed bin Jabayr would read this verse with the words 'for a prescribed period'"

Allamah Baghwi records:

Ibn Abbas [ra] used to believe that the verse is muhkam (i.e. did not abrogate) and used to permit Mutah.

And it has been narrated from Abi Nadhra that he said: 'I asked Ibn Abbas [ra] about Mutah, he replied: 'Dont you read in Surah Nisa that '*ye derive benefit from them till specific period*'?' I replied: 'I don't recite it like that'. Ibn Abbas replied: 'Allah revealed it like this'. He repeated it thrice.

 [Tafseer Al Baghawi, Al Musami Mu'alim al Tanzeel, page 414](#)

Imam Jalaluddin Suyuti records:

Narrated Abed bin Hamid, ibn Jarir, al-Anbari in his book al-Musahif and al-Hakem and he declared the chain as Sahih from Abi Nadhra who said: 'I recited before Ibn Abbas '*ye derive benefit from them, give them their dowers*'. Ibn Abbas said: '*ye derive benefit from them for specific period*'. I said: 'We don't recite it like this'. Ibn Abbas said: 'By Allah it was revealed like that.'

 [Tafseer Durre Manthur, Volume 2 pages 140-141](#)

This recital was also recorded in Tafseer Tabari, on the authority of Ibn Ka'ab:

 [Tafseer al-Tabari, pages 14 & 15](#)

Qadhi Thanauallah Paani Patti (d. 1225) records:

Abdur Razak in Musnaf has narrated the statement of Atta through Ibn Juraij that Ibn Abbas still believed that Mutah is Halal and in his proof he used to cite this verse and Ibn Abbas also stated that according to Ubai bin Kaab's recitation of this verse, it also contain 'for the prescribed time'"

 [Tafseer Mazhari, Volume 3 page 19](#)

Beside Ibn Abbas, Ibn Masud, Ibn Jubayr and Ubai bin Ka'ab, many other prominent figures likewise used to recite the verse with the words **"to an appointed time"** and that includes Al-Sedi (Tafseer Tabari v5 p18, Tafseer Ibn Kathir v1 p486), Talha bin Musraf (Tafsir Thalabi v3 p286) and Muqatel (Tafsir Samarqandi v1 p320, Al-Ujab fi bayan al-asbab by Ibn Hajar v2 p858).

We have seen that many narrations claim that Ibn Abbas recited the verse in a fashion that clearly refers to Mut'ah. The famous hadeeth narrator and scholar Al-Hakim Nisaburi in 'Mustadrak' Volume 2 page 334 recorded the recitation of Ibn Abbas i.e. with the words 'for a prescribed period' and graded the tradition to be a Sahih as per the grading conditions set by Imams Bukhari and Imam Muslim while Imam Dhahabi in his margin of 'Mustadrak' deemed it Sahih on the condition of Muslim. No Sunni can deny the status of Hakim within their sect; the famous scholar Shah Waliyullah graded Hakim as the mujadid (reviver of the faith, perhaps the highest praise that can be given to a Sunni 'alim by his community) in the fourth century. In Izalathul Khifa p. 77 part 7, al Muhaddith Shah Waliyullah stated:

A Mujadid appears at the end of every century: The Mujtahid of the 1st century was Imam of Ahlul Sunnah, Umar bin Abdul Aziz. The Mujadid of the 2nd century was Imam of Ahlul Sunnah Muhammad Idrees Shaari the Mujadid of the 3rd century was Imam of Ahlul Sunnah Abu Hasan Ashari the Mujadid of the 4rth century was Abu Abdullah Hakim Nishapuri.

The scholar Shah Abdul Aziz relied heavily upon those narrations, which Hakim considered

Sahih. An example would be his argument, based upon a sahih narration of Hakim, that Abu Bakr was stung by a scorpion while in the cave with the Holy Prophet (s), and that this demonstrates his loyalty to the Prophet (s). Abdul Aziz uses this argument against the Shi'a. We read in Taufa Ithna Ashari p. 82, Part 15 Mutha'een Abu Bakr

"A scorpion stung Abu Bakr hard twice, Hakim narrated this and graded this as Sahih"

Now, if Abu Bakr's rank can be exalted by a Sahih narration in Mustadrak al Hakim as proof and can be advanced against the Shi'a, then by the same token we have narrated a tradition confirming the legitimacy of Mut'ah from the Quran narrated by Ibn Abbas with a Sahih chain recorded by the same Hakim. Is it not the height of intellectual dishonesty to rely upon one narration, and reject the other?

We have seen that many narration's claim that Ibn Abbas recited the verse in a fashion that clearly refers to Mut'ah. The famous hadeeth narrator and scholar Al-Hakim Nisaburi in 'Mustadrak' Volume 2 page 334 recorded the words of Ibn Abbas claiming that the verse of Mut'ah included the words **'for a prescribed period'** and graded the tradition to be a Sahih as per the grading conditions set by Imams Bukhari and Imam Muslim while Imam Dhahabi in his margin of 'Mustadrak' deemed it Sahih on the condition of Muslim. No Sunni can deny the status of Hakim within their sect; the famous scholar Shah Waliyullah graded Hakim as the mujadid (reviver of the faith, perhaps the highest praise that can be given to a Sunni 'alim by his community) in the fourth century. In Izalathul Khifa p. 77 part 7, al Muhaddith Shah Waliyullah stated:

"There are differences concerning the reciting of additional words [outside the Qur'anic verse], Qadhi Abu Tayib, and many other 'ulama held such recitals to be permissible, Imam Abu Hanifa also adhered to this school of thought".

Does Dr. Salamah claim that he is more knowledgeable than these companions are? We have seen that Abdullah ibn Mas'ud and Ubai ibn Ka'b are listed as some of those companions that use to recite this verse in a way that made it clear that it referred to Mut'ah, and we read in Bukhari from one of the companions:

"I heard the Holy Prophet saying, 'Take (Learn) the Qur'an from four: Abdullah bin Masud, Salim, Mu'adh, and Ubai bin Ka'b'."

Sahih Bukhari Arabic - English Vol 6 hadith number 521

Now when these two great Sahaba both understood and recited the verse as referring to Mut'ah then what right does this Enemy of the Ahl al-Bayt (as) have to claim it has nothing to do with Mut'ah? We have cited 16 Sunni texts confirming the verse "istimatum" referred to Mut'ah as well as 8 Sunni sources confirming that Mut'ah was halaal at the beginning of Islam. Despite this we read comments from the likes of Founding father of Sipah-e-Sahaba Haq Nawaz Jhangvi claiming:

Jhangvi states:

THE MUSLIMS MAINTAIN THAT THERE CAN BE NO REFERENCE TO SUCH A TEMPORARY MARRIAGE OF PLEASURE IN THE QUR'AN WHICH STANDS FOR MORAL EXCELLENCE AND DEALS ONLY WITH NIKAH OR REGULAR MARRIAGE, THE SHITTES CONTEND THAT THERE IS A REFERENCE TO THIS FORM OF MARRIAGE I.E. MUTA IN THE VERSE 24 OF SURAH AL-NISA.

If to quote Jhangvi, Muslims do not ascribe to the view that no verse on Mut'ah exists in the

Qur'an then what can we say of these 16 Sunni scholars who in their Tafseer's stated the verse referred to Mut'ah, were they kaffirs? And worse still what can we say of the great Sahaba such as Ibn Abbas, Ibn Masud and Ubayy ibn Ka'b who believed that verse 24 of Surah Nisa referred to Mut'ah, were they Rafidi Kaffirs? Jhangvi has openly defamed three companions of Rasulallah (s) famed for their knowledge of the Qur'an. Since Sipah-e-Sahaba advocate that those that defame the companions of Rasulallah (s) are apostates, their modern day Ulema clearly need to pass an appropriate fatwa on their founder whose comments in effect suggest that three of the esteemed Sahaba were kaffirs as they believed that there was a verse on Mut'ah in the Qur'an!

We ask these Nasibi if Mut'ah is shameless fornication and is it in fact prostitution - did Rasulallah(s) allow his Companions to engage in shameless activity? Did the Sunni Ulama testify to fornication being halaal? Clearly not. There is, therefore, no doubt that the Holy Qur'an has acknowledged the permissibility of Mut'ah. Only a tiny handful of Sunni 'ulama have claimed that verse 4:24 does not deal with Mut'ah, and we (as well as the Dr Salamah!) have firmly established that the verse does deal with the subject of Mut'ah.

19. Quality of Sunni 'Ulama Ruling on the Impermissibility of Mut'ah

We may also take a brief look at the quality of the Sunni 'ulama writing on this issue:

Nida ul Islam magazine:

After the opinions of the four Mazahib, we report the opinions of scholars from other Mazahib below.

Ibn Hazm said, "temporary marriage is not permitted; this is a fixed marriage which was permitted at the time of the Messenger (saww.), then Allah superseded it through His Messenger (saww.) until the day of resurrection."

Imam Shawkany: "We worship in accordance with what we learnt from the Messenger (saww.), and we have ascertained the authenticity of his eternal prohibition of temporary marriage. The fact that some companions were not aware of this does not negate the large number of companions who were aware and who have acted upon the prohibition and proclaimed it."

Qady 'Ayyad said: "The scholars reached consensus that temporary marriage was a marriage for a term with no inheritance, its separation at the expiry of the term without dispute, the consensus after this was that it was prohibited according to all the scholars with the exception of the rejecters. Ibn 'Abbas allowed it until he became aware of the prohibition and then forbade it and said: "If temporary marriage takes place now, it is void regardless of whether it had been consummated or not."

Imam Nawawy said: "The truth of the matter is that it was permitted and prohibited on two occasions. It was permitted before Khayber, then prohibited, then permitted on the day of liberation, the day of Awtas, then prohibited

forever after three days of the event."

Notice how the discussion begins: "We report the opinions of scholars from other Mazahib," i.e., from other than the four official schools of thought in Sunni Islam (Hanafi, Shafi'i, Maliki, and Hanbali). Yet according to the standard Sunni view, anybody who is outside the four madhabs is a disbeliever. This is one of the main accusations made against the Shi'a, i.e., that they have split off from the Jamaa'ah (the majority) and are therefore outside of Islam. Yet in spite of that, this Wahabi has no problem quoting the opinion of these 'ulama who, according to him, are outside of the four schools of thought. Is this justice, or is this the work of somebody who is taking an entirely bigoted approach to Shi'ism and the issue of Mut'ah?

20. Conclusion

When our detractors amongst Ahl as-Sunnah want to attack the Shi'a, they seek to describe Mut'ah as prostitution. Such insults are a sickening practice that is insulting to the Prophet (s), for we have proven that Mut'ah was both permitted in the Qur'an and practised widely by the Muslims during his (s) time. In Sharh Nawawi, Volume 1 p. 102 on Nikah Mut'ah we also learn that Ayesha gave the same fatwa as the Shi'a on Mut'ah. Hence, the train of insult and abuse which is thrown at the Shi'a of the Ahl al-Bayt (as) should also fall onto Ayesha and her sister Asma. If Mut'ah is prostitution then Ahl as-Sunnah need to apply an appropriate fatwa to the daughters of Abu Bakr, both of whom believed in Mut'ah, and especially on 'Asma who practised it. This is not reasonable, but such unintentional slanders against the wife and sister-in-law of the Prophet (s) are the results of bigoted attacks on Mut'ah, attacks which have no basis in Qur'an, Sunnah, or reason.

5. Chapter 5: The Argument that Mut'ah is Immoral -I

For the easiness of our readers, here we are pasting the headings used in this chapter discussing various topics:

- [1]. Dr Salamah's notion that Mutah is immoral
- [2]. Answering the claim that Mut'ah was gradually outlawed as the Sahaba needed to adjust from Jahiliyya to Islam
- [3]. The argument that Mut'ah does not meet the criterion of chastity (ihsan), nor does it qualify as marriage
- [4]. Inheritance of the child born from Mut'ah
- [5]. Ibn al-Hashimi's anxiety that a man will reject the parentage of the child born from Nikah al-Mutah
- [6]. Iddah (Waiting Period) in Mut'ah Marriage
- [7]. Mut'ah with Christians/Jews Women
- [8]. The mockery by Ibn al-Hashimi at the traditions calling the woman in mutah as rented
- [9]. Ibn al Hashimi's assertion that Mutah is tantamount to rented 'booty by the hour'
- [10]. Ibn al-Hashimi's indigestion in stipulating the timing of meeting between husband and wife in marriage contract
- [11]. Dr. Salamah's Statements Concerning Dowry
- [12]. Ibn al-Hashimi's interpretation that the dowry in Mutah is just like a payment for sex in prostitution
- [13]. Nawasib's discussion that there is no need to make enquiries about a woman before Mut'ah
- [14]. Dr Salamah's discussion on Mut'ah with a Young Girl
- [15]. Nasibi objection that you can contract Mut'ah with countless women
- [16]. The Sunni marriage with the intention of divorce - The Fatwa of Wahabi Leader Bin Baz
- [17]. Dr. Salamah's Discussion on the rewards for physical contact between a husband and wife
- [18]. Dr. Salamah's Discussion on the blessing of Mut'ah
- [19]. Dr. Salamah & Ibn al-Hashimi's discussion that those that practise Mut'ah shall be with the Prophet and Imams
- [20]. Dr. Salamah's Discussion on the rewards for Nikah Mut'ah and performing Ghusl afterwords
- [21]. Dr Salamah's discussion on the Commission of Mut'ah
- [22]. Refuting the questions posed by Dr Salamah al Nasibi

In spite of the fact that Mut'ah is legislated in the Holy Qur'an, there are those who have attempted to argue that Mut'ah is immoral, illegitimate, and leads to fornication. One of the main problems in all debates surrounding the legitimacy of Mut'ah is the degree to which people's minds have been clouded on this issue. If one goes into a debate believing that temporary marriage is fundamentally immoral, than it will be impossible for such a person to accept the Qur'anic and hadeeth proofs for its legitimacy. Such a person has already closed off his mind to the truth, and no amount of Islamic evidence will be able to sway him. A critical issue which needs to be dealt with, then, is whether or not Mut'ah constitutes a moral outrage, or whether (as the Prophet and Imams (as) have taught) Mut'ah is a blessing and grace (lutf) given by Allah (swt) to the believers.

21. Dr Salamah's notion that Mutah is immoral

The Wahabi author Dr. Salamah wrote the following about Mut'ah:

Dr Salamah states:

"Except for these, all others are lawful, provided you seek them [in marriage] with gifts from your property, desiring chastity, not lust. So for whatever you have enjoyed from them, give them their compensation as an obligation." (4:22) This verse clearly emphasizes the concept of chastity through regular marriage. Mut'ah, on the other hand, is an open license for sexual pleasure with as many women as one can financially afford. The women who engage in Mut'ah are hired women; thus, it can be performed with all women irrespective of their age, character, conduct or religion. It requires no witnesses, nor is there any obligation on the man's part to provide food and shelter to the woman. The only precondition is that the woman agrees to the price and the length of the Mut'ah and that the man pays her the compensation when he has relations with her. One can discern for himself whether such a practice leads to sheer promiscuity or promotes chastity.

 www.islamicweb.com

This argument is thoroughly non-sensical. If the author means to imply that Mut'ah is bad because the woman could be considered to have the status of a "hired woman," than certainly the purchase of concubines (slave-girls) should be even worse, since such woman are "bought." A man may buy as many concubines as he wishes, nor does the purchase of a concubine require witnesses; in fact, it does not even require a reading of seegah an-Nikah. Rather, the woman is automatically halaal to the one who purchases her. In al Muhalla Volume 6, part 9, page 467, Imam of Ahl as-Sunnah Ibn Hazm affirmed this stating:

"No one is allowed to wed to more than four women, but he is permitted however, in addition to them he can purchase as many women as he wants"

All Muslims agree on this fact, as it is certainly referred to by the Qur'an:

Successful are the believers, who are filled with awe in their salat, who turn away from vain talk, who give in charity, and who protect their chastity, except with their wives *OR* those whom their right hands possess.

Al-Qur'an, Surah 23, Ayah 1-7

There is also no limit as to the number of slave-women that one may possess, and even the Prophet (s) was allowed to take slave-woman after he was prohibited from marrying any more wives:

"No woman are permitted to you [the Prophet] in the future, nor is it allowed for you to change your wives for other women, even if there beauty may stun thee, except for those whom your right hand possess".

Al-Qur'an, Surah 33, Ayah 52

Clearly, then, marriage is not the only form of halaal sexual activity in Islam. Slave-girls are not wives; otherwise Allah (swt) would not have used the word "or" (au). Yet what the Wahabis are arguing is that the only form of sexual relation that is not fornication, which does not contradict chastity, is permanent marriage (Nikah). Yet the poverty of this argument is made unavoidably

clear by these words of Allah (swt). Is the permissibility of sexual relations between slave-master and slave-girl, then, what the Wahabis would call "an open license for sexual pleasure with as many women as one can financially afford"? We know from fiqh that the only limit on the number of concubines one may purchase is his financial strength. Yet such a relationship would seem to fall precisely in line with the condemnation that these Wahabis have issued against Mut'ah, viz., that "it is an open license for sexual pleasure with as many women as one can financially afford." Put in its most basic terms, the permissibility of concubinage is nothing other than this: yet all agree that it is halaal, and its permissibility is born witness to again and again in the Holy Qur'an. If the Wahabis seek to deny that this verse refers to the permissibility of a slave-master having sexual relations with his slave-woman without a marriage, then they should refer to Ibn Kathir, who writes about this verse:

(And those who guard their private parts. Except from their wives and their right hand possessions, for then, they are free from blame. But whoever seeks beyond that, then those are the transgressors.) means, those who protect their private parts from unlawful actions and do not do that which Allah has forbidden; fornication and homosexuality, and do not approach anyone except the wives whom Allah has made permissible for them or their right hand possessions from the captives. One who seeks what Allah has made permissible for him is not to be blamed and there is no sin on him.

[Reference at Tafsir.com](#)

Yet the Wahabis are claiming that there is sin on such a person, for he has entered into a sexual relationship outside of "regular marriage." Furthermore, the right of a slave-master over his slave-girls is so strong that the slave-master even has the right to break the marriage of his slave-girls and take them for himself, as referred to in the same set of verses under discussion:

"Also prohibited to you are all married women, except those whom your right hand possesses".

Al-Qur'an, Surah An-Nisa, Ayah 24

Ibn Kathir, the oft-quoted Mufassir who is beloved by the Wahabi movement, writes:

Allah said: "(Also (forbidden are) women already married, except those whom your right hands possess.) The Ayah means, you are prohibited from marrying women who are already married, (except those whom your right hands possess) except those whom you acquire through war, for you are allowed such women after making sure they are not pregnant. Imam Ahmad recorded that Abu Sa`id Al-Khudri said, "We captured some women from the area of Awtas who were already married, and we disliked having sexual relations with them because they already had husbands. So, we asked the Prophet about this matter, and this Ayah was revealed: "(Also (forbidden are) women already married, except those whom your right hands possess). Consequently, we had sexual relations with these women."

This is the wording collected by At-Tirmidhi An-Nasa'i, Ibn Jarir and Muslim in his Sahih.

[Reference at Tafsir.com](#)

As such, we see that Islam has allowed a form of sexual practice that is not considered to be marriage, and furthermore has given this relationship precedence over the marriage relationship. The Wahabi authors continually return to the moral importance of permanent marriage, and insult all other forms of sexual relation, which Islam has allowed. Is concubinage debauchery? Is it fornication, and evil, because it violates the institution of Nikah? A man may buy as many slave women as he wants, and in most cases sell them when it suits him. He may even take a slave woman who is already married, by cancelling her marriage and taking her for himself. Is this debauchery? The Wahabis attempt to claim the moral high ground on the issue of Mut'ah inevitably leads them to insult other practices which all Muslims (Sunni and Shi'a)

agree is halaal.

In any case, the fact that the author is insulting the practice of Mut'ah is, even according to Sunni belief, a direct insult on the Holy Prophet (s). The Wahabi author is making a basically ethical argument that Mut'ah is the same as fornication, and is therefore prohibited. However, until recent years absolutely none of the Sunni 'ulama ever denied its original permissibility. Until the coming of the Wahabi movement, the Sunni argument was always that Mut'ah was abrogated, but that it was originally permissible. Ibn Kathir writes:

"Mujahid stated that, (So with those among them whom you have enjoyed, give them their required due,) was revealed about the Mut`ah marriage. A Mut`ah marriage is a marriage that ends upon a predetermined date. In the Two Sahihs, it is recorded that the Leader of the Faithful `Ali bin Abi Talib said, "The Messenger of Allah prohibited Mut`ah marriage and eating the meat of domesticated donkeys on the day of Khayber (battle)." In addition, in his Sahih, Muslim recorded that Ar-Rabi` bin Sabrah bin Ma`bad Al-Juhani said that his father said that he accompanied the Messenger of Allah during the victory of Makkah, and that the Prophet said, (O people! I allowed you the Mut`ah marriage with women before. Now, Allah has prohibited it until the Day of Resurrection. Therefore, anyone who has any women in Mut`ah, let him let them go, and do not take anything from what you have given them.) Allah's statement, (but if you agree mutually (to give more) after the requirement (has been determined), there is no sin on you.) is similar to His other statement".

[Reference at Tafsir.com](#)

As such, Ibn Kathir, who is quoted again and again by Wahabi authors and who was known for his staunch hatred of the Shi'as, states clearly that it was originally permissible. Ayatullah Maghniyah also discusses many references for this reality in the Sunni books:

We find in Sahih al-Bukhari, volume nine, the section on marriage, that the Prophet (s) said to his companions during some of the wars:

"You have been given permission to do Mut'ah, so do Mut'ah".

"A man and woman come together and agree to intimacy for three nights. If they desire to increase then they may increase, and if they desire to leave it, they may leave it."

We find also in Sahih al-Muslim, vol. 2, the chapter on Mut'ah, that Jabir ibn 'Abd Allah al-Ansari narrates:

We did Mut'ah on the covenant of the Prophet (s) and Abu Bakr and 'Umar." On the same page we find another hadeeth from Jabir, where he adds: "But then 'Umar forbid us from this."

After we have established that the Muslims have all agreed on the legislation and permissibility of Mut'ah in the covenant of the Glorious Prophet (s), they disagree as to when it was made impermissible. Did it become haram after the Allah the Glorious made it halaal? The Sunnis would argue that it was abrogated, and made haram after permission was given for it. Ibn Hajir Al-'Asqalani writes in his Fath al-Bari fi Sharh Sahih al-Bukhari, volume 11, p. 70 of the 1989 edition:

"We have numerous ahadith which are explicit in prohibiting Mut'ah after permission was given for it."

In the sixth volume of Kitab al-Maghni of Ibn Qadamah, page 645, third edition:

"Imam Shafi'i said: I don't know anything that Allah permitted, then forbid, then permitted, then forbid again except Mut'ah"

The Shi'a say: All of the Muslims are agreed on the permissibility of Mut'ah, but they only disagree on its abrogation. This abrogation is not based on certainty, and we cannot deny Mut'ah based merely on whim or doubt. This abrogation must be based on certainty, and yet we have many narrations from the Ahl al-Bayt (as) that say that there was no such abrogation. Much of this is mentioned by Hurr al-'Amali in his Wasa'il. These narrations include the following hadeeth of Imam as-Sadiq (as), where he was asked if anything had come to abrogate the ayat of Mut'ah. He said: **"No, and if it had not been denied by 'Umar, then no one would fornicate except a truly wretched person"**

 [Reference at Mutah.com](#)

Elsewhere, the issue of whether or not Mut'ah was abrogated is discussed. But here, the Wahabi is making a claim that Mut'ah is fundamentally evil, even though the Sunni 'ulama have all acknowledge that it was originally halaal. The question that must be asked, then, is this: do the enemies of the Ahl al-Bayt (as) believe that Allah (swt) permits fornication and debauchery? If so, then they are contradicting the express text of the Holy Qur'an where Allah (swt) says:

Allah does not order debauchery (fuhsha)

Al-Qur'an, Surah 7, Ayah 28

Yet we read in Sahih Bukhari that the Holy Prophet (s) ordered the Muslims to do Mut'ah:

You have been given permission to do Mut'ah, so do Mut'ah

Bukhari Volume7 , Book 62 , Number52

The Wahabi Muhsin Khan translates it as follows:

You have been allowed to do the Mut'ah (marriage), so do it.

 [Sahih Bukhari, Translation by Muhsin Khan at USC.edu The Online Bukhari](#)

22. Answering the claim that Mut'ah was gradually outlawed as the Sahaba needed to adjust from Jahiliyya to Islam

Imam of Ahl as-Sunnah Yusuf al-Qaradawi in his article on Nikah, takes the opportunity to attack the concept of Mut'ah and advances this rational:

Yusuf al Qaradawi states:

"The reason it was permitted in the beginning was that the Muslims were passing through what might be called a period of transition from jahiliyyah to Islam. Fornication was very common and widespread among the pre-Islamic Arabs. After the advent of Islam, when they were required to go on military expeditions, they were under great pressure as a result of being absent from their wives for long periods of time. Among the Believers were some who were strong in faith and others who were weak".

Similarly the Islamic Voice Magazine, in their article on Mut'ah claimed:

Islamic Voice Magazine states:

History tells us that the Prophet (Pbuh) permitted

Muta' on a few occasions of long collective journeys but finally forbade it forever in 10 AH after the last Hajj in his lifetime. The Nikah of Muta' (Contract of marriage for a limited period) was an ancient practice among Arabs. Arabs were sunk in fornication and adultery while Islam did not permit sexual relations outside the genuine wedlock. The binding was so harsh on them that sensing their weakness, the Prophet (Pbuh) permitted them on four occasions of long journeys, the Muta' which had a social sanction in their eyes. He had sensed that all of them could not bear to keep away from women for months so the temporary permission of Muta' was granted as it was better than indiscriminate sex. It may be noted that the permission of Muta' was on all four occasions granted on long journeys. There is not one occasion when the Prophet announced the permission while in town. It is a matter of interpretation whether the permission remained in force after those journeys or not. Those who believe in Muta's prohibition should also learn from the Prophet (Pbuh) the wisdom of gradually implementing the laws that are hard to practise for the beginners.

One would assume that such absurd comments by Sunni and Nasibi scholars would suffice, but then a moron called Ibn al-Hashimi also seeks to evidence his stupidity:

Ibn al Hashimi states:

Likewise, Mutah was a hobby of the pagan Arabs. Hence, it was not forbidden in the beginning. This is because Islam was in a transitional stage. The Prophet (s) initially allowed Mutah on a few occasions because there were many new converts to Islam who had weak faith.

 [Screen shot of Ibn al-Hashmi's article - top](#)

 [Screen shot of Ibn al-Hashmi's article - text](#)

23. Reply - Had the Sahaba still not abandoned the traits of jahiliyya in the 8th Hijri?

The comments of Qaradawi, Islamic Voice Magazine and Ibn al-Hashimi are indeed an insult of the noble companions, were they still embedded in jahiliyya, at the time of the conquest of Makka in the 8th Hijri or as Islamic Voice claim 10th Hijri? Should we accept the assertion of Ibn al-Hashimi they the Sahaba remained were weak in faith right upto the 10th Hijri? Are these authors suggesting that the great Sahaba who were willing to sacrifice their lives / possessions upon every order of Rasulallah (s) were (at this late stage of the Prophetic mission) so influenced by the practises of jahiliyya that they could not control their sex drives upon an order of Rasulallah (s)? Is it not insulting to suggest that as Qaradawi suggests, this 'period of transition from jahiliyya to Islam' had not been attained by the Sahaba in 8 Hijri, just two years before the death of Rasulallah (s)? According to the Islamic Voice magazine the beloved Sahaba were so 'weak' that Rasulallah (s) 'sensed that all of them could not bear to keep away from women for months so the temporary permission of Mut'ah'. All three authors are suggesting

that the same Sahaba that had turned their back on their families, who would willingly accept every word of Rasulallah (s) without raising any objections, were unable to let go of the jahiliyya practise of Mut'ah. And what can we say about Islamic Voice comments **'Those who believe in Muta's prohibition should also learn from the Prophet (Pbuh) the wisdom of gradually implementing the laws that are hard to practise for the beginners'**. Were the Sahaba who stood shoulder to shoulder with Rasulallah (s) who (according to Sunni accounts) always stood faithfully at his side through thick and thin were merely 'beginners' when Mut'ah was banned at the time of the Farewell Pilgrimage in the 10th Hijri? Are comments such as these not slurs against the Sahaba?

24. Answering the claim that Mut'ah was gradually outlawed in the same way that alcohol and usury was

Yusuf al Qaradawi states:

"We may recall that the Qur'an adopted a gradual course in prohibiting intoxicants and usury, as these two evils were widespread and deeply rooted in the jahili society. In the same manner the Prophet (peace be on him) adopted a course of gradualism in the matter of sex, at first permitting temporary marriage as a step leading away from fornication and adultery, and at the same time coming closer to the permanent marriage relationship".

The Islamic Voice journal made similar comments:

Islamic Voice states:

"The gradual implementation of prohibition of sex outside (permanent) marriage can be compared with the gradual implementation of prohibition of intoxicants. Though the wines were never permitted in any Shariah of any prophet, the total prohibition was imposed in three stages. The difference between the prohibition of intoxicants and the prohibition of illegal sex is that while the former was implemented in stages by Qur'an, the Prophet (naturally with the consent of Allah) was also instrumental in its phased implementation in case of latter".

25. Reply

Our response to such logic is there is a world of difference between allowing a practise to continue, and ordering a practise to be carried out. Keeping in mind the authentic Sunni traditions having the testimony of the Sahaba that Prophet [s] 'ordered' them to do temporary marriage (Muta), for example Imam Fakhruddin Razi records:

عمران بن الحصين فانه قال: نزلت آية المتعة في كتاب الله تعالى ولم ينزل بعدها آية تنسخها وأمرنا بها رسول الله صلى الله عليه وسلم وتمتعنا بها

Imran Ibn Husain narrated: "The verse of Mut'a was revealed in Allah's Book, and there did not come any other verse after that to abrogate it; and the Prophet

ORDERED US to do it, so we did it at the time of Allah's Apostle..."

Similarly we read the testimony of Sabura in Sahih Muslim:

عن أبيه، عن جده، قال أمرنا رسول الله صلى الله عليه وسلم بالمتعة

(Sabura al-juhanni): "Allah's Messenger (may peace be upon him) ordered us to contract temporary marriage"

[Sahih Muslim \(Arabic\), Kitab al-Nikah, Hadith 3490](#)

Also the next Hadith:

سبرة بن معبد أن نبي الله صلى الله عليه وسلم عام فتح مكة أمر أصحابه بالتمتع من النساء

"Sabra b. Ma'bad reported that Allah's Apostle (may peace be upon him) ordered his Companions to contract temporary marriage with women"

[Sahih Muslim \(Arabic\), Kitab al-Nikah, Hadith 3491](#)

Note: These two traditions can be read in the English version of Sahih Muslim at 3257 and 3258 respectively but the Saudi-paid translator of Sahih Muslim has used "permitted" instead of "ordered" or "commanded" while the Arabic text of the Hadith uses "ordered / commanded" as the Arabic word 'Amarna' has been used. The hypocrisy of the translator can be proved if you read hadiths containing the word 'Amarna' where he translated it correctly as "commanded" (see Tradition Nos. 803, 2391, 2634, 2797, 2798 etc..)

The issuing of an order is a significant matter. Let us for arguments sake accept the argument of Qadrawi and Islamic Voice, namely Mutah's historical roots were from the times of the Pagan Arabs, and the Prophet (s) was seeking to gradually remove it from the sex drives of the Sahaba – don't you think the Prophet (s) would have sort to:

- a. do his utmost to discourage its practice?
- b. Repel Mutah fans by setting out the 'negative' aspects of Mutah as todays opponents of Mutah do?
- c. Advance permanent marriage as the viable alternative?

Clearly adopting such methods would be completely logical, if Rasulallah (s) was indeed seeking to gradually extinguish and old pagan practice. At a minimum, Rasulallah (s) would have sought to evidence his opposition to this 'pagan' practice by maintaining silence, passing no comment that 'might' give the green light to the sex starved Sahaba to practice this pagan practice. If Rasulallah (s) was merely seeking to meet the needs of the sex craven Sahaba, he (s) might have sought to offer a concession, namely 'if you are feeling sexually aroused, perform Mutah'. This type of statement would not have evidenced the personal stance of Rasulallah (s); it would have merely been a conciliatory gesture. The entire landscape of our discussion however changes when conciliatory words that provide an option are replaced with an ORDER, since an order is something that followers must do, and this evidences that Rasulallah (s) himself supported the matter. Let us give an example:

A father gets into his car with his children. They are going to the shops. The father turns around and says 'kids the journey may be a little unsafe, so if you want you can wear a seat belt'.

This statement is merely offering the children the option of wearing a seatbelt. The father is not making any comment of whether he believes in the importance of wearing seat belts. The onus has been placed on the children; they can choose what they want to do, because the father has not expressed his preferred option.

The scenario changes completely, if we analyse it as follows:

A father gets into his car with his children. They are going to the shops. The father turns around and says 'kids the journey may be a little unsafe, so I'm ordering you all to wear seat belts.

In the first scenario the father had no personal position. In the second scenario he was enforcing his view onto his children, by ordering them to wear his seat belts. The father was affirming his belief that car seat belts must be worn when making journeys. The order reflected the view of the father, and was informing the children that they had to implement the order of their father.

If we now return to our discussion, an order to practice Mutah, in effect means that the Sahaba were implementing a directive that the Prophet (s) had issued. This is not an optional matter; it is something that must be done, because this is the express will of Rasulallah (s). We appeal to justice, today's Nasabi deem Mutah a pagan practice that is in fact prostitution, tell us do you believe that Rasulallah (s) was ordering the Sahaba to re-ignite the pagan practice of sleeping with whores? Nawasib would lead us to believe that Rasulallah (s) was responding to the high testosterone levels by ordering the pagan practice of Mutah, so:

'Show us a single hadith wherein Rasulallah (s) had ordered the Sahaba to gamble, drink alcohol or eat pork'.

If Rasulallah (s) had issued an edict allowing in fact 'ordering' the practice of Mut'ah on a joyous occasion such as the victory of Makka, why did he not also order Sahaba to also indulge themselves in gambling and alcohol consumption and swine meat also? After all, Dr Salamah's logic suggests that Mut'ah is prostitution, gambling is not worse than prostitution so why didn't Rasulallah (s) authorize this type of indulgence?

We will debate elsewhere whether or not Mut'ah was abrogated; the point is that all Sunni 'ulama have acknowledge that temporary marriage was halaal, and we read in the hadeeth literature that the Prophet (s) even commanded it. Are all the Companions who narrated these hadeeth liars? Are they condemned as disbelievers for implying that the Prophet (s) ordered debauchery? Even if we reject this hadeeth, as Wahabis always do when confronted with their own hadeeth literature, we are still faced with the verse of Qur'an:

"Allah does not order debauchery (fuhsha)".

The issuing of permission for Mut'ah qualifies as an "order." It may not be an order that is wajib, in the sense that Allah (swt) has made Mut'ah obligatory, but any issuance of this kind qualifies as an order (Amr), in this sense that Allah (swt) has made a command and established something in reality, namely that Mut'ah is halaal. We see that Allah (swt) says:

Indeed, His command (Amr) is such that, if He desires something, than all He must say to it is: "Be!" And it exists!

Al-Qur'an, Surah 36, Ayah 82

As such, anything that is given existence is something which Allah (swt) has commanded, and just as He has commanded the creation of the heavens and the Earth, so He commands that certain things are haram, certain things are wajib, and certain things are halaal. The command that Mut'ah is halaal is one of these, and there is no doubt from this if we read the Holy Qur'an with sincerity. There is no doubt, then, that according to the Sunnis the permissibility of Mut'ah existed, and so therefore its permissibility was commanded to be. However, the Wahabis are claiming that Mut'ah is debauchery. Do they not then, believe that Allah (swt) does order debauchery? Their attacks on Mut'ah demonstrate the ultimate contempt for the Holy Prophet (s) and for the Qur'an. By believing that Mut'ah is debauchery while simultaneously being forced to acknowledge at least its original permissibility, they are ascribing injustice and debauchery to Allah (swt). This is out and out kufr, without a doubt.

26. The argument that Mut'ah does not meet the criterion of chastity (ihsan), nor does it qualify as marriage

Shah Abdul Aziz in Tauhfa p. 03 Chapter 10, whenever usage of a women is used in the Quran, the words 'chaste' is also used. He argues, without evidence, that Mut'ah is not chaste, so therefore it does not count as marriage. Yet, once again, we read in Tauhfa p. 6 Chapter 2 part 9

The Ahl as-Sunnah do not deny that in the beginning Mut'ah was halaal, they deny that its still lawful.

This is enough to refute Shah Abdul Aziz. Would Rasulullah(s) deem sex with unchaste women to be halaal?

The Shah shoots himself in the foot by acknowledging that Mut'ah was halaal. Now we ask our Sunni friends, if Mut'ah was haram, then how was it halaal for the Sahaba at the beginning of Islam? If Sunnis claim Mut'ah isn't conducted with chaste women, and is hence haram, then we should point out that Abu Bakr's daughter Asma practised Mut'ah and Imam of Ahlul Sunnah Ibn Jurraya contracted Mut'ah with 70 women. Mu'awiya also did Mut'ah, as did many famous Sahaba and Taabi'een (all these points shall be elaborated on in later chapters).

Dr Salamah cites similar objection:

Dr. Salamah continues with his lies:

But first, the verse the Shi'as present in support of their belief in Mut'ah, describing the classes of women with whom marriage is forbidden, should be examined. The last part of the verse reads: "Except for these, all others are lawful, provided you seek them [in marriage] with gifts from your property, desiring chastity, not lust. So for whatever you have enjoyed from them, give them their compensation as an obligation. " 14 This verse clearly emphasizes the concept of chastity through regular marriage. Mut'ah, on the other hand, is an open license for sexual pleasure with as many women as one can financially afford.

There is no question amongst Sunni 'ulama that Mut'ah is a type of Nikah (marriage), and therefore meets the criterion of being a chaste relationship. We read in Tafseer Qurtubi Volume 5 page 32, Surah Nisa:

لم يختلف العلماء من السلف والخلف أن المتعة نكاح إلى أجل لا ميراث فيه، والفرقة تقع عند انقضاء الأجل من غير طلاق

All the early and recent scholars have no disputes that Mut'ah is Nikah for a set period of time, this Nikah has no inheritance and man and woman separate when the time expires without Talaq.

[Online Tafsir Qurtubi, Surah Nisa verse 24](#)

Qurtubi is a great Sunni Scholar, who acknowledges the early scholars deemed Mut'ah to be Nikah. Then how can anybody say that it is not chaste? As Mut'ah has been acknowledged to be a form of marriage, then there is no doubt that Dr. Salamah's argument makes no sense. We also know that Nikah saves one from adultery. Sunni scholar Shaykh Mansoor al-Bahuti al-Hanbali (d. 1052/1642) has recorded in his book 'Kashaf al-Qena' Volume 5 page 5:

The reason for which Nikah is wajib or mustahab is the fear of Zina or existence of lust.

Since Mutah is a type of Nikah, hence performing Nikah al-Mutah (temporary marriage) would by definition, keep one from committing zina. As such, it is a form of ihsan. Shah Abdul Aziz further argues in the Tauhfa states that the Qur'an stipulates that men unable to maintain wives should have captives, and if you cannot maintain justice to more than one then release the others and marry the remaining one. No reference is made to marrying women via Mut'ah, it is therefore haram just like Zina.

Once again, however, we read in Tauhfa Ithna Ashari Volume 2 part 9 page 34:

The Ahl as-Sunnah do not deny that in the beginning Mut'ah was halaal.

If it was halaal, then it was a type of marriage, since the Qur'an does not mention any other type of halaal sexual relationship except marriage (whether it be permanent or temporary) or concubinage. As such, there can be no doubt that it was considered marriage at the beginning of Islam. We will deal with this issue further in our discussion on the supposed abrogation of Mut'ah.

27. Inheritance of the child born from Mut'ah


One of the lies that Dr Salamah resorts to is the argument that a child is not entitled to inheritance if he is born from Mut'ah. He quotes the following "hadeeth" of the Imams (as):

Dr Salamah states:

The narrator asked Imam [sic] Baqir about the women of Mut'ah. The Imam said, "She is not among those four [women classified as wives] because she neither needs a divorce, nor is [a child born of her] entitled to any inheritance. She is like a hired woman!"

Ibn al-Hashmi in his article at www.ahlelbayt.com also exhibited the filth (Nijasah) of his Nasibism by copy pasting the content of Dr Salmah without examining it:

 [Screen shot of Ibn al-Hashmi's article -top](#)

 [Screen shot of Ibn al-Hashmi's article -text](#)

Notice that the words "**a child born of her**" have been placed in brackets by Dr Salamah and Ibn al-Hashmi. This is because the phrase does not occur at all in the original text! Rather, the hadeeth reads:

Muhammad ibn Muslim asked Imam al-Baqir (as) about Mut'ah. The Imam (as) said: "She is not considered to be one of the four, because she cannot be divorced nor can she inherit. Indeed, she is a hired woman.

Wasa'il ash-Shi'a, vol. 21, pp. 18-19, hadeeth #26409

The hadeeth in Arabic reads:

عن أبي جعفر (عليه السلام) ، في المتعة : ليست من الاربع لانها لا تطلق ولا ترث وإنما هي مستأجرة

Anybody with the most rudimentary understanding of the Arabic language sees that the verb inherit (turath) is being used in the feminine form, with the letter "ta" at the beginning. There is no doubt that it refers to the women, not to the child. In fact, there is absolutely nothing here

about the child not inheriting, and in fact a child is not even mentioned. Nor are the words "women classified as wives" mentioned in the hadeeth; this is another blatant act of tahreef. Unable to mount a successful argument, and humiliatingly contradicting himself on the ayat al-Mut'ah, the author has now moved on to blatant lies. It is well known amongst the Shi'a that the child of Mut'ah is considered legitimate and has all rights of inheritance. Ayatullah Maghniyah writes:

"...the children of a temporary marriage are like the children of a permanent marriage in terms of inheritance and support, and all the rights which accrue to a child. A person asked Imam as-Sadiq (as) about what happens if a woman he is doing Mut'ah with becomes pregnant, to which he said: "That child is your child."

 [Reference at Mutah.com](#)

The sincere reader should now ask himself: if the prohibition on Mut'ah is so clear, then why does the author have to use lies in order to defame the Family of the Prophet (s)? Why does he have to engage in forging ahadith? The answer is clear: because there is no sound argument for the prohibition on Mut'ah.

Other authors have attempted to make similar accusations. Azam Tariq leader of Sipah-e-Sahaba Pakistan [SSP] in his Nasibi classic 'Khutbah Jail' pages 256 - 257 states:

"If a child is born he will not inherit from his father, and neither will the father inherit his child's possessions, the child's situation will be just like that of bastard kids born in America and Europe".

To claim that the children of Mut'ah do not inherit from their father is an out and out lie and this Nasibi clearly has not consulted hadith or books of fiqh. Nasibis claim that the products of Mut'ah have no idea who their fathers are. What this Nasibi needs to recognize is that many children of the Sahaba were the products of Mut'ah, carried out during the lifetime of Rasulullah (s). They were not illegitimate; rather they had correct parentage, and inherited from their fathers accordingly.

28. Ibn al-Hashimi's anxiety that a man will reject the parentage of the child born from Nikah al-Mutah

First, Ibn al-Hashimi al-moron stated:

Ibn al Hashimi states:

If the woman becomes pregnant during Mutah, then the husband has the option of seizing custody of the child:

"If the woman becomes pregnant such that the pregnancy derives from the period of mut'a, the child belongs to the husband, even if he performed coitus interruptus."

(source: Al-Islam.org, <http://www.al-islam.org/al-serat/muta/4.htm>)

 [Screen shot of Ibn al Hashimi's article](#)

Firstly, custody can only be seized of something that exists, how can the 'seizing the custody of the child' arise when it has not been born? Moreover, the ignorant author has cited the Shia source to backup his claim but we cannot understand how he concluded that a husband has

the option of seizing custody of a child while the Shia text proves the utter ignorance of the author since it is clearly stating that the child belongs to the husband.

Ibn al Hashimi states:

So the man has the right to seize the custody of the child, but in Shia Fiqh, the man can have his cake and eat it too. If he simply wants to deny the child, then he can also do that. In other words, the man has the right to either seize the custody of the child or simply abandon the child, based upon his own whim. We read:

"However, if the man should deny the child, then it does not belong to him; the 'sworn allegation' required in permanent marriage is not necessary...sworn allegation is unnecessary in mut'a...his word alone will be accepted and there is no need for him to make a sworn allegation (i.e. that the child is not his)...in the case of denying parentage, by a consensus of the ulama' it is unnecessary for the man to make the sworn allegation."

(source: Al-Islam.org, <http://www.al-islam.org/al-serat/muta/4.htm>)

In other words, a man can have sex with a woman by "renting" her, but absolve himself of all responsibilities; if the woman should get pregnant as a result of the Mutah, he can simply deny it and the Shia court would not even require the man to take an oath to God about the matter! In fact, the Shia Fiqh is very specific on this point, namely that the man is excused from swearing to God about such a matter. The consequence is that the poor woman would be forced to take care of the child as a single mother without support from the father.

 [Screen shot of Ibn al Hashimi's article](#)

Reply One- Unlike the propaganda of Nawasib, under Shia fiqh a man cannot just deny the parentage of the child born from Nikah al-Mutah

First of all, we have already proved that the first practice that the ignorant author is trying to attribute to the Shia fiqh, is from his own twisted mind, no where in the text does it state that the man has the right to seize custody of the child.

As for the issue of abandoning the child, the author in his argument has tried to show that a man would 'always' abandon the child, but again we fail to understand from where the ignorant author got the impression that a man 'must' abandon the parentage of the child by citing the aspect of Shia fiqh that a sworn allegation is not compulsory in temporary marriage. If a sworn allegation is not compulsory in temporary marriage, that does not mean that a man has got an easy and simple way of rejecting the parentage of the child rather he must possess precise and authentic evidence before even contemplating such action, thus such a conclusion drawn by the

author shows his biasness and it would have been much better if he had quoted the explanation by Shaykh Zainuddin al-Jubi al-Amili, the Shaheed Thani (d. 966 AH) written on the very webpage that makes this point clear:

Al-Shahid al Thani adds that although sworn allegation is unnecessary in mut'a, this is the outward and exoteric statute, and there is another 'statute' established between man and God. In this second respect it is not permissible for the man to deny the child just because he performed coitus interruptus or suspects his wife of adultery. He must have definite knowledge that the child does not belong to him. Hence it is incumbent upon him to observe what exists between him and God, even though his word alone will be accepted and there is no need for him to make a sworn allegation. [Masalik, 1,542]

<http://www.al-islam.org/al-serat/muta/4.htm#r15>

So, rejecting the parentage of the child born from Nikah al-Mutah is not that simple as the anti-Shia author is trying to suggest to his readership. The hadiths from the Imams of Ahlulbayt [as] are clear in the issue that the child born from temporary marriage is the child of the man.

Ahmed bin Muhammad bin Abi Nasr narrated from Asim bin Hameed narrated from Muhammad bin Muslim who narrated from Abi Abdullah [as] that he asked Him [as]: 'What if she gets pregnant?'. He [as] replied: 'He is his son'.

1. Sayyed Rohani graded it 'Sahih' in *Feqh al-Sadiq, Volume 22 page 43*
2. Sayyed Tabatebai graded it 'Sahih' in *Riadh al-Mesael, Volume 10 page 294*

If this is not sufficient then let us cite the words of Imam Ali Raza [as] wherein he offered his concern over any attempt of denying the child born from Mutah:

Muhammad bin Yahyah narrated from Ahmad bin Muhammad who narrated from Muhammad bin Ismaeel who said that a man asked Abul Hasan al-Raza [as]: 'If a man performs Mutah with a woman on the condition that she shall not demand a child from him and then if a child is born then what will be the ruling?' When the Imam [as] heard that, He [as] prohibited him for denying the child and stated: 'Oh, will he deny the child?'

1. *Al-Kafi, Volume 5 page 454*
2. *Men la Yahderhu al-Faqih, Volume 3 page 460*
3. *Tahdeeb al-Ahkam, Volume 7 page 270*
4. *Allamah Mejlesi graded it 'Sahih' in Mirat al-Uqool, Volume 20 page 235*
5. *Sayyed Rohani graded it 'Sahih' in Feqh al-Sadiq, Volume 22 page 43*

Similarly the Shia ulema are in no doubt about the ruling over the parentage of the child born from Nikah al Mutah. We read in Al-Muqna by Sheikh Seduq, page 340

"If she gives birth to a child, you don't have the right to deny the child."

Likewise we read in 'al-Mutah al-Nikah al-Munqate' by Sayyed Murtadha Ardibili, page 270:

"It is not permissible for him to deny the child"

We read in 'al-Feqh al-Islami' by Sayyed Muhammad Taqi Muddaresi, volume 2 page 413:

لو حملت المتمع بها ألحق به الولد ، ولا يجوز له أن ينفيه عن نفسه

"If the temporary wife gets pregnant, the child will be attributed to him (the husband), and it is not permitted for him to deny him (the child)."

Sayyed Jaffar al-Amili records in 'Zawaj Mutah' Volume 1 page 288:

"According to the jurists of Imamia there is no disagreement about attributing him

(the child) to his father because it is legal and lawful marriage"

Ali al-Qumi records in Jam'ea al-Khelaf wa al-Wefaq, page 456:

"The child is attributed to the husband and it is obligatory (wajib) on him (the father) to recognize the child and he has to attribute the child to himself."

al-Sharif al-Murtadha records in 'Al-Entesar' page 276:

"The child through Mutah contract is attributed, whoever thought other than that has misunderstood us"

Sayyed Khoei in 'Menhaj al-Salehin' Volume 2 page 273 Problem No. 1307, Sheikh Fayadh in 'Menhaj al-Salehin' Volume 3 page 46 Problem No. 101 and Sayyed Rohani in his 'Menhaj al-Salehin' Volume 2 page 305 Problem No. 1258 recorded:

"The child is attributed to the husband of the temporary wife, if he had sexual intercourse with her"

In Shia school there are certain conditions for attributing or rejecting the child Sayyed Rohani records in 'Menhaj al-Salehin' Volume 2 page 312 Problem No. 1293:

The woman's child is attributed to her husband in permanent or temporary (marriage) on these conditions:

The first: To have sexual intercourse with ejaculation or the possibility of it, or ejaculating on the edge of vagina.

The second: To pass six months after they had sexual intercourse (for minimum child birth).

The third: Not to pass the pregnancy beyond the maximum limit of which is nine months or ten months or a year and the popular is the first (i.e. nine months).

Reply Two – Under Sunni fiqh a man can deny the parentage of his child born from his salve-women via word of mouth

The deceitful author fabricated a concept and then made a fruitless attempt to attribute it to the madhab of Ahlulbayt [as] – *a man can just have sex with a woman via Nikah al-Mutah and then if she gets pregnant, he can simply reject the child*, while the truth is that the very concept is the element of school of thought that the treacherous author belongs to. i.e. one can purchase slave-girls, have sex with them and if she gets pregnant, he can simply deny the child whilst a Sunni court would not even require the man to take an oath to God about the matter! We read in Ahle Sunnah's authority work Al-Mabsut, Volume 2 page 152 by 'Sun of Imams' i.e. Imam Muhammad bin Ahmad Sarkhasi (d. 483 H):

وولد أم الولد ثابت من المولى ما لم ينفه لأنها فراش له وقال عليه الصلاة والسلام الولد للفراش ولكن ينتفي عنه بمجرد النفي عندنا

"The son of a slave woman is attributed to the master as long as he didn't deny it, because she had been on a bed with him, He (s) said that the son belongs to the bed, but he (the child) will be not be attributed to him if he just denied him according to us."

We read in 'Fath al-Qadeer Sharah Hidayah' Volume 10 page 329:

أم الولد بسبب أن ولدها ، وإن ثبت نسبه بلا دعوة ينتفي نسبه بمجرد نفيه ، بخلاف المنكوحة لا ينتفي . نسب ولدها إلا باللعان

The slave woman's son, even if his attribution is proved without a claim (from the father), his parentage is dissassociated just by a denial, unlike the wife in Nikah whose son's parentage cannot be dissociated except through "le'an".

One of the favorite scholars of Salafies Imam Showkani records in Nail al-Awtar, Volume 7 page 77:

وروي عن أبي حنيفة والثوري وهو مذهب الهادوية أن الأمة لا يثبت فراشها إلا بدعوة الولد ولا يكفي الإقرار بالوطئ ، فإن لم يدعه كان ملكا له

It is narrated from Abi Hanifa, al-Thawri and it is the Hadwiyah madhab that the slave womans (son) attribution cannot be proved without the claim (from the father), the acceptance of performing the sexual intercourse is not suffice, if he didn't claim the attribution, he (son) will become a slave for him.

[Nail al-Awtar, Volume 7 page 77](#)

Imam of Ahle Sunnah Mahmood bin Ahmad bin Umar bin Abdulaziz al-Bukhari popularly known as Burhanuddin MazeH (d. 570 H) records in his authority work 'Al-Muhit al-Burhani' Volume 10 page 392:

وإذا نفى المولى نسب أم الولد ينتفي نسبه بمجرد النفي

"If the master denied the parentage of a child of his slave woman, the parentage will be dissociated just by a denial"

We read in 'Al-Bahr al-Raiq' Volume 4 page 454:

بولد أم الولد ينتفي نسبه بالنفي

"The parentage of a son of the slave woman can be dissociated just by a denial"

Reply Three- Under Sunni fiqh, a child born from a woman is to be attributed to her husband even if the husband isn't the actual father

Since Ibn al-Hashimi had the audacity to attribute a false practice to the Shia madhab, let us take things a step further to help his realize the gravity of his mistake. Ibn al-Hashimi implicitly offered concerns over the 'possibility' of a Shia man performing MutaH and then rejecting any child born from that union, the only reason we could comprehend for his concern is the fact that his school is so merciful that it makes it obligatory on a man to accept the child born from an extra marital affair. The following aspect of Sunni jurisprudence might be hilarious for some of our readers but we would ask that they look at it in a serious manner. Imam of Ahle Sunnah Nawawi records in his famed work Al-Majm'oa, Volume 17 page 409:

وقال أبوحنيفة وبعض أصحاب أحمد لا يكون الولد للواطئ وإنما يكون للزوج

"Abu Hanifa and some of Ahmad (ibn Hanbal's) companions said that the child is not attributed to the one who performed sexual intercourse rather it is attributed to the husband"

On the contrary, in Shia fiqh the child is attributed to the one who performed sexual intercourse not to the husband (Hedayat al-ebad by Sayyed Goulpaygani, v2 p400 & Serat al-Najaf by Sayyed Khoei, v1 p351).

We read in one of the esteemed Hanafi works 'Bedaye al-Senaye' Volume 2 page 332:

لو تزوج المشرقى بمغربية فجاءت بولد يثبت النسب وان لم يوجد الدخول حقيقة

If an eastern (man) marries a western (woman) and she gives birth to a child, he (the child) will be attributed to the husband even if they didn't perform sexual intercourse.

It meant that if the man lives in the east and the woman in west and they never meet, while under Shia fiqh to quote Shaykh Tusi "According to us this is false, because transferring the sperm from one country to another far country and enter it (in the vagina) and then create a child from it is something unusual" (Al-Mabsoot, v5 p232). Also if an eastern (man) marries a western (woman) and bears a child after six months from the contract, (the child) will not be attributed to him due to impossibility (Tatimat al-Hadaeq by Hussain Ausfoor, v1 p103). Also see Tahrir al-Ahkam by Allamah al-Heli, v4, p148.

This does not suffice, then allow us to cite Imam Ibn Qudama's authority work Al-Mughni, Volume 6 page 397:

لو أن امرأة أتت بولد وزوجها غائب عنها منذ عشرين سنة لحقه ولدها

"If a woman gives birth to a child and her husband has been absent for 20 years, the child will be attributed to him."

[Al-Mughni, Volume 6 page 397](#)

While according to Shia fiqh a child cannot be attributed to an absent husband see 'Resael al-Murtada' by Sharif al-Murtada, v1 p288 and 'Jawaher al-Feqh' by al-Qazi ibn al-Baraj, p261.

29. Iddah (Waiting Period) in Mut'ah Marriage

One of the biggest propaganda methods of Nasibis is this that there is no "Iddah" (waiting period) in Mut'ah, so it's prostitution. But this is a blatant lie, as there are many Ahadith, which evidence that a woman must observe 'iddah before engaging in Mut'ah marriage. Along the same lines, a woman must observe 'iddah after the Mut'ah, before she can remarry.

When Nasibis don't find any such hadeeth (either in Sunni Sources or Shi'a sources), they try to deceive people by misquoting the Ahadith. Dr. Salamah has adopted such deception by 'presenting' the following hadeeth about the marriage formula for Mut'ah:

Dr Salamah states:

When Hisham Salim asked how one should contract Mut'ah, Imam Ja'far as-Sadiq answered that one should say, "I am marrying you for this period of time for this amount of money. When the prescribed period is over, there will be annulment, and there will be no 'iddah after this."

Reply One-: Passing Iddah by a woman is obligatory according to Shia fiqh

The author has, once again, lied. The hadeeth contends several important words which Dr. Salamah has failed to include. The actual hadeeth reads **"There is no 'iddah for you upon me ('alayya)"**. What this means is that, just as in Nikah, if the man decides to re-marry the woman during her 'iddah than this is allowed to him, whereas it is not allowed to anybody else. This means that the woman must finish her 'iddah before marrying another person, whereas she does not have to observe 'iddah if she is going to re-marry her previous husband. There is no difference in this regard between permanent or temporary marriage, and Sunni fiqh makes

the same conditions for a permanent marriage. It is shocking, but in spite of Dr. Salamah presenting himself as an Islamic scholar he seems to be incapable of telling the truth.

If the author is attempting to imply that Shi'as believe that there is no 'iddah for a Mut'ah in which sexual relations occur, then he clearly did not even read the next hadeeth on the page of Al-Kafi or Wasa'il where this hadeeth occurred:

Abu Basir (one of the companions of Imam as-Sadiq (as)) said: "It is necessary that one say the following conditions: I marry you in a Mut'ah for such and such number of days, and for such and such number of dirhams, seeking marriage and not fornication, based on the book of Allah and the Sunnah of his Prophet, and that I will not inherit from her nor will she inherit for me, and that she await an 'iddah of 45 days, and some say: One menstrual cycle.

Wasa'il, vol. 21, p. 44, hadeeth #26489

Furthermore, we have numerous narrations' stating the 'iddah of a woman after a Mut'ah has finished, viz.:

Imam as-Sadiq (as) was asked about the 'iddah of Mut'ah, to which he said: "If she menstruates, then one menstrual cycle, and if she does not menstruate, then one and a half months."

Wasa'il, vol. 21, p. 51, hadeeth #26509

Imam ar-Rida (as) said: Imam al-Baqir (as) said that the 'iddah of Mut'ah is 45 days, and the precaution is 45 nights.

Wasa'il, vol. 21, p. 51-52, hadeeth #26510

Imam as-Sadiq (as) was asked about the 'iddah of Mut'ah, to which he said: 45 days, or a proper menstrual cycle.

Wasa'il, vol. 21, p. 52, hadeeth #26512

Abd ar-Raham ibn al-Hajjaj asked Imam as-Sadiq (as) about a woman who marries in Mut'ah, and then the period finishes. He asked: Does she have an 'iddah? The Imam (as) said: "She must observe an 'iddah of 45 days."

Wasa'il, vol. 21, p. 52, hadeeth #26513

Muhammad ibn Abi Nasr said: **"I heard Imam ar-Rida (as) saying: Imam al-Baqir (as) said that the 'iddah of Mut'ah is a menstrual cycle."**

If the husband dies during the Mutah period, the woman has to observe iddah for four months and ten days. The narrations regarding the Iddah of a woman in Mutah can also be read in 'Mustadrak al Wasail' volume 2 and 'Tahdeeb al Ahkam' volume 3.

Finally, there has always been universal consensus (ijma') between the Shi'a Fuqaha about the 'iddah of Mut'ah. Ayatullah Maghniyah sums up this position when he writes:

The woman who does Mut'ah must observe a waiting period after the end of the time of the temporary marriage, though there is no waiting period if there has been no sexual relations. This is the same as in a permanent marriage, when a woman is divorced without sexual relations. A woman in a permanent marriage and temporary one must both observe the complete waiting period if her husband dies, whether or not there has been sexual relations.

 [Reference at Mutah.com](http://Mutah.com)

Here, we see a number of hadeeths (and there are many more) where the Imams (as) discuss the ruling on 'iddah. The Wahabi author has chosen to ignore all of these hadeeths, however, and focus on a single narration that does not refer to a Mut'ah marriage where there are sexual

relations. Even if we are to assume that the hadeeth does refer to a Mut'ah with sexual relations, it would obviously be rejected as it conflicts with mutawattir narration's establishing the 'iddah of Mut'ah. Furthermore, none of the Shi'a 'ulama have ever ruled that there is no 'iddah for Mut'ah or that a child does not inherit. These are superstitions that any knowledgeable Shi'a knows to be false, and the Wahabi author should be ashamed for not even referencing the complete hadeeth literature or the fatwas of the Shi'a 'ulama. A sincere reader must ask: why has the Wahabi author attempted to conceal these narrations, and why has he attempted to trick his readers into believing that Shi'as believe that there is absolutely no 'iddah for Mut'ah? The author has committed atrocious acts of undeniable deceit.

Reply Two: Sunni sources also confirm the obligation to observe Iddah in Mutah

We should point out that the ignorant Dr. Salamah is contradicted by the writings of another Sunni on Mut'ah, in an article at Islamic Voice Magazine. He writes:

Islamic Voice states:

History tells us that the Prophet (Pbuh) permitted Muta' on a few occasions of long collective journeys but finally forbade it forever in 10 AH after the last Hajj in his lifetime. The Nikah of Muta' (Contract of marriage for a limited period) was an ancient practice among Arabs. Arabs were sunk in fornication and adultery while Islam did not permit sexual relations outside the genuine wedlock. The binding was so harsh on them that sensing their weakness, the Prophet (Pbuh) permitted them on four occasions of long journeys, the Muta' which had a social sanction in their eyes. He had sensed that all of them could not bear to keep away from women for months so the temporary permission of Muta' was granted as it was better than indiscriminate sex. It may be noted that the permission of Muta' was on all four occasions granted on long journeys. There is not one occasion when the Prophet announced the permission while in town. It is a matter of interpretation whether the permission remained in force after those journeys or not. Those who believe in Muta's prohibition should also learn from the Prophet (Pbuh) the wisdom of gradually implementing the laws that are hard to practise for the beginners. Muta' possessed some psychological, social and moral respectability over unattached sex. Firstly the psychological word of Nikah was attached to it. Secondly there was provision of Mehar for the woman in Muta'. **Thirdly woman was required to pass the waiting period (Iddat) after the expiry of temporary marriage so that the parentage of the child (if the woman became pregnant) could be known. The child born out of Muta' was considered legitimate and was accepted as legal heir of his father.**

Here, we see that Mut'ah was considered a legitimate Nikah, that there was dowry, that there

was 'iddah, and that the child was considered legitimate. Iddah has to be observed in Mut'ah, and this was practiced accordingly during the life of Rasulullah (s). In fact, there is a tradition in Ahl'ul Sunnah's own esteemed work that confirms 'iddah in Mut'ah. Imam Fakharuddin al-Razi writes in "Tafseer-e-Kabeer" Volume 4, page 41:

Ibn Abbas was asked: Is Mut'ah fornication or marriage? He answered: Neither the one nor the other. The questioner then asked: Well then, what is it? Ibn Abbas replied: It is Mut'ah, just as God has said. The questioner continued: Is there a waiting period in Mut'ah? He replied: Yes, a menstrual period. He was also asked: Do the husband and wife inherit from each other? He answered: No.

 [Tafseer-e-Kabeer, Volume 4 page 41](#)

In his commentary of Sahih Muslim, Fath al Muhallim Volume 3 page 44, Allamah Shabbir Ahmad Uthmani also acknowledged that Mut'ah carries iddah:

When separation after Mut'ah takes place, to say that a woman cannot automatically practise Mut'ah with another man is wrong, there needs to be the passing of a menstrual cycle, it should therefore not be called Zinah.

Reply Three: Asserting that there is no Iddah in Mutah would deem the Sahabah adulterers

We invite the people of wisdom to just think logically if 'iddah was practised for Mut'ah during the times of Rasulullah (s) or not? The verses about 'iddah are revealed at the very early stage of "Madinian Life". For example the following verse of Surah Baqara:

[Yusufali 2:228] Divorced women shall wait concerning themselves for three monthly periods.

Now according to the Ijma of Ahl'ul Sunnah, Mut'ah was practised until (at least) the 7th Hijri (victory of Khayber). We want Nasibis to answer these questions, if there really is no 'iddah in Mut'ah:

- Did the Sahaba, who practiced Mut'ah until 7th Hijri, sleep with those women who had not yet been purified from their earlier men?
- And what about female Sahaba who practised Mut'ah until 7th Hijri? Did they just jump into bed with the next man, before being purified from their earlier husbands?

Furthermore, we know from the fiqh that women who are past menopause do not have to await an 'iddah, whether it is in a permanent or temporary marriage. Does this Qiyas imply, then, that marrying a middle-aged woman is an act of fornication?

30. Mut'ah with Christians/Jews Women

Another lie of the Wahabi author is this:

Wahabi author:

Mut'ah is allowed with all types of women. She may be a virgin, married, widowed or may belong to any sect, group or religion. She may be a Christian, Jew or Muslim.³⁴ However, Mut'ah with a Majusi (Magian) woman is permissible only when one is helpless.

Does this Nasibi have any idea what he is talking about? Let us read the fatwa of Ayatullah Maghniyah:

...it is necessary that in both kinds of marriages the women must be mature, of sound-mind, and be free from any kinds of prohibitions on marriage. It is not permissible to marry a married woman, nor is it permissible to marry a woman who is in the waiting period of divorce or death, and not with a woman with whom marriage is forbidden because of family relationship, marriage or nursing. It is not permissible to marry a polytheist. Similarly, it is not permissible for the woman to marry any one except a Muslim who does not have any prohibitions on him in terms of marriage.

[Reference at Mutah.com](#)

The author has heaped lie upon lie. No Shi'a has ever argued that it is permissible to do Mut'ah with a married women, nor with a polytheist. As far as it being allowed to perform Mut'ah with a Christian, or Jew, then how can anybody criticize this when Allah (swt) says:

Lawful to you are the chaste women from the believers, and the chaste woman from those who have been given the Book from before you [i.e., the People of the Book, Christians and Jews].

Al-Qur'an, Ayah 5, Surah 5

This Nasibi should know that many of the Sahaba that he venerates had Jewish and Christian wives. Abu Bakr Jassas cites the names of the Sahaba and Taabi'een who had such wives, in his Tafseer Ahkaam al Qur'an Volume 1 page 333 [Beirut edition]:

"A group from amongst the Sahaba agreed on the legality of marrying women from the people of the Book... Uthman married a Christian called Naila bint al-Farasefa al-Kalbya and he married her while his other wives were present, it has been narrated that Talha bin Ubaydullah married a Syrian Jew, Hudhayfa bin Yamani also married a Jewish woman, and its lawfulness has been narrated from the majority of Taabi'een, Hasan al Basri, Ibraheem Nakh'ai and Shaybee."

[Online Ahkam al Quran al Jassas, Surah Maidah](#)

We have no knowledge of anyone amongst the Sahaba and Taabi'een who deemed marriage with the people of the Book to be haraam, on the contrary Uthman, Talha, Hudhaifa married Jewish women, if the Sahaba deemed such a marriage to be a sin, they would have opposed such marriages, this proves that all the Sahaba agreed to this type of union.

Putting all this non-sense aside, these enemies of the Ahl al-bayt (as) have not insulted the Shi'a, but rather have insulted the Prophet (s). For they believe, contrary to the truth, that the Prophet (s) himself allowed Mut'ah with polytheists. The Allamah Ismaeel writes:

Allamah Ismaeel states:

In fact the Mut'ah permitted occasionally before its final prohibitions did not require the female to be a Muslim or even one from the People of the Book which makes it completely distinguished from marriage.

Now the Shi'a reject this belief altogether. However, according to these enemies of the Ahl al-Bayt (as), the Prophet (s) permitted temporary marriage with polytheists. This is obvious immorality, and in complete contrast to the explicit text of the Qur'an; yet this does not stop them from attributing it to the Holy Prophet (s). Who, then, is supporting immorality, and who

is not?

As for Mutah with Majoosi women, we don't know why Nasibies cry so loud about Magians when their master Umar Ibn Khattab according to the Prophetic injunctions allowed the Sahaba to treat Magians in the manner that the Ahle Kitab are treated. Imam Shaf'ye recorded:

"Once the people asked Umar Ibn Khattab about Magians. Umar replied that he didn't know what are the orders about Majoos. Upon that Abdur Rehman bin 'Auf said: "I heard Rasool Allah (saw) say that we should deal with Majians in the same way as Ahle-Kitab". And Umar bin Al-Khattab accepted this Hadith."

 [Ar-Risalah by Imam Shaf'ye, page 430](#)

 [Muqadimmah of Urdu translation of Sahih Bukhari by Salafi Scholar Fakhar Raz, page 80, \(published by central Ahle-Hadith Jamiat India\).](#)

31. The mockery by Ibn al-Hashimi at the traditions calling the woman in mutah as rented

Ibn al Hashimi states:

The Shia website, Al-Islam.org, says:

"On this point there are specified hadith as well as the general hadith which state that a woman who enters into mut'a is 'rented'."

(source: Al-Islam.org, <http://www.al-islam.org/al-serat/muta/3.htm>)

In another place, Al-Islam.org continues:

"In other words, she has been 'rented' for the purpose of sexual intercourse"

(source: Al-Islam.org, <http://www.al-islam.org/al-serat/muta/4.htm>)

If one reads Shia Hadith, it becomes very clear that the woman is treated as "rented" property. In fact, the Shia books of Fiqh contain a section entitled "The Loaning of Vaginas." It is perplexing that the Shia scholars of Hadith would use terminology (i.e. "renting women by the hour") that perhaps only a street hoodlum would use.

 [Screen shot of Hashimi's article- top](#)

 [Screen shot of Hashimi's article- text](#)

32. Reply

By citing these Shia excerpts, the Nasibi has tried to show to his brethren that according to Shia fiqh the logic and words used in the laws pertaining to objects and properties are also applicable to a woman engaged in Nikah al-Mutah. We cannot understand why this is objectionable since the logic used behind the laws pertaining to the transactions of objects/properties are also applicable to the laws pertaining to marriage (be it permanent or temporary one), hence there should be no objection if we compare the logic of both of these matters. The very website Ibn al-Hashimi al-Nasibi has tried to mock at has made the point clear:

Mut'a is considered a kind of 'rental' because in general a man's basic aim in this kind of marriage is the sexual enjoyment of a woman, and in return for his enjoyment the woman receives a certain amount of money or property. In defining 'rental' the jurists say: 'It is to gain possession of a benefit in exchange for a specified sum.' [10] This definition applies equally to temporary marriage.

<http://www.al-islam.org/al-serat/muta/3.htm>

Having said that, we shall once again quote the words of Ibn al-Hashimi wherein he attacked the Shia fiqh and Shia scholars for using the word 'rental' for the woman in Nikah al-Mutah:

Ibn al Hashimi states:

It is perplexing that the Shia scholars of Hadith would use terminology (i.e. "renting women by the hour") that perhaps only a street hoodlum would use.

Had he put aside shia-hatred and bothered to look into his own fiqh he would have not humiliated himself by making such a comment. If the Shia Ulema have made a 'logical' comparison between the laws of objects and those of woman in Nikah al-Mutah he should know that according to Nasibi fiqh, the very word 'rented' can be used in a marriage contract as a term to make the Nikah valid. We read the rulings of the great Hanafi Imam Abul Hasan al-Karkhi (d. 340 H) in Tafseer Ruh al-Ma'ani, Volume 22 page 52:

واستدل أبو الحسن الكرخي من أصحابنا بقوله تعالى { إنا حللنا لك أزواجك اللاتي آتيت أجورهن } على أن النكاح ينعقد بلفظ الإجارة كما ينعقد بلفظ التزويج

From amongst our companions Abu al-Hasan al-Karkhi has construed Allah's statement {have made lawful to thee thy wives to whom thou hast paid their dowers} [033.050] that marriage contract is valid with term 'renting' as it is valid with term of 'marrying'.

One of the reasons for the Shia scholars comparing the logic behind Nikah al-Mutah as rent could be the fact that the verse of Mutah (4:24) contains the words '**give unto them their dowers [UJUR]**'. The original Arabic term for dowry used in the verse is UJUR which is the plural of UJAR which literally means 'rent'. See

 [The Hans Wehr dictionary, page 5](#)

The prestigious Hanafi Imam Abul Hasan al-Karkhi (d. 340 H) used the same logic and deemed it permissible to treat marriage as a rent. We read in an esteemed Hanafi work Badaye al-San'aei by Imam Abu Bakar al-Kashani (d. 587 H), Volume 2 page 230:

وحكى عن الكرخي أنه ينعقد بلفظ الإجارة لقوله تعالى { فأتوهن أجورهن } سمى الله تعالى المهر أجرا ولا أجر إلا بالإجارة فلو لم تكن الإجارة نكاحا لم يكن المهر أجرا

It is narrated from al-Karkhi that it is valid with the term 'rent', according to Allah's statement {give unto them their dowers} [004.024]. Allah Almighty called the dower rent, there is no rent without being rented, so if renting wasn't a marriage, the dower would not be rent'

Ibn al-Hashimi the liar has stated that Shia books contain chapters with the name of 'loaning of vaginas' but didn't mention any precise source to support his claim and we have proved the fabrication of this claim in our chapter on slave-girls. It is worthy to note that apart from marriage being a rental agreement according to Hanafi Imam Karkhi, he also believed that marriage was a 'loaning' contract, Imam Burhanaldeen Mazeah whilst discussing the rulings on the permissibility of marriage by using the term 'loaning' records:

روي عن أبي الحسن الكرخي رحمه الله أن ينعقد، وكان يقول: الإجارة تفيد ملك المنفعة

It is narrated from Abi al-Hassan al-Karkhi (may Allah's mercy be upon him) that it is valid, he used to say: 'Loaning refers to ownership, commutative contract'.

Al-Muhit al-Burhani, Volume 3 page 70

Beside treating marriage as a rental transaction, we also read that Ibn al-Hashimi's sect treat marriage as a sale/purchase/gift or transfer of ownership's transaction hence it can also take place by using terms like hiba (gift), sadaq (charity) and tamlik (transfer of ownership). Shaykh Abdurehman Jazri records in 'Al-Fiqh ala Madahib Arba' Volume 4 page 14:

لا خلاف في الاعتقاد به عند الحنفية وهو ما كان بلفظ الهبة أو الصدقة أو التملك أو الجعل ، فإذا قالت وهبت نفس لك ناوية معنى الزواج وقال قبلت ، انعقد النكاح ، وكذا إذا قالت تصدقت بنفسي عليك أو جعلت نفسي صدقة لك أو قالت ملكتك نفسي أو قال جعلت لك ابنتي بمائة فإن كل ذلك ينعقد به النكاح بلا خلاف.

There is no disagreement in the validity of (marriage) contract according to Hanafies which is with the term hiba (gift), sadaqa (charity), tamlik (transfer of ownership), j'al (devote), if she said: 'I grant my self to you' and by that she meant becoming wife and he said: 'I accept' the marriage is valid and so will be if she said: 'I give my self as charity to you' or 'I made my self charity to you' or she said: 'I transfer my ownership to you' or he (the father) said: 'My daughter is for you in reward of one hundred (money)' in all of these cases Nikah will take place without any disagreement.

Regarding the use of terms such as 'buying' and 'selling' used in a Nikah contract we read on the same page:

في الاعتقاد به خلاف ولكن الصحيح الاعتقاد وهو ما كان بلفظ البيع والشراء

There is disagreement about the validity but the correct view is about the validity which is with term of 'selling and buying'.

Imam Muhammad bin Ahmad Sarkhasi (d. 483 H) who enjoys the title of 'Shams al-Aimah' (Sun of Imams) in his acclaimed work al-Mabsut records:

"Marriage with the terms hiba (gift), sadaqa (charity), tamlik (transfer of ownership) is correct according to our scholars"

Al-Mabsut, Volume 5 page 59

In another prestigious Sunni book Al-Muhit al-Burhani by Burhanaldeen Mazeh we read:

"Marriage with the terms hiba (gift), sadaqa (charity), tamlik (transfer of ownership) is valid"

Al-Muhit al-Burhani, Volume 3 page 69

By now, Ibn al-Hashimi should be better informed as to whose scholars are 'street hoodlums'!

33. Ibn al Hashimi's assertion that Mutah is tantamount to rented 'booty by the hour'

Ibn al Hashimi sought to mock the Shi'a concept of Mutah by relying on American rap lyrics!

Ibn al Hashimi states:

A "gangsta" rapper once said that he would "rent booty by the hour"; one can understand such vulgar speech from a hoodlum, but it is very

perplexing when the Shia Ulema and scholars of Hadith use similar terminology whereby they claim that man "rent" women, and that too by the hour!

Reply One – Booty by the hour can also be attained via Nikah and Misyar

For those who are not aware of such gutter language, it refers to an American musician bragging about his ability to have sex with a different woman every hour.

We have already cited Sunni Ulema that defined Nikah as a rental, lease, selling and buying and transfer of ownership's agreement, so we await Ibn al Hashimi's Fatwa that these great Ulema were early prototypes of "gangsta" rappers. The irony is this same result can in theory be reached by Nikah and Misyar since what a Sunni man needs to do after having sex is recite talaq three times and the marriage is annulled. If this Nawasib wishes to ignore this argument then allow us to bring matters closer to home for him

Reply Two – According to Sunni sources booty by the hour is the Sunnah of Prophets

We read the following hadith in Sahih Bukhari Volume 1, Book 5, Number 268:

Narrated Qatada: Anas bin Malik said, "The Prophet used to visit all his wives in a round, during the day and night and they were eleven in number." I asked Anas, "Had the Prophet the strength for it?" Anas replied, "We used to say that the Prophet was given the strength of thirty (men)." And Sa'id said on the authority of Qatada that Anas had told him about nine wives only (not eleven).

Bukhari placed within the Book of bathing, the chapter "**Having Sexual Intercourse and repeating it. And engaging with one's own wives and taking a single bath (after doing so)**" - now that means that this would either begin after Fajr and end at Zuhr or from Asr to Maghrib or Isha to Fajr. Rasulullah (s) would in theory offer one Salaat sleep with nine wives and then perform Ghusl in time for the next Salat. Either way at maximum it would not be more than 7 hours. Would this come within the Gangsta rappers comments of booty by the hour?

If this Nasibi author is still not ashamed then allow us to take one better than that from Sahih Bukhari Volume 7, Book 62, Number 169:

Narrated Abu Huraira:

(The Prophet) Solomon son of (the Prophet) David said, "Tonight I will go round (i.e. have sexual relations with) one hundred women (my wives) everyone of whom will deliver a male child who will fight in Allah's Cause." On that an Angel said to him, "Say: 'If Allah will.' " But Solomon did not say it and forgot to say it. Then he had sexual relations with them but none of them delivered any child except one who delivered a half person. The Prophet said, "If Solomon had said: 'If Allah will,' Allah would have fulfilled his (above) desire and that saying would have made him more hopeful."

Tell us Ibn al-Hashimi, is this not multiple booty by the hour? Whilst we believe that such

narrations are blasphemies against these great Prophets, Ibn al Hashimi will proudly laud this as a Sahih narration, and will no doubt argue that such sexual indulgence is fine since multiple polygamy was allowed under the Shariah for both Prophets, and was sound as it is within the confines of a Nikah. If the Nikah allows a man to have in the gangsta rapper's word 'booty by the hour' with a legal spouse – and there is no objection to such a sexual practice, then by the same token there should be no objection if a man does indeed have sex with different women through Mutah – since this is a valid Nikah in the sight of Allah (swt) and as such anything done within that time is halal. If standard Nikah entitles a man to sleep with his polygamous wives, and this is not a matter of ridicule then the same goes for Nikah Mutah, since both are halaal forms of Nikah, any sexual intercourse performed is halal.

Having said this, we shall also point out that Imams of Ahlulbayt [as] always discouraged their adherents to engage in Nikah al-Mutah with multiple women at a time in order to avoid any mistreatment with them, we have discussed this point in the next chapter under the topic of Qiyas No. 13.

34. Ibn al-Hashimi's indigestion in stipulating the timing of meeting between husband and wife in marriage contract

Ibn al Hashimi states:

In the Shia Mutah, the man can regulate when he wants to see the woman; it is very common, for example, for the man to stipulate that he only wants to see her at night-time. In other words, he simply wants to have sex with her and does not want to have anything else to do with her for the rest of the day. The Shia website, Al-Islam.org, says:

"It is permissible for the contract to stipulate as a condition a particular time for meetings between the husband and wife, such as daytime or night-time. As already mentioned, it is also permissible for a given number of sexual acts for a given period to be stipulated, as for example, during one day or over the whole period of the marriage."

(source: Al-Islam.org, <http://www.al-islam.org/al-serat/muta/4.htm>)

 [Screen shot of Ibn al Hashimi's article](#)

Had the ignorant author occupied his time with learning about his own fiqh, rather than wasting his time in fabricating and twisting Shia texts, he would have not been humiliated in front of his Nasibi readership, but since both the author and his Nasibi readership are shameless, we doubt that they will ever accept their ignorance. The author has suffered indigestion by Shia texts that stipulate the timings of meetings between husband and wife in relation to a marriage contract, whilst Sunni fiqh is not different than this, but first of all to paraphrase Ibn al-Hashimi:

In the Sunni Nikah, the man can regulate when he wants to see the woman; it is very common, for example, for the man to stipulate that he only wants to see her at day time. In other words, he simply wants to have sex with her in day time and does not want to know what she does at nights.

Because according to an esteemed Hanafi work 'Al-Bahr al-Raiq' Volume 3 page 190:

وقالوا ولا بأس بتزوج النهاريات وهو أن يتزوجها ليقعد معها نهارا دون الليل

They said there is no harm to marry a day wife, namely to marry her just to stay with her at day without night.

Imam ibn Qudamah records in his authority work 'Al-Mughni' Volunme 7 page 450:

ونقل عنه الأثرم في الرجل يتزوج المرأة وبشترط عليها أن يأتيها في الأيام يجوز الشرط

"Al-Athram narrated from him (Ahmad bin Hanbal) that a if a man marries a woman and stipulates the condition to meet her during the days, the condition is valid."

[Al-Mughni, Kitab al-Nikah, Volume 7 page 450](#)

On the next page we further read:

وكان الحسني وعطاء لا يريان بنكاح النهاريات بأسا وكان الحسن لا يرى بأسا أن يتزوجها , على أن يجعل لها من الشهر أياما معلومة

Al-Hassan and Atta stated that there is no harm in marriage with a day wife. Al-Hassan said that there is no harm (if a man) marries (a woman) on a condition to stay with her only for a specified number of days in the month.

We read in 'Fatawa Hindyah' by Sheikh Nidham popularly known as Fatawa Alamgiri, Volume 7 page 17:

ولا بأس بتزوج النهاريات وهو أن يتزوجها على أن يقعد معها نهارا دون الليل ، كذا في التبیین

And there is no harm to marry a day wife which is to marry her on a condition of staying with her at day without night as it is mentioned in Tabyen.

[Fatawa Alamgiri, Volume 7 page 17](#)

We read in another prestigious Hanafi work 'Fath al-Qadir Sharah Hidayah' by Imam ibn al-Humam, Volume 6 page 444 as well as in "Majm'a al-Anhar" by Abdulrahman Muhammad Sulaiman, Volume 3 page 77:

ولا بأس بتزوج النهاريات وهو أن يتزوجها على أن يكون عندها نهارا دون الليل

"There is no harm in marrying a day wife, namely to marry her and meet her at day without night"

35. Dr. Salamah's Statements Concerning Dowry

Dr. Salamah quotes the following hadeeths, which are supposed to prove that Mut'ah is somehow immoral:

Dr Salamah states:

The narrator asked Imam Ja'far as-Sadiq, **"What should be the minimum compensation for Mut'ah The imam said, "Anything that the two parties agree upon."**

The narrator asked Imam Ja'far as-Sadiq what the minimum compensation for Mut'ah could be, and he answered, **"One fistful of wheat."**

Mut'ah is a marriage that may last for a very short time. It needs no witnesses, and it has no period of 'iddah. The minimum compensation that

could be paid to the woman for sexual relations is one dirham (i.e., less than 25 cents).

Reply One - The Shari'ah does not stipulate what dowry should be

As any Muslim knows, there is no minimum / maximum limit of mahr in Islam. In fact, it is well known that it is mustahab for a woman to ask for a small dowry. If this Enemy of the Ahl al-Bayt (as) does ever bother to read independently it would be advisable for him, to pick up Sahih Bukhari, where it is written in Volume 7, Book 62, Number 80:

"Narrated Sahl bin Sad: The Prophet said to a man, "Marry, even with (a Mahr equal to) an iron ring."

We also read that, during the time of Rasulallah (s), a handful of dough would suffice as mahr for Nikah Mut'ah. We read in Sahih Muslim Book 008, Number 3249, Bab ul Nikah:

"Jabir b. 'Abdullah reported: We contracted temporary marriage giving a handful of (dates or flour as a dower during the lifetime of Allah's Messenger (may peace be upon him))."

Nawawi in his Sharh Muslim Volume 12 page 13, has the testimony of Ibn Masud:

"Rasulullah permitted us to do Mut'ah, using cloth (as dower)"

We also read Rasulallah (s) allowed a pair of shoes to be given as mahr. We read in Sunan Tirmidhi Volume 1 page 152:

"A woman from Banu Fazhar was married with a pair of shoes being accepted as Mahr. Rasulallah (s) asked the women 'Are you happy to give your possessions and soul in exchange for a pair of shoes? She replied 'Yes'. Rasulallah (s) then deemed this Nikah valid".

A Nikah is also valid without the giving of a monetary mahr, as giving the Qur'an as mahr shall suffice, Ibn Hajr al Asqalani in Fathul Bari Volume 9 page 174 comments:

"Some individuals know the whole Qur'an by heart, others knew some of it, and there marriages were carried out on this basis".

The Sunni Imams of fiqh such as Imam Shaafi, Imam Ahmad ibn Hanbal, Sufyan Thuri and Imam Isaac have ruled that mahr carries no limitation; on the contrary anything that can be counted as a possession, can be counted as mahr. See:

1. *Mujmooa Sharh al Mahadhib Volume 15 page 482 by Imam Nawawi [Beirut edition]*
2. *Al Maghni Volume 6 page 680 by Ibn Qudhayma [Cairo edition]*

Imam Ibn Hazm clearly records that anything can be dowry the only condition is the two parties agree no it:


"It permitted to be the dowry all his property, less or more, though price of wheat or malt etc, also every halal work such as teaching some thing from Quran or from knowledge or building, tailoring etc, if they agreed on it"

[🌐 Al-Muhala, Volume 9 page 497, Kitab al-Nikah, Problem No. 1851](#)

Reply Two - According to the Ahl as-Sunnah alcohol and pigs can be included as dowry!

Going a step further, we see that in complete contradiction to the teachings of the Prophet (s) and Imams, that according to the Ahl as-Sunnah alcohol and pigs can be counted as mahr. The classical Hanafi text Sharh Waqaya Volume 2 page 31, Kitab al Nikah (and it should be noted that this book is a key text in Deobandi Madrassas) we read:

"If alcohol or a pig is given as Mahr the Nikah is valid".

 [Sharh Waqaya, Volume 2 page 31](#)

In another authority Hanafi work 'Fath al-Qadeer Sharah Hidayah' we read as follows:


فإن تزوج الذمي ذمية على خمر أو خنزير ثم أسلما أو أسلم أحدهما فلها الخمر والخنزير

"If a Zimmi man marries a Zimmi woman, pig or alcohol is decided as the dowry, now if both or one of them becomes Muslim then the woman will still get pig or alcohol as dowry"

 [Fath al-Qadeer Sharah Hidayah, Vol 5 page 53 Kitab al-Nikah, Chapter of Mahr](#)

Imam of Ahle Sunnah Ibn Hazm records that even dogs and cats can be included as dowry (mahr):

"Whatever is permitted to possess from donation or inheritance that is also permitted to be a dowry and Khula or counter value it, also the things that are permitted to sell or not such as water, dog, cat and fruit"

 [Al-Muhala, Volume 9 page 497, Kitab al-Nikah, Problem No. 1850](#)

If things that are not allowed to sell can also be included as dowry then business of prostitutes is Haram in Islam (at least in Shia Fiqh), so our astute readers can better conclude!

So we found that there is nothing for the Nawasib to yap at the Shia traditions on dowry when they themselves have laid the foundation of having 'pleasurable' weddings with alcohol being served and pigs being eaten with dogs and cats around!

36. Ibn al-Hashimi's interpretation that the dowry in Mutah is just like a payment for sex in prostitution

Ibn al Hashimi states:

According to Shia Fiqh, a man "rents" a woman for a specified number of hours or days during which he can have sex with her. But if on certain days she doesn't have sex with him, then the price he pays for her goes down. The exception is her menstruation days since it is impermissible to have sexual relations on those days. The Shia website, Al-Islam.org, says:

"A man came to the Imam Ja'far and said: 'I concluded a contract of mut'a with a woman for one month for a given amount, But the woman only came to me for part of the month, and part she stayed away.' The Imam replied: 'An amount

should be held back from her dower equivalent to the amount she stayed from you, except for the days of her menstruation, for those belong to her."

(source: Al-Islam.org, <http://www.al-islam.org/al-serat/muta/3.htm>)

The price the man pays the woman (i.e. the dower) goes down if she doesn't have enough sex with him; it would not be a stretch to say that the Shia scholars are nothing but pimps who closely regulate the institution of prostitution under the guise of religion.

If Ibn al-Hashimi has interpreted these comments to suggest that the dowry for sex in Muta is like the payment for sex in prostitution, and hence the Shia scholars are merely pimps who closely regulate the institution of prostitution under the guise of religion, then by the same token we shall point out to Ibn al-Hashimi al-Nasibi that *'the scholars of his school are too nothing but pimps who closely regulate the institution of prostitution under the guise of religion because they draw the same connection between the sexual intercourse and both 'alimony & dowry' that is given to the wife.* Shaykh Abdurehman Jazri records in 'Al Fiqh ala Madahib Arba' Volume 4 page 84:

فإذا أعطاهما الصداق وأبت تسليم نفسها بلا عذر فلزوج استرجاعه

'If he gave her the dowry and she refused to offer herself (for sexual intercourse) without any reason then the husband can retrieve it'

[Al Fiqh ala Madahib Arba, Volume 4 page 84](#)

Imam Merdawi records in 'al-Ensaf' Volume 13 page 137:

. فَسَلَّمَ الصَّدَاقَ فَلَهُ طَلَبُ التَّمَكِينِ . فَإِنْ أَبَتْ بِلَا عُدْرٍ فَلَهُ اسْتِرْجَاعُهُ .

'He paid the dowry so he can ask for sexual intercourse, if she refused without grounds, he can retrieve it'

Shaykh Mansoor al-Bahuti al-Hanbali (d. 1052/1642) records in 'Kashaf al-Qena' Volume 19 page 368:

قَالَ فِي الْمُبْدِعِ (أَوْ لَمْ تُمْكِّنْهُ مِنَ الْوَطْءِ أَوْ مَكَّنْتَهُ مِنْهُ) أَيُّ الْوَطْءِ (دُونَ بَقِيَّةِ الْإِسْتِمْتَاعِ) كَالْقُبْلَةِ وَالْمُبَاشَرَةِ (أَوْ لَمْ تَبِتْ مَعَهُ فِي فِرَاشِهِ) فَلَا نَفَقَةَ لَهَا ، لِأَنَّهَا لَمْ تُسَلِّمْ نَفْسَهَا التَّسْلِيمَ التَّامَّ

He (ibn Muflih al-Hanbali) said in 'al-Muabde' (book) (if she didn't allow him to perform sexual intercourse) or she allowed him sexual intercourse (but without the other enjoyments) such as kissing and fondling (or she didn't sleep with him in the bed) she doesn't deserve the alimony, because she didn't completely offer her 'self'.

al-Bahuti also records in 'Al-Rawd al-Muraba' Volume 1 page 104:

ولو أقبضه لها وامتنعت بلا عذر فله استرجاعه

"If he paid her (the dowry) and she refused (sexual intercourse) for no reason, he can retrieve it"

Imam Ibn Qudamah records in 'Al-Eda Sharh al-Umda' Volume 2 page 169:

إن كانت صغيرة لا يمكن الاستمتاع بها أو لم تسلّم نفسها إليه أو لم تطعه فيما يجب له عليها أو سافرت (بغير إذنه أو بإذنه في حاجتها فلا نفقة لها عليه) لأن النفقة تجب للتمكين من الاستمتاع

'(If she was young and incapable of enjoyment, or she didn't offer her self to him, or she didn't obey him about which he has right on her, or she traveled without his permission or with his permission but for her own business, she doesn't deserve alimony) because the alimony is a reward of allowing enjoyment (to the husband)'

Imam Ibn Qudamah also records in 'Al-Kafi fi Feqh Ahmad ibn Hanbal' Volume 3 page 223:

وللأمة المزوجة النفقة في الزمن الذي تسلّم نفسها فيه فإن سلمت إليه ليلا ونهارا فلها النفقة كلها
كالحرّة وإن سلمت ليلا دون النهار فلها نصف نفقتها

'The married slave woman deserves alimony during the time that she offers her self, if she offers herself to him during the night and day she deserve the full alimony just like a free woman, and if she offers herself at night and not the day, she deserves half of the alimony'

Lastly, we read in 'Fiqh al Sunnah' by Sayed Sabiq Volume 2 page 170:

وكذلك إذا لم تسلّم نفسها إلى زوجها، أو لم تمكنه من الاستمتاع بها، أو امتنعت من الانتقال إلى الجهة التي يريدّها، ففي هذه الحالات لا تجب النفقة

And if she didn't offer her self to her husband or she didn't allow him to enjoy her, or she refused to relocate to the destination which he wanted, in these cases the alimony is not deserved.

37. Nawasib's discussion that there is no need to make enquiries about a woman before Mut'ah

Various Nawasib have quoted traditions from Shia book and have advanced their objections, for example:

Ibn al Hashimi and Dr Salmah quoted:

Aban bin Tughlaq related that he said to Imam Ja'far as-Sadiq, "Often during my travels I come across a very beautiful woman and am not sure if she has a husband or if she is an adulteress or if she is one of dubious character," The Imam responded, "Why should you worry about all of these things? Your duty is to believe what she [says]. Engage in Mut'ah with her."

 [Screen shot from Ibn al-Hashimi's article](#)

Azam Tariq quoted:

Ali bin Yaqtin stated: 'I asked Abu Abdullah [as]: 'How are the women of Madina?'. He replied: 'They are Fasiq'. I asked: 'Shall I perform Nikah al-Mutah with them?' He replied: 'Yes. If a man performs Nikah al-Mutah then he does not need to do investigation, rather he should accept what the woman tells him'. (Tahdeeb al-Ahkam, Volume 7 page 253 Hadith 1091)

Muhamad bin Ahmed bn Yahyah narrated from Ali

bin Sendi from Uthman bin Isa from Ishaq bin Ammar from the servant of Muhammad bin Rashid namely Fadhl who said: 'I said to Abi Abdullah [as]: 'I performed Mutah with a woman then I got the feeling that she is married, thus, she actually had a husband'. He [as] said: 'Why did you do investigation?'(Tahdeeb al-Ahkam, Volume 7 page 253 Hadith 1092)
[Khutbaat-e-Jail, pages 263-264]

Reply One - Did the Sahaba conduct such investigations?

The question needs to be directed at the Sahaba, who contracted Mut'ah upon the permission of Rasulallah (s), and would venture into those areas / townships that was new territory for them - did they conduct into enquiry's with regards to marital status, character etc. No, they didn't. Let us again see the importance of the sole testimony of a woman regarding her character, we read in Sahih Muslim:

Rabi' b. Sabra reported that his father went on an expedition with Allah's Messenger (may peace be upon him) during the Victory of Mecca, and we stayed there for fifteen days (i. e. for thirteen full days and a day and a night), and Allah's Messenger (may peace be upon him) permitted us to contract temporary marriage with women. So I and another person of my tribe went out, and I was more handsome than he, whereas he was almost ugly. Each one of us had a cloaks, My cloak was worn out, whereas the cloak of my cousin was quite new. As we reached the lower or the upper side of Mecca, we came across a young woman like a young smart long-necked she-camel. We said: Is it possible that one of us may contract temporary marriage with you? She said: What will you give me as a dower? Each one of us spread his cloak. She began to cast a glance on both the persons. My companion also looked at her when she was casting a glance at her side and he said: This cloak of his is worn out, whereas my cloak is quite new. She, however, said twice or thrice: There is no harm in (accepting) this cloak (the old one). So I contracted temporary marriage with her, and I did not come out (of this) until Allah's Messenger (may peace be upon him) declared it forbidden.

Now we invite Nasibies to show us as to where those two Sahaba investigated the character of the mentioned woman? Alhamdulillah, this is a blessing of Allah (swt) and whatever dirt Nasibies throw will just rebound back on them.

The fact that a Sahaba had not conducted such an investigation clearly points to the fact that Rasulallah(s) did not order the Muslims to make such inquiries they could accept the words of the woman without any hesitation.

Reply Two - According to Ahl'ul Sunnah, man should take the words of a woman about her status

It is interesting that the Nawasib are trying to suggest that a man should establish an investigation committee to ascertain a woman's character whilst Sunni sources state that one can take the word of a woman, rather than cast suspicion upon her. Imam Nawawi records in Al-Majmo'a, Volume 16 page 171:

وان ادعت المرأة البكارة أو الثيوبه قال الصيمري : القول قولها ولا يكشف عن الحال لأنها أعلم بحالها

If a woman claimed virginity or its opposite, al-Sumairy said: 'The statement is her statement and there is no need to conduct investigations of her, because she is the one who best knows about herself'

One should remember that according to Sunnies, when a man divorces his wife, she has to perform Halala, should she wish to remarry her former husband in other words she has to:

- marry another man,
- perform intercourse with him,
- then take a divorce from him.

It is only then she can return to the arms of her first husband. Interestingly, according to Sunnies, if such a woman wishes remarry her former husband, and claims that she had been married to another person, had sex with him, got divorce from him and performed iddah, then her words will be accepted without any doubt. We read in E'anat al-Talbeen, Volume 4 page 31 by a Shafiyye scholar Abu bakr bin Muhammad al-Bakri al-Dumyati (d. 1310 H):

فاذا ادعت انها نكحت زوجا آخر وأنه طلقها وانقضت عدتها تصدق في ذلك

"If she claimed that she was married to another man and then got divorced and performed Iddah, she must be believed about that"

The words of such a woman are to be accepted even if there is considerable evidence that would suggest that her testimony is not credible. We read further:

كما تصدق اذا ادعت التحليل وان كذبها الولي او الشهود او الزوج

"She must also be believed if she claimed 'tahlil' even if the guardian or the witness or the husband say that she is lying"

We read in Fath ul-Mueen, Volume 4 page 31 by a Shafiyye scholar Zainuddin bin Abdulaziz al-Melbari al-Hindi (d. 987 H):

إذا ادعت نكاحا وانقضت عدة وحلفت عليها جاز للزوج الأول نكاحها وإن ظن كذبها لأن العبرة في العقود بقول أربابها

"If she claimed that she was married and then performed the Iddah and gave oath on it, the ex-husband is permitted to remarry her, even if he thought that she is lying, because the judgment in contracts is by the statement of the contractor."

Shaykh Mansoor al-Bahuti al-Hanbali records in Kashaf al-Qen'a, Volume 5 page 54:

وإذا ادعت المرأة خلوها من الموانع وانها لا ولي لها زوجت ولو لم يثبت ذلك بينه

"If a woman claims that she doesn't have any obstacle and doesn't have guardian, she must be married even if she didn't prove the same through evidence"

Here 'obstacle' means any kind of obstruction such as being in Iddah or being married to someone.

According to the Sunni school, the same applies with a slave girl who discloses to a person that her master has sent her to him, once she makes this statement there is no require to conduct further investigations, one can sleep with her automatically. This is how the ruling is recorded in Fatawa Alamgiri:

"If a slave-girl comes and says to a man that her master has sent her as a gift to him then is it permissible (halal) to have sexual intercourse with her."

[Fatawa-e-Alamgiri, volume 3, page 268, Kitab al-Hudood \(published by Daar ul-Isha'at, Karachi.\)](#)

Reply Three - According to Ahl'ul Sunnah, Rasulullah (s) allowed a man to remain wedded to a wife of ill character!

Also worthy of note is the fact that according to the Ahl'ul Sunnah, Rasulullah (s) allowed a man the option to remain married to an unfaithful wife! This is clear from the tradition in Sunan Abu Dawud: Book 11, Number 2044:

Narrated Abdullah ibn Abbas:

A man came to the Prophet (peace be upon him), and said: My wife does not prevent the hand of a man who touches her. He said: Divorce her. He then said: I am afraid my inner self may covet her. He said: Then enjoy her.

In an esteemed Hanafi work the way the same incident is recorded, but elaborates on the fact that the wife in question was an adulterer, despite this the Holy Prophet [s] deemed it permissible for the Sahabi to keep enjoying her:

"A man came to Holy Prophet [saww] and said that my wife doesn't refuse any touching hand, i-e- she is an adulterer. Holy Prophet [saww] said: "Divorce her", the man said that she is very beautiful and I love her, then Holy Prophet said: "Then keep enjoying her." That is, don't divorce her and keep her with you."

 [Dur ul Mukhtar, volume 2, page 25, Kitab ul Nikah.](#)

Should our opponents still object to the words of our Imam [as] wherein He [as] asked to take the words of a woman instead of establishing an investigating committee to ascertain her morality, character and marital status (etc), then we should point out that they have no right to object, since they believe that it is even permissible to perform a Nikah with a woman whom one has physically seen committing adultery. We read in 'Dur ul Mukhtar':

"If the woman has committed adultery, the nikah is correct. It means that a nikah with a femal adulterer is permissible, even if the man has seen the women committing adultery."

 [Dur ul Mukhtar, volume 2, page 25, Kitab ul Nikah.](#)

Reply Four - The traditions are weak

The tradition quoted by Ibn al-Hashimi and Dr Salamah is not authentic since Shaykh Baqar Majlisi in the commentary of the cited tradition has graded it weak (Mirat al-Uqool, Volume 20 page 249).

As for the first tradition (Hadith 1091) quoted by Azam Tariq al-Nasibi, Sayyed Ali Tabatabai in his book Riyadh al-Masa'el, volume 10 page 180 has graded it weak. We shall also point out that one of the narrators in its chain is Ali bin Hadeed who considered weak (Tanqeh al-Maqal, v2 p375, Rijal Majlisi, p257 No.122, Mabani Takmilat al-Minhaj by Sayyed Khoei, v1 p194). While commenting on the chain of narration of some other tradition, Shaykh Tusi himself stated:

"The narration taken from Zarar includes Ali bin Hadeed in the chain who is very weak."

Tahdeeb al-Ahkam, Kitab al-Tijaraat, Volume 2 page 145

The second tradition (Hadith 1092) quoted by Azam Tariq is also weak because one of its narrators namely Ali bin al-Sendi is weak (Kitab al-Tahara, by Sayyed Khoei, v9 p440, Zakhirat al-Me'ad by Sabzawari, v1 p9), while some called him 'unknown' (Madarek al-Ahkam by Sayyed Muhammad al-Amili, v1 p306, Mustamsak al-A'rwa by Sayyed Muhsin al-Hakim, v14 p252).

Another narrator namely Fadhl is also unknown (Tanqeh al-Maqal, v2 p12 Chapter 'Qaa', Al-Mufid Min Mujam al-Rijal by Muhammad Jawaheri, p458, Kitab al-Nikah by Sayyed Khoei, v2 p120).

Reply Five - Qadhi Abu Yusuf endorsed a marriage that he knew was haraam under the Shari'ah

If Dr Salamah is attacking our Imam for ruling out the need to make an enquiry of a woman before contracting Mut'ah, allow us to cite how a great Sunni Imam issued the following enquiry. We read in Suyuti's classic Sunni work Tari'khu'l-khulafa', page. 222.

"Ibn Mubarak narrates after becoming the Khalifa, Harun fell in love with a slave girl. He wanted to sleep with her, but she said 'It is not permissible for you to do so, as I slept with your father Hadi. As Harun was besotted by the woman he called al-Qadi Abu Yusuf and asked him for a means via which he could satisfy his lust. The Qadi said: 'She is just a slave woman. Should you accept whatever she says? No. Do not accept her words as true'. So the Caliph satisfied his desire.

Ibn Mubarak comments: "I do not know who among these three was more surprising: the Caliph who put his hand into the blood and property of the Muslims and did not respect his step-mother; or the slave woman who refused to grant the desire of the Caliph; or the Qadi who allowed the Caliph to dishonour his father and sleep with that concubine who was his step-mother."

 [Tarikhul Khulafa, Page 222](#)

Now the moralistic Dr Salamah is expressing his outrage that our Imam (as) said a pre inquiry is not required for Mut'ah. We have seen that Imam as-Sadiq (as) was only telling Muslim men that they do not have to go around interrogating women as to whether or not they are married. This is an issue from akhlaq (ethics): if a woman agrees to do Mut'ah with a man, how insulting is it to then accuse that women of possibly being already married? This type of behaviour does not behove a believer, and it is similar to the way that Wahabis and other enemies of the Ahl al-Bayt insult their Muslim brothers and sisters by demanding that every halaal restaurant owner to prove with 100% certainty that food is halaal. What we see in this hadeeth of Imam as-Sadiq (as), then, is a command to treat one's fellow Muslims with respect and not doubt the piety of their behaviour.

Yet what we see with Abu Yusuf's fatwa is the exact opposite. A man already knows that a woman is already married or otherwise beholden to another man, and Abu Yusuf says to merely ignore that fact. The foolish Dr. Salamah accuses the grandson of the Holy Prophet (s), Imam Ja'far as-Sadiq (as), of endorsing debauchery by saying that one does not need to interrogate a prospective wife. Yet according to Abu Yusuf, once such an interrogation is made and it is discovered that the woman is already married, then it is still permissible to fornicate with her. Qadi Abu Yusuf is the one of the esteemed Imams of the Hanafi Sect, who issued a fatwa legitimizing incest (between a son and mother), and yet Dr Salamah accuses the Shi'a of being immoral!

38. Dr Salamah's discussion on Mut'ah with a Young Girl

Dr Salamah comments:

Jameel bin ad-Dari said that he asked Imam Ja'far as-Sadiq if Mut'ah was permissible with a virgin girl. The imam said, "There is no harm in it if the girl is not too young. However, all of the

collectors of hadith agree that a nine-year-old girl is not considered too young."³⁷

Reply One - According to the Ahl as-Sunnah Ayesha married Rasulallah (s) when she was nine

In theory when a girl attains puberty (via menstruation) she can be married. The Ahl as-Sunnah have themselves attested to the fact that a girl aged nine can marry, one wonders why Salamah is portraying outrage when his own books claim that Ayesha married Rasulallah (s) when she was six and the marriage was consummated when she was nine.

According to the Ahl as-Sunnah texts Ayesha herself testified to her tender age. We read in Sahih al Bukhari Volume 5, Book 58, Merits of the Helpers in Madinah (Ansar) Hadith Number 234:

Narrated A'isha:

The Prophet engaged me when I was a girl of six (years). We went to Medina and stayed at the home of Bani-al-Harith bin Khazraj. Then I got ill and my hair fell down. Later on my hair grew (again) and my mother, Um Ruman, came to me while I was playing in a swing with some of my girl friends. She called me, and I went to her, not knowing what she wanted to do to me. She caught me by the hand and made me stand at the door of the house. I was breathless then, and when my breathing became alright, she took some water and rubbed my face and head with it. Then she took me into the house. There in the house I saw some Ansari women who said, "Best wishes and Allah's Blessing and a good luck." Then she entrusted me to them and they prepared me (for the marriage). Unexpectedly Allah's Apostle came to me in the forenoon and my mother handed me over to him, and at that time I was a girl of nine years of age.

Ayesha's frank comments about her young age at the time of marriage are also found in Sunan Abu Daud, Kitab al Adab Book 41, Number 4915:

Narrated A'isha, Ummul Mu'minin:

The Apostle of Allah (peace be upon him) married me when I was seven or six. When we came to Medina, some women came. According to Bishr's version: Umm Ruman came to me when I was swinging. They took me, made me prepared and decorated me. I was then brought to the Apostle of Allah (peace be upon him), and he took up cohabitation with me when I was nine. She halted me at the door, and I burst into laughter.

Ibn Hazm in his al-Muhalla Volume 6, part 9, pp. 458-460 has used the young age of Ayesha as proof that according to Sunni fiqh a young girl can be forcibly married (without her consent):

"A father may give consent to have his young virgin daughter married without obtaining her permission, for she does not have a choice, exactly as Abu Bakr Siddique did to his daughter A'isha, when she was six years old. He married her to the prophet Muhammad without her permission."

Of interest is the fact that according to Ahl'ul Sunnah's most esteemed work Sahih al Bukhari:

Narrated by A'isha: Allah's Apostle said (to me), "You were shown to me in a dream. An angel brought you to me, wrapped in a piece of silken cloth, and said to me, 'This is your wife,' I removed the piece of cloth from your face, and there you were. I said to myself. 'If it is from Allah, then it will surely be.'"


Sahih al-Bukhari, Volume 7, Book 62, Number 57

Do Nasibies such as Salamah have any right to attack the Shi'a ruling that a Nikah Mut'ah can 'in theory' occur for a nine year old, when they have traditions wherein an Angel delivers an infant girl wrapped in silk [like some gift] to Rasulullah (s) and conveys that good news that 'This is his wife'?

Reply Two- According to the Ahl as-Sunnah you can even marry a girl under the age of nine

If this Nasibi is expressing outrage at the notion that jurists said that Nikah Mut'ah can be contracted with a nine year old, then why does he not look at the comments of his own camp, al-Fatawa al-Hindiya popularly known as 'Fatwa Alamgiri' Volume 2 page 162 states:

"Concerning the issue of consummating the marriage with [a girl under age], it was said that she should not be slept with before she attains puberty, but it was said in al-Bahr al-ra'iq that she can be slept with at the age of nine. The majority of Imams are of the opinion that the issue of age plays no role in this respect, and that the criterion is that the woman should be physically fit and big enough to accommodate men, and consequently there would be no fear that she would get sick if she is copulated with, even if she has not reached the age of nine. But if she is thin or gaunt and cannot bear sex, and is in danger of getting sick, her husband is not allowed to sleep with her, even if she is of age - this is the sound opinion."


 [Fatwa Alamgiri, Vol 2 Page 162, Kitab al Nikah, Chapter 4 \(Daarul Ishaat Karachi\)](#)

Reply Three - Umar married a girl who had not even attained puberty

If this Nasibi is expressing outrage at the Shi'a scholars the he should know that according to the Ahl as-Sunnah Umar had a wife called Umme Kalthum who had not even attained puberty at the time that the khalifa had been laid to rest in his grave! Imam of Ahl'ul Sunnah [Allamah Muhammad bin Abdul Baqi bin Yusuf al-Zarqani](#) in 'Sharah Mawahib Laduniyah' Volume 7 page 9 states clearly:

"Umme Kalthum, wife of Umar bin al Khattab did not attain puberty by the time that he had died".

The Hanafi Mufti of Daarul Uloom Qadriyah Jilaniyah London Allamah Ghulam Rasool has also cited this reference in his book:

 [Hasab aur Nasab, Volume 3 page 265 \(Published in London\)](#)

Dr Salamah, when your books allege that Rasulullah (s) consummated marriage with Ayesha when she was nine, and Umar the Khalifa married a girl so young that she hadn't even attained puberty when he died, you have no right to attack Shi'a Fuqaha for saying Mut'ah can be contracted with a nine year old.

39. Nasibi objection that you can contract Mut'ah with countless women

The Nasibi Dr. Salamah objected to these three hadeeth:

Dr. Salamah quotes:

"If one desires, he may have Mut'ah with one thousand women since these are like hired women."

Zarahah said, "I asked the Imam [i.e., Ja'far as-

Sadiq] with how many different girls one can contract Mut'ah. He answered, 'with as many as one likes. These women are like hired girls.'

One may have sexual relations with the woman contracted for Mut'ah any number of times he desires.

Ibn al-Hashimi al-Nasibi also quoted these traditions and before that he had written:

Ibn al Hashimi

It is abundantly clear that these so-called Hadith advocate prostitution and Zinnah



[Screen shot of Hashimi's article- top](#)



[Screen shot of Hashimi's article- text](#)

Reply

These two and all other thick Nawasib who assert that Mutah is Haram because it can be performed with numerous women have clearly not read the Qur'an. If the Qur'an places a limit on women on standard marriages to four, it places no limits with regards to the number of concubines (slaves) that a man can have: he could sleep with a thousand, even a hundred thousand women. Allah (swt) deems sleeping with thousands of concubines to be permissible, the books of Sunni hadith collections place the rank of sleeping with a concubine to be on par with that of sleeping with one's wife. In al Muhalla Volume 6, part 9, page 467, Imam of Ahl as-Sunnah Ibn Hazm affirmed this stating:

"No one is allowed to wed to more than four women, but he is permitted however, in addition to them he can purchase as many women as he wants"

Imam of Ahle Sunnah Idrees Shafyee also recorded:

"Verily Allah all mighty limited the free woman to four and didnt limit the slave woman, he (Allah) all mighty said: {or what your right hands possess} [004.003] that do not end in number."

[al-Um by Imam Shafiyee, Volume 5 page 3](#)

We also read in Bahar al-Raiq, Volume 3 page 186:

"He can have sexual intercourse with as many slave women as he wishes according to His (Allah's) statement: {or what your right hands possess} [004.003]."

Why doesn't Dr Salamah raise his objections against Allah (swt) and his Rasul (s), and shout at them: **"You believe in fornication with women, and you can sleep with thousands of them!"** Sayyid Abu'l Ala Maudoodi in his Tahfeem ul Qur'an Volume 2 pages 112-113 footnote 44, in his discussion on Slave girls:

"The maximum limit of four has not been prescribed for slave girls as is the case of wives for the simple reason that the number of female prisoners of war is unpredictable. But the lack of limit does by no means provide a license for the well to do people to have any number of slave girls for licentious purposes".

By the same token, we can also argue that Imam Jafer (as) was merely pointing out that in

theory a man can have multiple Mut'ah wives, and to paraphrase Maudoodi:

"The lack of limit does by no means provide a licence for the well to do people to have any number of Mut'ah wives for licentious purposes".

In the tradition Dr Salamah quoted, our Imam (as) was saying that one could [in theory] practise Mut'ah with multiple women, but in reality they discouraged the excessive use of Mut'ah, we will discuss it in the next chapter under the topic of Qiyas No. 13.

And if sleeping with a multiple number of women constitutes evidence of such a practise being fornication, then perhaps these Nasibi could offer an explanation about this tradition that we find in Sahih al Bukhari Volume 4, Book 52, Number 74, Book of Jihad this atrocious tradition:

Narrated Abu Huraira:

Allah's Apostle said, "Once Solomon, son of David said, '(By Allah) Tonight I will have sexual intercourse with one hundred (or ninety-nine) women each of whom will give birth to a knight who will fight in Allah's Cause.' On that a (i.e. if Allah wills) but he did not say, 'Allah willing.' Therefore only one of those women conceived and gave birth to a half-man. By Him in Whose Hands Muhammad's life is, if he had said, 'Allah willing', (he would have begotten sons) all of whom would have been knights striving in Allah's Cause."

The moralistic Dr Salamah in his article, tried to incite outrage at the fact the Imams from Ahl'ul bayt (as) said that a man could practise Mut'ah with multiple women. Why is he expressing such outrage when his most esteemed work after the Qur'an suggests that Prophet Sulayman (as)'s sex drive was so high that he slept with one hundred women in one night!

Let us also see the brimming sexual desire held by one of the prominent Sahabi figure among the Nasibi world namely Mugherah bin Sheybah. Ibn Kathir records:

Wahb stated that he heard Malik who used to say that Mugherah bin Sheyba used to say that a person who has one wife also gets menstruation along with his wife and also becomes ill along with her and a person who has two wives is between two burning fires and a person with four wives remains in peace. And he used to marry four wives at a time and would divorce them at one time. It has also been narrated from Abdullah bin Nafi Asaigh that Mugherah bin Sheyba married three hundred women while others have narrated that he married with one thousand women, some have stated one hundred while some have narrated his marriage with eighty wives.

 [Al Bidayah Wal Nihayah \(Urdu\), Volume 8 page 809 \(Nafees Academy Karachi\)](#)

These najis Nawasib should have at least some shame, whilst our books of fiqh have only stated that a man could in theory sleep with as many women as one likes, their great Imam Jurayj practically implemented the practice of Mut'ah with many. This is Dhahabi's appraisal of Ibn Jurayj in his book Takhirathul Huffaz Volume 1 pages 170 -171:

"The scholar of Makka Abu Waleed stated 'Khalid Abdul Malik bin Abdul Aziz bin Jurayj was a servant of the Banu Ummaya and was amongst the Fuqaha of Makka, he has many appellations, and is counted amongst the great 'ulama, he was born a few years after 70 Hijri, and he met the great Sahaba...Ahmad Ibn Hanbal said 'Ibn Jurayj was a treasure of knowledge'. Jareer commented that Ibn Jurayj deemed Mut'ah to be permissible, and he contracted Mut'ah with 70 women...Ibn Abdul Hakim stated "...heard from Imam Shaafi says Ibn Jurayj contracted Mut'ah with 90 women".

Imam Dhahabi in his another esteemed book "Siyar alam al Nubla" Volume 6 page 325, 331 and 333 states:

"Abd ul Malik bin Aziz bin Jurayj was the Imam, the Servant, the Memoriser, Sheikh of al Haram (Haram Mekka), Abu Khalid and Abu al Walid Al Kirahiy Al Amawi, Al Makki; the author of Al Tasanif". (page 325)

"Ibn Jurayj believed in mutah, he married with 60 women. It is said that he gave his children the names of his wives for avoiding that one of them marry a woman that his father have married with." (page 331)

"I heard al Shafi'i saying that Ibn Jurayj did mutah with 90 women, he injected every night once of Shayraj for having a stronger sex drive". (page 333)

This book can be downloaded from a favourite website of Wahabi/Salafi cult

 <http://www.almeshkat.com/books/open.php?cat=12&book=400>

Since Nawasib deem Mutah Haram, illegitimate and adultery that means according to them the number of children born from 90 wives of their Imam Ibn Jurayj were illegitimate children and here we would like to ask the Nawasib like that of Sipah e Sahaba and Ansar.org whether they will ratify the existence of illegitimate offspring borne out of the great clergy? Alhamdulillah, we Shia do not consider those Sunni scholars and their children illegitimate due to their Nikah al Mutah.

Before attacking the comments of our Imam (as) on Mut'ah with multiple women, we would urge Dr Salamah to check out the sexual appetite of his Imam Ibn Jurayj and if he wants a more up to date example we would urge him to look at sexual activities of the Saudi Royal Family, whose sexual activities exceed the usage of four wives.

40. The Sunni marriage with the intention of divorce - The Fatwa of Wahabi Leader Bin Baz

It remains to be seen exactly what Dr. Salamah is upset about. Even though many Sunni 'ulama (though certainly not all) may believe that Mut'ah is abrogated, nonetheless a Sunni man may do exactly the same thing as Mut'ah even if he does not call it that by name. This is because of the leniency that Sunni Islam has on the matter of divorce. Divorce has almost no conditions in Sunni fiqh. In Shi'ite fiqh (which accords with the Qur'an), divorce requires two witnesses. Furthermore, one is not allowed to divorce one's wife if he has had sexual relations with her since her last menstrual cycle. Rather, he must not have any sexual relationships from the end of menstrual cycle to the end of another (about one month), and then he may recite the Talaq. This, however, is not a condition according to Sunnis. As such, a man may divorce his wife at the drop of a hat.

In this case, we see that a man may marry a woman in a permanent marriage (Nikah), with every intention of divorcing her after he has sex with her. He may marry her, then have sexual relations with her, and immediately announce that she is divorced. This is haram according to Shi'a fiqh, yet it is absolutely halaal according to Sunni fiqh. Let us read the fatwa of the former chief Mufti of Saudi Arabia, Bin Baz:

Someone asked him: In one of your tapes, you have a fatwa that it is permissible for someone in a Western country to get married with the intention of getting divorced after a specific period...What is the difference between this and between Mut'ah?

Response: Yes, this fatwa has come from Permanent Council (of Muftis), and I am its leader, and we have ruled that it is permissible to marry with the intention of getting divorced, if this intention is between the servant and his Lord. If someone marries in a Western country, and his intention is that when he finishes his studies or finds a job or something like this that he will get divorced, then there is

absolutely no problem with this in the opinion of all 'ulama. This intention is something between the servant and Allah, and is not a condition. The difference between this and Mut'ah is that Mut'ah has the condition of a definite time period, such as a month or two months or a year or two years and so forth. If the time period fends, then the Nikah is abrogated. This is the invalid form Mut'ah. However, if somebody marries according to the Sunnah of Allah and the Prophet, but he nonetheless holds the intention in his heart that when he leaves the (Western) country he will divorce, then there is no harm in it. This intention might change, and so it is not something definite. This intention is not a condition, and it is something between the servant and his Lord. There is no harm in it, and it is one of the ways that a person may remain chaste and avoid fornication and debauchery. This is the statement of all people of knowledge.

 [Reference at BinBaz.com](#)

This is absolutely bizarre. Bin Baz has permitted something that is in no way different from a temporary marriage. If a marriage with the intention to divorce is not temporary marriage, what is it? The only reason Bin Baz says Mut'ah is invalid is because the man actually tells the woman this beforehand, and that they agree on it, and that this condition is binding. Basically this amounts to saying that since Mut'ah is honest, it is haram. So if a man lies to a woman and promises her a permanent marriage, and then divorces her one-hour later, this is fine. But if a man and woman actually agree together that the marriage is only to last a month or what have you, then it is haram. For the Bin Baz camp its perfectly legitimate for a man to marry a woman [with the 'hidden' intention of divorcing her afterwards] if this is not deception then what on earth is? The woman may want to settle down, and have a family, a liar comes along who charms her, marries her, gets her into bed and then divorces her. All her hopes / dreams of having a man to settle down have been shattered there and then, she was tricked into marriage and then divorced. How can anybody with the slightest gift of intelligence claim that this "marriage with intent to divorce" is moral, and according to Bin Baz all scholars agree on its permissibility, yet temporary marriage is impermissible? What is possibly the difference, except that a dishonesty / deception is allowed in Bin Baz's temporary marriage?

The modern day champions of Sunnism, *ahlelbayt.com* have sought to wholeheartedly argue that there is no comparison between Mutah and Misyar, and have sought to allay the concerns of their Sunni readership by presenting a false image of Misyar. Author Ibn al-Hashimi offers various defences, most notably:

Ibn al Hashimi states:

Secondly, Mutah is temporary and so it is like prostitution. Instead, Misyar is permanent and is therefore a marriage. So this is the fundamental and monumental difference between Mutah and Misyar. In Mutah, a Shia man pays a few dollars to have sex with a whore, and they are "married" for less than one hour. On the other hand, Misyar is permanent and lasts forever. In fact, it is Haram to contract Misyar if you have the intention of divorce; the scholars have even stated that the marriage is itself invalid if the intention is divorce. So it is the same as Nikah (i.e. it is Haram to have the intention to divorce when you marry that person).

 [Screen shot of Hashimi's article- top](#)

 [Screen shot of Hashimi's article- text](#)

The claim of Hashmi bears no correlation to to the definition of Misyar provided by his Master Bin Baz. He makes it crystal clear **'and we have ruled that it is permissible to marry with**

the intention of getting divorced, if this intention is between the servant and his Lord' . Hashmi claims that such an intention is haraam. Tell us Hashmi was your revered scholar giving a Fatwa on a haraam act? Who knows more about Misyar you or Bin Baz? The reality is this type of disgraceful trick marriage is so appalling that this great defender of Sunnism was forced to lie about it, just to allay Sunni fears!

In truth Ibn Hashimi should not feel ashamed about this deceptive element of misyar, Bin Baz was merely implementing a concept that had been formulated by his Khaleefa Umar. Imam Ibn Jarir Tabari records a detailed conversation, wherein Imran bin Sawadah cites objections to some of Umar's decision, to him in person, including his banning of Mutah in these words:

"...It is also said that you have forbidden temporary marriage, although it was a license given by God. We enjoy a temporary marriage for a handful (of dates), and we can separate after three nights." He replied, "The Messenger of God permitted it at the time of necessary. Then people regained their life of comfort. I do not know any Muslim who has practised this or gone back to it. Now, anyone who wishes to, can marry for a handful (of dates) and separate after three nights.

 [History of al-Tabari, English version, Volume 14, pp 139 & 140](#)

Look at Umar's proposal he was encouraging the using of women and subsequent dumping of them three days later.

Anyone who wishes to, can marry for a handful (of dates) and separate after three nights.

It can mean only two options:

Option One: Both parties consent to marry, and know that it will expire after three days. This is Mutah in all but name – but it was this practice that Umar was seeking to bring an end to. What he was advocating was...

Option Two: A man marries a woman, with his intention to divorce after three days hidden from the women. She is in effect tricked into bed, because she assumes that she is married for life. After three days the man issues talaq, walks out on the woman, who is left hurt, used and tricked. This is the solution that Umar was advocating, that Bin Baz deems the correct alternative to Mutah. If this gained popularity amongst the masses, the whole concept of Nikah would become a mockery, with parents / potential brides fearful of marriage, since they will be unaware of the actual intention of the suitor! Married women would not know when their husbands would walk out on them. This would create a mass mistrust of men. Amazingly Bin Baz, in the spirit of Umar endorses this form of trickery as the legitimate counter to the forbidden Mutah!

As for the notion of Ibn al-Hashmi:

Ibn al Hashimi states:

Secondly, Mutah is temporary and so it is like prostitution.

The Mutah practised today is temporary, as was the case during the time of the Holy Prophet and during the years following his (s) death. If according to the absurd logic of Ibn al-Hashimi, Mutah is Haram today because of it is temporary nature, then it must have been same during the time of Holy Prophet [s], on the contrary we see that:

1. The famous companion Abdullah Ibn Masud stated that Holy Prophet [s] **'allowed us to marry women with a temporary contract (Mut'ah)'** (Bukhari V7 tradition 13a). He also stated that when he talked to Holy Prophet [s] about Muta, He [swt] recited the verse **'O you who believe! Make not unlawful the good things'**.

2. Asma Bint Abu Bakar performed temporary marriage with Zubair, a union that bore the sweet Sahaba fruits to the school of Ibn al-Hashimi, namely Abdullah ibn zubair and Urwah ibn Zubair.
3. Sahaba like those of Jabir bin Abdullah and Abu Saeed Khudri kept performing it from the era of the Holy Prophet [s] until Umar's reign.
4. Muawiyah, the Nasibi Imam of Ibn al-Hashimi performed temporary marriage with a woman in Taif during his reign.
5. One of the esteemed Tabayeen and scholars Saeed bin Jubayr performed temporary marriage.

When Prophet [s] conuted Mutah among 'good things' , what authority does Ibn al-Hashimi has to call it Haram? Shall we follow the religion of Prophet [s] or the one whose prophet is Ibn al-Hashimi? Tell us Ibn al-Hashimi, if according to you Mutah is Haram because it is done on temporary basis, then did:

- the Holy Prophet [s] 'allow' the Sahaba to indulge themselves in Haram activities?
- the great daughter of your first caliph fornicate, and bear two Sahaba from this illegitimate union?
- the companions like those of Jabir, Abu Saeed according to your pathetic logic actually perform adultery?
- your favorite Imam Muawiyah, become a fornicator since he performed Mutah?

If the temporary relationship, equates Mutah with prostitution, will Ibn Hashimi kindly go on record to acknowledge that Umar likewise advocated prostitution when he provided a temporary alternative to Mutah,

Anyone who wishes to, can marry for a handful (of dates) and separate after three nights.

History of al-Tabari, English version, Volume 14, pp 139 & 140

Tell us Hashimi, what was your Khaleefa advocating here, permanent lifelong marriage? What do you understand from the words **separate after three nights**? This clearly shows that Umar was endorsing the right of men to marry women for three nights and the divorce them after this time. He ruled on marrying women for a temporary period and then divorcing them, if Mutah is tantamount to prostitution due to its temporary nature, then we await Hashimi's likewise condemning Umar for issuing an edict that was in effect prostitution.

Will Dr. Salamah and Ibn al-Hashimi then argue that Bin Baz, the Supreme Wahabi mufti of Saudi Arabia when he was alive, is permitting fornication and adultery? There is simply no difference between marriage with intent to divorce and temporary marriage, except that in temporary marriage the couple are up front about what he wants. This fatwa absolutely destroys every single one of Dr. Salamah's arguments about the immorality of Mut'ah, since according to his own leader he may contract a temporary marriage ("marriage with intent to divorce") whenever and however he feels like, and he does not even have to inform the woman of this.

In the article, *'Temporary Marriage'* the unnamed Sunni author gives a very personalised account of her involvement in a Mut'ah relationship with her Shi'a boyfriend for four years that she eventually liberated herself from after:

Muslim sister states:

"I learnt that I had lost my honor and dignity to someone who had done this to several other girls"

Whilst this was the catalyst for her article against Mut'ah, we ask her directly:

'Would the same loss of dignity / honour not have occurred if you were a party to the Misyaaar marriage? Would you not have felt more used? When you entered the Mut'ah marriage you knew exactly what you were getting yourself in to, a marriage with a start / end date agreed by the two of you, wherein the motive was sex. Let us change the scenario, and imagine that your boyfriend was a Salafi. He makes a marriage proposal, you duly agree. The Nikah takes place he has sexual relations with you for the next four years and then one day, without any advanced warning he divorces you informing you that he married you with the intention of divorcing you at a later date. Would you not be shocked and devastated by this news? Four years is a long time, you would have loved him and tended to his needs in your capacity as the wife of (what you believed) was your lifetime partner. The intention of your husband was not that, rather he merely wanted a 'legitimate' means of satisfying his lust for sex, and that he intended on divorcing you the moment that his appetite was satiated. The bottom line is you had been duped into this marriage, this pious Salafi had 'tricked' you into bed.

Would this scenario not have hurt you more than the Mut'ah marriage? Is Misyaaar marriage wherein a man marries with a dishonest intention not an attack on the honour and dignity of women? After all the intention is to marry a woman, sleep with her and then divorce her. Let us not forget that we read in Sunan Abu Daud Book 12, Number 2173:

Narrated Abdullah ibn Umar:

The Prophet (peace be upon him) said: Of all the lawful acts the most detestable to Allah is divorce

Misyaaar marriage carries an 'intention' to divorce, an act that is the most detestable in the eyes of Allah (swt)! Would Allah (swt) give his blessing to a marriage that's foundation is based upon this detestable intention?

Let us also contemplate the serious ramifications that a Misyaaar marriage can have on a woman. Unfortunately Muslim communities have a tendency to look down on divorced women, they are rarely treated sympathetically, and are on the contrary often 'blamed' for marital breakdown even though they have committed no wrongdoing. The cultural desire for men to marry 'virgins' makes it extremely difficult for divorced women to find partners again. They are in effect forced to live sad lonely lives. When a Misyaaar marriage takes place the 'only' person that knows of the intention to divorce is the husband. The woman marries thinking that the Nikah is permanent and hence tells everyone about it, her relatives, friends this marriage is known to the whole community. When the man then subsequently divorces her, this poor lady's life is ruined. She becomes the talk of her community, she may well try and argue her defence but at the end of the day she is a 'divorced' woman whose chances of marrying again have been seriously reduced thanks to the halaal practise of Misyaaar marriage.

Compare this to Mut'ah marriage where both parties know and agree that the marriage is for a specified time, no witnesses are required and no divorce utterance takes place. This marriage can take place quietly and the woman saves herself from being graded a divorced woman. Which type of marriage exploits women, Mut'ah marriage or Misyaaar marriage? It is indeed sad that the Sunni Ulema deem Mut'ah to be haraam, whilst Misyaaar marriage that ultimately leaves a woman tricked into marriage, sexually exploited and divorced to be halaal!

41. Dr. Salamah's Discussion on the rewards for physical contact between a husband and wife

In another confused part of the article, Dr. Salamah attempts to prove that Mut'ah is evil because the Imams (as) have promised spiritual reward for it. This is the strangest argument yet: that when the successors of the Prophet (s) say that something contains great reward, this means that it is haram. He quotes the following narrations:

Dr Salamah states:

The father of Saleem bin 'Aqabah said that he asked Imam Ja'far as-Sadiq if there was reward in agreeing to Mut'ah. The imam said, "Yes, if it is practiced for seeking the pleasure of Allah and to oppose those who deny the sanctity of Mut'ah.

Thus, when a person engages in Mut'ah, all of his private talking to the woman is recorded as virtues. When he extends his arms towards the woman, this is also written as virtue. When he engages in the sexual act with the woman, Allah forgives all of his sins. When the two take a bath, Allah showers His blessings upon them and forgives their sins equal to the amount of hair [on their bodies]." The narrator inquired in surprise, "Equal to the amount of hair on their bodies?" The imam replied, "Yes, for every one single hair [wet by the water]. But their reward is reduced by the amount of hair that may not be wet."43

It is narrated by Imam Baqir that the Prophet (s) said, "When I was being taken to Heaven during the Mi'raj (ascension), Jibreel met me and told me, 'O Muhammad, Allah has promised to forgive all of the sins of those women who practice Mut'ah.'"44

Reply One

This argument is senseless. It has already been established that, without any doubt, the Prophet (s) considered Mut'ah to be a type of marriage at the dawn of Islam and so did the Sunni ulema. Marriage of any kind carries great reward. We read in Ahl as-Sunnah's authority work Kanz al Ummal Volume 16page 238, Kitab al Nikah:

"When a man glances at his wife, and she looks at her husband, Allah (swt) glances at them with blessing. When a man grabs his wife by the hand their fingers lessen their sins"

 [Kanz ul Ummal, Volume 16 Hadith 44437](#)

We appeal to justice, Mut'ah is also a form of Nikah, and both Sunni and Shi'a books state that the physical contact between a husband and wife leads to the forgiveness of sins. If this is possible in permanent marriage, why not in temporary marriage?

Reply Two

Mut'ah is a legitimate means, via which a man and woman marry and hence can lawfully have sexual intercourse. The books of Ahl as-Sunnah themselves state that Allah (swt) rewards a couple that have sexual intercourse. We read in Sahih Muslim Book 005, Number 2198, Bab ul Zakat, Abu Dharr narrated that he heard Rasulullah (s) say to the Sahaba:

...every declaration of the glorification of Allah (i. e. saying Subhan Allah) there is a Sadaqa, and every Takbir (i. e. saying Allah-O-Akbar) is a Sadaqa, and every praise of His (saying al-Hamdu Lillah) is a Sadaqa and every declaration that He is One (La

illha ill-Allah) is a Sadaqa, and enjoining of good is a Sadaqa, and forbidding of that which is evil is a Sadaqa, and in man's sexual Intercourse (with his wife,) there is a Sadaqa. They (the Companions) said: Messenger of Allah, is there reward for him who satisfies his sexual passion among us? He said: Tell me, if he were to devote it to something forbidden, would it not be a sin on his part? Similarly, if he were to devote it to something lawful, he should have a reward.

The couple are being rewarded because they are indulging in an act legitimised by the marriage and are hence protecting themselves from Zinah. Mut'ah is also a form of Nikah and likewise carries the same time of rewards since the couple are deemed husband and wife under the Shari'ah and 'lawfully' indulging an act that would have otherwise been Zinah.

Reply Three

According to Ahl as-Sunnah when a married couple touch each other's sexual organs, it is considered to be a meritorious deed. We read in Ahl as-Sunnah's authority work 'Fatawa Qadhi Khan' as well as in 'Fatawa Alamgiri':

قال أبو يوسف - رحمه الله تعالى - : سألت أبا حنيفة - رحمه الله تعالى - عن رجل يمس فرج امرأته وهي تمس فرجه لتحرك آلتها هل ترى بذلك بأساً ؟ قال : لا وأرجو أن يعطى الأجر

Abu Yusuf said: 'I asked Abu Hanifa about a man who rubs his wife's genital and she rubs his genital in order to make his sexual organ erect: 'Do you think there is something wrong in it?' He replied: 'No, rather I hope that they will be rewarded for that.'

1. [Online Fatwa Alamgiri](#)

[Fatwa Alamgiri, Volume 9 page 42](#)

2. Fatawa Qadhi Khan, Volume 4 page 783

Imam of Ahle Sunnah Abu Hami Ghazzali in his authority work 'Ihyah Uloom al-Deen' Volume 2 page 44 explains the reward of throwing semen into uterus with the help of a prophetic tradition:

"Prophet said: If a man cohabits with his wife, the reward of producing a child is written for him— such a child who becomes martyr fighting in the way of God. He said this in consideration of reward, because if a child is born like this, he will get reward for producing a cause in the way of God. This is possible if semen is thrown into uterus"

[Ihyah Uloom al-Deen, Volume 2 page 44](#)

We read in Kanz al Ummal Volume 16 page 237 Kitab al Nikah:

Allah (swt) is pleased when a man and woman fondle each other, and He (swt) rewards them, and through this fondling He provides them with halaal earnings.

[Kanz ul ummal, Volume 16, Kitab al Nikah Hadith 44404](#)

According to Ahl as-Sunnah's authority work Durr'ul Mukhtar Volume 2 page 5, Kitab al Nikah, the great Imam of Ahl as-Sunnah Ibn Abideen Sha'afi, records marriage as one of the major acts of 'worship' incumbent on Muslims:

"There has been no Ibadat (worship) that has been incumbent upon Muslims from the days of Adam [as] till now and is to remain forever even in paradise except Nikah and Iman. It means that Nikah and Iman and eternal worships and there is no room for their abrogation."

[Durr ul Mukhtar, Volume 2 page 5](#)

Imam of Ahl as-Sunnah Kamal al-Din Muhammad Ibn Humam, in Sharh Fath al-Qadir Volume 2 page 340 whilst comparing wedlock to worship said:

"It is the closest thing to worship; so that occupying oneself with it is better than abandoning it for mere worship."

Mut'ah is also a type of Nikah and the merits of Nikah and Mut'ah are one and the same. As such, the enemies of the Ahl al-Bayt (as) have no right to attack the merits of Mut'ah in Shi'a traditions, when they acknowledge that Mut'ah was considered marriage by the Prophet (s). If the argument is that sexual relations cannot be given any positive weight in religion, than this is the argument of Christians, not Muslims, and should be rejected out of hand. If the argument is that Mut'ah cannot be put on the same level as other acts of worship, than how are we to explain the following hadeeth in Sahih al Bukhari, Bab ul Saum Volume 3, Book 31, Number 150:

A'isha said, "Allah's Apostle used to kiss some of his wives while he was fasting."

We also read in Sunan Abu Daud Book 13, Number 2380, Kitab al Saum:

Narrated A'isha, Ummul Mu'minin: The Prophet (peace be upon him) used to kiss her and suck her tongue when he was fasting.

When the Ahl as-Sunnah have attributed such wonderful narrations in their book and graded them as Sahih, why is it they become so angry at the idea that marital relations can lead to reward? Dr. Salamah quotes some more hadeeths on this subject:

42. Dr. Salamah's Discussion on the blessing of Mut'ah

Dr Salamah states:

The Prophet (PBUH) said,³⁹ "The man who contracts Mut'ah once will be saved from the Hellfire. One who contracts it twice will be in the company of vitreous men [in Paradise]. And the one who contracts it three times will be my companion in firdaws [the highest level of Paradise]."

No one can close the door of blessings which Allah opens for His servants, Imam Ja'far as-Sadiq said, "Mut' ah is one of the blessings of Allah."⁴⁰

Reply

There is no disagreement between these narrations and those of the Companions. We read in Tafseer Durre Manthur Volume 2 page 41 under verse of Mut'ah as well as in other Sunni books:

عن ابن عباس قال : يرحم الله عمر ما كانت المتعة إلا رحمة من الله رحم بها أمة محمد، ولولا نهيه عنها ما احتاج إلى الزنا إلا شقي

Ibn Abbas said: Mutah was a blessing amongst the blessings of Allah upon the

umamah of Muhmmad [s] and had Umar not prohibited it the only person to fornicate would be a wretched person.

1. [Tafsir Dur e Manthur, Surah Nisa verse 24](#)
2. [Ahkam al Quran al Jasas, Surah Nisa, Chapter: Mutah](#)
3. [Ma'ani al-Athar by Tahawi, Volume 3 page 21](#)
4. Musnaf Abdur Razzak, Volume 7 page 497
5. Bedayat al-Mujtahed by ibn Rushd, Volume 2 page 47
6. Al-Estidkar by Ibn Abdul Barr, Volume 5 page 506
7. Al-Tamhid by Ibn Abdul Barr, Volume 10 page 114
8. Al-Fayq fi gharib al-Hadith of al-Zemakhsry, Volume 2 page 210
9. Tafseer al-Samarqandi, Volume1 page 320
10. Tafseer al-Qurtubi, Volume 5 page 130
11. Lisan al-Arab by Ibn Manzur, Volume 8 page 230
12. Taj al-Aruos by al-Zubaidi, Volume 19 page 578

We appeal to justice: according to Ahl as-Sunnah the Sahaba are stars of guidance, and we should point out that Ibn Abbas is also amongst those stars regarding whom we read in al-Bidaya Wa al Nihaya" Volume 8 pages 299, 300 as follows:

"Ibn 'Abbas is the most knowledgeable person among the people as to what God has revealed to Muhammad. Umar Ibn al-Khattab used to say that the interpreter of the Qur'an is Ibn 'Abbas. He was accustomed to telling him: 'You have acquired a knowledge which we never received. You are the most expert in the book of God'"

43. Dr. Salamah & Ibn al-Hashimi's discussion that those that practise Mut'ah shall be with the Prophet and Imams

Ibn al Hashimi:

Al-Kafi is one of the four Shia books of Hadith; of the four, it is considered the most authoritative and authentic. We read one such Sahih Hadith, in which the Imam says:

"One who engages in Mutah once in his lifetime reaches the status of Imam Al-Hussain. One who engages in it twice becomes equal in status to Imam Al-Hasan. The one who performs it three times reaches the position of Imam Ali. And he who practices it four times acquires the level and position of the Prophet Muhammad."
(Furoo al-Kafi)

 [Screen shot from Ibn al-Hashimi's article](#)

Reply One

First of all it should be made clear to our readers that the cited tradition doesn't have any chain of narration and it isn't found in any principle Hadith book but in a book called 'Minhaj Sadiqin' by Fathullah Kashani. Kashani himself stated about this tradition:

"According to us this tradition is Majhul (unknown)"

Thus the claims by Ibn al-Hashimi that the cited tradition is 'Sahih' and can be found in 'Furoo al-Kafi' are suffice to prove him an emerging lair in the notorious madhab of Nawasib!

Reply Two

As for the text of the tradition, the first thing to note is the dishonesty used by the Nasibi in translating this tradition. The tradition uses the words "Darajata Kadarajat al Husayn" which states that the one practising Mut'ah shall attain with the Imam (i.e. be in their company) no where does the tradition refers to be equal in status to the Imam. It is obvious that this only a figurative way of speaking. Yet according to the Ahl as-Sunnah a child born of Zina can attain the rank of Imam in actual reality. We read in Ahl as-Sunnah's authoritative work, Tauzeey w'al Talweey, page 7, the comments of Imam of Ahl as-Sunnah [Sa'dadeen Taftazanee](#):

"In worldly and religious matters illegitimate off spring have greater benefits then that of children born legitimately. Whatever position legitimate children attain, illegitimate children can also attain, their prayers are accepted, their testimonies are accepted, his becoming a Judge or Imam is permissible"

Since Nawasib always cite the incident of Abu Bakar leading the prayers during the time of Holy Prophet [s] as an evidence for his eligibility in becoming the caliph, we therefore point out the general Sunni rule regarding the acceptability of Imam in prayers. We read in Ummada tul Qari, Volume 5 page 226:

"The leading of prayers [Imamah] by a one born out of adultery is permissible by the majority"

We also read in Fathul Bari, Volume 2 page 155:

"The majority has gone to the validity of the Imamah (of prayers) by a one born out of adultery"

Clearly these words give room for him becoming a Khalifa. These enemies of the Ahl al-Bayt (as) are fond of recording the Shi'a tradition "those who do Mut'ah attain a rank with the Imams..." - we should point out that Mut'ah is a type of Nikah, and that at the beginning of Islam was made halaal by Allah (swt) for the Sahaba and their daughters, and Ibn Zubayr was born from this practise. At minimum the Ahl as-Sunnah do acknowledge that Mut'ah WAS halaal for a time - and Allah (swt) has bestowed all forms of blessing on one born legitimately. It is indeed heart rending that Dr Salamah adheres to a madhab where both legitimate and illegitimate child can attain the sane rank / status of Imamate. In the same way that Abu Bakr and Umar were Khalifas, an illegitimate child can also share their rank as Khalifas.

Reply Three

The argument that Mut'ah has spiritual benefit is also borne witness to by the Qur'an. Allah (swt) says in the Holy Qur'an, Surah Nisa verse 69-70:

"All who obey Allah and the messenger are in the company of those on whom is the Grace of Allah,- of the prophets (who teach), the sincere (lovers of Truth), the witnesses (who testify), and the Righteous (who do good): Ah! what a beautiful fellowship! Such is the bounty from Allah: And sufficient is it that Allah knoweth all".

Ibn Katheer says as follows in his commentary of this verse:

"Any individual acts in accordance with what Allah (swt) and his Prophet (s) have

given and distance themselves from those acts they said refrain from, such person shall enter Paradise with the Prophets and shall become the Rafiqeen"

Reply Four

It should also be stressed that Mut'ah was a Sunnah of Rasulallah (s) that Umar had sought to exterminate, and we know the reward for re-introducing a dead Sunnah is that the individual shall be in Rasulallah's midst / rank on the Day of Judgement. This is clearly proven from the hadith in Jama al Tirmidhi, Bab al Ulum page 92 [Printed in Deoband]:

Rasulallah (s) stated 'Whoever revives my Sunnah, has revived me, whoever revives me shall be in Paradise with me'

This is the reward for reviving a dead Sunnah: that such a person will be in the midst of where Rasulallah (s) resides on the Day of Judgement. Similarly we read in Sunan Tirmidhi Volume 2 page 317, Bab al Manaqib:

"The Prophet (s) grabbed Hasan and Husayn by the hands and said 'Whoever loves me, these two and their parents, shall be with me, in my rank on the Day of Judgement'".

We read the same tradition in Musnad Ahmad bin Hanbal graded 'Hasan' by Shaykh Ahmad Muhammad Shakir:

 [Musnad Ahmad bin Hanbal, Volume 1 pages 412-413 Hadith 576 \(Cairo\)](#)

The Arabic in this tradition states clearly those love these personalities 'Fi Dhurjathee Yaum al Qiyamah' and we are yet to find any Sunni that has translated this tradition as meaning shall sustain the rank of the Prophet - but of course when it comes to defaming the Shi'a then mistranslating any hadith is legitimate game!

Whilst the above hadith is connected with rewards via one's heart / tongue, serving the rights of others is also a form of worship that carries reward in the eyes of Allah (swt). Having sex with one's wife is a major act of serving the rights of others, a right that the husband fulfils throughout his life. In marriage, the couple are fulfilling the rights that they owe one another, and it is an act that carries major rewards. Allah (swt) orders us to fulfil our duties to others as a priority, and has provided the means for mankind to fulfil this duty, via sexual intercourse - an act that carries many benefits, primarily the production of offspring, a means via which human existence continues. Pious children make du'a of forgiveness for their parents, in fact their good deeds favour parents as Sadaqa Jareeya - are all these rewards / benefits not due to having sex? If it is then why the objection in believing that such an act carries rewards?

All of this points to the same reality indicated by the hadeeth that Dr. Salamah is criticising: that those who perform righteous words and adhere to the Sunnah of the Prophet (s) shall be in his company on the day of Judgement. This is what every believer strives for; yet Dr. Salamah's heart seems to be consumed by the desire to be placed with Mu'awiyah and 'Umar on the Day of Judgement. Indeed, we hope that his desire is fulfilled.

44. Dr. Salamah's Discussion on the rewards for Nikah Mut'ah and performing Ghusl afterwards

The Nasibi had also quoted this hadith:

Dr Salamah states:

The father of Saleem bin 'Aqabah said that he asked Imam Ja'far as-Sadiq if there was reward in

agreeing to Mut'ah. The imam said, "Yes, if it is practiced for seeking the pleasure of Allah and to oppose those who deny the sanctity of Mut'ah. Thus, when a person engages in Mut'ah, all of his private talking to the woman is recorded as virtues. When he extends his arms towards the woman, this is also written as virtue. When he engages in the sexual act with the woman, Allah forgives all of his sins. When the two take a bath, Allah showers His blessings upon them and forgives their sins equal to the amount of hair [on their bodies]." The narrator inquired in surprise, "Equal to the amount of hair on their bodies?" The imam replied, "Yes, for every one single hair [wet by the water]. But their reward is reduced by the amount of hair that may not be wet."

Reply

The tactic of the good Dr is to point out to his brethren that the Nasibi believe that Allah (swt) rewards those that commit Zina. As we have already proven Mut'ah is a form of Nikah, hence any traditions that praise Nikah automatically incorporates Mut'ah also, ranging from the act of sexual intercourse through to performing Ghusl. The Imams had specifically cited the rewards of Nikah Mut'ah, because on the other side an act deemed halaal by Allah and his Rasulullah (s) had been made haraam, and as a consequence society had become plagued with people fornicating. The Imams (as) were merely pointing out that Mut'ah was an act allowed by Allah (swt) that protected people from indulging in Zina, and just like standard Nikah it also carried rewards from Allah (swt).

Let us analyse an appraisal of Nikah from the books of Ahl'ul Sunnah. We read in Sahih al Bukhari Volume 2, Book 13, Number 6, Bab ul Juma

"Narrated Abu Huraira: Allah's Apostle (s) said, "Any person who takes a bath on Friday like the bath of Janaba and then goes for the prayer (in the first hour i.e. early), it is as if he had sacrificed a camel (in Allah's cause); and whoever goes in the second hour it is as if he had sacrificed a cow; and whoever goes in the third hour, then it is as if he had sacrificed a horned ram; and if one goes in the fourth hour, then it is as if he had sacrificed a hen; and whoever goes in the fifth hour then it is as if he had offered an egg. When the Imam comes out (i.e. starts delivering the Khutba), the angels present themselves to listen to the Khutba."

Sunan Tirmidhi narrates the tradition differently, beginning with the words:

"One who perform Ghusl and also gives his wife Ghusl"

 [Jami' Tirmidhi, Arabic-Urdu Volume 1 page 300](#)

In his commentary of this tradition, Imam of Deobandies al-Muhaddith Sarmpuri [in Sunan Tirmidhi ma Hasheeya Ahmad Ali Sarmpuri Volume 1 page 58, published Deoband] says:


"gives his wife Ghusl" in the tradition, it means he in effect forces her to perform Ghusl by sleeping with her so as to fulfil his sexual desire"

Dr Salamah should take note one that 'fulfils his sexual desire' via intercourse with his wife, he is rewarded in such a manner that, when he then performs Ghusl on Friday the reward is on par with sacrificing a camel. This clearly proves that the reward for entering the Mosque after

Wudhu or standard Ghusl does not carry as great a reward as performing Ghusl Janaba. What did the man do that granted him such a reward? He had sex with his wife, much of which involves him merely fulfilling his own sexual instinct. A wife here can refer to standard Nikah or Nikah Mut'ah, since the tradition refers to the reward not to the type of Nikah, and according to Ahl as-Sunnah when Rasulallah (s) had praised this act, he had done so at a time when Mut'ah was also legitimate, since Sunni traditions allege that Mut'ah was practised at the time of the victory of Makka, others even say the Farewell Pilgrimage. According to Ahl as-Sunnah this appraisal of Juma occurred long before these events and which is why Imam of Ahl as-Sunnah Ibn Jurraya sought maximum benefits from such reward by contracting Mut'ah with between 70 and 90 women.

If still our opponents like the Nawasib of Sipah-e-Sahabah (Kr-Hcy.com) are adamant to mock at the above cited Shia traditions then they are asked to compare the matter of these Shia traditions with the explicit facts put forward by Holy Prophet [s] recorded and endorsed by their legendry Wali and Scholar Shaykh Abdul Qadir Jilani. Shaykh Abdul Qadir Jilani whilst discussing the etiquette's of Nikah narrates this tradition in Ghanya li-Talibeen Volume 1 page 119-120:

Whenever a woman becomes pregnant by her husband and bears his child, her spiritual rewards is equal to that of the man who stays awake all night in prayer, of the man who fasts all day long, and the warriors in the cause of Allah....Whenever a man takes his wife seductively by the hands, Allah records a good deed to his credit. When he hugs her (He is credited with) ten good deeds. When he has sexual intercourse with her, it is worth more than this world and all that it contains. Then when he gets up to perform a complete ablution, the water does not reach a hair of his body without a good deed recorded in his favour, a bad deed being erased from his balance sheet, and promotion to a higher spiritual level being awarded to him. What he receives for his total ablution [Ghusl] is worth more than this world and all that it contains. Allah will comment him to the angels in glowing terms, saying: "Just look at my servant, He got up in the middle of the chilly night to remove his ritual impurity (janaba) by taking a bath. He must be surely convinced that I am his Lord. Bear witness, all of you, to the fact that I have forgiven him!"

 [Ghanya li-Talibeen Volume 1 pages 119-120 \(Al Baz Publishing, INC\)](#)

45. Dr Salamah's discussion on the Commission of Mut'ah

Dr Salamah states:

'Ali asked the Prophet (PBUH),³⁸ What is the reward of the person who participates in the virtuous deed of arranging the mutual meetings of a man and woman?" The Prophet (PBUH) said, "He will receive the same reward as the two who engage in Mut'ah."

Helping a couple to marry is a major blessing because getting married is the Sunnah of Rasulallah (s). Why is it outrageous to believe that arranging such a marriage carries a reward? We appeal to those with open minds to think about this logically, a third party is assisting the couple to lawfully marry and have sexual intercourse, had they not assisted the parties they may well have satiated their lust via Zina. By arranging Mut'ah between the parties, the third party shall be rewarded for achieving two good deeds, namely:

- Preventing the couple from indulging in a major sin.
- Assisting them in marrying (in a manner that has been deemed lawful under the Shari'ah).

And the reward of helping a couple to marry is also recorded in the books of our opponents. Imam Abi Bakar al-Haythami records:

"The messenger of Allah said: 'The worst thief is he who steal the tongue of the ruler and amongst the great sins is to usurp the property of a Muslim and the best favor is to visit a sick person, and the complete favor is to put your hand on him and ask him as to how does he feel. Among the superior intercessions, is to intercede between two for the Nikah till he gathers them.'"

1. *Majm'a al-Zawaed, Volume 4 page 181 Tradition 6922*
2. *Al-Jam'e al-Saghir, Volume 1 page 378*
3. *Mu'ajam kabir, Volume 22 page 336*
4. *Kanz al-Umal, Volume 15 page 896*
5. *Ahad wa al-Methani, by al-Dhahak, Volume 5 page 96*

If Nawasib still object to the notion of helping someone to find his/her partner so that they can perform Nikah al Mutah then these Sahaba worshippers should have a look at the example of a female companion Ume Abdullah bint Abi Khatheema who provided a woman for another Sahabi who was visiting in Shaam, and this arrangement was for the purpose of Mutah. The episode is cited in the next topic, which is:

46. Refuting the questions posed by Dr Salamah al Nasibi

Dr. Salamah writes:

It seems appropriate to conclude this discussion with the following questions; If an Islamic state is established based upon Shi'ah doctrines or if the Shi'as are allowed to practice their religious beliefs, who would organize the "religious duty" of supplying young girls with which one could engage in the practice of Mut'ah?

Nikah is also a religious duty in Islam. Does the Nasibi Saudi Arabian State organize the religious duty of providing young girls to marry? This religious duty can be carried out between the two parties or can be arranged by a third one. There is no duty under Shari'ah to present young girls to interested parties. Therefore, Dr. Salamah's question makes little sense.

But in any case, we read that the "supplying of young girls" was the Sunnah of 'Umar. We read in Sahih Bukhari, Volume 5, Hadith Number 352 in the Book of Nikah:

"Umar bin Al-Khattab said, 'When Hafsa bint 'Umar became a widow after the death of (her husband) Khunais bin Hudhafa As-Sahmi who had been one of the companions of the Prophet, and he died at Medina. I went to 'Uthman bin 'Affan and presented Hafsa (for marriage) to him. He said, 'I will think it over.' I waited for a few days, and then he met me and said, 'It seems that it is not possible for me to marry at present.' 'Umar further said, 'I met Abu Bakr As-Siddique and said to him, 'If you wish, I will marry my daughter Hafsa to you.' Abu Bakr kept quiet and did not say anything to me in reply. I became angrier with him than with 'Uthman.

Here, we see 'Umar going from man to man, offering his daughter to them. Would Dr. Salamah do the same?

Moreover arranging or in the words of Dr. Salamah intending to taunt at Shias 'supplying' a woman to someone for Mutah was the Sunnah of Sahabiah as well. We read in hadith books that a Sahabiyah (female companion) arranged a woman for another Sahabi during the reign of

Umar.

Um Abdullah bint Abi Khuthaima stated that a man came from Syria and said: 'Celibacy has become difficult for me, arrange a woman for me so that I can perform mutah with her'. She replied: 'I guided him to a women, so he agreed with her and testified just witnesses, he stayed with the woman for as long as Allah wanted him to stay and then left.

[Online Kanz ul Ummal, Volume 7 Hadith 45726](#)

Um Abdullah Abi Khatheem/Hastheema whose actual name was Laila was the first female companion who migrated to Madina. Ibn Athir records in Asad al Ghaba, Volume 2 page 513:

"Amer bin Rabya bin kaab...he embraced Islam in Mecca and migrated to Habasha with his wife, then he came back to Mecca and after that he migrated to Madina also with his wife Laila Bint Abi Khatheema, Laila is considered the first woman who migrated to Madina."

[Online Asad al Ghaba, Letter: Ain, Topic: Aamir Bin Rabi](#)

Allamah Ibn Abdul Barr records:

"Laila Bint Abi Khateema Bin Hudhaifa Bin Ghanem Bin Amer Bin Abdullah Bin Ubaid Bin Uwajj Bin Uday Bin Kaab Al-Qurashia Al-Adawya, she migrated in the two migrations and prayed to the both the Qiblah..."

[Online Al Istiab fi Marfat Ashaab , Vol 2 No. 2468 Chapter: Laam](#)

Also see

[Online Isabah by Ibn Hajar Asqalan, Translation No. 4384](#)

If Mutah was really Haram then didn't Um Abdullah Abi Khatheem commit a sin when arranging a woman for Mutah? And since our opponents always shout for the respect and unconditional adherence to each and every Sahabi then they should not have any objection whatsoever at 'supplying' a woman for the purposes of Mutah since it is the sunnah of one of their beloved female companions.

Further, we may pose another question: however: would he loan out his wife or daughter for the sake of halala?

Dr. Salamah then asks a second question:

Would the state or the Shi'ah community issue religious licenses to a few virtuous women to take up the profession of Mut'ah on a full-time basis

Did Asma binte Abu Bakr obtain a religious licence from Rasulullah (s), since she had vouched proudly that she had practised Mut'ah during the lifetime of Rasulullah (s)? In the same way that women did not get licenses from Rasulullah(s) for Mut'ah the same is the case today: all that is required is an agreement between the two parties. The meaning of Salamah's question remains vague.

He then asks:

Would devout Shi'as allow their wives, mothers, sisters and daughters to participate in the virtues of Mut'ah in their free time?

First point to note is the fact that the Shi'a would not allow their wives to contract Mut'ah since they are already married. If Nawasib cannot understand this, then could they inform us whether

they would allow their mothers to contract a (permanent) Nikah with others since they have no objection on permanent Nikah unlike Mut'ah? We hope this question will make Nawasib understand the absurdity of the questions that they pose.

As we have seen, Mut'ah is a practice allowed under the Shari'ah that believers can utilise when the need arises, and acts as a safety valve from Zina. Allah (swt) has allowed the believers this option, which means that they 'can' practise Mut'ah, not that they 'must' practise it. When your Imam Abu Hanifa endorsed Nikah halala did he do so to aid his mother and daughter? We may ask another question for Dr. Salamah: The Hanafi Sect approves of female circumcision. Have the women in Dr Salamah's household carried through this virtuous act? We read in Musnad Ahmad bin Hanbal:

"Circumcision is a Sunnah for men and an honour for women"

 [Musnad Ahmad bin Hanbal, Volume 5 Hadith No. 19794](#)

Imam al-Nawawi in his book "Al-Majmo'a Shrah al-Mahdab" Volume 1 page 348 Kitab al-Taharah states:

"Circumcision is obligatory for men and women and many of the Salaf have said so"

We further read:

"The correct and popular doctrine which al-Shafeei (may Allah have mercy upon him) and the majority affirmed is that it is obligatory for men and women"


 [Majmo'a Shrah al-Mahdab, Volume 1 page 348 Kitab al-Taharah](#)

We read in Fathul Qadeer, Sharh Hidayah Volume 1 page 106, Bab Ghushl:

الختانان موضع القطع من الذكر والفرج وهو سنة للرجل مكرومة لها ، إذ جماع المختونة أذى ، وفي نظم الفقه سنة فيهما

"Circumcision is that area where flesh is removed from the man or woman, and this circumcision is a Sunnah for a man, and is a great honour for a woman, since it is more enjoyable to have sex with a circumcised woman, and some of the jurists have said that circumcision for men and women is a Sunnah".

The reference can also be read from the online Shrah Hidayah from the following Salafi link:

 <http://feqh.al-islam.com/Display.asp?Mode=0&MaksamID=3&DocID=52&ParagraphID=21&Diacratic=0>

We would appeal to Dr Salamah, if female circumcision is such a virtuous act according to your madhab, as vouched for in these great works, could you kindly tell us if any of the wives and daughters of your first three Khalifas were circumcised? If circumcision is a Sunnah in your madhab have you or your brethren in faith allowed your wives, mothers, sisters and daughters to participate in the virtues of female circumcision? If you can't find any examples of female circumcision in your camp, we certainly can with regards to Mut'ah, when Abu Bakr's daughter did so.

Imam of Ahle Sunnah Abi Faraj Qadamah bin Jaffar bin Qadamah bin Ziyad al-Katib (d. 337 H) records a daring concept in his book 'Nazha tul Quloob'. Allamah Raghib Asfahani also quoted the same references in his book 'Al Muhazraat':

Qadamah stated: 'A child born out of fornication is exalted due to the fact that a man does so with lust and effort hence birth is more complete, whilst what a man does by Halal means, a man will be doing so just with an affectation in front of a woman'.

 [Al Muhazraat, Volume 1 page 356](#)

Now we challenge Dr Salamah: according to your 'ulama a child born of Zina is better than a child born from wedlock. So did your Sahaba and Salaf Imam produce 'complete' children? We can paraphrase Dr Salamah's line of questioning, and on the basis of Qudamah's statement that zina produces good benefits we would ask him:

'Would the [Sunni] state or the Sunni community issue religious licenses to a few virtuous women to take up the profession of Zina on a full-time basis or would devout Sunni's allow their wives, mothers, sisters and daughters to participate in the virtues of Zina in their free time to ensure that a 'complete' Sunni population is produced?'

Other fatwas that Dr. Salamah should immediately act upon according to his logic that anything permissible is wajib, would include the fatwa of Sheikh Abi Zaid al-Marozzi recorded by Imam Nawawi in "Al-Majmo'a Sharah Mahdab" Volume 4 page 575:

"Is it allowed to eat pure sperm? There are two views...The second view is that it is lawful, this is the statement of Sheikh Abi Zaid al-Marozzi because it is pure."

[Al-Majmo'a Sharah Mahdab, Volume 4 page 575](#)

Note: Here, we are only concerned with the edict of Sunni (Shafiyye) Shaykh Abi Zaid.

We should also highlight the revered position of Shaykh Abi Zaid in Sunni madhab. Imam Dhahabi records in Siyar Alam an-Nubla, Volume 16 page 313-314:

The Sheikh, the Imam, the Mufti, the model, the ascetic, the sheikh of the Shafiyyes, Abu Zaid Muhammad bin Ahmad bin Abdullah bin Muhammad al-Marozzi, the narrator of Sahih al-Bukhari'...Al-Hakim said: 'He was one of Imams of Muslims and one of the those who preserved the (Shaiyee) madhab and had the best (religious) opinions (among the scholars) and was one of the most ascetics of the world.' Abu bakr al-Bazaz said: 'I accompanied the jurist Abu Zaid (while traveling) from Nisabur to Makka, I don't think the angels counted a sin of him.'

Ibn Katheer al-Nasibi recods in al-Bidaywah wal-Nihayah, Volume 11 page 340:

Abu Zaid al-Marozzi, the Sheikh of the Shafiyyes during his time and the Imam of the people during his century in jurisprudence, asceticism, worshipping and piety.

Dr. Salamah has argued that anything halaal should get state support, and has asked why the state does not provide women for Mut'ah if Mut'ah is halaal. Since it is supposedly halaal to eat sperm/semens, therefore clearly state support should be given to those who would like to eat semen, just as (according to Salamah) the state should be providing women for Mut'ah if Mut'ah is halaal. Would Dr. Salamah like to follow this fatwa and offer his services to the Saudi Arabian State, and ensure that he fulfils his religious obligation by making his semen available for all to eat? There are, after all, a lot of hungry people in Saudi Arabia, and surely ensuring that they are able to fill their stomachs with a tall drink of human semen would be more obligatory than providing them women for Mut'ah. First things first, after all. Also, in this same vein, we remember that Sipah-e-Sahaba used the following hadeeth to prove Mut'ah is not halaal:

"Abdullah bin Umair came before Imam Baqir (as) and asked a question regarding Mut'ah, The Imam replied 'Mut'ah is halaal until the Day of Judgement;. He [Ibn Umair] then asked 'Would you like it if your women / daughters did this?' Upon hearing this, the Imam turned away his face".

Now, what does Dr. Salamah think Sheikh Abi Zaid al-Marozzi's reaction would be in the following conversation:

Someone came to Sheikh Abi Zaid al-Marazi and asked whether or not it is permissible to eat semen. The Sheikh said yes. The person then asked: "Would you like it if your daughter did this?" Would Sheikh do what Dr. Salamah was advising Imam al-Baqir (as) to do, and say: "Yes, here is my daughter! Feed her as much as you like!"

We read in [Allamah Hassan bin Mansoor Qadhi Khan's](#) famed work Fatawa Qadhi Khan, Volume 1 page 11, Kitab al Taharah as well as in Fatwa Alamgiri:

إِذَا أَصَابَتْ النَّجَاسَةُ بَعْضَ أَعْضَائِهِ وَلَجِسَهَا يَلْسَانِهِ حَتَّى ذَهَبَ أَثَرُهَا يَطْهُرُ

"If some body parts are affected by nijasa (impurity) and he licked it with his tongue until it is removed, it will then become tahir (pure)"

[Online Fatwa Alamgiri](#)

Could Dr Salamah inform us as to whether any of the women in his home act on the above virtuous fatwa?

Dr. Salamah has made a big mistake by attempting to argue that Shi'ite hadeeth literature legitimises immorality. All that we have discussed leaves no doubt that Mut'ah is in no way immoral, and that it was sanctioned by Allah (swt) and His Prophet (s). Conversely, the Sunni hadeeth literature abounds with some of the most lurid and disgusting tales. The Sunni fiqh is, at times, even worse. Some notable examples of the public immorality of some companions and Sunni 'ulama are given in the chapter "Examples of Sunni morality" as well as some of the blasphemous stories attributed to the Holy Prophet (s) himself. For the sake of taste, we would normally not bring such issues up; but Dr. Salamah and Ibn al-Hashmi have uttered words of utter blasphemy against Allah, His Prophet, and His Religion, as well as forging numerous hadeeths against them.

6. Chapter 6: The Argument that Mut'ah is Immoral- II

The topics being discussed in this chapter are:

- [1]. The Qiyas Argument: Comparing Mut'ah to Zina
- [2]. Qiyas 1: Mut'ah and Zina both are performed for the purpose of sex, therefore both are haram
- [3]. Ibn al-Hashimi al-kadhab's assertion that a woman does not have rights of azl in Mutah
- [4]. Qiyas 2: Zina and Mut'ah are for a fixed time, hence they are both haram
- [5]. Qiyas 3: Zina and Mut'ah are done in hiding, hence they are both haram
- [6]. Qiyas 4: Zina is like Mut'ah, since neither involve Talaq (divorce). Hence, both are haram.
- [7]. Qiyas 5: Zina and Mut'ah carry no Inheritance. Hence both are haram
- [8]. Qiyas 6: Temporary Wives do not Inherit, the same as women in haram sexual relationships
- [9]. Qiyas 7: Temporary wives are not treated like permanent Wives
- [10]. Qiyas 9: No one would claim to be the child of Mut'ah
- [11]. Qiyas 9: Mut'ah and Zina both destroy families
- [12]. Qiyas 10: Mut'ah does not require witnesses, therefore it is like zina and, therefore, becomes haram
- [13]. Qiyas 11: No respectable people like the practice of Mut'ah
- [14]. Qiyas 12: The Shi'a share Mut'ah women and this is shameful
- [15]. Qiyas 13: Man can misuse Nikah al Mut'ah and may marry women whilst having a permanent wife
- [16]. Qiyas 14: Performing Mut'a with a fornicator; prostitutes may make misuse of it
- [17]. Qiyas 15: Mutah is similar to a one night stand
- [18]. For all those who apply Qiyas and deem Mutah an immoral act

47. The Qiyas Argument: Comparing Mut'ah to Zina

One of the main arguments used by the enemies of the Ahl al-Bayt (as) is that Mut'ah does not practically differ in any way from fornication. Our study in previous chapter has already demonstrated the fallacious nature of this argument: Mut'ah involves dowry, inheritance, legitimization of children, and a marriage contract, all of which are hallmarks of the Islamic marriage institute. Nonetheless, Sunni and Wahabi 'ulama who have become obsessed with denying the Mercy of Mut'ah make a concerted attempt to argue that Mut'ah is no different from zina. If we lay bare all of these arguments, they all revolve around a fundamental point: both zina and Mut'ah involve sexual intercourse. Therefore, through a strange application of Qiyas (analogical reasoning, something the Prophet (s) and Imams (as) forbade), the conclusion of these scholars is that Mut'ah must be haram. Several Sunni 'ulama have presented this argument, which demonstrates not only their inability to disprove Mut'ah based on Qur'an and Sunnah, but also the corrupt methods which the Sunni schools of law use in deducing law. We are therefore refuting the Qiyas comparisons between Zina and Mut'ah, that can be found in the following esteemed Nasibi works:

1. Tauhfa Ithna Ashari by Al Muhaddith Shah Abdul Aziz Dehlavi
2. Hurmut Mut'ah, by Muhammad'Ali Jaanbaz
3. Hurmut Mut'ah by Husayn Surwandhi
4. Tahqeeq Mut'ah by Mufti Bashir Ahmed Sayrpuri
5. Muta ya Zina? By Allama Ahmad Wasaya
6. Arguments put forward by Ibn al-Hashimi al-Nasibi (www.ahlelbayt.com)

48. Qiyas 1: Mut'ah and Zina both are performed for the purpose of sex, therefore both are haram

This is a strange argument which we read in the books of Sunni 'ulama such as in Tauhfah Ithna Ashari p. 03 Part 10, the Chapter of the Mutha'een Umar:

Our comment on Zina and Mut'ah, both are a means of sexual release, a means of control of sexual urge, both are haram.

We read in Saeed Ismaeel's '**The Difference between the Shi'ah and the Muslims who follow the Sunnah**' the following argument as well:

Saeed Ismaeel states:

Brothers and sisters, is there any difference between a woman lending her body for a few minutes as in prostitution or for a few days or months as in Mut'ah, since both are temporary? Don't you think that the permission of Mut'ah today would humiliate our sisters, open the doors for playmates and finally destroy the concept of family in Islam? Remember the Shi'ah scholars of high status rarely allow their female relatives to practice Mut'ah in order to avoid humiliation. In fact the Mut'ah permitted occasionally before its final prohibitions did not require the female to be a Muslim or even one from the People of the Book which makes it completely distinguished from marriage. How could a Muslim legalize such a type of illegal relationship for Muslims or practice it himself? What is the difference between fornication today and Mut'ah in terms of their purposes? Aren't both to satisfy the sexual desires alone?

This type of argument shows the utter paucity of Qiyas, and why Allah (swt) has forbidden its use in Islam. By this argument all forms of marriage become haram, which is obviously nonsense. In any case, if sexual release is fornication and therefore essentially evil, then why do we read in Tafseer Ibn Katheer, Volume 1 p. 74

"There's no doubt the in the outset of Islam, Mut'ah was allowed under the Shari'ah".

Similarly in 'Nur al-Yaqin' page 207 Imam of Ahl as-Sunnah Shaykh al-Khudary said:

"The contractual marriage, which was a marriage for a definite time, had been practiced since the inception of Islam".

At this stage we can only ask for justice: if there is no distinction between Mut'ah and zina, why was Zina, deemed to be lawful and halaal for the Companions? Why were Sahaba given the green light to indulge themselves in prostitution? Does Ibn Kathir leave Islam for arguing that Mut'ah was originally halaal, and therefore ascribing the sin of prostitution to the Holy Prophet (s)? None of these arguments hold any logic. That is the reason Ahle-Hadeeth scholar Maulana Waheed'ud Deen az Zaman in his commentary of Sahih al Bukhari, 'Tayseer al Bari' Volume 7 page 44 differentiated between Mutah and Zina:


You cannot compare the prohibition on Mut'ah to that of Zinah. If an individual is travelling and fear being tempted to commit Zinah he can practise Mut'ah, since there is a dispute over whether Mut'ah was made haraam, whilst there is an absolute agreement that Zinah is haraam, this is not acceptable under any form of Shari'ah, whilst Mut'ah's practise under the Shari'ah has been established on many occasions.

In any case, the statement of Imam Radhi in his Tafseer Kabeer, Volume 4 page 44 refutes this strange Qiyas given by the author of Taufa Ithna Ashari. Imam Radhi first quoted a similar kind of objection from a scholar:

"{*desiring chastity*} and chastity cannot be except through correct nikah, the third statement {*Ghair Musfahin*}, adultery called 'Safaha' because there isn't any reason for it except ejaculating sperm and it is not done seeking child and the rest of benefits of nikah and Mutah is only for ejaculating sperm so it is 'Safaha' that is what Abu bakr al-Razi said..."

Then Imam Fahkrudin Al-Razi gave his own verdict:

"And his third statement: adultery called 'Safaha' because there isn't any reason for it except ejaculating sperm, and Mutah is not so, as the meaning of it is ejaculating sperm in a lawful way permitted by Allah."

 [Tafseer Kabeer, Volume 4 page 44](#)

To those Nasibis who equate with Mut'ah with Zina, we suggest they look at the comments of their great Sunni Imam Radhi, who refuted such comments. The Qiyas that is presented is utterly without basis: What these enemies of the Ahl al-Bayt (as) seem to be arguing is that anything done solely for the sake of releasing sexual desire is haram. Since Mut'ah is supposedly only for releasing sexual desire (and obviously this may not be the case, as there are many reasons why a man and woman might contract a temporary marriage), then Mut'ah is haram. But if this logic is true, and if it is true that anything done solely for the release releasing sexual frustration qualifies as zina, then this means that barren women, or a women that suffers from constant menstruation, or who is of old age or pregnant, would all be haram. This is because a husband has sex with women of this category; the objective is not to have children (since this would be biologically impossible under these circumstances). Rather, the only goal is the release of sexual frustration. So if Mut'ah's objective is to have sex and nothing more, then by the same token when a husband has sex in the above examples, the Sunni 'ulama need to also pass fatwa deeming such an act as Zina, and such a person should be whipped or stoned to death.

The ignorant Nasibi author of www.ahlelbayt.com also jumps in and raise the similar objection:

Ibn al Hashimi states:

The Shia Ulema make it clear that Mutah is done for sex, and that this is the basic aim. We read:

"In contrast to permanent marriage, the basic aim of mut'a is enjoyment, not the production of offspring." [10]

(source: Al-Islam.org, <http://www.al-islam.org/al-serat/muta/4.htm>)

In a marriage, the basic aim is to create a family bonded by love and affection for all time. On the other hand, the Shia Mutah is just for enjoyment, whereby a man can enjoy renting out women,

without any responsibilities on the man. He can, for example, practice 'Azl (coitus interruptus, i.e. removal of the penis from the vagina just prior to ejaculation) in order to prevent a pregnancy. We read that there is:

"...a consensus of the ulama' on this point. They say the consensus derives from a hadith reported from the Imam Ja'far: 'That [semen] belongs to the man: he may expend it as he wishes.'" [9]

(source: Al-Islam.org, <http://www.al-islam.org/al-serat/muta/4.htm>)

 [Screen shot of Hashimi's article- top](#)
 [Screen shot of Hashimi's article- text](#)

We know that majority of Muslims are in agreement that contraceptives, condoms, and other such things are allowed in the Islamic religion. People may use contraceptives and still engage in sexual activity according to Islam; yet it is obvious that such sexual activity could not be for the sake of having children. Of interest is the fact that the Sahaba themselves practised contraception during the lifetime of Rasulullah (s) we read in Sahih Bukhari: Volume 7, Book 62, Hadith Number 136, on the authority of Jabir:

We used to practice coitus interruptus while the Quran was being revealed. Jabir added: We used to practice coitus interruptus during the lifetime of Allah's Apostle while the Quran was being revealed.

We also read in Sunan Abu Dawud Book 11, Number 2166 a tradition narrated by Abu Sa'id al-Khudri:

A man said: Apostle of Allah, I have a slave-girl and I withdraw the penis from her (while having intercourse), and I dislike that she becomes pregnant. I intend (by intercourse) what the men intend by it. The Jews say that withdrawing the penis (azl) is burying the living girls on a small scale. He (the Prophet) said: The Jews told a lie. If Allah intends to create it, you cannot turn it away.

Whilst the birth of a child is in the hands of Allah (swt), notice how the man makes clear that he does not want the woman to become pregnant, and is hence only having sex for the purposes of enjoyment. The objective of this type of sex is based solely on sexual pleasure, and not to have children; so will the Sunni 'ulama also deem sex with contraception to be Zina? Were the Sahaba who practised contraception fornicators?

Along the same line, do these Mullahs from the enemies of the Ahl al-Bayt (as) not practise contraception and allow it for their followers? Do they not continue to have marital relations with their wives after menopause? The idea that any sexual act done solely for the sake of sexual pleasure must be haram is not an Islamic argument; it is the type of argument we have come to expect from Christianity and other religions that view sexual pleasure as inherently evil.

In the end we shall point out to these Nawasib that according to Shaafiyee sect, doing marriage for the purpose enjoyment and fun (sex) is totally permissible. Shaykh Abdurehman Jazri records:

الشافعية قالوا : الأصل في النكاح الإباحة فيباح للشخص أن يتزوج بقصد التلذذ والاستمتاع ، فإذا نوى به العفة أو الحصول على ولد فإنه مستحب

The Shaafies say: 'The judgment in marriage is lawfulness, so it is permissible for a

person to get married for the purpose of enjoyment and fun, if he performs (marriage) for the purpose of chastity or having a son so it is mustahab.'

Feqh ala Madahib al-Arba, Volume 4 page 10

The Holy Prophet's testimony that Mutah is not zina but among Tayyibaat and Halal

Our opponent's claim that Mutah is Zina (adultery), but as compared to these people, we have testimony of Rasool Allah (saw) that Mutah is absolutely not Zina, but among Halal [Lawful] and "Tayyibaat" [Good and pure of filth] of Islam. Here is the testimony of Rasul Allah (saw) right from the most authentic hadith books of Ahle Sunnah:

Narrated 'Abdullah Ibn Masud: We used to participate in the holy battles led by Allah's Apostle and we had nothing (no wives) with us. So we said, "Shall we get ourselves castrated?" He forbade us (to castrate ourselves) and then allowed us to marry women with a temporary contract (Mut'ah) and recited to us: 'O you who believe! Make not unlawful the good things, which Allah has made lawful for you, but commit no transgression.' (5.87)

Sahih al Bukhari Volume 7 tradition 13a

And here is the Quranic Verse, which Rasool (saw) recited for Mutah:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَحْرِمُوا طَيِّبَاتِ مَا أَحَلَّ اللَّهُ لَكُمْ وَلَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ

[5:87]

O you who believe! do not forbid (yourselves) the GOOD (i.e. Pure of Filth, Tayyibaat) things which Allah has made Lawful (Halal) for you and do not exceed the limits; surely Allah does not love those who exceed the limits.

Therefore, we learn the following from this testimony of Rasul Allah (saw).

- Contrary to our opponent's claim, Mutah is not Zina but amongst the pure/good (Tayyibaat) of Islam.
- Allah (swt) made it Lawful (Halal) in Islamic Sharia by putting the same conditions as are required in Nikah. (i.e. this Islamic Tayyib and Tahir Mutah has nothing to do with the earlier times of Jahaliyyah)

Let us make the last point more clear to our readers. Please note that this is the 87th Verse of Surah Maidah, which was revealed in 7th Hijri. This again shows that Mutah was Halal and practiced upto at least till 7th Hijri. Now Allah [swt] legalized the Islamic method of marriage in Mecca or at most at beginning of Madinian period (e.g. when verses of Surah Nisa were revealed). In Surah Nisa, Allah (swt) made clear the CONDITIONS for the Islamic method of marriage, i.e.

- Marriage is not allowed with blood/milk related woman (while nothing such condition was considered in times of Jahilliyyah).
- Iddah is necessary for a woman before she can remarry (whilst there was no Iddah in times of Jahilliyyah).
- Mahr (Dowry) for woman.
- Acceptance by both parties. (and few other conditions, which we deal later).

These conditions were not only for Nikah, but also valid for Mutah and Sahaba and Sahabiyaat practiced Mutah according to these conditions. Therefore, Mutah has nothing to do with any practice of times of Jahilliyyah as our opponents try to prove, as Allah (swt) Himself legalised it and made it Halal for the Muslim Ummah through the imposition of these conditions. If even

after this testimony of Rasul Allah (saw), someone still claims that Mutah is Zina, then it is his own fate and he has been misguided by Shaitan Iblees.

49. Ibn al-Hashimi al-kadhab's assertion that a woman does not have right of azl in Mutah

Since the matter of Azl has come into discussion, let us quote Ibn al-Hashimi's lies that he advanced regarding this topic.

Ibn al Hashimi states:

The right of coitus interruptus is reserved with the man, who can engage in this without the consent of the female, even if she wishes to conceive. On the other hand, the woman has been given no such right. Grand Ayatollah Sistani says:

Q146: [Is it permissible for women to practice] Coitus interruptus ('azl), by which they prevent their husbands from depositing the semen in the vagina during intercourse.

A: They do not have the right to do that. (FM, p.429)

[Screen shot of Ibn al-Hashimi's article](#)

Since the cited Shia text discusses Azl, it seems that Ibn al-Hashimi was desperate to use this reference, even though he doesn't make any relevant point pertaining to the topic of Mutah. If he is trying to provide evidence that Shia fiqh lowers the status of a woman by not allowing her the personal choice of using contraception, then he is, as usual, cheating his readership by not presenting the complete picture, preferring to instead tell the side of the story that suited him. Syed Sistani's text quoted by the deceitful Ibn al-Hashimi is in a book 'Fatawa Muyasra' page 429, it was a part of a paragraph which is about a woman who uses Az'l in order to prevent pregnancy while the husband wants her to get pregnant, so the answer was that she is not allowed **'if it is against the wish of her husband'**. So what is wrong with that? In a husband-wife relationship, Islam has given an upper hand to the husband and a wife going against his wishes particularly in an important decision of bearing children, is obviously discouraged in Islam. Having said this, we shall also make it clear to the Sunni masses in order to save them from the influence of Ibn al-Hashimi the liar, that unlike his assertion, a woman in Shia fiqh DOES HAVE the right of Azl if the husband had agreed or that had been stipulated in the marriage contract. Syed Sistani in his detailed work 'Minhaj al-Salehin' Volume 3 page 11 states:

Problem 10 – The az'l is permissible which is the ejaculating the sperm outside the vagina during the sexual intercourse with the temporary or permanent wife, yes apparently it is Makruh except if she agreed or if he stipulated it during performing the (marriage) contract, but the wife preventing the husband of dropping the sperm in her vagina so that is apparently unlawful except if he agreed or she stipulated that during marriage (contract).

A similar principle exists in the Sunni school also. We read in "Mou'aswat al-Fiqh" by the Kuwaiti government (Islamic issues ministry), Volume 1 page 94:

وأجاز بعض الحنفية للمرأة سد فم رحمها ، ولكن أصل المذهب حرمة ذلك بغير إذن الزوج

"Some of the Hanafies allowed woman to block her womb, but the main opinion of the madhab is the prohibition of that if it was without the permission of the husband."

 [Mou'aswat al-Fiqh by the Kuwaiti government \(Islamic issues ministry\), Volume 1 page 94](#)


Similarly we read in "Fatawa al-Azhar" by Egyptian government (Islamic issues ministry), Volume 2 page 319:

"The scholars disagreed about the lawfulness and reprehensibility of the use of az'I, as a way of preventing pregnancy or birth control, in that topic Imam Ghizali said in his book Ihya Uloom al-Deen under Nikah rules about the az'I judgment that the scholars are split into four opinions about the lawfulness and reprehensibility of az'I, some of them allowed using az'I in all circumstances, some of them forbade it in all circumstances, some of them allowed in a case if the wife agreed and forbade it if the wife disagreed, others said it is lawful to use it with the slave woman but not with the free woman."

We also read:

ويكاد فقهاء المذاهب يتفقون على أن العزل - أي محاولة منع التقاء منى الزوج ببويضة الزوجة - مباح في حالة اتفاق الزوجين على ذلك، ولا يجوز لأحدهما دون موافقة الآخر

The jurists of the madhabs almost agreed that use of az'I which is preventing the sperm of the man to infuse into the ovum of woman, is lawful in a case when both wife and husband consent to it, and it is forbidden if one of them disagreed.

 [Fatawa al-Azhar by Egyptian government \(Islamic issues ministry\), Volume 2 page 319](#)

The text of Imam Ghazzali referred to in the official edict of Al-Azahr cited above can be read in:

 [Ihyah Uloom al-Deen, Volume 2 page 44-45](#)

50. Qiyas 2: Zina and Mut'ah are for a fixed time, hence they are both haram

It is amazing that Nasabies advance such lame excuses, while their books are filled with incidents where the great Sahaba performed temporary relationships with slave-women in order to fulfil their sexual desires, and after that selling them to other masters, who would do likewise.

Nawasib like that of the founder of Jamia Ibrahimiyah Siyalkot, Pakistan Allamah Muhammad Ali Jaanbaz, who in his book 'Hurmut Mut'ah' page 58 attempted to argue that since both zina and Mut'ah are temporary, they both are haram. Yet as we have seen, the Qur'an allowed Mut'ah, and we see that Ibn 'Abbas and other Companions used to read the Verse of Mut'ah with the added commentary of **"for a prescribed time"** after the words **"Those women whom you have done Mut'ah with."** As such, there is no doubt that companions would perform Mut'ah for a fixed time. Would these Sunni 'ulama say, then, that the Companions were only really agreeing to perform fornication for a fixed time?

Shah Abdul Aziz in his book Tauhfah raised a scenario where a man practises Mut'ah, he then separates from the woman, offspring don't know who their father is, and he might end up marrying them sixteen years later.

Why do authors like the Shah Abdul Aziz not apply this same rationale on Mut'ah to divorce? After all, a man separates from his wife following Talaq, and in the same way the Shah picked faults in Mut'ah the same faults can be applied to Talaq.

Let us cite an example:

A married man is travelling abroad without his wife at his side. He gets sexually frustrated, he

is on his own it is Wajib on him to perform Nikah. He decides to marry a woman, remains with her for a few nights, after this he divorces her. He continues this method throughout his one-year travels abroad, marrying and then divorcing a few days later.

This is perfectly permissible according to Sunni fiqh, though it is not according to Shi'a fiqh. In Shi'a fiqh, a man is not allowed to divorce his wife at the drop of a hat; however, this is allowed in Sunni fiqh, as there are absolutely no restrictions on divorce in their thinking. Yet according to the Sunni logic, in the above scenario, any children borne from this brief marriage will not know who their father is, they will encounter problems with locating his inheritance. The practise of Talaq brings about many faults. If after sixteen years he marries in the locality he may end up marrying his daughter, a brother marry his daughter etc. All these problems have come about due to the lawfulness of Talaq. In the same way that the Shah's argument was as 'proof' that Mut'ah is haram the same argument can be used to prove that Talaq is haram. If these Sunni's are quick to draw their pens against Mut'ah, pens could also be drawn against Talaq. This shows the utter futility of using Qiyas in Islamic law.

As Shah Abdul Aziz deemed Mutah haram, thus making such offspring illegitimate, he sets out the risk of a man unknowingly marrying this illegitimate daughter, being a Sunni he should have not objected at this since the Shafiee (Sunni) school deems such a union perfectly acceptable. We read in 'Al-Fiqh Ala al Madahib al Arba'a' by Sheikh Abdurehman Jazri, Volume 4, page 40:

ويجوز للرجل أن يتزوج بنته المخلوقة من ماء زناه

"It is permissible for a man to marry his daughter who is born through adultery."

Moreover we read:

"The one (girl) who is born through adultery does not become mahram (to her father) as the Shafiee say, because she is not considered as daughter since there is no inheritance between them."

[Al-Fiqh ala Madahib al-Arba, Volume 4 page 40](#)

This can also be read in:

[Mukhtasir Al-Fiqh ala Madahib Arba by Sheikh Ibrahim Muhammad Ramadhan, Volume 2 page 303](#)

Allamah Qurtubi in the commentary of the verse 25:54 records:

Lineage and relationship through marriage are two terms that describe the personal relationships that may exist between humans. Ibn Al-Arabi said, "Lineage is an expression referring to the mixture of fluids between a male and a female from a religious legal point of view. However, if this union (between male and female) occurs through disobedience (fornication) then the resulting child is not considered a part of a person's true lineage. That is why a daughter born from adultery is not mentioned in Allah's saying, 'Prohibited to you (for marriage) are: your mothers and daughters' (Surah 4:23) because she is not considered a daughter according to the most authentic teaching of our (Islamic) scholars and the most authentic teaching of our religion. If there is no legal lineage then there is no legal relationship; for adultery does not prohibit (from marriage) the daughter of the mother (you committed adultery with) nor the mother of a woman (you committed adultery with)." ...I (Qurtubi) say: 'The scholars have differed on the permissibility of a man marrying his daughter who was the result of an adulterous relationship; or for that matter marrying his sister or granddaughter who was the result of adultery. Some prohibited this type of relationship; among them was Ibn Al Qasim, which is also the saying of Abu Hanifa and his companions. Others however, allowed this type of marriage such as Abdul Malik Al Maj'shun, which is also the saying of Al Shafi'i. '

[Online Tafseer Qurtubi, Surah 25 verse 54](#)

51. Qiyas 3: Zina and Mut'ah are done in hiding, hence they are both haram

What can we say to the immense logic put forward by Allamah Jaanbaz Nasibi in 'Hurmut Mut'ah'? When any Mullah intends to copulate with his wife does he perform this act in public? Does Wasaya declare at the time of the Friday Sermon that he shall sleep with his wife tonight? Did the Sahaba indulge in this act in public? The only characters who were conceived in such a great manner were 5th Imam of the Nasibis, Mu'awiya, as well as Amr Bin Aas and Ziyad bin Sumayya. We read in Tareekh of Ibn Atheer Volume 3 page 301:

When Mu'awiya decided to propitiate Ziyad and obtain his affection to declare him as his brother and both agreed on that, he summoned the people and witnesses including Abu Maryam al-Salooly, Mu'awiya said to him: 'Oh Abu Maryam what you will testify for?' He replied: "I testify that your father Abu Sufyan attended my place and asked for a prostitute, I said to him: 'I don't have any except Sumaya". He (Abu Sufyan) said: 'Bring her to me with her dirt and filth'. I brought her to him, then he went in isolation along her and I left him whilst her vagina was releasing (his) semen.'

 [Tareekh Kamil, Volume 3 page 301](#)

 [Online Tarikh al Kamil, Volume 2, Chapter 44 H](#)

Moreover, these Nasibies should first look at their regulations in relation to slave women before producing such lame excuses. In Nasibi Fiqh, it is allowed for a person to:

- Sleep with slave women without any witnesses
- Sell these women to another person (and a master's single testimony is enough to decide that he didn't sleep with her, and the new master can sleep with her without any waiting period).
- Sleep with a slave woman because the witness of SINGLE slave woman shall suffice when she comes to another man who asks that she sleep with him, since her master made her Halal for him. (*Fatawa-e-Alamgiri, volume 3, page 268, Kitab al-Hudood, published by Daar ul-Isha'at, Karachi.*)

How is it possible that Nasibies still show this Double Standards/hypocrisy and criticize Muttah but not their Fiqh?

52. Qiyas 4: Zina is like Mut'ah, since neither involve Talaq (divorce). Hence, both are haram.

If we accept Sunni claims that Mut'ah was halaal in the beginning, then it had no procedure of Talaq at that time too. As such, does that mean that Allah (swt) permitted adultery? We have already proved from the Holy Qur'an that such a thing is possible.

Furthermore, we should note one key difference between fornication and Mut'ah: a woman who is still in her years of menstruation must observe an 'iddah (waiting period) after each Mut'ah. As such, she cannot have conjugal relations with more than one-man in less than 45 days or two complete menstrual cycles. There is also no divorce procedure for a man who has sex with his slave girl. If these Sunni 'ulama want to make analogies, why do they not examine some of the important differences between temporary marriage and acts of fornication?


53. Qiyas 5: Zina and Mut'ah carry no Inheritance. Hence both are haram

If, for the sake of argument, we accept this belief (and we have already proven that the child of a temporary marriage does inherit), then the enemies of the Ahl al-Bayt (as) should know that their 5th Imam, Mu'awiya, turned the Shari'ah on its head by deeming his bastard (illegitimate)

brother Ibn Ziyad to be his brother, the son of Abu Sufyan. We have already read the incident:

When Mu'awiya decided to propitiate Ziyad and obtain his affection to declare him as his brother and both agreed on that, he summoned the people and witnesses including Abu Maryam al-Salooly, Mu'awiya said to him: 'Oh Abu Maryam what you will testify for?' He replied: "I testify that your father Abu Sufyan attended my place and asked for a prostitute, I said to him: 'I don't have any except Sumaya". He (Abu Sufyan) said: 'Bring her to me with her dirt and filth'. I brought her to him, then he went in isolation along her and I left him whilst her vagina was releasing (his) semen.'

 [Tareekh Kamil, Volume 3 page 301](#)

 [Online Tarikh al Kamil, Volume 2, Chapter 44 H](#)

Imam Suyuti also said 'Al-Debaj ala Muslim' volume 1 page 84 that this was in contradiction to Rasulullah(s). This is because the illegitimate offspring of zina has no inheritance right under the Shari'ah, but Mu'awiya allowed his bastard (illegitimate) brother to inherit his father's property. As we have seen, children do inherit from their father if they were born from a temporary marriage, while the wife may also inherit if this is stipulated in the marriage contract. This Qiyas is one of the more foolish ones, since its basic premise (that Mut'ah does not carry inheritance) is false. And in any case, we have seen that the great Imam of the Sunnis, Mu'awiyah, openly legitimized the illegitimate (Haram) offspring of his polytheist, adulterer father.

In any case, this argument falls prey to the same errors that the other analogies do: once one begins to argue that Mut'ah is immoral, one is in fact slandering the Prophet (s) who not only permitted but ordered the Muslims to do Mut'ah, as we previously read in Sahih Muslim. Let us now cite the esteemed Sunni work 'Au Jaza al Masalik fi Sharh Muwatta Imam Malik Volume 9 page 403 wherein Shaykh ul Hadith Muhammad Zakaria Uthmani narrates as follows:

"Ibn Abbas believed in the permissibility of Mut'ah, and like Ibn Abbas many Sahaba like Ata, Autus, and Imam Jurraya issued a Fatwa on the permissibility of Mut'ah, and the Sahaba of the Prophet (s) Abu Saeed Khudri and Jabir also believed in its legitimacy, the Shi'a also ascribe to the legitimacy of Mut'ah".

We see that many highly respected Sahaba, such as Ibn 'Abbas, believed in the exact same type of Mut'ah that the Shi'a do. Would the Sunnis claim that such a person was a fornicator? We have quoted dozens of hadeeths in this regard, and only a fanatical person would claim that they are all made up. Furthermore, we have seen that illustrious Sunni 'ulama have not expressed any doubt about the veracity of these narration's. Dr. Salamah has demonstrated himself to not only be an enemy of the Prophet (s) and his family, but an even an enemy of the Prophet (s)'s companions who stand at the centre of the Sunni belief system.

54. Qiyas 6: Temporary Wives do not Inherit, the same as women in haram sexual relationships

First of all, Nawasib shall be reminded that the law of wife not inheriting the husband in Nikah al-Mutah is not an invention of the Shias rather the Sahaba and Tabayeen had been performing Nikah al-Mutah with same principle and condition as found today, hence to say that Mutah it Haram 'today' because a wife doesn't inherit her husband is to say that Sahaba and Tabayeen were committing Haram then. Regarding the inheritance of wife in Nikah al-Mutah, late Imam of Deobandies, Allamah Abu Muhamad Abdul Haq Haqqani states in Tafseer Haqqani:

"Some scholars deem Mut'ah permissible, in the same way the Sahaba Ibn Abbas and Imran bin Husain deemed it permissible, they say that this woman is also a wife, they say that since she is temporary therefore there is no inheritance for her".

 [Tafseer Haqqani, Vol 2 page 4 \(published in 1956, Deoband UP, India\)](#)

And if we agree to the absurd comparison done by the Nawasib, then these enemies of the Ahl al-Bayt (as) should know that according to their fiqh - the wives of Rasulallah(s) also did not inherit anything from him, as this was the fatwa of their 1st Imam Abu Bakr. Now wives of Rasulallah(s) did not inherit, according to this enemy of the Ahl al-Bayt (as), and at the same time these enemies of the Prophet (s) claim that a woman who does not inherit is like a fornicator. As such, according to this Qiyas, all the wives of the Prophet (s) were fornicators (naudobillah). This suffices in invalidating this specific Qiyas, as well as the use of Qiyas in general.

Furthermore, we know that if the woman conditions the Mut'ah with the right of inheritance, then the woman will inherit without any problem. As such, in many cases this Qiyas does not even apply.

Moreover, even with permanent marriage scenarios arises where a woman does NOT inherit from her husband. According to the Hanafi view of inheritance, we read in their classical source "Siraajee fi al Meeras" page 214:

"Those [wives] that cannot inherit are four:

- 1. A Slave whether partial or complete**
- 2. A murderess where Qasaa or Kaffara is obligatory**
- 3. If the husband and wife have a different religion**
- 4. If there are differences between countries"**

These are examples where the Nikah is valid but partners do not inherit from one another. This proves that Mut'ah is not the only Nikah that precludes couples from inheriting from one another.

55. Qiyas 7: Temporary wives are not treated like permanent Wives

According to Sunni fiqh, if a man pronounces divorce three times [at once] on his wife (even in anger), then she becomes haram to him until she marries another man, has sexual intercourse with him, and then divorces. This practice is known as halala. If the woman marries the second man with no other intention except to have intercourse with him once, and then divorce him, is she being treated like a normal, permanent wife? Yet the Sunni fiqh is not only unanimous on the permissibility of such an act, but on its obligation in certain circumstances.

56. Qiyas 9: No one would claim to be the child of Mut'ah

Can Ahlul Sunnah produce a single person who claims to have been a product of halala? Sunni Mullah's often benefit from halala, so has any child ever pointed out his Mullah father from halala? Alhamdulillah children born from Nikah al-Mut'ah exist in the Shi'a community and are afforded the same rights / respect as a child born from standard wedlock.

Let us leave the Shi'a community side, the Nasibis should know that from the outset of Islam, Sahaba contracted Mut'ah using dough/cloth as dower and their children of Mut'ah weren't locked away. Take the example of Abdullah Ibn Zubayr. We read on the authority of the famous Imam of Ahl as-Sunnah [Imam Abu Ja'far Ahmad At-Tahaawee](#) in his Sharh Ma'ani al Asar Volume 3 page 24, Chapter on Mut'ah, a hadeeth of Saeed bin Jubayr who discusses a conversation between Ibn 'Abbas and Abdullah ibn Zubayr:

سمعت عبد الله بن الزبير يخطب وهو يعرض بابن عباس يعيب عليه قوله في المتعة فقال بن عباس يسأل أمه إن كان صادقا فسألها فقالت صدق بن عباس قد كان ذلك فقال بن عباس رضي الله عنهما لو شئت لسميت رجالا من قريش ولدوا فيها

"I heard Abdullah ibn Zubayr reading a sermon wherein he condemned Abdullah ibn

Abbas for believing in the permissibility of Mut'ah. Ibn Abbas said "You should ask your mother about this if you are truthful. His mother said "Ibn 'Abbas spoke the truth Mut'ah did indeed exist'. Ibn Abbas then said; "If you like I can cite the names of the men from Quraysh who were born from Mut'ah."

The reference serves as proof that many of the Sahaba's children were the products of Mut'ah, their identities were known, and the lineage was connected with their fathers [men from Quraysh] as attested by Ibn Abbas. If these children did not inherit from their fathers how did Ibn Abbas know who they were?

57. Qiyas 9: Mut'ah and Zina both destroy families

This is the argument of Hasan Alaudeen Suhrawardi, the author of the paper Hurmat al-Mut'ah. We shall in later chapters expand on the tradition of the Sahaba Jabir [in Sahih Muslim], who confirmed that Mut'ah was a common place practise during the lifetime of Rasulullah(s) and Abu Bakr. Can Ahl as-Sunnah confirm the number of Sahaba (even women) whose homes were wrecked on account of Mut'ah? This is not an attack against the Shi'a, but is really an attack against the Prophet (s) for allowing this allegedly despicable practice.

58. Qiyas 10: Mut'ah does not require witnesses, therefore it is like zina and, therefore, becomes haram

Dr Salamah states:

"There is no need for witnesses or any open declaration in Mut'ah." 27

Reply One – Quran doesn't command us to take witnesses to Nikah

There is nothing in the Holy Qur'an to establish that witnesses are needed for a permanent marriage, much less a temporary one. 'Umar insulted the Prophet (s) on his deathbed by saying **'The Qur'an suffices us'** - yet the Qur'an does not suffice the Sunni 'ulama in proving that a Nikah needs witnesses. We are confident enough to say that if Umar rose from the grave today, he would be unable to locate this verse for anybody. When these enemies of the Ahl al-Bayt (as) try to spread hatred of the Shi'a, one of their arguments is that the Shi'a practice of bloodletting [Zinjeer Zani, Qama Zani] is nowhere in the Qur'an. By the same token we challenge you to show us a reference about witnesses for Nikah from the Book of Allah (swt). Taking two separate extra witnesses is highly recommended in the Fiqh of Ahl'ul bayt (as), but not obligatory and both Nikah and Nikah Mutah are valid without these two extra witnesses as well (i.e. the man and woman getting married are sufficient to form two witnesses themselves).

Reply Two - Quran commands us to take witnesses at the time of divorce which Nawasib reject

As we stated above, Allah [swt] set out the conditions of marriage at several places in Quran, but at no point did He [swt] place a condition of taking two extra witnesses. As compared to this, Allah [swt] did place a condition of having these two extra witnesses at time of divorce. Allah [swt] says in Surah Talaq:

[Yousuf Ali 65:1-2]

O Prophet! When ye do divorce women, divorce them at their prescribed periods, and count (accurately), their prescribed periods: And fear Allah your Lord: and turn

them not out of their houses, nor shall they (themselves) leave, except in case they are guilty of some open lewdness, ... and take for witness two persons from among you, endued with justice, and establish the evidence (as) before Allah.

If you want to know about the evils of this innovation, then you must go to the courts and police stations of Pakistan (and certainly in other Islamic countries too), where you will see such cases in court. For example, women enter courts claiming that their respective husbands divorced them thrice in anger. But husbands deny any kind of divorce. From the prospect of women, they are actually telling the judges that they can no longer remain with their spouses as they divorced them thrice in anger, but the husband having regained his senses, does not want to lose his wife. The problem is, should these women return to their 'ex' husband future sexual contact would constitute adultery (as they have become Haram for them after getting divorce). The couple are now in a real dilemma. The the only way that the poor woman can return to her husband is if she performs halala with a Sunni Mullah, another act that contradicts the Qur'an. These enemies of the Ahl al-Bayt (as) allege that the Shari'ah has no room for Mut'ah, yet Mut'ah has clear Qur'anic backing. The Sunni fatwa that marriage requires witnesses and divorce does not, has no Qur'anic backing rather it contradicts it.

Please read more on this Issue in chapter 4 of our Article "Biddah"

 ["Biddah"](#)

Reply Three – The Importance for a couple to be witnesses to their own marriage

This is a very important concept and one must understand it in order to understand the Islamic Sharia. Once you understand it, you will be able to deduce how Nasibi Fiqh has contradicted itself by declaring witnesses to be obligatory. Islam is applicable to all scenarios and eras. Up until this century, there was no custom of a written document when contracting Nikah amongst Muslims. Now consider the following cases:

- If a husband and wife go to a market, do they take their witnesses to the Nikah with them? No, they simply witness that they are husband and wife, and their own testimony is considered enough.
- Let us look at past eras. People would travel with their wives to other cities and countries. Did they take these Nikah witnesses with them, wherever they went? (Remember, in older times there was no custom of written Nikah contracts). No, they simply testified that they were husband and wife, and their own testimony was sufficient in these new places.

We therefore see that Islamia Sharia considers the testimony of a husband and wife to be sufficient. When Nasibi Fiqh claims that two extra witnesses are obligatory, then there is a contradiction in their Fiqh which they cannot see due to blindness.

Reply Four - The Sahaba practised Mutah without witnesses and guardian's consent which served as a rule for Sunni Imams

Once again, we know that no such witnesses were required during the Prophet (s)'s time, meaning that, according to Salamah, the Prophet (s) allowed and ordered fornication. We read in Sahih Muslim Book 008, Number 32523, Bab ul Nikah:

Rabi' b. Sabra reported that his father went on an expedition with Allah's Messenger (may peace be upon him) during the Victory of Mecca, and we stayed there for fifteen days (i. e. for thirteen full days and a day and a night), and Allah's Messenger (may peace be upon him) permitted us to contract temporary marriage with

women. So I and another person of my tribe went out, and I was more handsome than he, whereas he was almost ugly. Each one of us had a cloaks, My cloak was worn out, whereas the cloak of my cousin was quite new. As we reached the lower or the upper side of Mecca, we came across a young woman like a young smart long-necked she-camel. We said: Is it possible that one of us may contract temporary marriage with you? She said: What will you give me as a dowry? Each one of us spread his cloak. She began to cast a glance on both the persons. My companion also looked at her when she was casting a glance at her side and he said: This cloak of his is worn out, whereas my cloak is quite new. She, however, said twice or thrice: There is no harm in (accepting) this cloak (the old one). So I contracted temporary marriage with her, and I did not come out (of this) until Allah's Messenger (may peace be upon him) declared it forbidden.

We can see from this tradition that:

- There were no extra witnesses taken for this Mutah of a male and female companion
- The female companion didn't take the permission of her Wali.
- This Mutah between a male / female companion was not made public.
[Note: In Shia enmity, Nasibies also made this innovation that without making Nikah/Mutah public it is considered as fornication. Now if they are really truthful, then we invite them to issue a fatwa of fornication upon these two companions]

Now let us see what Imam Nawawi says in his commentary of this tradition:

وفي هذا الحديث : دليل على أنه لم يكن في نكاح المتعة ولي ولا شهود

"This hadith serves as proof that a guardian and witness is not required for Nikah Mut'ah."

<http://hadith.al-islam.com/Display/Display.asp?Doc=1&Rec=3213>

Although these words of al-Nawawi shall be a big slap on the najis face of all Nasibies, but they continue to attack the concept of Mutah! We shall also remind Nawasib the words of great Sunni scholar Allamah Abd Ar-Rahman al-Jazeri that we had cited in chapter two. He wrote in his famous book *Al-fiqh Ala Al-Madhahib al-Arba*:

The reality of Nikah Mut'ah is that, in the marriage recital performed with a woman, words are added which stipulate that the marriage is for a fixed time. For example a man shall say 'she shall remain as my wife for a month, or I shall have Nikah Mut'ah with you for a year.' The parties themselves act as witnesses. It can occur in the presence of a Wali or witnesses, or without them.

Al-fiqh 'Ala Al-Madhahib al-Arba' (Lahore Edition) Volume 4, page 167

Moreover we have cited the definition of Nikah al-Mutah from various Sunni scholars uptil now and no one in their discussion of Mutah stated about taking witnesses and having the consent of guardian as a condition to perform Nikah al-Mutah.

But if Shia traditions are still causing indigestion to the stomach of Nawasib then tell us whether Asma the daughter of your caliph Abu Bakar performed Mutah with the consent of Abu Bakar and with the witnesses present or not? If the answer of Nawasib is in affirmative, that would mean that Mutah was Halal in the eyes of Abu Bakar and if the answer is "no" that would once again prove that the presence of witnesses and guardian's consent is not obligatory to perform Mutah.

Reply Five – Sunni Ulema have ruled that you don't need witnesses to a Nikah

Furthermore, a large number of Sunni 'ulama have agreed that witnesses are not needed for a Nikah:

1. Neel al Autar, Volume 6 page 144 Bab Shahdath fi Nikah
2. Al Hidayah, Volume 2 page 204, Kitab al Nikah
3. Fatawa Qadhi Khan, Volume 1 page 153, Kitab al Nikah

We read in Imam Showkani's authority work Neel al Autar:

وحكى في البحر عن ابن عمر وابن الزبير وعبد الرحمن ابن مهدي وداود انه لا يعتبر الاشهاد

"Narrated in al-bahr from Ibn Umar, Ibn al-Zubair, Abdulrahman ibn Mahdi and Dawud that witnesses are not required (for nikah)"

<http://www.al-eman.com/Islamlib/viewchp.asp?BID=253&CID=126#s7>

[Allamah Hassan bin Mansoor Qadhi Khan](#) records in his famed Hanafi work 'Fatawa Qadhi Khan':

For the recital of Nikah the declaration shall suffice, it is not compulsory to have witnesses present.

We read in Hidaya:

وهو حجة على مالك شر في اشتراط الإعلام دون الشهادة

"This is huja on Malik that (for a Nikah) he required the declaration as the condition not the witnesses"

For those of our opponents who pretend to be the die hard supporter of having witnesses in Nikah (Mutah) and yap at the Shia traditions according to which witnesses are not obligatory for Nikah al-Mutah, we read the following interesting edict about the witnesses of Nikah in their school:

ولو تزوج امرأة بحضرة السكارى وهم عرفوا أمر النكاح غير أنهم لا يذكرونه بعد ما صحوا انعقد النكاح

"If someone marries a woman in the presense of drunken witnesses and they understand the matters of marriage, but they forget about it when sober, the nikah will remain valid"

[Online Fatwa Alamgiri, Kitab al-Nikah](#)

[Fatwa Alamgiri \(Urdu\), Volume 2 page 127](#)

If our opponents are so much fond of drunken witnesses that forget what they had actually witnessed then we are very much happy of not having such witnesses. In this connection, we also read:

وينعقد بحضور من لا تقبل شهادته له أصلا

"Nikah will take place in the presense of even those witnesses who are not eligible to testify"

[Online Fatwa Alamgiri](#)

[Fatwa Alamgiri \(Urdu\), Volume 2 page 126](#)

Why to shout at the necessity of witnesses then?

Beside the role of witnesses, in the very famed Hanafi work 'Fatwa Alamgiri' we read the the following about role of a guardian during Nikah:

نقد نكاح حرة مكلفة بلا ولي عند أبي حنيفة وأبي يوسف - رحمهما الله تعالى

"The marriage of a free and adult woman without guardian is valid according to Imam Abu Hanifa and Abu Yusuf (may Allah have mercy on them)"

[Online Fatwa Alamgiri, Kitab al-Nikah](#)

[Fatwa Alamgiri, Volume 2 page 162](#)

Talking of the role of guardian in Sunni school and the objection of the author at having no need for any open declaration in Mut'ah, we further read in Fatawa Alamgiri that it is allowed for a woman to hide the marriage from her guardians.

رجل خطب امرأة إلى نفسها فأجابته إلى ذلك وكرهت أن يعلم بذلك أولياؤها فجعلت أمرها في تزويجها إليه يجوز هذا النكاح

"Man advances a proposal of marriage to a woman and she accepted but she doesn't want her guardians be informed about it, then if she refers her guardianship to the man, that Nikah is permissible"

[Online Fatawa Alamgiri](#)

According to Dr. Salamah's logic, however, all of these Sunni 'ulama are condoning fornication, since he classifies any marriage done without witnesses as zina!

Reply Six - Nasibi Fiqh states that the single testimony of a master shall suffice in the case of sleeping/not sleeping with slave-woman

Now we are coming to very interesting part of Nasibi Fiqh, which will make the contradictions in Nasibi Fiqh more clear to our readers. In Nasibi Fiqh, it is allowed for a Master to:

- Sleep with slave women without any witnesses
- Sell her to another person (and the master's single testimony) is enough to prove that he didn't sleep with her, and the new master could sleep with her without any waiting period).
- Make her Halal to his father/brother without any witness.
- Marry her to any other person and his sole testimony is enough to prove that he didn't sleep with her (even if they stayed for years under same roof).
- Sell her on, following which the witness of a slave woman shall suffice when she comes to another man and asks him to sleep with her as her Master made her Halal for him.
(*Fatawa-e-Alamgiri, volume 3, page 268, Kitab al-Hudood, published by Daar ul-Isha'at, Karachi.*)

Similarly, we read in Muwatta of Imam Malik that:

- If two partners share a slave woman, and one of them sleeps with her without witnesses, there is no hadd for him. At maximum he has to pay is the estimated price of slave girl to his other partner.
- If father compels slave girl of his son to sleep with him (and that too without two extra witnesses) there is no Hadd upon him, all he needs to do is to simply pay the estimated price for the slave woman.

Here is the tradition from Muwatta Imam Malik, Book 41, Number 41.6.19a:

Malik said, "The best of what is heard about a slave-girl whom a man has intercourse with while he has a partner in her is that the hadd is not inflicted on him and the child is connected to him. When the slave-girl becomes pregnant, her value is estimated and he gives his partners their shares of the price and the slave-girl is his. That is what is done among us."

Malik said about a man who made his slave-girl halal to (another) man that if the one for whom she was made halal had intercourse with her, her value was estimated on the day he had intercourse with her and he owed that to her owner whether or not she conceived. The hadd was averted from him by that. If she conceived the child was connected to him.

Malik said about a man who had intercourse with his son's or daughter's slave-girl, "The hadd is averted from him and he owes the estimated value of the slave-girl whether or not she conceives."

How is it possible for Nasibies to exhibit double standards/Munafiqat and criticize Mutah but not their home grown Nasibi Fiqh?

Observation – In Nasabi Fiqh there is a difference between slave women and free women when it comes to witness testimony

When Nasibies are presented with the issue of slave woman in relation to witness testimony, they state there is a difference between free and slave women. This excuse is amazing. The difference is only in the STATUS of slave and free woman, but there is no difference in issues wherein:

- The slave/free woman are related to by blood or Milk (both could not be married)
- The slave/free woman is already married to another person (both could not be married)
- The slave/free woman are pregnant (both could not be married)
- The slave/free woman become Haram if their father/grandfather/son/grandson has married them.
- Children that are born from slave/free woman, both afford the same equal rights.
- The slave/free woman have to observe Iddah after divorce (the length of Iddah is different, but both Iddahs are there for same purpose i.e. To make woman pure for next marriage.

The difference between slave/free women is basically in status, but not in case of issues as stated above. And hence this Nasibi conjecture has no worth regarding the issue of having witnesses.

59. Qiyas 11 - No respectable people like the practice of Mut'ah

The Wahabi scholar Maulana Sayyid Abu'l A'la Maudoodi advances this Qiyas in his discussion of Surah Mu'minun, verse 7 (in Tafheem ul Qur'an Volume 8 page 13 footnote 4 (b)):

"Holding Mut'ah as absolutely permissible, practising it without any real necessity, or resorting to it even when one has a legal wife or wives is a kind of licence which is abhorred by good taste, much less it to be attributed to the Shari'ah of Muhammad (Allah's peace be upon him) and imputed to the learned jurists of his family. I think that among the Shi'ite Muslims themselves no respectable person would like that somebody should ask for the hand of his daughter or his sister not in marriage but for the purpose of Mut'ah. For if Mut'ah is held as absolutely permissible, it would imply that there should exist in society a low class of women, like the prostitutes, who should be available for the purpose as and when required, or if not that Mut'ah be restricted to the daughters and sisters of the poor stratum of society and the well to do be given the freedom to exploit them as and when they like. Can such an injustice and discrimination be expected of the Divine Law? And will Allah permit an act which every respectable women would regard not only disgraceful for herself but shameful too?"

Similarly in the Deobandi's famed monthly journal 'Islamic voice' Vol 13-11 No:155 Nov' 1999) the same 'decency' argument was advanced as PROOF that Mut'ah was haraam:

Islamic Voice states:

...No Shi'a would ever permit his daughter to enter into Muta' contract with any one. The permanent marriages are announced with pride and the world knows of it but we have never come across even a small list of clerics' daughters who were given into Muta' proudly. It shows that the practice is practically disgraceful in their own eyes.

Reply One - No respectable people like the practice of Nikah halala

The Ahl as-Sunnah have a type of Nikah called Halala - which is the only means via a divorced woman can return to her first husband is if she married and copulates with someone else. To paraphrase Maudoodi:

'I think that among the Sunni Muslims themselves no respectable person would like that somebody should ask for the hand of his freshly divorced daughter or his sister for the purposes of Nikah Halala'

Despite this the Sunni 'ulama have issued edicts on the permissibility of Halala, and they themselves happily accept becoming 'husbands' in Nikah halala. According to Maudoodi logic Mut'ah is haraam no decent parent would tolerate Mut'ah for his daughter, by the same token no decent father likes the notion of his daughter being presented for Nikah Halala, hence this should also be deemed haraam.

Reply Two- No respectable people like the usage of Talaq

If the claim that Mut'ah should logically be haraam, because no decent father would tolerate its usage for his daughter, then we can counter this by asking whether any respectable woman would tolerate a Talaq being given to her? Would any respectable father / brother practise Talaq to be used against his married daughter / sister? Despite this dislike, the Shari'ah has not catered for these peoples likes / dislikes, and allows for the Talaq to be practised. It should also be pointed out that this practise is not even equitable under the Shari'ah, since the right of divorce is the exclusive right of the husband, women cannot administer it, as a result the entire married lives of such women are destroyed, they are forced to live oppressed, unhappy lives with their husbands, who refuses to divorce them - she may spend her whole married life depressed because her husband will not divorce her.

If we apply Maudoodi's rationale, in the same way that a pious father might abhor his daughter practising Mut'ah, respectable people do not like Talaq either, hence both should be haraam. We should also ask Maudoodi type thinkers what their view of those Sahaba (men and women) that practised Mut'ah during the lifetime of Rasulallah (s) if they were not pious people what were they?

Reply Three - Mut'ah is a means of protecting people from Zina

The Shari'ah does not force people to practise Mut'ah, rather Mut'ah is a means via which couples prevent themselves from fornicating, and there is no distinguishing between rich and

poor on this. In society all types of people (rich and poor) are exposed to the lures of fornication, this crosses the class divide. The Shari'ah has provided a counter to this haraam activity in the form of Mut'ah, the couple can be rich, poor or from either background, they can contract Mut'ah - a legitimate method stipulated under the Shari'ah rather than indulge in fornication. Mut'ah can be practised according to the circumstances that a man or women find themselves in, if people do not like it, then they can refrain from it, after all there is no religious obligation on all believers to practise Mut'ah - it is an available option for anyone who deems it necessary, like Maudoodi's thinking Abu Bakr may well have not liked it, but his daughter deemed it necessary and Abu Bakr allowed this practise to continue throughout his reign.

The final comments of Maudoodi's rationale are indeed amazing, for he posed the rhetorical question:

And will Allah permit an act which every respectable woman would regard not only disgraceful for herself but shameful too?"

The irony is (as Maudoodi himself admits in the same Tafseer) that Allah (swt) did indeed permit this act, if Mut'ah is indeed a disgraceful, shameless act then why did Allah (swt) deem it lawful for the daughters and sisters of the noble Sahaba?

If we are to accept Maudoodi's claim that every respectable woman deems Mut'ah disgraceful and shameful what can we say of the characters of esteemed women such as Asma binte Abu Bakr who practised Mut'ah, were such women shameless and disgraceful? Clearly Maudoodi's attack on Mut'ah via the use of Qiyas is an attack on Allah (swt), Rasulullah (s) and the Sahaba.

60. Qiyas 12: The Shi'a share Mut'ah women and this is shameful

Shah Abdul Aziz in Tauhfa page 255 states:

The Shi'a share Mut'ah women, a group share a Mut'ah woman, they take turns having sex with her

This is an out and out lie; we have already mentioned and will repeat again that one of the most basic conditions for contracting Mut'ah with a woman is that she may not already be married. According to Shi'a fiqh, under no condition is it allowed to have physical relations with a woman already married.

In any case, we see from the history that the great Sunni Imam, Mu'awiyah, was the product of exactly such a "sharing." We read Sharh Ibn al Hadeed Volume 4 page 94 under the Chapter "Mun Kitab Ziyad Ubayya" that Muawiyah wrote a letter to Ziyad. Muawiyah addressed Ziyad with the words '**O son of Sumayya**'. Ziyad replied to Mu'awiya with these words: '**If I am Ibn Sumayya then you are Ibn Jamaat [son of a group]**'. Ziyad said so because:

"There were four people who were thought to be Mu'awiya's father, Abi bin Umar bin MUSAAFIR, Abi Umar bin Waleed, Abbas bin Abdul Muttalib and Sabah"

Rabi'ul Abrar by Allamah Zamakhshari, Volume 3 page 551

A sect whose Imam was the product of group sexual intercourse with several men and one woman should stay clear of attacking Shi'a conceptions on temporary marriage which can be evidenced from the Quran and Sunnah.

If Nawasib are trying to object that Shia perform Mutah with a woman who previously was under Nikah al Mutah with somebody then such logic is totally absurd because if a woman is divorced or has become a widow, it is entirely upto her to decide whether she needs to get married again (after fulfilling all the requirements of Iddah). We have many examples about the era of Sahabah where Sahabah married with the widow or ex-wife of another Sahabi. However

we read in Sahih al Bukhari Volume 5, Book 58, Number 124 that a Sahabi while dividing and offering his property to another Sahabi in brotherhood, he offered him his wife as well:

Narrated Sa'd's father:

When the emigrants reached Medina. Allah's Apostle established the bond of fraternity between 'Abdur-Rahman and Sad bin Ar-Rabi. Sad said to 'Abdur-Rahman, "I am the richest of all the Ansar, so I want to divide my property (between us), and I have two wives, so see which of the two you like and tell me, so that I may divorce her, and when she finishes her prescribed period (i.e. 'Idda) of divorce, then marry her."

61. Qiyas 13: Man can misuse Nikah al Mut'ah and may marry women whilst having a permanent wife

Those people who in order to prove Mut`ah immoral say that a man can misuse of Mut`ah and may perform Mut'ah with woman one after another or he may be doing so whilst having a permanent wife as well. For all those people who advance such foolish logic to prove the forbiddance of Mut`ah we would like to cite the fact that Nikah al Mut'ah is also Islamic practice just like Nikah, Zakat, Hajj, Fasting etc. Pall of these practices are open to abuse. For example prosperous Arabs mainly from Saudi Arabia and UAE often visit Sub-continent and find suitable teenage girls from poor muslim families so that they can address their poverty in exchange for a girl with whom the Arab perform (permanent) Nikah and after fulfilling their lust they divorce the girl. Does that mean we should start pointing fingers at the "Nikah" itself rather than the people who are misusing it? People involved in the departments of collecting Zakat are often caught filling their own pockets from the obtained money. Does that mean we abandon the obligation of Zakat as well? In countries like India and Pakistan, people makes millions through donations to construct mosques or madrassas. Does that mean we stop making mosques rather than condemn those culprits? Former American pets like Osama bin Ladin, Zawahiri and Zarqawi and Nawasib like 'Sipah e Sahabah' bomb and kill innocent people in the name of Islam, does that mean people should abandon the religion of Islam? The point is that it is upto an individual to determine how best he makes use of Islamic rituals. If he is not sincere in it then no one has right to point fingers at that particular Islamic practice the finger pointing should be restricted purely to its perpetrators.

Coming back to the point of performing Mut`ah while a man has already got a wife, then such practice is not at all Haram rather this would be an 'unnecessary' want therefore the Imams of Ahlulbait [as] have clearly showed their reservations on such practice and had always discouraged that. For example we read in famed Shia work 'Mustadrak al-Wasail' the incident of a Ali bin Yaqtin, a prominent Shi'ah who held a high post in Abbasid government and already had a wife, he once came to Imam 'Ali ar-Raza [as] to ask about Mutah and Imam [as] replied:

"What you have to do with this, when Allah has made this unnecessary for you."

1. [Wasail al Shia, Volume 21 page 22 Hadith 26420](#)
2. [Al-Kafi, Volume 5 page 452](#)
3. Bihar al-Anwar, Volume 100, page 318
4. Mustadrak al-Wasail, Volume 14, page 455

As stated by Imam Raza [as], Mutah is 'unnecessary' when the wife is already present there for a man otherwise that could beget problems such as the mistreatment of women. Imam Raza [as] in another hadith elaborated on the point as follows:

Imam Abu Hasan [as]: "It is Halal, Mubah Mutlaq, for he whom Allah has not made this unnecessary through marriage. So seek chastity through Mutah. If Allah has made this unnecessary for you, then it is permissible for you only when you do not have access to your wife."

1. [al-kafi, Volume 5 page 453, Hadith 2](#)

2. [Wasail al Shia, Volume 21 page 22 Hadith 26421](#)

The stance of our Imam [as] was based entirely on logic and most importantly on Quranic injunctions which orders us not to keep more number of wives just for the purpose of enjoyment while we are unable to treat each of them justly and would result in sheer mistreatment of women.

"Marry women of your choice, Two or three or four; but if ye fear that ye shall not be able to deal justly (with them), then only one, or (a captive) that your right hands possess, that will be more suitable, to prevent you from doing injustice," (4:3)"

That is why we also see that Abdullah bin Sinan a companion of Imam Jafar [as] who was also a married man asked Imam [as] about Mutah to which He [as] advised not to do it and most relevantly that hadith is recorded in authority Shia work 'Mustadrak-ul-Wasail' (vol 14 page 455) under the chapter of **"Disliking of Mutah when one does not need it and when it necessitates repulsiveness and mistreatment of women"**.

62. Qiyas 14: Performing Mut'a with a fornicator; prostitutes may make misuse of it

Some Nawasib who are always busy finding objections against Mut'a often come with the objection that prostitutes may use Nikah al Mutah as a tool for their job. We would like to ask all those ignorant ones whether Allah [swt] and his Messenger [sws] were aware of such abuse, and if they were, why did they still allow Nikah al Mutah? Prostitutes lived in that period as well and Bau Ummayya were pioneers in this field. The point goes back to our reply in Qiyas 13 that it is up to an individual how he adheres to the Islamic practices and if he is not sincere in it then it is his own fault and Islam is not responsible for his deeds.

In Shia fiqha it is highly discouraged to perform Nikah al-Mutah or permanent Nikah with a fornicator woman (prostitute). We read the following Hadith in Usool al-Kafi:

Ali bin Ibrahim narrated from Muhammad bin Isa from Yunus from Muhammad bin al-Fudhail who said: 'I asked Aba al-Hasan [as] about that a pretty Fajira, is it permitted for a man to perform Mutah with her for a day or more?' He answered: 'If she is popular for adultery then neither Mutah nor Nikah is permissible to be performed with her'

1. [Usool al-Kafi, Volume 5 page 454 Hadith 6](#)
2. [Tahdib al-Ahkam, Volume 7, page 252, Hadith 12](#)

We also read:

Abi Sara said: 'I asked Abi Abdullah [as] about it – meant Mutah – he answered: 'It is lawful, marry only with the one who is chaste, verily Allah say 'And who guard their private parts' (023.005), so don't put your private part where you cant secure your Derham.'

1. [Al-Kafi, Volume 5, page 453, Hadith 2](#)
2. [Tahdib al-Ahkam, Volume 7, page 252, Hadith 11](#)
3. Al-Istibsar, Volume 3, page 142, Hadith 1

We also read:

Muhammad ibn al-Faydh said: 'I asked Aba Abdillah [as] about Mutah. He replied: 'Yes if she was aware of it. We said: 'May we be sacrificed for you, what if wasn't aware of it?'

He replied: 'Disclose it to her and tell her, if she accepts then marry her, if she rejects leave her, beware of the kawashif, Dawaei, Baghaya and Zawat al-Azwaj. I asked: 'Who are kawashif?' He replied: 'Those who announce about themselves and their houses are known and have been attended (by men)'. I asked: 'Dawaei?'. He replied: 'Those who invite (the men) for themselves and are known for corruption'. I asked: 'The Baghaya?'. He replied: 'Those who are popularly known for adultery'. I asked: 'Zawat al-Azwaj?'. He replied: 'Those who have been divorced on the way other than the the way of Sunnah.'

1. [Al-Kafi, Volume 5, page 454, Hadith 5](#)
2. [Men la yahdaruh al-Faqih, Volume 3, page 460, hadith 4586](#)
3. [Tahdib al-Ahkam, Volume 7, page 252, Hadith 13](#)
4. Al-Istibsar, Volume 3, page 143, Hadith 3
5. Ma'ani al-Akhbar, page 225, Hadith 1

Shaykh Saduq records in 'Al-Hedaya' page 265:

"If he wants to perform mutah with a woman, she shall be religious and secure; verily it is not allowed to perform Mutah with a fornicator or the unsecured"

Similarly Shaykh Tibrizi in 'Sirat al-Nijat, Volume 1 page 318, Shaykh Wahid Khorasani in 'Minhaj al-Salehin' Volume page 3 page 302 and Shakyh Ishaq al-Faydh in his 'Minhaj al-Salehin' Volume 3 page 24 records:

"As measure of obligatory precaution (ahwat luzuman) one should avoid performing mutah with the popularly known fornicator woman until her repentance appears"

Allamah Hili records in 'Tahrir al-Ahkam' Volume 3 page 523:

"It is makruh to perform mutah with the fornicator, if he performed (mutah), he should forbid her of lechery"

Sheikh al-Jawaheri records in 'Jawahir al-Kalam' Volume 30 page 139:

"According to the popular view, it is makruh to marry with the popularly known fornicator woman until she repents"

Famed Shia scholars including Muhaqiq al-Hili in 'Al-Mukhtasar al-Nafaei' page 181, Shaykh Luftallah al-Safi in 'Hidayat al-Ebad' Volume 2 page 447, Shaykh al-Mughnia in 'Al-Shia fi al-Mizan' page 358, Syed Muhammad al-Amili in 'Nehayat al-Maram' Volume 1 page 223, Ibn Fahad al-Heli in 'Al-Muhadab al-Baria' Volume 3 page 314, Ibrahim al-Kalbasi in 'Memhaj al-Hidayah' page 328, Syed Ali al-Tabatabai in 'Riyadh al-Masael' Volume 10 page 16 and Ali Asghar Marwarid in 'Al-Yanabi al-Feqyha' Volume 19 page 537 have called it Makruh to perform Mut'a with a fornicator woman.

So, if man is completely adhering to the Islamic injunctions and fulfilling all the requirements of Nikah al-Mutah then how would any (regular) prostitute find a man to perform Mut'a in order to achieve her goal?

It should be pointed out that prostitution is out and out Haram in Islam then how can such a woman will be paying heed to Nikah al Mutah for a prescribed time while she doesn't even care what is Halal or Haram? Even if she bothers to do so for any reason, there is no difference to her between permanent Nikah and temporary one, it is just the money which matters to her. A woman that observes Islamic injunctions and performs Mutah or a permanent Nikah one after another (fulfilling all requirements of Nikkah and Iddah) cannot be deemed a prostitute in any of Fiqha of Islam.

At this point, we would like to cite the words of Ayatullah Khomeni that are not much different

to the views of the above cited esteemed Shia scholars but Dr. Salamah has taken liberty to translate it according to his own desired manner and then mock it:

Dr Salmah states:

To conclude this discussion, a quotation from Ayatullah Khomeini is presented:

It is permissible to engage in mut'ah with a fornicator woman but with a disliking in [one's] heart, especially if she is a well-known and professional fornicator. When a person contracts mut'ah with her, he should advise her to quit the profession of fornication."⁶¹

In other words, a man should first have his sexual gratification with a prostitute and then should advise her to quit her profession. Could this be Islam? Isn't it obvious which belief Sunni or Shi'ah, represents the authentic religion of Islam? Should one enjoy the "virtues" of mut'ah or accept Islam, which is free from such corrupt practices?

The reference that Khomeini cited was not different to what we quoted from Allamah Hilli and that exactly can also be found in "Hidayat al-Ebad" (v2 p447) Shaykh Luftullah al-Safi and at no place have the words '**he should advise her**' been used, it seems that the deceitful author has concocted these words so that he can have a feeble opportunity to mock the Shi'a. The actual words are as follows:

يجوز التمتع بالزانية على كراهية خصوصا لو كانت من العواهر والمشهورات بالزنا، وإن فعل فليمنعها من الفجور.

"It is permissible to perform mut'ah with a fornicator woman but with karaha, especially when she is a whore and well known with fornication, if a person contracted (mut'ah with her) he should forbid her from lechery"

Tahreer al-Waseelah, Volume 2 page 292

So according to majority view, first a man should forbid her from the Haram practice of fornication, let her repent for her sins and then he shall perform Nikah al-Mut'a with her. As for those who deemed it permissible but with Karaha, the aim behind such words is to bring a woman indulged in a sinful activities to a honourable life which is logically possible only when such a woman is with you and you have an influence on her and the very logic has also been advanced a great Sunni scholar and one of the teachers of beloved Salafi scholar Muhammad ibn Saalih al-Uthaymeen (1925-2001)(1421 H) namely Shaykh Muhammad Al-Amin Al-Shanqiti (d. 1393 H) in 'Adhwa al-Bayan' Volume 5 page 430 while defending his Sunni clergy who deem it permissible to marry with a fornicator woman he wrote:

أعلم أن الذين قالوا بجواز نكاح العفيف الزنية ، لا يلزم من قولهم ان يكون زوج الزانية العفيف ديوتا ، لأنه إنما يتزوجها ليحفظها ، ويحرسها . ويمنعها من ارتكاب ما لا ينبغي

"You have to know that those who said that it is permissible for the chaste (man) to marry a fornicator (woman), this does not mean that the husband of the fornicator woman is a pimp, because he married her to preserve her, protect her and forbid her from performing what she is not supposed to do."

[Download book- Adhwa al-Bayan fi Edha al-Quran bil Quran, from www.almeshkat.net](#)

[Adhwa al-Bayan, Volume 5 page 430](#)

As we have cited the views of various Shia scholars, it is an obligatory measure of precaution to avoid doing Mut'a with a fornicator woman until she repents and it has been termed Makruh. If despite this, indigestion remains in Dr. Salamah's stomach then we would like to mention that the Sunni view is also not much different than the Shia ruling on performing Nikah (Mut'a) with a fornicator woman. For example prior to the above reference, Shaykh Muhammad Al-Amin Al-Shanqiti (d. 1393 H) recorded:

اعلم أن العلماء اختلفوا في جواز نكاح العفيف الزانية؛ ونكاح العفيفة الزاني ، فذهب جماعة من أهل العلم منهم الأئمة الثلاثة إلى جواز نكاح الزانية مع الكراهة التنزيهية عند مالك وأصحابه

"You have to know that the scholars disagreed about the permissibility of the chaste (man's) marriage with a fornicator (woman) and the chaste (woman's) marriage with a fornicator (man), a group of scholars who are the three imams among them said it is permissible but it is makruh according to Malik and his companions"

[Adhwa al-Bayan, Volume 5 page 422](#)

We also read:

وأكثر أهل العلم على إباحة تزويج الزانية

"The majority of scholars permitting marriage with fornicator"

[Adhwa al-Bayan, Volume 5 page 428](#)

Ibn Rushd records:

واختلفوا في زواج الزانية فاجاز هذا الجمهور، ومنعها قوم

"They (scholars) disagreed about marriage with a fornicator, the majority allowed it and a group forbid it"

[Bedayat al-Mujtahid, Volume 2 page 33](#)

A Shafi'ee scholar died in 9th century Al-Minhaji al-Asuti records in 'Jawahir ul-Uqood' Volume 2 page 22:

"Malik made marriage with fornicator as makruh"

We also read:

"Ahmad (ibn Hanbal) said: 'It is not allowed to marry her except with two conditions; she should repent and perform ablution'."

If there still remains some problem to the Nasibi masses then allow us to cite the words of their master Ibn Kathir recorded by him while talking about the very topic of marrying a fornicator under the commentary of 24:3:

إذا حصلت توبة فإنه يحل التزويج

"If the repentance is performed then the marriage is lawful"

[Tafseer Ibn Kathir, Surah 24 verse 3](#)


Having cited the above Hanbali and Maliki views let us now hit a final nail in the coffin of Salamah by citing a clear-cut Hanafi edit from an esteemed Hanafi work 'Dur al Mukhtar' according to which Nikah with a fornicator woman is absolutely permissible:

"If the woman has committed adultery the nikah is correct. It means that nikah with an adulterer woman is permissible, even if the man has seen the woman commit adultery."

 [Dur ul Mukhtar, volume 2, page 25, Kitab ul Nikah.](#)

Dr Salamah has tried his best to attribute filth and shamelessness to the pure madhab of Ahlulbayt [as] but if he and his ilk possess an ounce of shame then their nerves should get shattered after reading the following Hanafi and Shafi'ee belief:

"If an adulterer man does nikah with an adulterer pregnant woman, having sex with her is correct as is agreed by the Hanafi and Shafi'ee."

 [Dur ul Mukhtar, volume 2, page 24, Kitab ul Nikah.](#)

Nevertheless, it is indeed an interesting fact that among Ahle Sunnah, an adulteress i.e. a woman even after committing illegal intercourse is still counted in the category of virgins. We read in Fatawa Alamgiri:

وإن زالت بكارتها بوثة أو حيضة أو جراحة أو تعيس فهي في حكم الأبرار ، وإن زالت بكارتها بزنا فكذلك عند أبي حنيفة رحمه الله تعالى

"If she damaged her virginity due to jump or menses or surgery or old age, she remains under the category of virgin, if she damages it due to adultery still she remain under category of virgin according to Abu Hanifa"

 [Online Fatawa Alamgiri](#)

 [Fatwa Alamgiri, Volume 2 page 167](#)

So we hope that Dr. Salmah, Ibn al-Hashimi, Nawasib belonging to Ansar.org and kr-hcy.com must be leading happy married lives wither their respective (formerly) 'virgin' wives!

A Nasibi objection and its reply


Though we have proved that similar to Shia scholars, various Sunni scholars also deem it Makruh to perform Nikah with a fornicator woman while it is totally allowed after her repentance appears some Nasibi elements within Ahle Sunnah shall advance the following verse in an attempt to prove that Nikah of a a pure partner with a fornicator is impermissible:

'The adulterer shall not marry save an adulteress or an idolatress, and the adulteress none shall marry save an adulterer or an idolater'

So for such type of Nawasib we would like to remind them that they have no grounds to bring the cited verse in their defense since according to their clergy the verse has been abrogated. Ibn Kathir records:

A group of scholars claimed that this verse is abrogated, ibn Abi Hatim said narrated Abu Saeed al-Ashaj from Abu Khalid from Yahya bin Saeed from Saeed bin Musayab that it was mentioned in front of him 'The adulterer shall not marry save an adulteress or an idolatress, and the adulteress none shall marry save an adulterer or an idolater' (ibn al-Musayab) said: 'The following verse abrogated it: 'Marry those among you who are single' [024.032] (ibn al-musayab) said: 'It's the singles from the Muslims'.

The same Ubaid al-qasim bin Salam narrated in the book "al-Nasikh wa al-Nansukh" on authority of Saeed ibn al-Musayab and Imam Abu Abdullah Muhammad bin Idrees al-Shaf'ee confirmed that'.

 [Tafseer Ibn Katheer](#)

Imam al-Shaf'ee states in 'Ahkam al-Quran' volume 1 page 178:

"It has been abrogated by Allah's statement: 'Marry those among you who are single'".

We read in Ma'ani al-Quran by al-Nahas, volume 4, page 499:

"It has been abrogated by the following verses: 'Marry those among you who are single, or the virtuous ones among yourselves, male or female' and the fornicator is included among the Muslims singles"

We read in Tafsir ibn Zamnin, volume 3, page 221:

"It was revealed about every male and female fornicator then it was abrogated"

We also read in 'Adhwa al-Bayan' by al-Shanqiti, volume 5 page 419:

'The verse is abrogated by the saying of Allah almighty: 'Marry those among you who are single'

Famed Hanafi work "Dur al Mukhar" records:

"The verse 'The adulterer shall not marry save an adulteress' has been abrogated by the verse 'marry of the women, who seem good to you'. The instruction in this verse was to do Nikah irrespective of one being a fornicator"

 [Dur al Mukhtar, Volume 2 page 25](#)

63. Qiyas 15: Mutah is similar to a one night stand

The *ahlelbayt.org* website have experienced extreme indigestion at the words of Grand Ayatullah Sistani, who was asked a question about Mutah. They sought to sensationalise the matter by placing the matter under the headline grabbing title,

'Grand Ayatollah Sistani on the Only Difference between Mutah and a "One Night Stand'

The question posed is as follows:

Can you explain to me in detail the differences in Mutah and a 'one night stand' of American culture in which a man buys a woman flowers and dinner as mahr, and they agree on a time duration to only spend a few nights together? Thanks for you help.

The reply is short and simple:

"It is the very the difference between Shari Contract marriage and friends having sex"

We find it difficult to see what is objectionable here, indeed only a fanatic brain with Nasibi blood flowing through his veins would use his conjecture to misinterpret the fatwa. The reply is clear, namely that one is an Islamic method, the other is not. This shall suffice for those possess brain cells and utilise them. If the fatwa is still causing indigestion to the stomach of Ibn al-Hashimi then let us elaborate further on the difference between Mutah and a 'one night stand'.

1. Mutah is form of marriage allowed in Islam while a one night stand is not a marriage and carries no legitimacy in Islam.
2. Sunni commentaries have confirmed that the verse 4:24 addresses Mutah, whilst there is no verse in the Quran that mentions anything even close to resembling a one night stand.

3. Esteemed Sunni books contain traditions according to which our Holy Prophet [s] allowed to perform Muta, whilst there is evidence of him endorsing anything like a one night stand.
4. Famed Sunni works testify that the Sahaba and Tabayeen performed Muta whilst there is that would point them partaking in a one night stand.
5. Muta is performed only after the sermon of Nikah whilst the concept of a one night stand is not a marriage, a sermon does not even come into the equation.
6. The woman has to observe iddah after Muta whilst there isnt any such thing about the latter.

If one considers the above points regarding Muta and a one night stand, one can conclude that the concept of a one night stand has association with Islam on the contrary, according to Islamic injunctions such a sexual union clearly falls within the category of adultery.

We hope these 6 points shall suffice to work as medicine for the disturbed stomach of Ibn al-Hashimi that will enable him to differentiate between Muta and a one night stand. Should the symptoms persist and Ibn al-Hashimi still equates Muta with one night stand, that would mean that in his eyes, our Prophet [s] permitted the revered Sahaba, men and women alike, to have one night stands.

If the *ahlelbayt.com* believe there is no difference between Mutah and a one night stand, then allow us to quote the whole procedure of performing Mutah as mentioned in Sahih Muslim put forward by the Rabi' the son of Sahabi Sabra. This is how the romantic event unfolds in Sahih Muslim:

Rabi' b. Sabra reported that his father went on an expedition with Allah's Messenger (may peace be upon him) during the Victory of Mecca, ...As we reached the lower or the upper side of Mecca, we came across a young woman like a young smart long-necked she-camel. We said: Is it possible that one of us may contract temporary marriage with you? She said: What will you give me as a dowry? Each one of us spread his cloak. She began to cast a glance on both the persons. My companion also looked at her when she was casting a glance at her side and he said: This cloak of his is worn out, whereas my cloak is quite new. She, however, said twice or thrice: There is no harm in (accepting) this cloak (the old one). So I contracted temporary marriage with her....

In light of this event, tell us Ibn al-Hashimi, would Sabra having sex with a woman fall within the definition of a 'one-night stand'? Didn't Sabra's father just 'pick up' a girl and have sex with her? The question referred to giving woman flowers and taking her to dinner, the female in this scenario was even cheaper to bed, she agreed to sex for a piece of cloth! And what shall we say of this woman that Sabra was propositioning? She knew that this arrangement was purely associated with sex, so shall we interpret this arrangement, as an arrangement to have a 'one night stand' with a whore?

The amusing thing is you can achieve exactly the same from Misyar marriage as can be Muta that has been equated with a one night stand by Ibn al-Hashimi, the only thing in Misyar is that the woman is not told of the intention of the man, so a guy goes out, enters into the Nikah, gives her flowers for Dowry, takes her to dinner, sleeps with her and then divorces her the next morning. The only difference is the poor woman doesn't even know she's being duped. At least with Muta both parties know that the relationship is temporary in nature, there is no 'trick element' with which to surprise the female partner. Compare this to Misyar marriage, where only the male knows the intention is to leave the woman; after he has his way with her, the poor woman happily assumes that she has entered into a lifelong marriage commitment! She assumes that the man has fallen head over heels in love with her, and has proposed there and then. Little does she know, is that he is using her, and will get rid of her, once he has had sex with her. With Muta, partners know that the matter will be over within a short time and that too in a written form, with Misyar the poor woman assumes that the relationship is permanent,

and will not know the truth until she is divorced the next morning, the decent 'husband' has kept his intention to divorce a secret. There is no difference between Misyar and a one night stand, with one exception, a woman is tricked into bed! Subhanallah! Ibn al-Hashimi comments:

Ibn al Hashimi states:

Sistani has attempted to equate "having sex with friends" to marriage, completely oblivious to the fact that marriage is not only about having sex but raising a family together, long-term companionship, and a life of commitment. How far removed is marriage from "friends having sex" or Mutah/prostitution!

First of all Agha Sistani has never attempted to equate "having sex with friends" to marriage and it's just the Nasibi mind of the author that interpreted so.

Secondly, Misyar marriage has nothing to do with '*raising a family together, long-term companionship, and a life of commitment*'. The intention behind Misyar is purely for Salafi students overseas to have short term marriages, so they can satiate the sexual lust, having children, long term companionship does not even come into the equation. In Misyar there is no such thing as a life commitment, since the Salafi student has hidden his intention to divorce the woman when he wishes to.

Ibn al-Hashimi claims that 'Misyar is permanent' he has failed to add that '*Misyar is permanent, in the eyes of the poor tricked woman*' – this is not the case with the Salafi husband whose intention is to divorce her at some later date. The amazing thing is if Bin Baz Imam of the Salafis was asked the difference between a one night stand and misyar marriage, he would assert:

"It is the very the difference between Shari Contract marriage and friends having sex, but you must ensure that the friend you pick up doesn't know that you are going to divorce her in the morning"

64. For all those who apply Qiyas and deem Mutah an immoral act

These Naswasib produce all this Qiyas to oppose Mutah. If this Qiyas is correct then all the negative aspects of Mutah would have been present during the time of Rasulullah (s). Nawasib argue that Mutah was a Arab Pagan practice, so did our Holy Prophet (s) seek to discourage the practice of pagan Mutah by advancing the type of qiyas that today's Nawasib do? Let us just take the example of the prohibition of intoxicants. Intoxicants were forbidden in the Qur'an through several separate verses revealed at different times over a period of years. At first, it was forbidden for Muslims to attend to prayers while intoxicated (4:43). Then a later verse was revealed which said that alcohol contains some good and some evil, but the evil is greater than the good (2:219). This was the next step in turning people away from consumption of it. Finally, "**intoxicants and games of chance**" were called "**abominations of Satan's handiwork**," intended to turn people away from God and forget about prayer, and Muslims were ordered to abstain (5:90-91).

We can see that the mindset of the Sahaba was being set, so that they would be repulsed to it. If Mutah was this abominable practice then why didn't Rasulullah (s) seek to discourage its practice, by citing its alleged 'harmful effects on society', and its 'exploitation' of women? We appeal to justice:

a). Was Rasulullah (s) not more aware of risks to society that could be brought about by the supposed 'evils' of Mutah?

b). Can Nawasib produce a single reference that Rasulullah (s) discouraged Mutah by citing a single one of the Qiyas arguments that the Nawasib have done?

c). If Rasulullah (s) never passed comment on the negative aspects of Mutah, who do these scholars think they are? Do they think that they are more learned than the Prophet (s)?

7. Chapter 7: Examples of Sunni morality

As we stated in the previous chapter, Dr. Salamah and Ibn al-Hashmi have made a big mistake by attempting to argue that Shi'ite hadeeth literature legitimises immorality. All that we have discussed leaves no doubt that Mut'ah is in no way immoral, and that it was sanctioned by Allah (swt) and His Prophet (s). Conversely, the Sunni hadeeth literature abounds with some of the most lurid and disgusting tales. The Sunni fiqh is, at times, even worse. Some notable examples of the public immorality of some companions and Sunni 'ulama are given below, as well as some of the blasphemous stories attributed to the Holy Prophet (s) himself. For the sake of taste, we would normally not bring such issues up; but Dr. Salamah and Ibn al-Hashmi have uttered words of utter blasphemy against Allah, His Prophet, and His Religion, as well as forging numerous hadeeths against them. Since Dr. Salamah has decided to make a moral argument, than we will see how "moral" the Sunni belief system, hadeeth literature, and law is:

65. First example of Sunni morality - Salafi 'Ulama Ruled that Masturbation is Halal

[Shamsuddin Ibn Qayyim al Jawziya](#) who is one of the only scholars that the Wahabis do not reject and who was a student of Ibn Taymiyya. Let us quote what he writes in his Bada'i al-Fuwa'id, page 129:

"Ibn 'Aqeel, and many of our scholars, and our Shaykh [Ibn Taymiyya] have ruled that masturbation is makruh (disliked), and never explicitly said he that it was haram".

 [Bada'i al-Fuwa'id of Ibn Qayyim, page 129](#)

He then presents his own discussion on the conditions that make masturbation halaal:

"If a man is torn between continued desire or releasing it, and if this man does not have a wife or he has a slave-girl but he does not marry, then if a man is overwhelmed by desire, and he fears that he will suffer because of this (someone like a prisoner, or a traveller, or a pauper), then it is permissible for him to masturbate, and Ahmad (ibn Hanbal) is explicit on this. Furthermore, it is narrated that the Companions of the Prophet (s) used to masturbate while they were on military expeditions or travelling".

Comment

The polytheists at the dawn of Islam must have been terrified by that scene: an army of pious companions, their pants nice and short, their beards stretching down to their wastes, their swords held high with one hand while they heartily masturbate with the other. If this was the type of scene going on, we might be able to understand why so many companions refused to go on jihad. Would Dr. Salamah march off to battle with only an army of masturbators to protect him? Or was this tactic of masturbatory jihad supposed to be some sort of an offensive stratagem, to strike fear into the hearts of the enemy? Indeed, these companions were masters at the art of war!

We appeal for justice: who is promoting debauchery, the Sunnis or the Shi'a? There are a lot of Ahkam surrounding travelling mentioned by the Prophet (s) and the Imams (as): the obligation to pray two rakaat for zuhr instead of four, or the obligation to break one's fast. This Sunni 'alim, who is one of the singularly most distinguished Sunni' ulama and is adored by the Wahabis, has offered another hukm for travelling the permissibility of masturbating. And yet when a Shi'a says that a man is allowed to contract temporary marriage in order to satisfy his

desires, Dr. Salamah passes a hukm of takfir. One is allowed to masturbate but not contract a temporary marriage? Is this not the peak of insanity?

66. Second example of Sunni morality Sunni 'Ulama Legitimised the Use of a Dildoe (female sex toys)

After this ingenious fatwa, Ibn Qayyim then goes on to make permissible the use of a dildoe by women. It is only logical; when the husbands leave to go masturbate and spread Islam by the sword, they need something to do with themselves. On the same page as quoted above, Ibn Qayyim writes:

"If a woman does not have a husband, and her lust becomes strong, then some of our scholars say: It is permissible for the woman to take an akranbij, which is a piece of leather worked until it becomes shaped like a penis, and insert it in herself. She may also use a cucumber".

Comment

Now, according to Dr. Salamah's logic, the Saudi government should therefore purchase a large number of such dildoes, and distribute them to old widows or otherwise unattractive women who cannot marry. Since anything that is permissible, according to Dr. Salamah, requires stand sanction and support, than clearly a dildoe distribution office needs to be immediately established in the great Islamic state of Saudi Arabia.

Maybe this is another reason why 'Umar the Khalifa never went on jihad: somebody had to stay behind and organize the cucumber distribution.

Third example of Sunni morality - Sunni 'Ulama have ruled on the Permissibility of Having Sex with Watermelons

That was not a typographical error. Ibn Qayyim continues this discussion, which exemplifies the morals espoused by Sunni Islam:

"If a man makes a hole in a watermelon, or a piece of dough, or a leather skin, or a statue, and has sex with it, then this is the same as what we have said about other types of masturbation [i.e., that it is halaal in the same circumstances given before, such as being on a journey]. In fact, it is easier than masturbating with one's hand".

Comment

All the Muslims should certainly be grateful that Ibn Qayyim has offered this advice on the easiest way to masturbate, and clearly Ibn Qayyim has done a lot of personal research on this issue. This is the ruling of the "saved sect": Contracting temporary marriage with a woman is haram, but contracting temporary marriage with a watermelon is halaal. In his defence, perhaps Ibn Qayyim only meant that it is allowed to marry a watermelon with the intent of divorcing it, for doing Mut'ah with a watermelon would clearly be an act of fornication.

Let us remember the words of Dr. Salamah quoted at the beginning of this book:

Mut'ah, on the other hand, is an open license for sexual pleasure with as many women as one can financially afford. The women who engage in Mut'ah are hired women; thus, it can be performed with all women irrespective of their age,

character, conduct or religion. It requires no witnesses, nor is there any obligation on the man's part to provide food and shelter to the woman.

- Well, it seems that in the Nasibi logic having sex with as many women as one can afford is utterly immoral, but having sex with as many watermelons as one can afford is not. Based on this, let us ask him some questions about the Ahkam related to having sex with watermelons:

Are there any conditions as to the age of the watermelon? For example, is it allowed to perform a marriage with the intent to divorce with a newly grown watermelon, or must one wait until the watermelon is nine years old?

- Must it be a pious watermelon, or is it permissible to contract a marriage with the intent to divorce with a watermelon that is known to "get around"?
- May a pious brother share his watermelon with another pious brother, or would the second man's marriage with the intent to divorce constitute an act of fornication unless the watermelon observes proper 'iddah?
- Are witnesses required in the marriage with the intent to divorce of a watermelon? May other watermelons serve as witnesses in that marriage, since according to Sunni fiqh all marriages require witnesses? Applying the Sunni principle of Qiyas (analogy), we can strongly argue that if it is allowed to marry (with intention of divorce) a watermelon, than certainly it is allowed for a watermelon to bear witness to another watermelon's blessed and chaste marriage.
- What about oranges?

Really, we have to ask all reasonable Muslims: would you rather follow 'ulama that rule on the permissibility of having sex with fruits and vegetables, or follow the pious path of the Holy Imams (as), of whom Allah (swt) has said:

We intend, O Family of the Prophet, to remove from you all impurity, and to give you a through purification.

Al-Qur'an, Surah Al-Ahzab, Ayah 33

Does somebody who spends his time thinking about whether or not it is permissible to have sex with watermelons really sound like somebody who has been removed of all impurity? Why is Ibn Qayyim even thinking about such things? What kind of personal life does such a person have that would lead him to debate such issues in his mind? What happened in Ibn Qayyim's life that one day he woke up and said: "I really need to find out if its halaal to have sex with watermelons." Is the type of clergymen who openly rules for the permissibility of having sex with watermelons (with conditions, of course, such as that one is on a journey) be the kind of person you would want to meet in a dark alley, much less do taqlid of?

67. Fourth example of Sunni morality - A Salafi woman can suckle a Salafi man with a beard

We read in Sahih Muslim Hadith Number 3426:

Ibn Abu Mulaika reported that al-Qasim b. Muhammad b. Abu Bakr had narrated to him that 'A'isha (Allah be pleased with her) reported that Sahla bint Suhail b. 'Amr came to Allah's Apostle (may peace be upon him) and said: Messenger of Allah, Salim (the freed slave of Abu Hudhaifa) is living with us in our house, and he has attained (puberty) as men attain it and has acquired knowledge (of the sex problems) as men acquire, whereupon he said: Suckle him so that he may become unlawful (in regard to marriage) for you He (Ibn Abu Mulaika) said: I refrained from

(narrating this hadith) for a year or so on account of fear. I then met al-Qasim and said to him: You narrated to me a hadith which I did not narrate (to anyone) afterwards. He said: What is that? I informed him, whereupon he said: Narrate it on my authority that 'A'isha (Allah be pleased with her) had narrated that to me.

Comment

This reference is especially for Dr Salamah who has accused the Shi'a of being filthy proponents of Mut'ah, what right do you have to attack us when have the above Fatwa of Ayesha allowing your women to suckle men with beards so as to make them mahram? How many pubescent Salafi men has your mother suckled so that they can enter your house? When your madhab allows your mothers / daughters to breast feed men with beards what gives you the right to attack the practise of Mut'ah? If today any Nasibi tries to suggest that this practice no longer exists in their school and it was only Ayesha who had issued the fatwa then we shall present the thoughts of their Imam Ibn Tamiyah as quoted by one of the revered scholars of Salafies Ibn Uthaimen:

واختار شيخ الإسلام ابن تيمية رحمه الله التفصيل وقال إذا دعت الحاجة إلى إرضاع الكبير وأرضع ثبت التحريم

"Sheikh ul-Islam ibn Taymia (may Allah's mercy be upon him) chosed to explain in details and said that if the breast suckling by an adult was necessary and he suckled, then the prohibition (of marriage) is established."

Fatawa Nur Ala Aldarb, Volume 10 page 204

Imam Ibn Hazm records:

ورضاع الكبير محرم ولو انه شيخ يحرم كما يحرم رضاع الصغير

"The breast suckling by an adult prohibits (marriage) even if he is an old man just like it prohibits (marriage) in the case of suckling by a child"

[Al-Muhala, Volume 10 page 17](#)

Now compare this morality to the comments of a contemporary Salafi scholar from "Islamic Fatawa Regarding Women" compiled by Muhammed al-Musnad and translated by Jamal Zarabozo. In Chapter 19, Questions of a Miscellaneous Nature under the sub heading Ruling Concerning Women Driving Automobiles', Imam of the Salafi Nasibi Shaykh bin Baz stated:

There have been numerous questions concerning the ruling of women driving automobiles. The response is the following:

There is no doubt that such is not allowed. Women driving leads to many evils and negative consequences. Included among these is her mixing with men without her being on her guard. It also leads to the evil sins due to which such an action is forbidden. The Pure Law forbids those acts that lead to forbidden acts and considers those means to be forbidden also. Allah has ordered the wives of the Prophet (peace be upon him) and the women of the believers to remain in their houses, to wear hijab and not to display their adornments to non-mahram males as that leads to promiscuity that overruns a society.

Now on the one side these moralistic Salafi have this kind of fatawa prohibiting their women from (Allah forbid) driving a car as this may cause promiscuity, and on the other hand they deem it permissible for their women to suckle men with beards! Women driving 'leads to many evils and negative consequences', but if the same women were to remain at home suckling men with beards, that's fine!

68. Fifth example of Sunni morality - Bestiality can be performed during Hajj

Sunni Imam Abu Bakar al-Kashani (d. 587 H) records in his authority work 'Badaye al-Sanae' Volume 2 page 216:

ولو وطنٌ بهيمة لا يفسد حجه

"If he had sexual intercourse with an animal, that will not make his hajj void"

69. Sixth example of Sunni morality - Paedophilia, Bestiality and necrophilia can be performed whilst one is Fasting

In Bada'i al-Fuwa'id of Ibn Qayyim, page 603:

"It was narrated by Ahmed that a man came to him that feared that he would ejaculate while he was fasting. Ahmed said: "What I see is that he can release semen without ruining the fast, he can masturbate using his hands or the hands of his wife, If he has an "Ammah" whether be it a girl or a little child, she can masturbate for him using her hands, and if she was a non-believer, he can sleep with her without releasing (his semen), if he released it in her, it becomes impermissible".

 [Bada'i al-Fuwa'id of Ibn Qayyim, page 603](#)

Not to be hard done by, the Hanafi's follow suit. In Fatawa Qadhi Khan, Page 820, the learned Hanafi scholar [Allamah Hassan bin Mansoor Qadhi Khan](#) sets out those acts that do not invalidate one's fast, and he includes:

"Sex with animals, dead people and masturbation, does not invalidate one's fast provided ejaculation does not occur"

 [Fatawa Qadhi Khan, Page 820](#)

Comment

What can we say about such Fatwas of morality? Fasting in Islam, is viewed as a means via which a believer purifies himself, via self-discipline, he dedicates that time to the remembrance of Allah (swt) and keeps aloof from sinful thoughts and acts. That is the theory, but the Hanbali and Hanafi madhab allows a man (whilst fasting) to have sex with kaffir women, animals, and dead people, the only proviso being that no ejaculation takes place! Ibn Hanbal was however more considerate to his adherents allowing for a man to ejaculate whilst fasting, providing the deed is achieved via masturbation, and to this end he can do it himself, or seek the help of his wife or a small child! Is this is not evidence that Ibn Hanbal was endorsing paedophilia? Would any decent man (Muslim or Non Muslim) find it appropriate to use a child for sexual stimulation? If we put together these type of fatwas one shudders to think of the image of these great Salaf, entering the war whilst fasting, their buttocks exposed, having sex with melons at the ready. This image would have terrified the opposition!

70. Seventh Example of Sunni morality - The Permissibility of Praying Behind a Drunken Person

According to the great Salafi Ibn Taymiyyah, it is entirely permissible to pray behind a drunkard. We read in the his Majmu' al-Fatawa, p. 271

The Companions would pray behind people whom they knew to be open transgressors, such as when Abd 'Allah ibn Mas'ud and other Companions would pray behind Walid ibn 'Uqba ibn Abi Mu'it, who may have recently drunken alcohol (when he was praying) and would wind up praying four rakaats.


Commentary

The salat is the pillar of the religion, and yet here we see it being stated that it is permissible to pray behind someone who is drunk at the time, and who is so intoxicated that he prays four rakaats for the morning prayer. Yet let us remember that, according to Ibn Taymiyyah, it is entirely impermissible to pray behind a Shi'a!

71. Eighth Example of Sunni morality - The Permissibility to pay a woman for sex, without fear of Islamic punishment

We read in Dur al-Mukhtar, Volume 2, Page 474 (a compilation of the great Fatwas of Imam Abu Hanifa) as follows:

We read in Fathul Qadeer that if a man informs a woman that he is paying her for sex then he cannot be subject to any manner of Islamic penalty.

 [Dur al-Mukhtar, Volume 2, Page 474](#)

It is indeed sad to say that the Hanafi madhab whilst catering for a man's sexual appetite is very prejudicial to monkeys. In Sahih al Bukhari Volume 5, Book 58, Number 188 we read the very sad plight of this immoral, promiscuous monkey:

Narrated 'Amr bin Maimun:


During the pre-Islamic period of ignorance I saw a she-monkey surrounded by a number of monkeys. They were all stoning it, because it had committed illegal sexual intercourse. I too, stoned it along with them.

If this Hanafi had paid this she monkey for sex he would have been absolved of any Islamic penalty, whilst this poor she monkey who releases her animal instincts is stoned to death!

72. Ninth example of Sunni Morality Fatwa of Abu Hanifa on the Permissibility of Having Sex with One's Mother

[Allamah Hassan bin Mansoor Qadhi Khan](#) writes in his book of fatwa, Volume 4, p. 820:

Of things which are haram but for which there is no Islamic penalty, these include... marrying your wife's sister, or her mother, or a woman who is already married.

 [Fatawa Qadhi Khan, Volume 4, Page 820](#)

On the very next page Qadhi Khan records a classic Fatwa of Imam Abu Hanifa

"if a person marries a mahram (mother, sister, daughter, aunt etc.) and has sexual intercourse with them and even admits the fact that he knew while performing the marital rites that it was Haraam for him to do that even then according to Imam Abu Hanifa, he is not subject to any type of Islamic penalty".

 [Fatawa Qadhi Khan, Volume 4, Page 821](#)

We read in another authority Hanafi work, Fatwa Alamgiri:

"If someone marries five women at a time or marries a fifth woman while already having four wives or marries his sister in law or mother in law and then performs intercourse with her and then says that I knew that it is haram for me or performs nikah al mutah with a woman then there will be no plenty of adultery on him in all of these situations though he confessed that he knew it was haram on him"

 [Fatwa Alamgiri, Volume 3 page 264](#)

Commentary

Let us understand this then: in accordance with the fatwa of 'Umar, the Sunni position is that anybody who contract Mut'ah should be executed. However, if somebody marries his mother, not just commits incest, but actually pronounces a formal *marriage*, there is no penalty for that person.

This should demonstrate the degree to which Sunni Islam is nothing but an artificial construction, designed solely to be a bulwark against the mission of the Ahl al-Bayt (as). When a sincere reader sees that these individuals have ruled that there is no Islamic penalty for marrying one's mother, but that there is for doing Mut'ah, does not reason dictate that such fatwas about Mut'ah are motivated only by bigotry and hatred of the Shi'a? When a Sunni rules that it is permissible to pray behind a drunk person who is so intoxicated he can't even keep track of the number of rakaats he has prayed, but then says that it is not permissible to pray behind a sober Shi'a, what should one think? Does this seem like the religion of the Prophet (s), or the religion of a group of hate-filled scholars?


73. Tenth example of Sunni morality - The 'honourable' tactic of Amr bin Aas to survive imminent death on the battlefield

As we are intending on highlighting the morals presented by a favourite of the Salafi and Nasibi we have chosen to rely on the following authentic Sunni sources:

1. Al Bidayah wa al Nihayah, Volume 7 page 293
2. Al Akhbar at Tawaal, page 177 Dhikr Sifeen
3. Al Manaqib al Khwarizmi page 162 Dhikr Sifeen
4. Al Fusul al Muhimma, page 91 Dhikr Sifeen
5. Tadhkira al Khawwas al Ummah, page 51 Dhikr Sifeen
6. Mutalib al Saul, page 122 Dhikr Sifeen
7. Nur al Absar, page 94 Dhikr Sifeen
8. Aqd al Fareed, page 235 Dhikr Sifeen
9. Al Imam wa al Siyasa, page 99 Dhikr Sifeen

We read in al Bidaya:

"One day 'Ali attacked Amr ibn Aas, he threw a spear and Amr fell to the ground, Amr fell to the ground and he then exposed his buttocks. 'Ali then turned away his face [people said] this was Amr bin Aas. 'Ali replied he showed me his anus and this made me merciful to him. When Amr ibn Aas returned, Mu'awiya said 'You should praise Allah and your anus'".

 [Al Bidayah wa al Nihayah, Volume 7 page 293](#)

Allamah Abu Hanifa Ahmed bin Dawud Dinori in 'Akhbar al Tawaal' has reported the flashing incident in the same manner, with the words of Mu'awiya to his beloved Commander as follows:

"You should shower praises on Allah (swt) and that black anus that saved your life today"

Comment

Islam has a code of ethics for all scenarios, including behaviour during Jihad, we are yet to find any code wherein Rasulullah (s) authorised the Sahaba to expose their buttocks as a means of sickening the opposition! In Karachi a Nasibi scholar said to his blind followers 'Had Mu'awiya not entered on the plains of Sifeen the entire continent of Europe would have been conquered'. We agree with this conclusion but it would have been achieved through the battle tactics of Amr ibn Aas, since not even the greatest military tactitioner would not have accounted for this 'shock and awe' tactic! Our appeal to our Rafidi brethren is to control the illiterates in our community from throwing mud at Amr ibn Aas for this immoral act: after all had Amr not survived that day, who would have been enlightened enough to place the Qur'an on spears? Who would have dishonestly made Mu'awiya the khalifa during the negotiations? The Salafi are no doubt ever indebted to Amr bin Aas, for all future events such the rise to power of their fifth Khalifa Mu'awiya as Khalifa was all through the Sadaqa of the anus of Amr ibn Aas.

74. Eleventh example of Sunni morality - The Deobandi Death Ritual

We read in Ahl'ul Sunnah's recognised masterpiece 'Maqamath Badhaya al Zaman', page 26, Maqama 8, by Abu Fadhl Ahmad bin Husayn bin Yahya bin Saeed al Madani:

"Abu Fathah narrates 'On one occasion I had the opportunity to see a dead body and I said 'He is not dead but alive'. People asked 'How do you know?' I replied 'When a man dies his anus goes cold, and I have made this comment in light of this fact, verily he is alive'. Upon saying this all of those present placed their fingers in the body's anus and concluded he is not dead but is alive".

Comment

Dr Salamah is very lucky, when he dies an immediate inquiry shall be conducted as to whether he is alive or dead and all of his Hanafi adherents will converge upon him and insert their fingers into his 'blessed' anus to determine this fact. The normal practice to ascertain death is checking a person's pulse, but the Deobandi are so immoral that they even seek sexual gratification by fondling the deceased's anus under the false pretence that they are checking for signs of life. Now let us cite some of the moral depictions of Rasulullah (s) from the great Sunni works...

75. Twelfth example of Sunni morality - Rasulullah (s) violated the Qur'an to satiate his sexual desire (astaghfirullah)

We read in Muslim, Volume 1, Book 6, Number 298:

Narrated 'A'isha:

The Prophet and I used to take a bath from a single pot while we were Junub. During the menses, he used to order me to put on an Izar (dress worn below the waist) and used to (bashr) fondle me. While in Itikaf, he used to bring his head near me and I would wash it while I used to be in my periods (menses).

Comment

Now in the Holy Qur'an Surah Baqarah, verse 222, we read:

"They ask thee concerning women's courses. Say: They are a hurt and a pollution: So keep away from women in their courses, and do not approach them until they are clean. But when they have purified themselves, ye may approach them in any manner, time, or place ordained for you by Allah. For Allah loves those who turn to Him constantly and He loves those who keep themselves pure and clean".

This verse clearly prohibits intercourse whilst one's wife is menstruating. The word that the translator Mr Muhsin Khan has translated as "fondle" is mubasharath - and this actually means 'to have sexual intercourse'. The term had been used by Allah (swt) in the Qur'an re Ramadhan - wherein Allah (swt) had stated that the previous injunction prohibiting intercourse during the night was abrogated:

"It is made lawful for you to have sexual relations with your wives on the night of the fasts. They are garments for you and you are the same for them. Allah knows that you used to deceive yourselves, so He turned to you and forgave you. So now have sexual relations with them and seek that which Allah has ordained for you, and eat and drink until the white thread (light) of dawn appears to you distinct from the black thread (darkness of night), then complete your fast till the nightfall. And do not have sexual relations with them (your wives) while you are in Itikaf in the mosques. These are the limits (set) by Allah, so approach them not. Thus does Allah make clear His signs to mankind that they may become Al Mut'ahqun (the pious)" (2:187).

The Qur'an has clearly used this term as meaning intercourse so if we are to accept this hadith as Sahih then it means that Ayesha claimed Rasulallah (s) had sex with her whilst she was menstruating. By deeming such hadith as Sahih these Nasibi have alleged that Rasulallah (s) violated a Qur'anic injunction (astaghfirullah).

The image had such a lasting effect on the Sahaba Jabir, that Ahl'ul Sunnah's authority work Kashaf al Ghimma page 65, narrates Jabir's words, from the mouth of Ayesha:

"During my menses, Rasulallah (s) would 'Bashr' [have intercourse] with me. He would order me to tie a knot in a large cloth, after I did this he would embrace my chest"

Is there any greater immorality than having sex with one's wife during her menses? Allah (swt) has condemned such an act and the Ahl as-Sunnah have proudly claimed that Rasulallah (s) had done just that.

76. Thirteenth example of Sunni morality - Ayesha would give sex advice to the Sahaba

We read Sahih Muslim Book 3, Number 0684:

Abu Musa reported:

There cropped up a difference of opinion between a group of Muhajirs (Emigrants and a group of Ansar (Helpers) (and the point of dispute was) that the Ansar said: The bath (because of sexual intercourse) becomes obligatory only-when the semen spurts out or ejaculates. But the Muhajirs said: When a man has sexual intercourse (with the woman), a bath becomes obligatory (no matter whether or not there is seminal emission or ejaculation). Abu Musa said: Well, I satisfy you on this (issue). He (Abu Musa, the narrator) said: I got up (and went) to 'A'isha and sought her

permission and it was granted, and I said to her: O Mother, or Mother of the Faithful, I want to ask you about a matter on which I feel shy. She said : Don't feel shy of asking me about a thing which you can ask your mother, who gave you birth, for I am too your mother. Upon this I said: What makes a bath obligatory for a person? She replied: You have come across one well informed! The Messenger of Allah (may peace be upon him) said: When anyone sits amidst four parts (of the woman) and the circumcised parts touch each other a bath becomes obligatory.

This has been reported similarly in Kashaf al Ghumma Volume 1 page 56.

Comment

Just look at how little self respect these Sahaba of Rasulallah (s) had, leaving Rasulallah's elderly wives they would seek the opinion of his young wife on this sensitive matter. Could Dr Salamah inform us whether he would ask his mother such a sensitive question? Is it morally correct to query one's mother about sexual penetration? These Nasibi should take note of these filthy traditions that they take pride of. We would urge Salafi's and Deobandi's to approach their Shaykh's wives and learn the rules of Ghusl directly from them. These wives should also follow the Sunnah of Ayesha and provide a commentary as to when the organs meet.

77. Fourteenth example of Sunni morality - Rasulallah (s) would give sex advice sessions to the Sahaba in the presence of Ayesha

Sahih Muslim Book Haid 003, Number 0685:

"A'isha the wife of the Apostle of Allah (may peace be upon him) reported. A person asked the Messenger of Allah (may peace be upon him) about one who has sexual intercourse with his wife and parts away (without orgasm) whether bathing is obligatory for him. 'A'isha was sitting by him. The Messenger of Allah (may peace be upon him) said: I and she (the Mother of the Faithful) do it and then take a bath".

Comment

Here we see that Rasulallah (s) whilst sitting with Ayesha stated "I and she (the Mother of the Faithful) do it and then take a bath". Will Dr. Salamah reinstate this Sunnah of Rasulallah (s) by opening 'drop in' sex advice sessions explaining sexual matters whilst sitting with their wives. The behaviour this tradition ascribes to the Holy Prophet (saws) is extremely uncivil, and out of context with the Islamic Ahkam according to which the Holy Prophet (saws) would conduct his behaviour. Does this hadeeth really fit with the verse of Qur'an where Allah (swt):

"Indeed, you have in the Prophet a beautiful pattern of conduct"

Al-Qur'an, Surah Al-Ahzab, Ayah 21

It is the kind of behaviour that may be expected of a drugged out hippie couple, yet here it is falsely attributed to the Holy prophet (saws) in a clear attempt to slander his character.

We read the following absolutely bizarre hadeeth in Sahih Muslim - Book 009, Number 3506:

Jabir b. 'Abdullah (Allah be pleased with them) reported: Abu Bakr (Allah be pleased with him) came and sought permission to see Allah's Messenger (may peace be upon him). He found people sitting at his door and none amongst them had been granted permission, but it was granted to Abu Bakr and he went in. Then came 'Umar and he sought permission and it was granted to him, and he found Allah's Apostle (may peace be upon him) sitting sad and silent with his wives around him.

He (Hadrath 'Umar) said: I would say something which would make the Holy Prophet (may peace be upon him) laugh, so he said: Messenger of Allah, I wish you had seen (the treatment meted out to) the daughter of Khadija when you asked me some money, and I got up and slapped her on her neck. Allah's Messenger (may peace be upon him) laughed and said: They are around me as you see, asking for extra money. Abu Bakr (Allah be pleased with him) then got up went to 'A'isha (Allah be pleased with her) and slapped her on the neck, and 'Umar stood up before Hafsa and slapped her saying: You ask Allah's Messenger (may peace be upon him) which he does not possess. They said: By Allah, we do not ask Allah's Messenger (may peace be upon him) for anything he does not possess. Then he withdrew from them for a month or for twenty-nine days. Then this verse was revealed to him:" Prophet: Say to thy wives... for a mighty reward" (xxxiii. 28). He then went first to 'A'isha (Allah be pleased with her) and said: I want to propound something to you, 'A'isha, but wish no hasty reply before you consult your parents. She said: Messenger of Allah, what is that? He (the Holy Prophet) recited to her the verse, whereupon she said: Is it about you that I should consult my parents, Messenger of Allah? Nay, I choose Allah, His Messenger, and the Last Abode; but I ask you not to tell any of your wives what I have said He replied: Not one of them will ask me without my informing her. God did not send me to be harsh, or cause harm, but He has sent me to teach and make things easy.


Comment

What kind of bizarre circus is this? Everybody coming together to smack their daughters around for supposedly asking for money, while the Prophet (s) laughs? What Sunni can justify such talk about the Prophet (s) and his wives, as well as the companions? We would ask anybody who has doubt to imagine how they would feel if they went to visit their local 'alim, and him there with his two father-in-laws engaged in this slap-stick behaviour. This hadeeth is a slur on the wives, the Prophet (s), and Abu Bakr and 'Umar. We can only quote the Qur'an again, where Allah (swt) says:

Indeed, you have in the Prophet a beautiful pattern of conduct.

Does this insane behaviour seem like a beautiful pattern of conduct? This narration is almost comical, but a more sad and disturbing one is that which Imam of Ahl as-Sunnah Abdul Hammed Ghazzali records the following in his classic *Ihya Ulum-id-din*:

"Once there was an altercation between the Prophet and Hazrat Ayesha when they found Hazrat Abu Bakr as judge. Hazrat Ayesha said to the Prophet: You speak but don't speak except truth. At once Hazrat Abu Bakr gave her such a slap that blood began to ooze out from her mouth".

 [Ihya Ulum-id-din by Imam Ghazali, Volume 2 page 36, Chapter "The secrets of marriage", English translation by Maulana Fazlul Karim](#)

Here we see a great companion hitting his young daughter so hard she began to bleed. Islamic law requires at least an equal punishment, i.e., that Abu Bakr be punched in the mouth so hard that he begins to bleed as well. And yet Dr. Salamah claims that the Shi'a hadeeth literature is immoral?

78. Fifteenth example of Sunni morality - Mu'awiyah Legitimised the Adultery of his Father

We have already quoted this disgraceful act of Mu'awiyah, and in this connection the comments in *Tarikh Kamil* Volume 3 page 225 are interesting:

"Mu'awiya's declaring that Ziyad was his brother, was the first act that was in open contradiction to the laws of Shari'ah because Rasulullah (s) said that the legitimate child is one born from wedlock"

Moreover Al Hafidh Jalaluddeen Suyuti also acknowledges this in Tareekh ul Khulafa page 175:

"Mu'awiya's declaring Ziyad to be the son of Abu Sufyan was the first act that contradicted an order of Rasulullah".

Comment

Here we see the most incredible behaviour on the part of the "Companions." Mu'awiyah openly allowed the adultery of his father to be acknowledged, and then instead of defending his family honour, rather used it as an excuse to justify his father's illegitimate off-spring, Ziyad.

It was, of course, not merely Ziyad that was illegitimate, but Mu'awiyah as well. Other Sunni 'ulama have not only acknowledged this but praised the illegitimacy of such individuals. Allamah Raghib Asfahani quoted the words of Allamah Qadamah in his book 'Al Muhazraat':

Qadamah stated: 'A child born out of fornication is exalted due to the fact that a man does so with lust and effort hence birth is more complete, whilst what a man does by Halal means, a man will be doing so just with an affectation in front of a woman.'

 [Al Muhazraat, Volume 1 page 356](#)

Worthy of note is the content of the letter which Muawiyah had written to Ziyad as recorded by Ibn al-Hadeed in Sharah Nahjul Balagha, Volume 4 page 94. Muawiyah addressed Ziyad with the words '**O son of Sumayya**'. Amongst the Arabs there was a tradition that if one's ancestry was questionable, then that individual would be called by his mother's name. In the same way that Imam Hasan referred to Marwan as 'Ibn Zurqa'- Mu'awiyah sought to mock Ziyad by calling him the son of Sumayya. Ziyad replied to Mu'awiyah with these words: '**If I am Ibn Sumayya then you are Ibn Jamaat [son of a group]**'.

How can such a belief system claim that Shi'ism is immoral, when it legitimises and acknowledges the most nefarious fornication acts their Imams (the Companions).

79. Sixteenth example of Sunni morality - Rasulullah (s) would read the Quran using Ayesha's lap whilst she was menstruating

We learn in Sahih al Bukhari Bab il Haidh Volume 1, Book 6, Number 295:

Narrated 'A'isha:

The Prophet used to lean on my lap and recite Qur'an while I was in menses.

Comment

Just look at they way that these Nasibi disrespect Rasulullah (s). We believe that in the same way that place the Qur'an next to something impure is disrespect, Rasulullah's placing his blessed head next to impurity also constitutes disrespect. The Banu Ummaya Nasibi's in their efforts to praise Ayesha sought to defame Rasulullah (s) and their Nasibi adherents embraced such as traditions as a part of their Deen. Do these Nasibi Mullah's follow this Sunnah? Do you see them taking their wives with them to the Mosque and using them as head rests whilst they recite the Qur'an? If you saw a Mullah behaving in such a manner would you not seem this to be an act of disgrace? If so, then why do you believe that Rasulullah (s) would act in such a

manner?

Such is the desire of the frustrated Wahabi scholars (it says more about the relations these dirty old men had with their own wives) that they start losing the plot totally, and shoot themselves in the foot: note the following tradition, designed to elevate Ayesha as the holder of some kind of secret carnal knowledge, which actually has the Holy Prophet (saws) thereby sinning and breaking the explicit injunctions of the Qur'an (may God forbid!)

80. Seventeenth example of Sunni morality -Rasulullah (s) and Ayesha would perform Ghusl whilst sitting in the same bath

We read in Sahih al Bukhari Bab ai Ghusl Volume 1, Book 5, Number 261:

Narrated A'isha:

The Prophet and I used to take a bath from a single pot of water and our hands used to go in the pot after each other in turn.

Comment

What was the need for Ayesha to report such a private matter to a male Sahaba Urwa? Even the most obscene daughter of a man would state such matter to another man in a manner that Ayesha is alleged to have done. In short, there is no need to mention to any individual matter to another man. What knowledge was Ayesha seeking to convey by leaking such information? If a woman sleeps with her husband, she doesn't go and tell the whole world about it. If this is not immoral then what on earth is?

81. Eighteenth example of Sunni morality - Ayesha performed Ghusl in front of men

We read in Sahih al Bukhari, Bab Ghusl Volume 1, Book 5, Number 251:

Narrated Abu Salama: 'Ayesha's brother and I went to 'A'isha and he asked her about the bath of the Prophet. She brought a pot containing about a Sa' of water and took a bath and poured it over her head and at what time there was a screen between her and us.

The author of Fath al-Bari Volume 1 page 356, Bab Ghusl then comments upon this hadeeth, writing:

Qadi Ayad says: It is apparent that they could see her actions from her head and the top half of her body, because they were allowed to do as she was a milk-aunt to Abu Salamah and his brother from her sister Umm Kulthum. As for the lower part of her body, this was covered.

Comment

Here we have it: The Prophet (s)'s wife stood up before Abu Salamah and exposed the entire upper half of her body, hair, breasts, and all. The author says that this is permissible because the sister of 'A'isha had nursed Abu Salamah and his brother. Let us ask Dr. Salamah then: how would you feel if your mother always walked around the house without a shirt on, exposing her breasts? Would this seem normal to you? Would you be happy if she did this while your cousins (her nephews) were over?

These Nasibi who always insist that Hadhrath Ayesha should act as a role model for women should take heed of this alleged tradition. If you believe in this filth then we suggest that you visit the homes of Bilal Philips, Shaykh Faisal, Azam Tariq and request that their wives strip down and perform Ghusl-e-Janaba in front of other men. The wives of these scholars should not feel any shame, after all if these Nasibi are to be believed such actions would constitute adherence to the Sunnah of Hadhrath Ayesha. We ask Dr. Salamah this question:

'If you were to return home one day your wife demonstrating the performance of Ghusl before two men would you tolerate it? If you have an ounce of honesty and self respect we are sure that you would not. This being the case do you not have an ounce of shame when you believe that Ayesha the wife of Rasulallah (s) had done just that?'

May be some of them may not sieze to look at some parts of their family women which needs to be covered since they believe:

"There is no problem for a man to look at the hair, chest, curl, breast, arm and leg of his mother, adult daughter, sister and every Mahram female like the grandmother, child, grandchild and aunt. He should not look at her back, belly and what is between her navel and knee and so with every mahram through suckling or affinity.... The Sahih is whatever is touch and stare without a cover, whatever you can touch and look at"

[Online Fatawa Alamgiri](#)

From the traditions attributed to Rasulallah (s) and Ayesha we can see clearly that the Nasibi are individuals that have slandered Rasulallah (s) and Ayesha and portrayed them as immoral. Furthermore, one can see that these Sahaba were so disgraceful that rather than seek the advice of the elderly wives of Rasulallah (s) they sought it more appropriate to turn to the young wife of Rasulallah (s). Why the needs for Ayesha to perform a full re-run? Why did the two Sahaba present not refrain her?

82. Nineteenth example of Sunni morality - Rasulallah's touching a woman before marriage

Whilst Mut'ah carries some conditions / rules, the Ahl as-Sunnah have presented our Holy Prophet (s) in such a disgraceful manner, that destroys the idea that Rasulallah (s) was a paragon of moral virtue, or possessed of any morality at all. This is evidenced by the episode of Jauniyya in Sahih al Bukhari Volume 7, hadith number 182:

We went out with the Prophet to a garden called Ash-Shaut till we reached two walls between which we sat down. The Prophet said, "Sit here," and went in (the garden). The Jauniyya (a lady from Bani Jaun) had been brought and lodged in a house in a date-palm garden in the home of Umaima bint An-Nu'man bin Sharahil, and her wet nurse was with her. When the Prophet entered upon her, he said to her, "Give me yourself (in marriage) as a gift." She said, "Can a princess give herself in marriage to an ordinary man?" The Prophet raised his hand to pat her so that she might become tranquil. She said, "I seek refuge with Allah from you." He said, "You have sought refuge with One Who gives refuge. Then the Prophet came out to us and said, "O Abu Usaid! Give her two white linen dresses to wear and let her go back to her family." Narrated Sahl and Abu Usaid: The Prophet married Umaima bint Sharahil, and when she was brought to him, he stretched his hand towards her. It seemed that she disliked that, whereupon the Prophet ordered Abu Usaid to prepare her and to provide her with two white linen dresses.

Comment

Here, we see the Final Prophet of Islam asking this woman to marry him without a dowry (hence use of the phrase "as a gift"). She refuses and gets angry, and he tries to touch her on her back, even though they are not even married. This is Sunni Islam: it is halaal to touch woman on the back whom you are not married to, but haram to contract a temporary marriage.

83. Twentieth example of Sunni morality - Rasulallah (s) would discuss matters relating to male genitalia with a non-mahram woman

We read this outrageous tradition in the Muwatta of Imam Malik "Section: Wudu on Account of Touching the Genitals". Book 2, Number 2.16.60:

Yahya related to me from Malik that Abdullah ibn Abi Bakr ibn Muhammad ibn Amr ibn Hazim heard Urwa ibn az-Zubayr saying, "I went to see Marwan ibn al-Hakam and we talked about what you had to do Wudu for, and Marwan said, 'You have to do Wudu if you touch your penis.' Urwa said, 'I didn't know that.' Marwan ibn al-Hakam said that Busra bint Safwan had told him that she heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'If any of you touches his penis he should do Wudu.' "

Comment

Now why on earth would Rasulallah (s) convey a sensitive matter concerning a man touching his genitalia to a non mahram woman / a matter that would bear no relevance to her life whatsoever? Why would he say to a non mahram woman 'If any of you touches his penis he should do Wudu.' - didn't Rasulallah (s) know that he was chatting to a woman? This is the perfect example of how Ahl'ul Sunnah have depicted Rasulallah (s) in such a shameless manner that he would even discuss the male sexual organ with a woman!

84. Twenty first example of Sunni morality - Yazid bin Mu'awiya was an incestuous homosexual but also a Khalifa of Rasulallah and a Sunni Muslim

Imam Dhahabi records the following words from the sermon of Abdul Malik bin Marwan in 'Tarkeeh Islam' Volume 1 page 634:

ولست بالخليفة المستضعف - يعني عثمان - ولا الخليفة المدهن - يعني معاوية - ولا الخليفة المأبون - يعني يزيد

"I am not weak like Uthman and I am not cunning like Mu'awiya and I am not a homosexual like Yazid"

The tradition is also recorded in old transcripts of 'Al Bidayah wal Niahayh' while in the present transcripts available on the internet, the filthy Nawasib have done Tahreef in the word Ma'bun (homosexual) and have made it Ma'un (secure).

We also read in Tabaqath al Kabeera Volume 5 page 66 Dhikr Abdullah bin Hanzala and Volume 4 page 283:

"Abdullah bin Hanzala the Sahaba stated 'By Allah we opposed Yazeed at the point when we feared that stones would reign down on us from the skies. He was a fasiq who copulated with his mother, sister and daughters, who drank alcohol and did not offer Salat"


Now how do you think Dr Salamah's madhab would grade such an individual? After all the moralistic Dr Salamah is a man so outraged by the Shi'a practise of Mut'ah that he has graded it as debauchery. Surely his view of an incestuous homosexual will be even more extreme, wouldn't it? Curiously not in Sharh fiqh Akbar page 70 'Dhikr Fadail Uns Bad un Nabi' we read:

"Rasulullah (s) said that the Deen shall remain strong as long as these twelve Khalifas are at the helm, and the twelve are Abu Bakr, Umar, Uthman, 'Ali, Mu'awiya, Yazid, Abdul Malik bin Marwan, Walid bin Abdul Malik bin Marwan, Sulayman bin Abdul Malik bin Marwan, Umar bin Abdul Aziz, Yazid bin Abdul Malik bin Marwan, Hasham bin Abdul Malik bin Marwan"

 [Sharah Fiqh Akbar, Page 70](#)

If this is not bad enough, we read in Sharh Qaseeda Amali, Page 16:

"Other than a kaffir, it is not permissible to curse a Muslim and Yazeed was not a kaffir but was a Sunni Muslim"

 [Sharah Qaseeda Amali, Page 16](#)

Dr Salamah must be proud of himself; after all he adheres to an esteemed moralistic madhab that has described an incestuous, homosexual to be the Sixth Sunni Khalifa of Rasulallah (s).

Let us now turn to some of the examples of morality that had been set by Hadhrath Umar...

85. Twenty second example of Sunni morality - Hadhrath Umar placed his hand in a camel's anus

We read in Ahl'ul Sunnah's esteemed work Al-Tabaqat Al Kubra by Ibn Sa'd - Part Three Page 286.

Umar ibn al Khattab placed his hand inside a camel's anus and commented 'I'm afraid that someone might ask me what is wrong with you.'

 [Al-Tabaqat Al Kubra by Ibn Sa'd, Part 3, Page 286](#)

Comment

This is indeed a fascinating narration! We would like to ask the Dr Salamah, the moralistic defender of Umar, what on earth was your al Farooq seeking to achieve by inserting his hand up a camel's back passage? Since the Salafi love mentioning Hadhrath Umar's immense acumen and intelligence, what was meant from this great comment 'I'm afraid that someone might ask me what is wrong with you'. What was 'Umar afraid of? Had he done something to this camel that he didn't want people finding out about? What was he hoping to keep people from discovering by inserting his hand into this camel's anus?

Well, in any case it remains to be seen what 'Umar did to this camel, and what action he had done to it that he was attempting to cover up. Perhaps he was attempting to apply the anal medication that he famously used on himself quite often, as we read in the following information on medicines as found in 'Ahlaaj al Mureez page' 309 by Hakeem Ajmul Khan Dehlavi Part 8, Dialogue 14:

"The medicine that is needed to treat anal diseases was used extensively by the second khalifa, this medicine is prepared by grinding certain chemicals and then preparing a solution in either vinegar or wine and is then inserted into the anus of the patient"

One can only guess as to where Hadhrath Umar learnt this great medicinal technique, this skill may have been passed to him via the effeminate men that lived with, that according to Sahih al Bukhari Volume 8 hadith 815 he eventually removed from his home. Perhaps he had learned something from his maternal uncle Hadhrath Abu Jahl, and was applying it to this camel. We read in 'Majma al-Amthaal' page 250 - Chapter 7 "fi ma aula al kha" by Allamah Madani:

Abu Jahl had an addiction to the anus. His anus had white spots and he used to paint it with saffron so that customers would not be repulsed".

Abu Jahl had learned how to cover up certain things involving his anus; perhaps 'Umar was doing Qiyas and applying the same technique towards this camel!

In any case, let us get Dr. Salamah's point straight: having sexual relations with as many women as a man can afford is haram, but putting one's hand (and apparently other things) into as many camel anuses as one wants is entirely permissible.

86. Twenty third example of Sunni morality - Hadhrath Umar's special male 'assistance' with ablution

We read in Ahl'ul Sunnah's authentic, Fatawa Abdul Hai, Volume 1 page 154:

"The Servant of Hadhrath Umar narrates when Umar would urinate he would call out to me to bring something with which he could clean himself, I would bring him a piece of wood or a stone, would hold Hadhrath Umar's penis and rub it against a wall or on the ground, Behaqi stated that this is the most Sahih tradition in this chapter and so has been narrated by Muhadith Dehalwi [rh]"

 [Fatawa Abdul Hai, Volume 1 page 154](#)


Comment

If this is the way that Hadhrath Umar would clean himself, then we poor Shi'a have every right to ask how a simple man who hasn't got an understanding of urinating and cleaning his backside would be able to go to his wives at night for more complex matters? Would he also keep his Servants at his side to aid him on these occasions? What can we say about this great Khalifa, who would even turn to his Servants to clean him, we ask for forgiveness with regards to the level of immorality that exists in this narration - one wherein a Servant would take a hold of Umar's penis before the people and place it on a wall!

87. Twenty fourth example of Sunni morality - Hadhrath Umar would ask questions pertaining to sex from his own daughter!

We read in History of the Khalifas who took the right way (the partial translation of Tareekh ul Khulafa by Suyuti) page 142 that Umar went to his daughter...

"...'I want to ask you about a matter which concerns me, dispel it for me. How long does a woman long for her husband?' She lowered her head and was shy. He said, 'Truly Allah is not shy of the truth'. She gestured her hand indicating three months, and if that was not possible then four months"

 [History of the Khalifas who took the right way, page 142](#)

Comment

If today's Muslims are shocked by liberal Western Society where attitudes to sex are so casual,

that parents have no shame in discussing this topic with their children, then our Sunni brethren should know that there should be no reason to feel outraged, for such frankness is in accordance with the Sunnah of Umar, whose morals were such that he could even discuss the topic of female sexual desire with his daughter. We wonder if Dr Salamah also adheres the standard set by his Khalifa, preferring to discuss sexual matters with his daughter rather than his wife, after all as Umar has said - 'Allah is not shy of the truth'

88. Twenty fifth example of Sunni morality - It is permissible to stare and scream at women who answer the call of nature

We read in Sahih al Bukhari, Volume 1, Book 4, Hadith Number 148: book of Ablutions (Wudu')

Narrated 'A'isha:

The wives of the Prophet used to go to Al-Manasi, a vast open place (near Baqia at Medina) to answer the call of nature at night. 'Umar used to say to the Prophet "Let your wives be veiled," but Allah's Apostle did not do so. One night Sauda bint Zam'a the wife of the Prophet went out at 'Isha' time and she was a tall lady. 'Umar addressed her and said, "I have recognized you, O Sauda." He said so, as he desired eagerly that the verses of Al-Hijab (the observing of veils by the Muslim women) may be revealed. So Allah revealed the verses of "Al-Hijab" (A complete body cover excluding the eyes).

Comment

The Ahl as-Sunnah clearly are a people devoid of sense. This incident demonstrates how shameless Umar was, and yet the Ahl as-Sunnah cite this as an example of his esteemed rank. If shouting at the wife of Rasulallah (s) is a virtue then the terms 'shameless' and 'immoral' are merely words that carry no meaning. If this is a virtue then we would urge the Sipah-e-Sahaba 'ulama in Pakistan to implement this act of worship, when the women of your village leave for the field to answer the call of nature, you should shout and scream at them, the Deen will be illuminated by such a noble moral act

89. Twenty sixth example of Sunni morality - The Sunni method of knowing the gender of the unborn

Let us now present the following gift to Dr Salmah, Nawasib belonging to Sipah-e-Sahabah (Krhcy.com) & those of www.ahlelbayt.com. Renowned Shafiyee scholar Shakyh Kamaluddin Muhammad bin Musa Damiri (742 - 808 H) in his esteemed work 'Hayat ul Hewan' records the following method:

"If a man wants to know whether it's a boy or a girl in the womb of a pregnant woman then a man should capture and place a lice over his palm and the pregnant woman shall take out a drop of her milk and put it there (means over the palm of the man where he had put the lice). Thus, if the lice is successful to come out of the drop of the milk then the gender is female but if it is unsuccessful to come out of the drop of milk then it's a male."

 [Hayat al Hewan \(Urdu\), Volume 2 page 567](#)

90. Conclusion

The list of such obscenities is quite long, and we have only narrated a small percentage. What more needs to be said about the immorality of Sunni Islam? Every manner of immorality is justified and accepted, and even attributed to the Holy Prophet (s). The Nasibi Dr. Salamah

should not have opened the door to this debate. He attempted to prove that Mut'ah was immoral, but being unable to establish this on the basis of actual Shi'ite hadeeths, he had to resort to falsification and lies. These hadeeths and fatwa, however, are all well known, and any reader may peruse the relevant narrations in the English versions of Bukhari and Muslim that are widely available. The sincere reader must now ask himself: which madhab is preaching immorality, Sunni or Shi'a?

According to these illustrious Sunni 'ulama, it is permissible for women to wash themselves in front of outside men, to masturbate, and to have sex with fruits and vegetables. Does this really sound like the words of the "saved sect," or the words of the people following the Sunnah of the Prophet (s)?

8. Chapter 8: Was Mut'ah Abrogated by the Qur'an?

It is only the rare Wahabi, such as Dr. Salama, who attempts to argue that verse 4:24 of the Qur'an does not deal with Mut'ah. The traditional Sunni argument has been to accept that it does, but then claim that the verse was abrogated. A number of arguments are presented in this vein:

91. Argument 1

The first argument is that the verse of Mut'ah came down, but this was abrogated when the verses dealing with marriage came down, such as the opening verses of Surat al-Mu'minun:

Successful are the believers, who are filled with awe in their salat, who turn away from vain talk, who give in charity, and who protect their chastity, except with their wives or those whom their right hands possess.

Al-Qur'an, Surah 23, Ayah 1-6

In his article 'the illegitimacy of temporary marriage in Islam,' Abu Ruqqaya stated:

Abu Ruqqaya stated:

'A'isha said: "It has been forbidden in the Qur'an in the words of the Most High: "And those who preserve their private parts except with their spouses or what their right hands possess, then they would have no blame."

Al-Qur'an, Surah 23, Ayah 5

Similar thinking has been advanced in 'the Shi'ah Concept of Temporary Marriage (Mut'ah)' by Dr. Ahmad 'Abdullah Salamah,

Dr. Salamah states:

The Muslim Ummah unanimously upholds that Mut'ah is abrogated by all of the Qur'anic verses that speak about marriage, divorce, inheritance, dower, the guardian's permission, the 'iddah of divorced and widowed women, etc. And the following verse leaves no doubt that Mut'ah is completely forbidden and unlawful:

"...And those who abstain from sexual intercourse except with their wives or those [women] whom their right hands possess." 22

Explaining this verse, Ibn Abbas said, "All other ways of sexual contact except these two are forbidden." 23

And not to be hard done by Mufti Muhammad Shafi also asserted confidently:

Mufti Muhammad Shafi states:

There is yet another point worthy of our attention. The Qur'anic statement:

"And those who guard their private parts, save from their wives or from their bondwomen, they are not blameworthy."

Is so explicit that it admits of no other interpretation. It shows the unlawfulness of Mut'ah very clearly. Seeking flimsy support from some rare and unauthentic readings is absolutely incorrect.[3]

Reply

This is a very weak argument for several reasons. The first and most glaring mistake is chronological. It is indeed very sad that individuals such as Dr. Salamah, in their efforts to protect Umar they haven't bothered contemplating their claim before publishing it in an open forum. The verse of Mut'ah 'Istamatum' that has allegedly been attributed to Ayesha and Ibn Abbas is in Surat an-Nisa and this verse was revealed while the Prophet (s) was in Madinah. Surah Momineen and Surah Maarij, the verses quoted above, both descended in Makka. The great scholars of Understanding-Islam demonstrate their stupidity by admitting that were early verses:

Understanding Islam states:

The Qur'an does not support this view. According to the very initial Surah's (chapters) of the Qur'an, like Surah Al-Mominun and Surah Al-Ma`arij the Qur'an specifically disallows all sexual relationships, besides that which are based on Nikah or that which were between a master and his slave girl¹. The Qur'an says:
And those who guard their chastity, except with their wives and their slave girls - for they are not to be blamed. But those who trespass beyond this are the ones who are transgressors. (70: 29 - 31)

As anybody with even the most basic knowledge of Islam knows that the Prophet (s) migrated from Makka to Madinah, meaning he was in Makkah first. Allamah Shabbir Ahmad Uthmani in 'Fath al Mulhim Sharh Muslim' Volume 3 page 221 in his discussion of the verse, **'And those who preserve their private parts except with their spouses or what their right hands posses'** - states:

"The verse being referred to descended in Makka"

Whilst these verses descended in Makka, Sunni traditions confirm that Mut'ah was practised much later, during the battle of Khayber. This means that, according to Dr. Salamah, the abrogating verse (nasikh) was revealed before the abrogated verse (mansukh). This is, of course, a logical impossibility: how can the verse of Mut'ah be abrogated by the verses from Surat al-Mu'minun when the verse of Mut'ah was revealed after those verses? It is like trying to defend the legitimacy of Mu'awiya by acknowledging that he was conceived first and his parents married after.

Allamah Mahmood Baghdadi Alusi in his discussion of the verse 'And those who preserve their private parts except with their spouses or what their right hands posses' also acknowledges this fact in his Tafseer Ruh al Ma'ani Volume 9 page 10:

هذه المقامات صريح النقل تعين القول بأن الآية مكية بمعنى أنها نزلت قبل الهجرة وأشكل الإستدلال بها على تحريم المتعة بعد تحليلها بعد الهجرة

"This verse is Makkan and descended before the Hijrah [migration], since Mut'ah was halaal after the Hijrah, it is difficult to advance this as evidence of the illegality of Mut'ah".

Renowned Salafi/Ahl-Hadeeth scholar Allamah Waheed'udeen Zaman Khan Hyderabad in Lughath al Hadeeth Volume 5 page 9 said:

"Mutah was permissible in the initial days of Islam, but when this verse 'And those who preserve their private parts except with their spouses or what their right hands possess' was revealed, it became impermissible, (because a mutah women isn't a wife, nor shareholder in inheritance, she is just a paid woman. But here the objection is made that this verse is Makki and Mutah was termed permissible many times even after this.)"

 [Lughaat ul Hadeeth, Alphabet: Meem, page 9 \(Published in Karachi\)](#)

Also in Lughath al Hadeeth Volume 3 page 105, az Zaman, in his discussion of the word 'Shaqee' states:

"The verse 'except with their wives or those [women] whom their right hands possess' appears in two Surah's and both are without a doubt Makkan. The practise of Mut'ah existed after the descent of these verses".

In his 'Tayseer al Bari Sharh Sahih Bukhari' Volume 6 page 116 Allamah Waheed uz Zaman Khan said:

"Those who rely on 'except with their wives or those [women] whom their right hands possess' are in error as this is a Makkan verse and there is agreement that Mut'ah was halaal after this".

 [Tayseer al Bari Sharh Sahih Bukhari, Volume 6 page 116](#)

Maulana Sayyid Abu'l Maudoodi in his discussion of the verse of Surah Mu'minun in Tafheem ul Qur'an Volume 8 page 12 footnote 4 states:

"Some commentators have proved the prohibition of Mut'ah (temporary marriage) from this verse. They argue that the woman with whom one has entered into wedlock temporarily, can neither be regarded as a wife nor a slave girl. A slave girl obviously she is not, and she is also not a wife, because the legal injunctions normally applicable to a wife are not applicable to her. She neither inherits the man, nor the man her; she is neither governed by the law pertaining to 'iddah (waiting period after divorce or death of husband), divorce, sustenance nor by that pertaining to the vow by man that he will not have conjugal relations with her. She is also from the prescribed limit of four wives. Thus when she is neither a 'wife' not a 'slave girl' in any sense, she will naturally be included among those 'beyond this', whoso seeker has been declared a 'transgressor' by the Qur'an.

This is a strong argument but due to a weakness in it, is difficult to say that this verse is decisive with regard to the prohibition of Mut'ah. The fact is that the Holy Prophet enjoined the final and absolute prohibition if Mut'ah in the year of the Conquest of Makkah, but before it Mut'ah was allowed according to several authentic traditions. If Mut'ah had been prohibited in this case, which was admittedly revealed at Makkah several years before the migration, how can it be imagined that the Holy Prophet kept the prohibition in abeyance till the conquest of Makkah?"

 [Tafheem ul Qur'an, Volume 8, Page 12](#)

Allamah Uthmani in his commentary of the Mut'ah narrations in Fath al Mulhim, Sharh Muslim Volume 3 page 440 states:

"Nikah Mut'ah was a lesser type of marriage that was Mubah and then made haraam in general terms, when this type of Nikah brought no benefits - Talaq, inheritance or other rights were not proven as was the case with (standard) Nikah. Although from one angle this is also a type of Nikah, women in Mut'ah were 'Zawaaj Naqsa' which is why their rights were not established, as was the case until Allah revealed the verse 'except with their wives or those [women] whom their right hands possess'. This verse does not make Mut'ah unlawful / batil, Mut'ah women can also come within the definition of wife in some respects, as we've proven Mut'ah is applicable in such circumstances as a means of separating oneself from Zina. How can it be advanced that this verse proves the illegality of Mut'ah, the verse is Makkan and according to our knowledge no scholar has claimed that Mut'ah was prohibited before Khayber, although different views have been aired amongst scholars over the prohibition after Khayber".

These comments are sufficient in refuting the argument of Dr. Salamah that the verse of Mut'ah was abrogated by Surat al-Mu'minun, and furthermore demonstrates a profound lack of knowledge and awareness about the Holy Qur'an: one only has to look in the table of contents of the modern Saudi Arabian edition of the Qur'an (the ubiquitous "green" Qur'an found in all mosques) to discover what sequence these verses came down in. As such, we are left with two possibilities as to how to interpret Dr. Salamah's work: either he is entirely ignorant about the Holy Qur'an (something his comment about the verse of Mut'ah demonstrates), or he is simply lying. Either way he has already disqualified himself as an Islamic scholar.

Besides this obvious blunder with regards to the Qur'anic text, it should also be noted that Dr. Salamah has once again contradicted well-known Sunni 'ulama. Qadhi Badr'adeen A'ini and the world-famous Allamah Maudoodi declared that no verse has abrogated Mut'ah. We read in Umdah' thul Qari fi Sharh Sahih al Bukhari Volume 17 page 246 Bab Ghazwa Khayber:

فهل يحد من وطىء في نكاح متعة فأكثر أصحاب مالك قالوا لا يحد لشبهة العقد وللخلاف المتقدم فيه وأنه ليس من تحريم القرآن

"If it is said that one who practises Mut'ah should be punished, it should be noted that plenty of Imam Malik's students asserted that no penalty should be applied, as there is no evidence that Mut'ah was made haram by the Qur'an."

<http://www.almeshkat.com/books/open.php?cat=22&book=619>

In addition to this, we have the founder of Jamaat-e-Islami, Maulana Sayyid Abu'l Ala Maudoodi stating in his Tafheem ul Qur'an [English translation] Volume 8 page 12 footnote 4:

The correct position therefore is that the prohibition of Mut'ah is not based on any express law of the Qur'an, but is based on the Sunnah of the Holy Prophet (s).

Does Dr. Salamah, then, hold himself above this scholar? Of the many weaknesses in Dr. Salamah's article, one is most certainly his crude emotionalism. He does not seek to prove that Mut'ah is haram according to the Shari'ah as a matter of mere law, but rather spends most of his time arguing that Mut'ah is a fundamentally immoral and evil practice. Yet here we see one of the most famous scholars in modern Sunni Islam arguing that:

- Mut'ah was made halaal by the Qur'an
- Mut'ah was not abrogated by anything in the Qur'an

As such, the Qur'an upholds Mut'ah. Dr. Salamah's belief that Mut'ah is a moral vice and sin,

something no pious person could countenance, therefore becomes a direct insult against the Qur'an and its Creator, Allah (swt). But in any case, it is possible that somebody such as Dr. Salamah may reject the words of these 'ulama. But it would be difficult for any Sunni Muslim to wholly reject the belief of the Prophet (s)'s Companions and Successor (Taabi'een). From this group of people, we find narration's that state that at least eight of the companions and three of the Taabi'een continued to believe that Mut'ah was halaal, and therefore did not hold to Dr. Salamah and others belief in Mut'ah's abrogation. We read in Ahlul Sunnah's authority Neel al Authar Volume 6 page 53 B Nikah Mut'ah:

Ibn Hazm narrated in Al-Muhalla from a group of companions other than Ibn Abbass and said: 'It was fixed that it is halal by a group of the Al-Salaf, that included the companions:

Asma' bint abi Bakar, Jabir bin Abdullah, Ibn Mas'ud, Ibn Abbass, Mu'awiyah, Umrro bin Al Hurayth, Abu Sai'd and Salma the sons of Umayyah bin Khalaf ...

Amongst the Taabi'een who deemed Mut'ah to be Halal were al Taus, Ata and Saeed bin Jabayr'.

[Online Nayl al Autaar, Volume 6 Bab-al-Mut'ah](#)

Yet Dr. Salamah has written:

Dr. Salamah states:

The Muslim Ummah unanimously upholds that Mut'ah is abrogated...

Reply

To those advocates of Umar who claim the verse of Mut'ah was abrogated and that whoever believes it in fact advocates Zina, we suggest that you look carefully at the above names, Ayesha's sister Asma and the great Taabi'een believed it was halaal after the demise of Rasulallah(s). Dr. Salmah claims that the Ummah was unanimous on this issue, yet here we read that a number of extremely prominent Companions did not agree on this. Does Dr. Salamah, then, not consider Asma binte Abi Bakr or Abdullah ibn 'Abbas to be part of the Ummah? Have these people all turned their backs on the "methodology of the pious ancestors", and betrayed the Salaf?

Even if we are to accept the strange idea that a verse was abrogated before it was even real, the belief that Surat al-Mu'minun in any way abrogates the verses of Mut'ah proves to be utterly false. Despite this fact the efforts of the Nasibi continue unabated, take the great comments of Former Leader of Sipah-e-Sahaba Haq Nawaz Jhangvi:

Haq Nawaz Jhangvi states:

MUTA IS NEITHER NIKAH (REGULAR MARRIAGE)
NOR IS IT APPLICABLE TO THE CAPTIVE WOMEN

Jhangvi's assertion does not concur with the comments of high ranking Sunni 'ulama have argued exactly the opposite, namely that temporary wives are, indeed, wives. We read in Tafseer Kashaf, Volume 3 p. 76, commentary of Surah Mu'minun:

If you ask: 'Is there any proof here (in this verse) that Mutah had been forbidden?' I will answer: 'No, because a woman in Nikah al Mutah is considered as a wife'.

[Online Tafsir Kashaf, Surah Mumiun](#)

This reference makes it clear that the cited verse of Surah Mominun does not abrogate Nikah al Mutah.

We read Tafseer Qurtubi, page 3 Volume 5, Surah Nisa:

وقال الجمهور : المراد نكاح المتعة الذي كان في صدر الإسلام

"The majority said that it refers to the mutah marriage which existed during the beginning of Islam"

We also read:

قال أبو عمر : لم يختلف العلماء من السلف والخلف أن المتعة نكاح

"Abu Umer said: 'All the early and recent scholars have no dispute that Mut'ah is Nikah.'"

[Tafsir Qurtubi, Vol 5 page 115, Surah Nisa verse 24](#)

We read in Tafseer Baydhawi Volume2 p. 9

"Mut'ah is Nikah for a fixed time"

Zamakshari was a renowned Sunni scholar and Imam Radhi praised him in his "Madhab Shafeeya," saying that 'he was a high ranking scholar, adherent of the Hanafi Madhab' Zamakshari deemed Mut'ah women to be wives, and Qurtubi and Baydhawi both confirmed that Mut'ah was a form of Nikah.

Dr Salmah states:

The Muslim Ummah unanimously upholds that Mut'ah is abrogated by all of the Qur'anic verses that speak about marriage...

Though the above cited Sunni texts shall suffice to prove that all the Quranic verses that speak about marriage (nikah) cannot obrogate Nikah al-Mut'a since Mut'a is itself a form of Nikah and the woman is considered as wife but still let us cite the views held by the prominent Imams and the authors of Sahih books who also believed Mut'a being a form of Nikah as they created chapters in their respective esteemed works with the name "**Nikah al-Mut'a...**" and that includes:

Imam Muslim who in Sahih Muslim created a chapter about Mut'a and given it the name: "**Nikah al Mut'a...**"

[Sahih Muslim \[Arabic\], Index of Kitab al-Nikah, see chapter No. 3](#)

Imam Bukhari in Sahih Bukhari: "The Prophet [s] prohibited **Nikah al Mut'a**"

[Sahih Bukhari \[Arabic\], Index of Kitab al-Nikah, see chapter No. 32](#)

Imam Tirmidhi in Sunan Tirmidhi: "Regarding Prohibition of **Nikah-ul-Muta**"

[Sunan Tirmidhi \[Arabic\], Index of Kitab al-Nikah, see chapter No. 28](#)

Imam Abu Dawood in Sunan Abu Dawud: "**Fee Nikah al Mut'a**"

[Sunan Abu Dawood \[Arabic\], Index of Kitab al-Nikah, see chapter No. 14](#)

Imam Ibn Majah in Sunan ibn Majah: "Prohibition of the **Nikah al Mut'a**"

[Sunan Ibn Majah \[Arabic\], Index of Kitab al-Nikah, see chapter No. 44](#)

Imam Malik in Muwatta: "Baab al **Nikah al-Mut'a**"

[Muwatta Imam Malik \[Arabic\], Index of Kitab al-Nikah, see chapter No. 18](#)

Note: Note: Though the chapter names are according to the Sunni view i.e. in the prohibition of Mut'a but here our motive is just to make it known to the ignorant Sunni masses that the Imams of Ahle Sunnah believed Mut'a to be a form of Nikah and hence those who say that all the Quranic verses that talk about Nikah having abrogated Mut'a because Nikah and Mutah are two separate entities are clearly mistaken.

Another lie was advanced on the Sunni Website '*Understanding Islam*':

Understanding Islam states:

It must be remembered here that a Mut`ah relationship makes a woman neither a wife nor a slave girl of a person, whereas the Qur'an specifically restricts sexual relationships of a person with these two. It should be noticed that the particular word used by the Qur'an in the referred verse translated as "wives" is "azwaj" plural of "zaujah". In the classical Arabic language, a woman with whom a person had entered into a contract of Mut`ah was called the "Mamtu`ah" of the person, she was not referred to as the "zaujah" (wife) of the person. The verse, therefore is a clear evidence to the fact that no other relationship besides the one based on Nikah was allowed by Islam.

This assertion is refuted by the fact that the scholars of hadith have referred to women in Mut'ah as Zowja. Proofs are in the following Sunni sources:

- Sahih al Bukhari Volume 7 p. 2
- Sahih Muslim, Volume 2 hadith number 3253
- Fathul Bari Volume 9 p. 91
- Umdah thul Qari, fi Sharh Bukhari Volume 9 p 362

We are quoting directly from the tradition in Sahih Muslim narrated on the authority of Sabra in which the term "Zawajtuha" (i.e. I married her) is used as a reference to Mut'ah marriage. Tradition No.3253 in Sahih Muslim says: -

"Rabi bin Sabra reported that his father went on an expedition with Allah's Messenger (S) during the victory of Mecca, and we stayed there for fifteen days (that is for thirteen full days and a day and night), and Allah's Messenger (S) permitted us to contract temporary marriage with women. So I and another person of my tribe went out, and I was more handsome than he, whereas the cloak of my cousin was quite new. As we reached the lower or the upper side of Mecca, we came across a young woman like a young smart long-necked she-camel. We said: Is it possible for one of us to contract temporary marriage with you? She said: What will you give me as a dower? Each one of us spread his cloak. She began to cast a glance at both the persons. My companion also looked at her when she was casting a glance at her side and he said: "This cloak of his is worn out, whereas my cloak is quite new ". She however, said twice or thrice: 'There is no harm in (accepting) this cloak (the old one)". So I contracted temporary marriage (zawajtuha) with her, and I did not come out (of this) until Allah's Messenger (S) declared it forbidden".

We appeal for justice: Temporary marriage for a fixed period with women was halaal at the outset of Islam. Such women were halaal. As such, our question to the enemies of the Ahl al-Bayt (as) is simple: what was the status of women at that time? If they were not wives then

why were they halaal? If they were wives then this proves that the Shari'ah deems women in Mut'ah to be wives, and to exclude them from this status is to in effect deem the Companions fornicators. High ranking Sunni 'ulama have deemed women in Nikah and Nikah e Mut'ah to be wives.

In spite of these facts, on page 36 of Hurmut Mut'ah, the Deobandi author Suhrawardi states

"Whenever the Quran uses the words Zawaaj it is in the context of Nikah. E.g. the story of Adam refers to 'Zawaaj al Janath. It doesn't refer to women in Mut'ah as wives which is why they are not".

The fact that the Qur'an uses the word zawaj in the context of Nikah does not mean it cannot be used in any other context. The Prophet (s) referred to the spiritual struggle against oneself as a jihad. Yet the Qur'an uses this word in many places in the context of a physical, military war. Does this mean that the Prophet (s) was wrong to refer to one's spiritual struggle as the *jihad an-nafs*?

Suhrawardi then goes on to say that, whilst the Sahih Sittah have traditions referring to women in Mut'ah as wives, this is only 'figurative' and does not mean that they are wives in the real sense. He says teacher calls his student his son, but this is only figurative; the student would not, for example, inherit from his teacher. We can only ask Mr. Suhrawardi: If we therefore read from the Sahih Sittah that Sahaba performed with "figurative wives," does that mean they were fornicating?

92. Argument 2

These are claims that the verse that came down about Mut'ah are not well known, whilst the claims that the verse descended about Nikah is widely known.

Reply

If these followers of the Companions claim that no such verse existed as it was not well known then they should know that for 18 years the Companions including Abu Bakr's daughter all practised Mut'ah. Did all these people indulge themselves in shameful acts of fornication? But in any case, the opinions of the Companions can be ascertained as well known in Tafseers, namely that this verse did indeed descend about Mut'ah. We have quoted numerous Sunni Tafsir and hadeeth works in this regard, and we have seen that the ulama of Ahlul Sunnah have also confirmed that this verse also referred to Mut'ah.

The Narration of Ibn Mas'ud

We read in Sahih al Bukhari Volume 7 tradition 13a:

Narrated 'Abdullah Ibn Masud: We used to participate in the holy battles led by Allah's Apostle and we had nothing (no wives) with us. So we said, "Shall we get ourselves castrated?" He forbade us (to castrate ourselves) and then allowed us to marry women with a temporary contract (Mut'ah) and recited to us: 'O you who believe! Make not unlawful the good things, which Allah has made lawful for you, but commit no transgression.' (5.87)

The Urdu translation of Sahih al Bukhari, Volume 2 page 774 (Printed, Karachi, Muhammad Saeed and Sons) that was based on the compilation of four Sunni scholars translated the order of Rasulullah (s):

Go and find a woman that agrees and marry her for a few days.

This tradition has also been recorded on the authority of Ibn Abbas in Musnad Ibn Hanbal Volume 7 page 93.

 [Musnad Imam Ahmad bin Hanbal, Volume 7, Page 93](#)

The fact that Ibn Masud argued for the legitimacy of Mut'ah in such a manner, after the death of Rasulullah, serves as proof that Mut'ah was not abrogated. If it was, would Ibn Masud not have highlighted this in the same narration, rather than recite a verse making it clear that one should not deem haram something that Allah (swt) has deemed halaal? Does this tradition not make the belief of Ibn Masud that Mut'ah was and remains halaal, that his recital of this verse was a clear criticism to those individuals that deemed it haram? Why did Sahaba narrate his tradition in exactly the same manner as Ibn Masud narrated? It is clear that Ibn Mas'ud, one of the most famous of Companions, firmly believed that the verse of Mut'ah had not been abrogated.

Testimony of Sunni 'Ulama that the Verse of Mut'ah was Not Abrogated

We have the testimony of many Sunni 'ulama that the verse on Mut'ah has not been abrogated.

- Tafseer Fathul Qadeer Volume1 p. 14
- Tafseer Khazan Volume1 p. 23
- Tafseer Mu'alim al Tanzeel volume1 p. 63
- Tafseer Tabari Page5 part 15
- Tafseer Kashaf Volume1 p. 20
- Tafseer Gharab al Qur'an p. 4 part5
- Tafseer Kabeer Volume3 p. 9
- Tafseer Manar Volume5 page 15 by Rashed Manar

In Fathul Qadeer:

Ibn Abbas said the verse of Mut'ah - i.e. it has not been abrogated.

In Tafseer Mu'alim al Tanzeel

Ibn Abbas said: "The verse of Mut'ah was an order and it's Halal.

In Tafseer Kabeer

The verse of Mut'ah appears in the Qur'an, no verse has come down to abrogate it.

93. Argument 3

That the verses of Mut'ah were abrogated by all the other verses dealing with inheritance and divorce and so forth.

Reply

This argument is utter non-sense. The argument is that, when Allah (swt) speaks of the wife inheriting, that this somehow, by extension, abrogates the verses of Mut'ah, since the

temporary wife does not inherit. However, this is entirely misunderstanding the nature of the Qur'anic revelation, and the relationship between the verses under question. Allamah Tabataba'i writes

As far as the opinion that many ayats such as the verses of inheritance or the verses of divorce or the verses specifying the number of wives one can have, then one must understand that the relationship between these verses and the verse of Mut'ah is not one of abrogater and abrogated. Rather, it is a relationship of general and specific, or absolute and limiting. For example, the verses of inheritance are general, and cover all wives, whether they are permanent or temporary. However, the Sunnah delimits these verses by excluding some of the individuals who would fall under the category of wives, such as the temporary wives.

Al-Mizan, p. 281

 Reference at Mutah.com

The point is that there are many verses which are general in nature, and which are explained, commented upon, and limited by other verses, or by the Sunnah. For example, we have verses which say that the wives inherit. These verses are absolute, meaning that all wives inherit under all circumstances. However, we have many hadeeths that say a murderer cannot inherit from the one they murdered. Based on these hadeeths, then, a wife who murders her husband would not inherit, even though the verses of Qur'an are absolute and imply that all wives inherit. However, if we are to follow the logic that these verses of divorce and inheritance and so forth are abrogating of Mut'ah because Mut'ah does not have divorce or inheritance, then we must also say that these verses abrogate those hadeeths that say a murderer does not inherit from the one they murdered. As such, Sunni 'ulama should give the fatwa that a wife who kills her husband also gets his inheritance. They should also then be very careful about turning their backs on their wives.

In any case, even if we are to accept that these other verses somehow abrogated the verse of Mut'ah, then we are left with the same perennial problem: the fact that verses the Sunnis claim abrogate the verse of Mut'ah were revealed before the verse of Mut'ah. How can a verse be abrogated before it is even revealed? Allamah Tabataba'i writes:

Some of the scholars of Usul al-fiqh have argued that if a verse or hadeeth dealing with a specific subject comes, and then it is followed by a general verse or hadeeth that contradicts it in terms of confirmation and denial, that the general verse would have abrogated the specific verse. But alongside of the fact that this is a weak argument, it has nothing to do with the present discussion. This is because the verses of divorce (which are general) in Surat al-baqara, they are the first of a Madinan Surah which was revealed before the verses of Surat an-Nisa' that encompass the verse of Mut'ah. Similar is the case with the verses about the number of wives, which appear in Surat an-Nisa before the verse of Mut'ah, and similar the verses of inheritance, which occur before the verse of Mut'ah in the same context and in the same surah. As such, the specific verse (by which I mean the verse of Mut'ah) came down after the general verse.

94. Sunni scholars have admitted that there is no Hadd for Mut'ah

Since the abrogation of Nikah al Mutah isn't proven from the Holy Quran, therefore it is obviously not comparable to adultery that carries Islam penalties (Hadd) unlike Nikah al Mutah, that according to the Sunni Ulema carries to Islamic penalty.

In his commentary of Muwatta Imam Malik page 390, Maulana Waheed'ud Deen az Zaman Khan:

There is absolute agreement that one that performs Mut'ah does not incur the same

penalty as is the case for Zinah, Umar only said this to frighten the people.

Allamah Abdur Rahman al Jazzari in 'al fiqh al'a Madhaib al Arbah' Volume 4 pages 170-171 states:

وإذا وقع من أحد استحق عليه التعزير لا الحد. كما ستعرفه في تفاصيل المذاهب. وذلك لأنه نقل عن ابن عباس أنه جائز، وذلك شبهة توجب سقوط الحد

Anyone that performs (Nikah Mut'ah) should be punished but the Hadd should not apply as you will know in the coming details about such doctrines, because it has been narrated from ibn Abbas that it is permitted, and that such doubt leads to one dropping such a "hadd".

And as we quoted earlier in this chapter, the scholars belonging to Maliki school of thought also adhered to the same belief. As cited by Allamah Badruddin al-Aini in his authority work Umdah' thul Qari fi Sharh Sahih al Bukhari Volume 17 page 246 Bab Ghazwa Khayber:

If it is said that one who practises Mut'ah should be punished, it should be noted that plenty of Imam Malik's students asserted that no penalty should be applied, as there is no evidence that Mut'ah was made haram by the Qur'an.

Imam of Ahle Sunnah Zafar bin al-Hazeel al-Basri al-Hanafi also believed that such type of Nikah is correct and doesn't fall under the category of Zinah. In the authority Hanafi work 'Al-Hidayah' Volume 1 page 186 we read the views of this famed Hanafi scholar about a marriage of prescribed time.

"Temporary marriage is Batil, this is where a man and woman get married by the testimony of two witnesses until ten days, Zafar has commented that this type of Nikah is Sahih, because Nikah does not become batil with the false conditions."

9. Chapter 9: Was Mut'ah Abrogated by the Sunnah?

Once it is proven, definitively, that the Qur'an permits Mut'ah, and after the embarrassing attempt to argue that the Mut'ah is made impermissible by Surat al-Mu'minun and others, the only alternative is to argue that Mut'ah was abrogated by the Sunnah of the Prophet (s). This was the argument of Maulana Maudoodi in Pakistan. Another Nasibi, who audaciously goes by the name of Abu Sufyan (one of the greatest enemies of the Ahl al-Bayt (as), writes in his masterpiece 'The Shi'a Practice of Forbidden Temporary Marriage':

Abu Sufyan states:

In the days before the battle of Khayber the Prophet Muhammad (s) permitted the use of temporary marriage. Narrated Salama bin Al-Akwa' (ra): 'In the year of Autas, Allah's Messenger permitted a temporary marriage for three nights, but he prohibited it afterwards.' {Sahih Muslim} Unfortunately the Shi'ah had conveniently forgotten the part where it was forbidden, and have fabricated many lies trying to justify this clear haram act.... Insha-Allah firstly I will quote just some of the hadeeth clearly stating that this form of marriage is haram.

Narrated 'Ali (ra): Allah's Messenger forbade the temporary marriage in the year of Khayber." {Sahih Muslim & Sahih Bukhari} Narrated 'Ali (ra): At the battle of Khayber, the Prophet forbade the temporary marriage (i.e. Mu'ta) of women, and the eating of the flesh of domestic asses." {Sahih Bukhari, Sahih Muslim, Ahmad, An-Nasa'i, At-Termidhi and Ibn Majah have all collected it} ...

Anyone with the right mind can see that temporary marriage is clearly forbidden, but again the shia have rejected all Hadeeth in this matter and still continue to follow their desires, even if it is zina (fornication, adultery etc.). "

The article Zawaj al Mut'ah also attests:

The un named author states:

In the history of Islam, The Prophet (saws) allowed Mut'aha a twice in his lifetime. The first time the Prophet (saws) allowed it for three days, at the war of Khaiber, and after three days it was made Haram . Once Ali argued with a man who believed in Mut'aha and told him that the Prophet (saws) made Mut'aha and the meat of donkey Haram on the day of Khaiber (Bukhari vol. 7, pg. 287 and vol. 4 pg. 134)."

In 'The unlawfulness of Mut'ah' - Hanafi author Maulana Mufti Muhammad Shafi also decided to mock the Shi'a by citing the tradition attributed to Maula 'Ali (as) in Bukhari:

Mufti Shafi states:

It is very strange that the sect which believes in the lawfulness of Mut'ah-despite its claim to love and obey Sayyidina Ali ibn Abu Talib (karramallahu wajhahu)-elects to oppose no less a person that him on this particular issue.

95. Reply One

To begin with, for the Ahl as-Sunnah to cite the words of Imam 'Ali (as) from Sahih al Bukhari in order to convince the Shi'a is indeed, very stupid. It goes against the rules of Sunni / Shi'a polemics. Its like a Christian seeking to mock Muslims for rejecting the divinity of Christ by citing the Bible as their evidence! We do not accept Bukhari because of the lies he perpetuated against the Prophet (s) and his family; we reference it because Sunnis accept it, not because we accept it ourselves. Therefore, when enemies of the Ahl al-Bayt (as) present arguments from a work that we already consider being rife with forgeries and lies, it is of no interest to us.

96. Reply Two

The Nasibi Abu Sufyan's lack of basic knowledge is exposed here, for Autas was not an event that occurred before Khayber. Rather, Autas refers to the Battle of Hunayn after the victory of Makkah. This argument is as foolish as the one presented about Surat al-mumin'un abrogating the verse of Mut'ah. The Nasibi confidently asserted:

Abu Sufyan states:

In the days before the battle of Khayber the Prophet Muhammad (s) permitted the use of temporary marriage. Narrated Salama bin Al-Akwa' (ra): 'In the year of Autas, Allah's Messenger permitted a temporary marriage for three nights, but he prohibited it afterwards.'

Yet these comments are stunning in their lack of even the most basic research. Furthermore, the claim that the narration is *mutawattir* is unfounded. It is a lone narration (ahad).

The author of 'Temporary Marriage (Mut'ah) & Its Illegitimacy in Islam' also alleges that Imam 'Ali (as) narrated that Mut'ah was haraam at Khayber:

Nida ul Islam magazine:

Imam Muslim has narrated that according to Mohammad Bin 'Abdullah Bin Numayr who said: "My father had narrated to us according to 'Ubaidullah according to Ibn Shahāb according to Alhassan and 'Abdullah the sons of Mohammad Bin 'Ali according to their father according to 'Ali (r.a.a.) that he heard Ibn 'Abbas (r.a.a.) being lenient towards temporary marriage, so he said, 'wait Ibn 'Abbas, the Messenger of Allah had forbidden it on the day of Khaybar when he also prohibited the meat of domestic camels.' "

Reply I - History proves that this tradition is fabricated

History is a very essential tool to proof the authenticity of such fabricated Ahadith. And in case of this particular tradition, history proves without any doubt that this could only be a fabrication in name of Ali Ibn Abi Talib. Please note the following facts about this tradition, which will help us to understand why it is an open fabrication:

1. This tradition claims that Ali CLEARLY Forbade Ibn Abbas that Mutah was made Haram by Rasool Allah (saw)
2. But all other Authentic Sunni Ahadith prove that Ibn Abbas continued to issue fatwa in favor of Mutah till end of his life
[At end of his life, he became blind, but still he used to issue fatwa in favor of Mutah, and upon it Ibn Zubair blamed him to be blind person]
3. And Ibn Abbas lived many years after death of Ali Ibn Abi Talib (as).
So, had Ali Ibn Abi Talib really forbidden Mutah to Ibn Abbas, then it is impossible that Ibn Abbas would have been issuing Fatwa in favor of Muta till end of his life
[Note: Sunni conjecture is this that Ibn Abbas was unaware that Rasul (saw) made Mutah Haram, and therefore he continued issuing fatwa in it's favor. But by quoting this hadith, Ahle Sunnah are themselves contradicting their Conjecture, while this hadith shows that Ibn Abbas was no more unaware while Ali Ibn Abi Talib (as) made this fact clear to Ibn Abbas. Need we to say any thing more upon this contradiction of Ahle Sunnah Conjectures?]
4. Not only Ibn Abbas issued fatwa in favor of Mutah till end of his life, but after him the greatest of Tabaeen (i.e. Ibn Juraih, Tawus, and all other students of Ibn Abbas) continued issuing fatwa in favor of Mutah. Had this tradition authentic (i.e. Not fabricated) then there would have been absolutely no reason for Ibn Abbas or all of his students to keep on issuing fatwa in favor of Mutah.

And see here the authentic Sunni tradition that Ibn Abbas kept on issuing fatwa in favor of Mutah till end of his life (when his eyes became blind):

'Urwa b. Zabair reported that 'Abdullah b. Zubair (Allah be pleased with him) stood up (and delivered an address) in Mecca saying: Allah has made blind the hearts of some people as He has deprived them of eyesight that they give religious verdict in favour of temporary marriage, while he was alluding to a person (Ibn 'Abbas). Ibn Abbas called him and said: You are an uncouth person, devoid of sense. By my life, Mut'a was practiced during the lifetime of the leader of the pious (he meant Allah's Messenger, may peace be upon him), and Ibn Zubair said to him: just do it yourselves, and by Allah, if you do that I will stone you with your stones.
Sahih Muslim, Book 008, Number 3261

There are lot many other Sunni Traditions too on this fight between Ibn Abbas and Ibn Zubair. Hence, history proves that this tradition is nothing else than a fabrication, and it was done in name of Ali Ibn Abi Talib, while he and whole Ahle Bait were against this Innovation. Now let us see some other reasons too of why this tradition could not be trusted.

Reply II - A narration by az Zuhri the Nasibi can be rejected

It is narrated by az-Zuhri. Finally, such a person's narrations cannot be accepted, as he was an enemy of the Ahl al-Bayt (as). We read in Ibn al Hadeed's Sharh Nahj ul Balagha Volume 1 page 493 that:

"Zuhri ibn Shab possessed a heart filled with enmity towards Hadhrath 'Ali".

Sunnis and Shi'a agree that someone who hates the Ahl al-Bayt (as) should be rejected as a hadeeth narrator. The Shah in Taufa Ithna Ashari pages 65-66 stated that:

"Any narration by an enemy of Ahl'ul bayt is to be rejected".

Reply III - The narrators of this tradition are weak

Furthermore, we see that the two sons of Muhammad ibn al Hanafiyya, Hasan and Abdullah also narrate this tradition, which allegedly destroys the Shi'a thinking on Mut'ah. Imam of Ahl as-Sunnah Ibn Hajr al Asqalani in 'Tahdeeb al Tahdeeb' graded both sons to be weak, since one was a murijee, and the other was a Shi'a. Therefore, the hadeeth is faulty in terms of its isnad.

Reply IV - Sunni and Shi'a traditions confirm that Imam 'Ali (as) believed that Mut'ah was halaal.

We should also point out that the idea that Imam 'Ali (as) believed that Mut'ah was haram, as the Khayber hadeeth suggest, contradicts basic facts of history. The following hadeeth is present in important Sunni commentaries:

Ali (RA) said: If it were not for Umar forbidding Mutah, no one would commit (the sin of) fornication except a Shaqi (a wretched person.)"

We have quoted the above reference from books belonging to both Sects, they were:

1. *Authoritative Sunni source Tafseer Durre Manthur Volume 2 page 140, Ayat Mut'ah*
2. *Authoritative Shi'a source Tahdeeb al Ahkam Volume 2 page 186, Masala Mut'ah*

Both sources quote these words of Maula 'Ali (as) We see that Maula 'Ali (as) held Umar personally liable for all future acts of Zina, hence any narration where Imam 'Ali (as) said that Mut'ah is haram is to be dis-guarded.

In Tafsfeer Durr al-Manthur, we also read:

Narrated Abdulrazaq and Abu Dawoud in (book) Nasikh and narrated ibn Jareer from al-Hakam that he was asked whether the verse on Mut'ah has been abrogated, he said: "No, Ali (ra) said that if it were not for Umar forbidding it, no one would commit (the sin) of fornication except the wretched (Shaqi; an utmost wrongdoer)."

[Tafseer Dur al-Manthur, Volume 2 page 486](#)

All the narrators of this tradition are authentic. Muhammad bin al-Muthna: Imam Dhahabi called him Thiqa.

Muhammad bin Jafar: Dhahabi says that he was one of the most accurate narrators.

Shu'ba bin al-Hajaj: According to Imam Dhahabi he is Ameer ul Mumineen in hadith.

Al-Hakam bin Utebah al-Kindi: According to Imam Dhahabi he is thiqah and 'sahib sunnah'.

Reply V - The Sunni 'ulama have themselves rejected the notion that Mut'ah was made haraam at Khayber

Beyond this, we also see that the Sunni scholars have rejected the narration of Bukhari and Muslim wherein Mut'ah was banned on the Day of Khayber. We shall rely on the following authentic Sunni sources as proof:

1. Umdatul Qari Volume 8 page 311
2. Zaad al Maad Volume 3 page 403 Ghazwa Khayber

3. Fathul Bari Volume 9 page 168
4. Irshad al Sari, fi Sharh Bukhari
5. Rowz Al Anf vol. 4 pg. 59 (printed 1391 AH)
6. Seera Halabiyah vol.3 pg.45

We read in Umdatul Qari:

وقال ابن عبد البر وذكر النهي عن المتعة يوم خيبر غلط وقال السهيلي النهي عن المتعة يوم خيبر لا يعرفه أحد من أهل السير ورواة الأثر

Ibn Abdulbar said: 'Prohibition of Mutah on the day of Khaybar is wrong'. al-Sehli said: 'The prohibition of Mutah on day of Khaybar, no one amongst the historians and narrators know about it.'

We read in Zaad al Maad

والصحيح : أن المتعة إنما حرمت عام الفتح

"The statement prohibiting Mut'ah during the victory of Makka is more Sahih."

[Zaad al Maad, Volume 3 page 403](#)

In Rowz Al Anf and Seera Halabiyah, it is said that Suhaili commented:

This is something that no one involved in the Seerah and the history of Allah's Messenger (S) has ever acknowledged (that Mut'ah was prohibited on Khayber).

In 'Irshad Al Sari' the commentary of Bukhari, Sharh al Mawaahib Luduniyah by Zarqani vol.2 pg. 239, and Sharh al Muwatta vol.2 pg. 24, Abu Omar's opinion on the prohibition of Mut'ah at Khayber are cited:

This is absolutely wrong. Temporary marriage never took place in Khayber.

In various Sunni books, Abu Awaanah is quoted as writing in his Sahih:

وقال أبو عوانة في صحيحه سمعت أهل العلم يقولون : معنى حديث علي أنه نهى يوم خيبر عن لحوم الحمر ، وأما المتعة فسكت عنها

"I have heard scholars saying that the tradition related of Ali only talked of the prohibition of the eating of the meat of domestic asses and there was no mention of Mut'ah, and the tradition is silent on that matter".

1. Fathul Bari, Volume 9 page 145
2. Neel al Autaar, Volume 6 page 146
3. Sunan Baihaqi, Volume 7 page 201
4. Subul Islam, Volume 4 page 485
5. Zaad al Maad Volume 1 page 443

Do the Wahabi 'ulama consider themselves more knowledge than these scholars?

Reply VI - Was Imam 'Ali (as) the ONLY person to have heard this prohibition?

In all the traditions recorded by Bukhari in chapter 155 of Maghazi concerning the events in Khayber, only one speaks about the prohibition on domestic donkeys, and there is no mention of Mut'ah. This narration's are:

- Tradition No.668-669, from Anas bin Malik (only domestic asses is mentioned).

- Traditions No.684, 68e, 687, from Ibn Omar (the prohibition of the meat of domestic asses and garlic IS mentioned)
- Tradition No.688, from Jabir bin Abdullahi (only the prohibition of the flesh of domestic asses is mentioned).
- Traditions No.689 and 690, from Ibn Aufa (only the prohibition of the flesh of domestic asses is mentioned).
- Tradition No. 693, from Bara 'a bin Azib (only the prohibition of the flesh of domestic asses is mentioned).
- Tradition No. 694 from Ibn Abbas (only the prohibition of the flesh of domestic asses is mentioned).
- In Sahih Muslim- Tradition No.4440, only the prohibition of the flesh of domestic asses is mentioned.
- Tradition No.4765, from Abu Tha'laba (only the prohibition of the flesh of domestic asses is mentioned).
- Traditions No.4768 & 4769, from Abu Aufa (domestic asses is mentioned).
- Traditions No.4770, 4771, 4772, 4773, from Adi Ibn Thabit , from Bara' and Abdullah bin Aufa, (only domestic later asses is mentioned).
- Traditions No. 4774, 4775, from Salma bin Akwa' and Ibn Abbas (only domestic asses is mentioned).
- Tradition No.4776, from Yazid bin Ubaid (only domestic asses is mentioned).
- In Sunan Nisai- vol.7 pg. 205, there are nine traditions and all except one, say that on the Day of Khayber only the flesh of domestic asses was prohibited.

We would appeal to those with brains to use some logic, Rasulallah (s) makes an open declaration at Khayber that eating donkey flesh and contracting Mut'ah is haraam. How is that we have numerous Sahaba confirming that the prohibition on donkey flesh being declared and only one recalling the prohibition on Mut'ah? Were all the other Sahaba deaf? How is it they made no mention of Mut'ah, when the declaration was made at the same time and place that donkey flesh had been made haraam?

Even if we were to accept that Mut'ah was forbidden on the Day of Khayber, there are some questions that demand answers. From amongst all the companions, Imam Ali (as) and Ibn Abbas are the only ones quoted as saying that Mut'ah was forbidden during Khayber. Yet we know, from the vast number of narrations that we have quoted on this issue, that both remained at the forefront of those who defended the legitimacy of Mut'ah. Does this not show that certain narrators fabricated the names of these Sahaba to justify the illegal prohibition of Mut'ah and to strengthen their own arguments?

Above all, Ibn Qayyim says in Zaad al Maad Volume 2 page 142:

If we accept that Mut'ah was cancelled on the Day of Khayber then what we are saying is that cancellation occurred twice and this has never happened in religion for sure and will not happen.

He further adds in the same book on page 183:

In Khayber there were no Muslim women since it was a Jewish settlement and up till then, Muslims were not permitted to marry Ahl'ul Kitab (Jews & Christians). The permission came later on in Surah Mai'da...Muslims were not supposed to contract marriage with Ahl'ul Kitab during the battle of Khayber, and in any case they were not interested in marrying the women of their enemies before Khayber was captured. And after the victory, the ladies were captives or "Mamlookeen" and there was no need to marry them....Concerning the story of Khayber, the companions of the Prophet (S) did not contract temporary marriage with Jewish women neither did the Prophet (S) allow it, and no one mentioned Mut'ah during the battle of Khayber, on whether it was permissible or unlawful. Similarly all Muslim scholars

unanimously say that Mut'ah was permissible after Khayber and they believe that it was cancelled on the Day of Fath Makka (victory). Therefore, it is clear that though this tradition is one of the two strongest amongst all traditions concerning the revocation of Mut'ah, it is nevertheless shaky, and cannot revoke a verdict contained in the Qur'an.

97. Another fabrication attributed to Ali bin Abi Talib [as]

Besides the above cited tradition attributed to Ali bin Abi Talib [as], Imam Behaqi also records a tradition:

Ali narrated: "Holy Prophet [s] prohibited Mutah. Initially Mutah was allowed for a one who did not have the strength of performing Nikah and when Allah [swt] revealed the laws of Nikah, divorce, Iddah and inheritance of husband and wife, the Mutah was made abrogated"

Sunan al Behaqqi, Volume 7 page 336

The chain of narration includes Musa bin Ayyub. Imam al-Aqeeli has counted him among the weak ones, Imam Yahyah bin Mueen and Saaji stated about him: **'He used to narrate Munkir'** (Tahdeeb al Tahdeeb). As for the Ali [as]'s notion regarding Nikah alMutah, then we all know about his famous and authentic words: **'Had Umar not prohibited it the only person to fornicate would be a wretched person.'**

98. Analyzing the claim that Mut'ah was made haraam at the time of the conquest of Makka

It is alleged that Sabra and one of his relatives went out with the Prophet (S) and they were allowed to contract temporary marriages. They both had cloaks though Sabra's was old. However, the woman accepted Sabra's cloak as a dower because he was more handsome than his relative was. Later the Messenger of Allah (S) supposedly forbade Mut'ah. Abu Ruqqaya quoted the hadeeth as follows:

Abu Ruqqaya states:

According to Sabra Bin Ma'had AlJuhany who said: I was with my cousin when we passed by a woman who liked my youth and a robe which my companion had. So she offered temporary marriage with the robe as the dowry. I married her and spent the night with her. In the next morning, I went to the mosque and heard the Messenger of Allah saying: 'O people, I had permitted you temporary marriage before, whoever of you has any part in it currently must part with her, and do not take back anything which you may have given them, as Allah Exalted and Majestic has forbidden it until the day of resurrection.' " [narrated by Muslim, Abu Dawood, Ibn Majah, Nasa`i, and Darimi]

Reply One - Ibn Qayyim rejected the claim that Mut'ah was made haraam at the victory of Makka

Ibn al Qayyim states in Zaad al Maad:

On this matter people held two views, one group maintain that Omar prohibited Mut'ah and forbade it from being practiced and the Messenger of Allah (S) has ordered people to follow the Sunnah of the guided caliphs. This group has not considered the tradition of Sabra concerning the prohibition of Mut'ah in the year of victory as authentic...This Riwayat (tradition) is narrated by Abdul Malik bin Rabi bin Sabra from his father, from his grandfather, and Ibn Moe'en has spoken against him (that is he did not consider him fit and trustworthy narrator). Bukhari has equally not mentioned this tradition in his Sahih knowing well that it concerns an important matter and his hesitation in recording this tradition can only be understood to mean that he doubted its veracity.

Ibn Qayyim continues further and says:

Most argue that if this hadith were correct Ibn Masud would know about it. It is even narrated that they (himself and other companions) were practising it and that he proved the legitimacy of Mut'ah by quoting verse 24 of Surah Nisa .He further adds: "If the tradition was correct Omar would not say: 'It (Mut'ah) was permissible during the time of Allah's Messenger (S) but from now henceforth I declare it forbidden and will punish those who practice it', he (Omar) would rather have said "The Messenger of Allah (S) prohibited it and forbade it.

According to Ibn Qayyim the tradition is incorrect because, as he says:

If the tradition was correct, then why did he (Omar) not forbid it during the time of Abu Bakr.

All the above quotations can be found in Zaad al Ma ad vo1.2 pg. 184

This argument is irrefutable. As will be discussed below, there is no doubt that it was 'Umar who forbade Mut'ah, and did so in complete contradiction to the hukm of the Prophet (s) and Allah (swt).

Reply Two - Was Sabra the only person to have heard the prohibition at Fath Makka?

It is also strange that amongst all the multitude of companions only Sabra saw the Prophet (S) standing between the 'pillar and the gate' (Sahih Muslim Book of Nikah 008, Number 3256) declaring the prohibition of Mut'ah. Were all the others deaf? Had they ALL gone to the toilet at the same time? Or did they intentionally cover this hadith up as they enjoyed practising what today's Nasibi call prostitution?

Reply Three - The narrators are not reliable

Finally, There is nothing in the books of Rijal (Biographies of Narrators) to indicate that Sabra or Rabi were trustworthy people. Concerning Abdul Malik there are words by scholars to the effect that he was untrustworthy. The others included in the chain of narrators of this tradition are all considered unqualified. This is recorded in Tahdeeb al Tahdeeb.

Reply Four - The traditions are replete with contradictions

Finally, The contradictions that are inherent in the tradition itself casts doubt on its veracity:

A) Kanz al Ummal Volume 8 page 295 has three separate narration's from Sabra concerning the prohibition on Mut'ah, the first says Rasulullah (s) banned Mut'ah at Khayber, the second says it

was banned at the time of the Victory of Makka, the third says that it was banned at the Farewell Pilgrimage. We leave for those with open minds to think about this, one nook, one narrator, three different narration's about when Mut'ah was abrogated!

B) In Muslim No.3253, the quotation reads "the permission (to make Mut'ah) was for 15 days after entering Mecca". While in Muslim 3257, the quotation reads, "as we entered Mecca".

C) In Sunan Ibn Maja, chapter 44 tradition No.1962 the tradition records that the prohibition occurred the "next day" after (Sabra) contracted Mut'ah. While in Muslim 3258 it says that it was made (Mut'ah) haram after three nights.

D) In Muslim 3253, it is recorded that Sabra and his cousin were the ones who went out to seek for a woman with a view to contract Mut'ah with her. Sabra belongs to the clan of Jahina which belongs to Qatha'ah tribe. However, in Muslim tradition No.3258 Sabra is reported to have said "So I and a friend of mine from Bani Salim went out...".

E) In Muslim tradition No.3253, we understand that it is Sabra who made Mut'ah with the woman after giving out his cloak as a dower. However in Musnad Ahmad vol.3 pg. 405, we are told that Sabra was the ugly one with the new cloak and hence the woman made Mut'ah with his cousin despite his old cloak since he was handsome.

It is clear that even a layman, much less an educated man, cannot accept that such traditions have the power to cancel a verdict contained in the Qur'an.

99. An Overview of the Traditions Prohibiting Mut'ah

There are only four such Ahadith which specifically state that Mut'ah is haram, which are transmitted by only three Sahaba (through different chains). The reader should not become confused when Sunni brothers present a lot of Ahadith on this subject.. If one analyses the chains, we learn that they return to only these three persons.

The names of these three companions are:

- Rabi Ibn Sabra (who narrates it from his father Sabra Juhani)
- Ali Ibn Talib
- Salma b. al-Akwa'

All narrations of these 3 companions are contradictory to each other:

- The hadith of Imam Ali (as) claims Mut'ah was prohibited in 7th Hijri (at Khayber)
- In one Hadith, Ibn Sabra claims that Mut'ah was prohibited in 8th Hijri (at victory of Mecca). While in other tradition, this same Ibn Sabra claims that Mut'ah was prohibited in 10th Hijri (at Last Pilgrimage Hujjatul Wida)
- While Salma b. al-Akwa' claims that Mut'ah was prohibited in 9th Hijri (i.e. in year of Autas, which was after battle of Hunayn)

They cannot simultaneously use all these 3 in order to prove prohibition of Mut'ah by Rasul (s). The occasions when these three prohibitions took place were major events, with thousands of Sahaba present on each occasion, then how is that only ONE narrator out of the multitudes present was able to recall the prohibition on Mut'ah on these occasions? In Sirat-un Nabi Volume 1 page 42, by Hanafi scholar Allamah Shibli Numani we read:

"...the following categories of reports are to be discredited without an enquiry into the characters of their narrators..."

(10) Any tradition concerning an incident so noteworthy that, if it had actually taken place, it ought to have been related by many, and yet there is but a single narrator to it".

Applying point (10) to the evidence we have before us, the prohibition on Mut'ah on these occasions would have definitely been a noteworthy one. Its importance would have been such that it would have needed to be declared openly. This is common sense after all today's Nasibi deem Mut'ah to be prostitution, so would Rasulullah (s) not have ensured that this prohibition was made open to the masses to ensure that future generations were not indulging themselves in fornication? Could there be a better time to get the prohibition across than these three events where so many faithful subjects had gathered? Despite this fact we see that the narrators to each prohibition are restricted to just one person. If such a noteworthy declaration had indeed taken place, wouldn't other Sahaba have also narrated it? This serves as clear proof that these narrations are fabricated and to apply the conclusion of Numani should **'be discredited without an enquiry into the characters of their narrators'**

Shibli Numani had also said on the same page that we could reject:

"(4) The traditions that contradict the Qur'an or a mutawattir hadith"

This is also applicable here. The traditions contradict the Qur'an wherein Allah (swt) revealed a verse on Mut'ah (as we have proven in the previous chapter). Also, in comparison to the above mentioned three reports, there are witnesses of over twenty reports of Sahaba and Taabi'een, which are unanimous that it was Umar who forbade Mut'ah [we will cite some of these traditions in the next chapter]. Ibn Hazm (d. 456) who is one of the esteemed Sunni scholars, in his book Muhalla gave the name of some of the companions and their disciples who believed that Mut'ah is Halal. In the 9th section of the chapter of Marriage Ibn Hazm gives a detailed account of Mut'ah and its regulations. Among the numerous companions and their disciples who believed in practising Mut'ah after the demise of the Prophet are:

Imam Ali, Abu Dhar, Jabir Ibn Abdillah, Abdullah Ibn Abbas, Abdullah Ibn Masud, Zubair Ibn al-Awwam, Imran Ibn Husain, Abdullah Ibn Umar, Ubay Ibn Ka'ab, Abu Sa'id al-Khudri, Salamah Ibn Umayyah, Awka' Ibn Abdillah, Salamah Ibn al-Awka', Khalid Ibn Muhajir, 'Amr Ibn Huraith, Rabi'a Ibn Umayya, Suhair, Sa'id Ibn Jubair Tawoos, Qotadah, Mujahid, Ataa al-Madani al-Suddy, and Imam al-Hasan...

The vast discrepancies found in the hadeeths about the abrogation of Mut'ah demonstrate that such a command never came from Allah (swt). Such contradictions could never be present in a truly Divine account, for Allah (swt) said in Surat an-Nisa, verse 82:

Do they not then meditate on the Quran? And if it were from any other than Allah, they would have found in it many a discrepancy.

There are also seven fabricated, single-chain narrations, which contradict each other on this subject. Two Sunni scholars: al-Qurtubi (in his commentary of Quran) and al-Nawawi (in his commentary of Sahih Muslim) counted the no. of Ahadith (which ban Mut'ah). At end, they come to conclusion that there are seven such narrations.

But they also mentioned the following two facts about them:

- All of them are Ahad
- All of them are contradicting each other regarding the timings (i.e. when Rasulullah (s) banned it)

We have collected these nine timings here, so that our readers can see the contradiction in

those things:

1st Timing: Referred to Hadrath A'isha that she claimed it was banned in Mecca (Surah Mominun) (Quran 23:1-7)

2nd Timing: Referred to Ibn Abbas that he claimed it was banned when Surah Nisa was revealed (in the very early years of Madina)

3rd Timing: It was claimed that it was made Haram when the following verse was revealed: **"And those who guard their private parts, except with their wives or the slave girls who rightfully possess for (in their case) they are free from blame. But those who go beyond that are transgressors."** (Quran 70:29-31)

But the person, which fabricated this hadith didn't know that this Surah of al-Ma'arij (Ch 70) was revealed in Mecca, while the consensus of Sunnis is that Mut'ah was practiced until 7th Hijri in Madina.

4th Timing: Umrah Dhu'l-Qada referred to by Hasan al Basri in 6th Hijri

5th Timing: Referred to Ali that he claimed it was banned in 7th Hijri.

6th Timing: Referred to companion Ibn Sabra Al-Juhani, that he claimed it was banned in 8th Hijri at the time of victory of Mecca (i.e. he practiced Mut'ah with a woman of tribe of Bani Aamir)

7th Timing: Referred to companion Iyas ibn Salam, who claimed Mut'ah was practice till 9th Hijri and it was banned in the year of Autas (after the battle of Hunayn).

8th Timing: Referred to companion Abu Hurrayra, he claimed it was banned in 9th Hijri at the expedition of Tabuk.

9th Timing: Again referred to Ibn Sabra Juhani that he claimed that Mut'ah was banned in 10th Hijri at the time of last pilgrimage.

Now, it is obvious that some of these narrations are fabrications if not all of them. Of interest is the fact that in Taufa Ithna Ashari page 231, Al Muhaddith Shah Abdul Aziz Dehlavi stated:

"Evidence of an event being a lie can be proven if it has numerous contradictions"

With this in mind, how can we accept narration's that seem to suggest that Mut'ah was prohibited on nine separate occasions? Sadly the need to protect Umar rather than speak the truth in effect forced leading Sunni scholars to uphold interpret the contradictions....

100.The efforts of the Ahl as-Sunnah'ulama to justify the contradictions

Allamah Nawawi in Sharh Muslim Volume 1 page 450 [Printed Delhi] quotes the comments of Qadhi Iyad:

"Muslim narrated from Iyas ibn Salam that Mut'ah was Mubah at Autas. Sabra stated that it was Mubah at the time of the victory of Makka, both views are the same it was the same year and was made haraam at that time. 'Ali[r] narrated that the prohibition took place at Khayber this was prior to the victory of Makka. Apart from Muslim others narrated from 'Ali that it was prohibited at the time of the Farewell Pilgrimage, but this was said by Isaac bin Rashid and no one else attested to this. Imam Malik narrated the Khayber tradition in his Muwatta, as did Sufyan bin Ayneea who narrated it from Zuhri. Muslim narrated from individuals through Zuhri,

and the narrations are Sahih. Abu Daud narrated from Rabi bin Sabra who narrated from his father Sabrah ibn Ma'bad al-Juhani that Mut'ah was Mubah at the time of the Final Pilgrimage and was then made haraam forever. Hasan Basri said that Mut'ah was never Halaal, save at Umrah Dhu'l-Qada, this was also narrated by Saburah ibn Ma'bad al-Juhani. The narration by Sabra in Muslim is not restricted to a specific time but the narrations of Muhammad bin Saeed, Isaac bin Ibraheemee and Yahya bin Yahya refers to the victory of Makka. Scholars who have said Mut'ah was Mubah at the Final Hajj are wrong, as there was no need for its practice at that time, as women accompanied many of the Sahaba. It was on this occasion that it was made haraam as the people had gathered here, and the word could spread, that the Shari'ah was now complete and that Mut'ah had been made haraam forever... Mut'ah was made haraam at Khayber, and whatever was said at Umrah Dhu'l-Qada, the victory of Makka was merely a ratification, in reality the prohibition was at Khayber and this is Sahih without a doubt...

Now the question arises if Mut'ah was prohibited at Khayber forever, why was it allowed at Umrah Dhu'l-Qada, Victory of Makka and Autas? It can be said that having been made haraam, it was then made Mubah as per necessity and then made haraam, as was the case before, at Khayber. It was deemed halaal when the need arose at the time of the victory of Makka, and the made haraam on the same occasion. This therefore renders the tradition (prohibiting Mut'ah) at the Farewell Pilgrimage false. We should take from the majority, namely that Mut'ah was haraam at the time of the victory of Makka and the Farewell Pilgrimage, prohibitions here were merely ratification's. As for the claim of Hasan al Basri, that Mut'ah was never allowed save at Umrah Dhu'l-Qada, the tradition of Khayber shall suffice to refute him. Some have commented that Mut'ah was halaal twice and haraam twice".

After this lengthy quote of Qadi Iyad, Nawawi seeks to set out his own view:

"The correct approach in our view is that the prohibition and authority to practice Mut'ah was twice respectively. It was halaal before Khayber, and then abrogated on the Day of Khayber. At the time of the victory of Makka, also known as Autas it was deemed Mubah, three days later it was made haraam forever, as is the case today. It is incorrect to state that it was only practised at Khayber, where it was made haraam forever, or to assert that words at the time of the victory of Makka was merely a reaffirmation of the ban, as Muslim conforms the practise of Mut'ah at the time of the victory of Makka hence to understand such traditions [as a reconfirmation] in this way is inappropriate, there is no doubt that Mut'ah was Mubah twice".

So what we are left with is a quagmire of confusion, where the Sunni 'ulama have offered all manner of excuse to understand / rationalize the contradictions, namely we are left with:

- The battle of Hunayn - this occurred after the victory of Makka. Narrations referring to Autas should be understood as referring to the victory of Makka to ensure that no contradictions arise.
- Traditions pointing to the practice of Mut'ah at Tabuk are unreliable, as the narrator's confused Tabuk with Khayber.
- Traditions exist stipulating that Mut'ah was halaal at the Farewell Pilgrimage and then made haraam, but this is unacceptable as the same narrator also said that Mut'ah had been practiced at the time of the victory of Makka.
- The narration that Mut'ah was prohibited at Umrah Dhu'l-Qada was on the authority of Hasan al Basra.

- Sabra Juhani referred to the prohibition at the Farewell Pilgrimage and the Victory of Makka, but these narrations are unacceptable.
- Qadi Iyad stated that Mut'ah was abrogated at Khayber and all that happened afterwards was a mere verification.
- Nawawi opposed the view of Qadi Iyad, pointing out that if Mut'ah was made haraam forever at Khayber, what is left of the victory of Makka tradition? He concludes that Mut'ah was Mubah at the victory of Makka, and then made haraam forever. Nawawi's view is in line with that of Imam Muslim who in his Sahih sets out the traditions in this way, namely that it was Mubah then haraam forever.

The confusion and contradictions are so bewildering (even with the efforts to understand them from the likes of Qadi Iyyad and Nawawi) that Imam of Ahl as-Sunnah Qurtubi commented in his Tafsir, Volume 5 p. 30

"There are so many contradictions on the traditions of Mut'ah that they end up conflicting with one another. Mut'ah was made Halal on 7 occasions and Haram on 7 occasions".

Qadhi Thanauallah Panee Pathee in Tafseer Mazhari page 572 also echoes similar views:

"If we are to accept all of these traditions then the conclusion is that Mut'ah was Mubah of 4 or 5 occasions and haraam on 4 or 5 occasions. Imam Sha'afi had said 'I don't know of anything in Islam that was halaal on one occasion, then made haraam, then made halaal and then haraam with the exception of Mut'ah'. Some 'ulama have said that lot was abrogated on three occasions others have said more".

Imam of the Nasibi also recorded these very same comments of Imam Sha'afi in his book Seerath ul Nabawiyya Volume 3 pages 365 - 366:

"The prohibition of the contractual marriage took place in the day of the Khayber campaign. Yet it had been established in Sahih of Muslim that Muhammad allowed them again to (sign) a contractual marriage in the Day of Mecca's conquest. Then he prohibited it. Shafi'i said: 'I do not know any other thing which was made lawful, then prohibited, then made lawful again, then unlawful except the contractual marriage, which was prohibited in the year in which Mecca was conquered, then after that it became lawful'"

Ibn Katheer also made similar comments in his Tafseer of this verse:

"The verse refers to Nikah Mut'ah that was allowed in the beginning of Islam, but was then abrogated. Shafi and a group amongst the Ulema said that it was Mubah twice and abrogated twice. Some say that it was mubah once and then abrogated, so say that it occurred on may occasions"

 [Tafseer Ibn Katheer, Surah an-Nisa, Page 3](#)

Ibn Hajr Asqalani in his Fathul Bari fi Sharh Sahih al Bukhari Volume 9 page 133 wrote:

"Suhaili stated:

'Of the traditions on Nikah Mut'ah that are contradictory, the most unusual narration is that it was haraam at Tabuk, others say the prohibition was at Umrah Dhu'l-Qada, the famous view that it was banned at the time of the victory of Makka is on the authority Sabra Juhani. There are also narrations from Sabra that it was made haraam at the time of the Farewell Pilgrimage. We are then left with the prohibition at Autas that conflicts with the tradition of the victory of Makka. From these traditions it is evident that Mut'ah was abrogated on six occasions, Khayber,

Umrah thul Qadha, the Victory of Makka, Tabuk, Autas and the Farewell Pilgrimage'

Suhaili made no mention of the Hunayn tradition, this either did not come to his notice, or he omitted as the narrators made a mistake, or he deemed Autas and Hunayn to be the same occasion.

The Tabuk tradition was narrated from Rahvia, Ibn Habban and Abu Hanifa. The chain that Hasan al Basri relied on in effect suggested that Mut'ah was never halaal before or after that occasion (Umrah Dhu'l-Qada), but the narrator in the chain Umro bin Ubaydh made an objectionable mistake, he was an unreliable narrator. The conquest of Makka narration is in Sahih Muslim as is the Autas narration from Salma b. al-Akwa. As for the Final Pilgrimage narration from Sabra Juhani, this contradicts narration's that have reached us without weaknesses; with regards to the prohibition at the time of the victory of Makka and Khayber that carry Sahih chains. This is an issue for Hasan al Basri, his narration is da'eef [weak] as he would take traditions from anyone. If the tradition is accepted we could interpret Umrah Dhu'l-Qada as Khayber as both events occurred in the same year. We are left with the Tabuk narration, Abu Hurrayra stated that the Sahaba practised Mut'ah on that occasion, this may be another occasion as the separation from women and ban occurred at an earlier date, some Sahaba may have been ignorant of this fact, and continued to practise it, which is why the prohibition on that occasion was made in state of anger...

The narration of Jabir is not Sahih as it was narrated by Abad, this narration is subject to open criticism. The Umrah Dhu'l-Qada tradition is wrong; the Tabuk tradition should be rejected, as should the Farewell Pilgrimage tradition. If the victory of Makka tradition is accepted it renders the Hunayn tradition wrong. We are left with just two Sahih traditions, Khayber and the Victory of Makka".

To accept this conclusion means to accept that Mut'ah was haraam twice and Mubah twice. Ibn Qayyim vigorously opposed such a notion. Commenting in Zaad al Maad Volume 1 page 442:

"Difference over whether Mut'ah is haraam take place at four points. Firstly it occurred at Khayber, this is the view of a group of 'ulama including Sha'afi. Secondly at the time of the victory of Makka as asserted by a group such as Abi Aineah. Thirdly, at Hunayn although another claim is that this referred to the Victory of Makka. Fourthly, The Farewell Pilgrimage, as was held by Mu'awiya, but this was a mistake of narrators who confused the Farewell Pilgrimage with the victory of Makka"

The reality is that is nor rational to assume that Allah (swt) continually prohibited and permitted the same act. Ibn Qayyim's statement on this matter (same page as above) is absolutely correct:

"...If we accept that Mut'ah was cancelled on the Day of Khayber then what we are saying is that cancellation occurred twice and this has never happened in religion for sure and will not happen".

Ibn Qayyim is arguing that it is impossible for Mut'ah to have been banned and permitted twice. But based on the hadeeth literature, this supposedly happened seven times. Imam Radhi in his Tafseer Kabeer Volume 3 page 194 was perfectly honest when he said:

"To conclude that Mut'ah was made halaal on several occasions is da'eef, no one of authority has made such an assertion, this was only said by those that had sought to clarify the contradictions".

Nobody who believes in the Wisdom and Justice of Allah (swt) can believe that such a thing

would happen. May Allah's curse upon those who fabricate Ahadith and lie upon the Prophet (s). Despite this the Ahl as-Sunnah continue to explain away the contradictions, let us now turn to the comments of Shaykh Abdur Rahman bin Shaykh bin Muhammad bin Sulayman in 'Majma ul An'haar fi Sharh Munthakul al Jhaar' Volume 1 page 321 [Constantinople edition]:

"Nikah Mut'ah between Khayber and Fath Makka was Mubah, but was subsequently cancelled via the ijm'aa of the Sahaba to the point that it is unacceptable for a Qadhi [Judge] to deem it permissible, if someone deems it Mubah he is a kaffir"

A departure from the earlier comments the learned scholar is claiming that Mut'ah was Mubah at Khayber and remained Mubah until the victory of Makka. This serves to further demonstrate the utter confusion of scholars, borne out of their attempts to rationalise the contradictions. To assert that Mut'ah at Khayber was Mubah, not haraam until the victory of Makka, contradicts the two traditions of on the banning of Mut'ah that the Ahl as-Sunnah purport to be Sahih, (at Khayber and the Victory) -yet Ibn Qayyim rejected both of them.

The amazing thing is the reference of Sabra in some sources regarding the prohibition of Mut'ah at the time of the Victory of Makka but the narrator mistakenly referred it to the Farewell Pilgrimage. It is fascinating that the narration of Juhani at the victory of Makka, contracting Mut'ah in the presence of a friend, by presenting a cloth as dower, and the prohibition after three days has also been similarly reported by the same narrator at the time of the Farewell Pilgrimage - one narrator, same narration, two different events, pure coincidence or fabrication? Ibn Qayyim attributed it to a mistake, confusing the Farewell Pilgrimage with the Victory of Makka. Such clear contradictions make these narrations worthless, and the scholars have themselves ruled out any prohibition at the time of the Farewell Pilgrimage. If we are to accept the viewpoint of Ibn Hajr Asqalani we are ultimately left with just two Sahih hadith on the prohibition of Mut'ah, Khayber and the victory of Makka. We have already cited the fact that leading scholars lead by Ibn Qayyim rejected the notion of Mut'ah being prohibited at Khayber. This leaves just one tradition to discuss the banning at the time of the Victory of Makka. We have already sought to refute the tradition from the angle of multiple contradictions, if Nasibi are still not satisfied let us bring our final proof that in effect negates this and all such narration's...

101. The revelation of the verse of Mut'ah at Hunayn refutes all traditions on the prohibition of Mut'ah

We are quoting directly from the great Sunni scholar al Hafidh Jalaladeen Suyuti who writes in al Bab al Naqool fi Asbab al Nazool [Egypt edition] with the commentary of Tanveer al Makki page 77:

"Muslim, Abu Daud, Tirmidhi, and Nasai in their commentaries of the verse narrate from Abu Sa'id al-Khudri (Allah her pleased with him) reported that at the Battle of Hunayn Allah's Messenger (may peace be upon him) sent an army to Autas and encountered the enemy and fought with them. Having overcome them and taken them captives, the Companions of Allah's Messenger (may peace to upon him) seemed to refrain from having intercourse with captive women because of their husbands. Then Allah, Most High, sent down regarding that: " And women already married, except those whom your right hands possess (iv. 24)" - i.e. Married women that have come from War Booty. We then deemed it halaal to take such women. Tabrani narrated from Ibn Abbas that the verse descended at Hunayn, when female captives (people of the Book) came from the War Booty, but no one would approach them, as they were married. People referred the matter to Rasulullah (s) and it was at that time that this verse descended".

The complete verse (Surah Nisa verse 24) was not 'exclusively' about Mut'ah, it sets out the types of women that a man can marry and also includes the condition for contracting *Mut'ah*

(payment of dowry).

This serves as proof that Mut'ah is a permissible type of Nikah that was not abrogated by the Sunnah, and Allah (swt) endorsed this practise through revelation at Hunayn that occurred at the final year of the life of Rasulullah (s), and whilst the tradition of Abu Said only quotes a part of Surah Nisa verse 24 '**And women already married, except those whom your right hands possess**' (the complete verse incorporates Mut'ah):

Also (prohibited are) women already married, except those whom your right hands possess: Thus hath Allah ordained (Prohibitions) against you: Except the forbidden women) the rest are lawful unto you to seek them with gifts from your property (i.e., dowry), provided that you desire protection (from sin), not fornication. So for whatever you have had of pleasure (Istamta'tum) with them by the contract, give unto them their appointed wages as a duty. And there is no sin for you in what you both agree (in extending the contract) after fulfilling the (first) duty. Lo! Allah is ever Knower, Wise

This verse descended after the Victory of Makka, and negates the assertion that Mut'ah was made haraam forever at Khayber and the victory. Why would Allah (swt) reveal a verse deeming a practice halaal that had already been made haraam forever?

There is no way that our opponents such as Nawawi can interpret the Autas tradition as referring to the Victory of Makka [as both occurred in the same year], as no there were no female captives from amongst the people of the Book at the time. The event occurred after the victory and serves as the greatest proof that Mut'ah is halaal, and the timing refutes any traditions purporting to suggest that Mut'ah was banned at Khayber and the victory of Makka. The fact that the verse makes no specific 'new' order to practice Mut'ah, but merely affirms the right to contract Mut'ah, is clear evidence that that Allah (swt) ratified a practise that was already in existence, i.e. being practised via the Sunnah.

What is proven here is that all traditions pointing to a prohibition on Mut'ah are false, without any foundation. We have analysed the traditions and contradictions in depth, and are confident that no further objections can be raised. The attempts of the Ahl as-Sunnah to understand / read through the confusion is there for all to see, many just blindly accept that Mut'ah was made haraam forever at Khayber and at the Victory of Makka. When we see the confusion we are left with three conclusions:

1. The Qur'an revealed a verse on the permissibility of Mut'ah, it descended at Autas after the victory of Makka. This proves that this a lawful type of Nikah, that proves that until that time Mut'ah was not haraam.
2. The Sahaba accordingly continued to practise Mut'ah as is vouched for in Sahih Muslim Book 008, Number 3248, Bab ul Nikah:

Ibn Uraij reported: 'Ati' reported that Jabir b. Abdullah came to perform 'Umra, and we came to his abode, and the people asked him about different things, and then they made a mention of temporary marriage, whereupon he said: Yes, we had been benefiting ourselves by this temporary marriage during the lifetime of the Holy Prophet (may peace be upon him) and during the time of Abu Bakr and 'Umar.

3. Umar prohibited Mut'ah of his own accord, and acknowledged that it was permissible during the lifetime of Rasulullah (s), to this end we have the words of Umar in Kanz al Ummal Volume 8 page 293:

"Two types of Mut'ah were present during the lifetime of Rasulullah (s), I prohibit them both, they are Mut'ah of Nisa and Mut'ah of Hajj"

[Online Kanz ul Ummal, Hadith 45715](#)

In this regard we find the truth on the matter in the Fatwa of Sunni Hadith Master al Hafidh Jalaluddin Suyuti in Tarikh al-Khulafaa, p. 36 wrote about Umar Ibn Al-Khattab.

"He (Umar) is the first who made Mut'ah forbidden (Haram)".

[Note: This will be discussed at length in the next chapter]

No ruling exists under the Shari'ah, where a practise is deemed halaal, then haraam, then halaal and then haraam. Such a practise is against common sense, which leads us to just one conclusion that the prohibition of Mut'ah was based on the order of Umar alone.

102.Ibn al-Hashmi's absurd notion that those who believe in the legitimacy of Mutah commit blasphemy against Prophet [s]

Among the different anti-Shia websites making feeble attempts to defend the madhab of Muawiyah, *www.ahlelbayt.com* is also one of these and its author Ibn al-Hashimi a stubborn Nasibi who instinctively shuts his eyes from all those authentic texts of his school, that go against his beliefs. He wastes internet space with this comment:

Ibn al Hashimi states:

The fact of the matter is that the Ahlus Sunnah considers Mutah to be Haram (forbidden), and believes this prohibition to be from the Prophet (s). It is upto the Shia follower to slander the Prophet (s) by saying that he would allow such a practise to continue.


 [Screen shot of Ibn al-Hashmi's article - top](#)

 [Screen shot of Ibn al-Hashmi's article - text](#)

103.Reply

First of all we will repeat a reference that we have previously cited from Imam Ibn Hajar Asalani's authority work 'Talkhees al Habeer fi Takhreej al Hadeeth al Rafa al Kabeer' Volume 3 page 159 (printed Cairo):

"After the death of Holy Prophet [s], a group of Salaf deemed it Halal. Amongst the Sahaba they were Asma bint Abi Bakr, Jabir bin Abdullah, Ibn Masood, Ibn Abbas, Mu'awiya, Amro bin Huraith, Abo Saeed, Salama and Mu'abed-the sons of Umayya bin Khalaf. He said that Jabir reported from the companions that (it was valid) during the reign of the Prophet, Abubakr and some part of Umar's reign. He said that it is reported from Umar that he forbade it only if there were not two just witnesses. Some of Tab'een deemed (it halal) such as Tawous, Atta, Saeed bin Jubair and the majority of the jurists of Makka."

 <http://feqh.al-islam.com/Display.asp?Mode=0&MaksamID=101&DocID=51&ParagraphID=1206&Diacratic=1>

This is not the list those Sahaba and Tabayeen that deemed Mutah to be Halal after Holy Prophet [s] but according to the 'fatwa' of Ibn al-Hashimi al-moron, this is an indictment of all those that committed blasphemy against the Holy Prophet [s]. For Ibn al Hashmi the self proclaimed defender of the Sahaba, his Fatawa carries serious implications for the very people he advocates for, after all one who commits blasphemy against the Holy Prophet [s] is an apostate and can be killed according to the Islamic injunctions. Hashmi, has issued a clear cut kufr fatwa against the above cited esteemed Sunni personalities without 'ifs' and 'buts' – and one wonders how he can call himself a Sunni and yet attack the Sahaba in such a disgraceful

manner.

Coming to the last sentence stated by Ibn al-Hashmi:

Ibn al Hashimi states:

It is upto the Shia follower to slander the Prophet (s) by saying that he would allow such a practise to continue.

104.Reply

This is one of the 'strang' objections that often comes from our opponent's side namely, '*how can the Prophet [s] allow such a absurd practice to continue*'. We have evidenced the legitimacy of Muta from a plethora of authentic Sunni traditions, that contain the testimonies of the Sahaba, proving that our Prophet [s] allowed them to practice Muta, as such there should no shame in attributing the practice of Muta to the Prophet [s]. Having said that, what right does Ibn al-Hashimi have to assert that anyone who claims that Prophet [s] allowed Muta actually slander him [s] when his school believes the Prophet (s):

1. allowed a woman to suckle a grown-up man in order to make him her mahram (Sahih Muslim Hadith Number 3426)
2. had no control over his wishes even during fasting hence he would kiss and suck tounge of his wives (Bukhari,V3,Number 150, Sunan Abu Daud Book 13, Number 2380).

Ibn al-Hashimi further exhibits his 'rhetoric' in the following words:

Ibn al Hashimi states:

The position of the Ahlus Sunnah on the illegality of Muta is very clear and definitive: nonetheless, we will be forced to endure the broken record players that incessantly repeat that the Prophet (s) encouraged Muta. No matter how many times the Shia claim this, it simply is not true.

105.Reply

Had this stubborn moron ever opened the religious books of his sect, he would have come to know that it is not the Shi'a that claim that Prophet [s] encouraged Muta rather the 'pious' and 'revered' Sahaba narrated instances in this regard. Allow us to introduce Ibn al-Hashimi to one such hadith wherein the Prophet [s] not only encouraged the Sahabi Abdullah Ibn Masud to perform Nikah al-Muta but did so with an argument supported by a Qur'anic verse:

Narrated 'Abdullah Ibn Masud: We used to participate in the holy battles led by Allah's Apostle and we had nothing (no wives) with us. So we said, "Shall we get ourselves castrated (for fear of making sin)?" He forbade us (to castrate ourselves) and then allowed us to marry women with a temporary contract (Mut'ah) and recited to us: 'O you who believe! Make not unlawful the good things, which Allah has made lawful for you, but commit no transgression.' (5.87)

Sahih al Bukhari Volume 7 tradition 13a

106. By calling Mutah as immoral and adultery, Ibn al-Hashimi is slandering Allah [swt], Prophet [s], Sahaba and Tabyeen

As we quoted earlier, according to the pathetic logic advanced by Ibn al-Hashimi, one who deems the permissibility of Mutah actually slanders the Prophet [s]. Moreover he states:

Ibn al Hashimi states:

We wonder why the Shia even try to justify Mutah by showing that it is even allowed in Sunni Hadith? How does this in any way change the situation? Temporary marriage is immoral. If the Sunnis also believe in Mutah, then it simply means that the Sunnis are immoral too. It does not absolve the Shia from the immoral nature of his own religion which allows Mutah. We hope that the Shia can understand this: proving the Ahlus Sunnah incorrect does not automatically prove the Shia correct. If we agree with the fallacious argument that Sunni Islam also allows Mutah, then we are simply agreeing that both Sunni and Shia religions are immoral.

107. Reply

Throughout our article, we have cited number of authentic Sunni reports proving:

- Allah [swt] revealed the verse 4:24 for the permissibility of Mutah
- Prophet [s] at various occasions allowed or ordered Sahaba to perform Mutah
- Number of Sahaba and Tabyeen not only believed in the permissibility of Mutah even after the death of Holy Prophet [s], but some of them kept practicing it.

Ibn al-Hashimi's notion- 'Temporary marriage is immoral. If the Sunnis also believe in Mutah, then it simply means that the Sunnis are immoral too' has in fact unveiled the sheer hypocrisy he harbours in his heart. He is ready to absolve his whole sect from the (supposed) immoral act of temporary marriage but he has no shame in attributing the very (supposed) immoral act to the creator of this universe, the high the majesty Allah [swt] and to his blessed Holy Prophet [s]. We have cited bulk of Sunni text proving that Mutah was initially allowed in Islam as Allah [swt] revealed the verse 4:24 with regards to Nikah al-Mutah and Holy Prophet [s] also permitted it to Sahaba, now even those Sunnies such as Ibn al-Hashimi who deem that Mutah was 'later on' prohibited and it is totally immoral and adultery are in fact openly slandering Allah [swt] and Holy Prophet [s]. If Mutah was an adultery and an immoral act, then believing that Allah [swt] and His Prophet [s] had initially allowed it even for a day is a direct attack on the infallibility of Allah [swt] and His Prophet [s] let alone believing that Allah [swt] revealed a separate verse in his Holy book for Mutah and Prophet [s] till years allowed it for his Sahaba. For get about Sunni or Shia being immoral, by believing Mutah as immoral Ibn al-Hashimi is in fact attributing immorality to the impeccable ones i.e. Allah [swt] and his Prophet [s] which is Kufr.

108. Some final points to think over

We feel it apt to summarise some points for our opponents to mull over:

- If Mut'ah was indeed abrogated then the allegation arises as to why Imam 'Ali (as) and his descendants, Sahaba and Tabaeen such as Ibn Abbas, Jabir ibn Abdullah, Imran bin Husain, Mu'awiya bin Hind, Ibn Jurayj, Saeed bin Jubair, Mujahid, 'Ataa etc vouched for its legitimacy. Did all of these individuals turn their back on the religion of Islam? If so then it clearly becomes incumbent for the Ahl as-Sunnah Ulema to issue a declaration of apostasy against all of them - if Mut'ah's abrogation can indeed be proven from tawatur narration's.
- The reality is no tawatur traditions confirming the prohibition of Mut'ah exist. To rely on the existing traditions as proof that Mut'ah is haram is indeed a false premise, since the traditions that Mut'ah is halaal can be established from tawatur narration's. If the Ahl as-Sunnah are relying on Ahad [lone] narration's as 'proof' the questions arises as to why they are relying on questionable lone traditions in favour of definite traditions?

Furthermore, we know that a group of Sahaba believed that Mut'ah was halaal after the death of Rasulullah (s). In the Urdu translation of Muwatta Imam Malik page 39, Maulana Waheed'ud Deen az Zaman said:

Amongst the great Imams and the majority of the Ulema Nikah Mut'ah is not permissible, they however acknowledge that Mut'ah was practised, and was made haraam on the Day of Khayber, it was then practised at Umrah Dhul Qada, it was then made haraam at the time of the victory of Makka, was then allowed at the Battle of Autas, it was then made haraam, it was then allowed at Tabuk, and then made haraam at the time of the Farewell Pilgrimage. The people benefited from the continual bans and permissions, some practised Mut'ah whilst others refrained from it, to the extent that after the death of Rasulullah (s), this state of affairs continued during the reign of Abu Bakr, as was the case with the early portion of Umar's khilafath, wherein it was deemed to be halaal. Umar then deemed it prohibited on the pulpit and the people subsequently stopped practising Mut'ah. Some Sahaba continued to maintain the position that Mut'ah was permissible, such Jabir ibn Abdullah, Abdullah ibn Masud, Abu Saeed, Mu'awiyah, Asma bint Abu Bakr, Abdullah ibn Abbas, Umro bin Harees, Salma bin Akwa. A group amongst the Tabaeen also upheld the legitimacy to practise Mut'ah.

Imam of the Salafi Nasibis Ibn Taymeeya also listed those Sahaba that believed in the legitimacy of Mut'ah after the death of Rasulullah (s). We are quoting directly from his work 'al-Muntaqaa min Akhbaar al-Mustafa', edited by Muhammad Hamid al-Faqqi, 2 volumes, Cairo: al-Maktabat al-Tijariyya, 1931 edition, volume 2, page 520.

According to Ibn Hazm: "Ibn Mas'ud, Mu'awiya, Abu Sa'eed (al-Khudri), Ibn 'Abbas, Salama and Ma'bad, the sons of Umayya bin Khalaf, Jabir (bin 'Abdullah al-'Ansaari), and 'Amr bin Huraith continued, after the death of the Prophet, to consider it (i.e. Mut'ah) lawful. Moreover, Jabir reported, regarding all the Companions, that they continued to uphold its lawfulness during the time of the Prophet and of Abu Bakr and almost till the end of 'Umar's caliphate." then he (i.e. Ibn Hazm) adds, "Among the Successors of the Companions, Tawoos, Sa'eed bin Jubair, 'Ataa', and the rest of the Makkan jurists believed in its permissibility."

Consider these illustrious names and now contemplate the comments of Haq Nawaz Jhangvi:

Haq Nawaz Jhangvi states:
 THE UNLAWFULNESS OF MUTA IS AGREED UPON
 BY THE UMMAH I.E. CONSENSUS EXCEPT THAT
 OF THE SHITTES HOLD IT LAWFUL

Now our question is a simple one, if the Consensus that the whole Muslim Ummah deems Mut'ah to be haraam, save the Shi'a (who are non Muslim) then what can we say of the above

named individuals that believed that Mut'ah was halaal after the death of Rasulallah (s), do they not come within the definition of Muslim Ummah, or were they Rafidi Shi'a? In his efforts to attack the Shi'a, Jhangvi has blasphemed his own esteemed Salaf (Sahaba and Taabi'een)!

It is on this basis that we argue that Mut'ah was halaal during the lifetime of Rasulallah (s), and this was the position during the early portion of Umar's khilafath, as attested by the traditions. The views of these great Sahaba serve as proof that Mut'ah has not been abrogated by the Sunnah. We also read in Fathul Bari Volume 9 page 172, Bab ul Nikah:

According to Ibn Hazm, after Prophet [s] this group deemed Mut'ah to be halaal, ibn Masud, Mu'awiya, Abu Saeed, Ibn Abbas, Salma and Ma'bad the son of Umayyah bin Khalaf, Jabir, Umro bin Hurayth, and Jabir narrated it from all the Shahaba in the time of Rasulallah [s] and Abi Bakr and Omar , until the last period of Omar's caliphate. And it is said: 'Among the Tabi'een Taus, Sa'id bin Jubayr, Ata' and jurists of Makkah'.

[Online Fath al Bari, Kitab al Nikah](#)

We also read in Fathul Bari Volume 9 page 173 that:

...Ibn Abbas never believed that Mut'ah had been abrogated.

Now, according to Ahl as-Sunnah, 'the Sahaba are like the Stars, whichever one you follow shall suffice as guidance' and 'differences amongst the people are a blessing for the Ummah' We cited the fact that a group amongst the Sahaba deemed Mut'ah to be halaal, and the fact that Ibn Abbas never altered his position over Mut'ah being halaal. This serves as clear proof that Mut'ah is halaal and was never abrogated. Had this been the case then these Sahaba would not have maintained the stance that it was halaal, and we have the debate between Ibn Abbas and Ibn Zubayr on the issue. Now, if differences amongst the Ummah are a blessing, hence the differences between the Sahaba on Mut'ah should also be deemed a blessing. This evidence destroys the notion of Dr. Salamah that Mut'ah is prostitution or the argument of the Shah in Taufa Ithna Ashari that it is 'Fasad'. The Ulema of Makka like Ibn Abbas deemed Mut'ah to be halaal, as did Imams of Ahl'ul Sunnah Malik and Ibn Jurrayj (the latter who incidentally contracted Mut'ah with over 70 women). All these evidences serve as proof that Mut'ah was not abrogated; if it was then did Ibn Jurrayj commit fornication with seventy prostitutes? If so, how can he still be deemed a reliable narrator for the Ahl'ul Sunnah?

109. Conclusion

Dr. Salamah like his fellow Nasibi authors seems to be deeply confused on this issue. On the one hand he says that the verse 4:24 has nothing to do with Mut'ah, and then he says it is abrogated. If we follow Dr. Salamah's logic, then we are left in a terrible bind: for if any enemy of the Ahl al-Bayt (as) is claiming that the verse has no connection with Mut'ah but only with standard Nikah, then we still must accept that the majority of Sunni 'ulama have declared this verse to be abrogated. The outcome of the Sunni logic is this: if the verse of Nikah was abrogated then it means that both permanent and temporary marriage has been abrogated, meaning that marriage in its entirety is haram.

From this discussion, we are already getting a glimmer of the great confusion amongst the Sunnis with regards to this verse. Some, such as Dr. Salamah, seem to be saying that it had nothing to do with Mut'ah; others, such as the vast majority of traditional Sunni 'ulama, say that it does but it was abrogated. We know that Sunni Islam is fundamentally based upon the ideal of consensus, and the belief that whatever the Muslim community agrees upon is to be treated as the Truth from Allah (swt). Yet they seem hopelessly unable to agree on this issue. A logical and reasonable person would look at this state of affairs and have a great deal of suspicion: why the confusion about this issue? Why cannot the "saved sect" of Ahl as-Sunnah wa Al-Jama'ah come to a conclusion about basic Qur'anic Tafsir? In reality, all the arguments

given about Mut'ah evidence an uncoordinated and fumbled attempt to cover up the Qur'anic truth. Since Mut'ah was not abrogated and has always been halaal, individuals in the Sunni community have struggled to find a way to justify Mut'ah. They have all attempted to do this through different means, yet have winded up dramatically contradicting each other in the process. Since none of the arguments have much weight on their own (neither the argument that 4:24 has nothing to do with Mut'ah, nor the argument that it was abrogated), the only rational solution is to dispense with all of these claimants, who have not managed to sort out even the most basic elements of their belief system.

An everyday example might make this clearer:

a robbery is committed in a neighbourhood store. This community is nearly all white, except for a single black resident, and the majority of the community is famous for their racism. When the police come, the store's all-white neighbours accuse this single black resident of the crime. However, each time the police interview one of these neighbours, they give a different story. One person says that the black resident walked into the store with a gun; another says that he drove up to it and came out with a knife; a third says that he used a bat. All of them are unanimous that the black man robbed it, but none of them agree on even the most obvious of details. Would a reasonable policeman believe these witnesses? Would he not, instead, assume that residents were acting on their well-known racist attitudes and accusing the black resident simply because he was black? Since they are all untied in accusing him, yet all differ as to why and how he committed the crime, this would be the logical conclusion.

The same is the case with Sunni 'ulama. Most of Sunnism is renowned for its anti-Shi'a bigotry. We see that all of the Sunni Ummah is united on the belief that Mut'ah is haram, yet every 'alim who is asked gives a completely different reason, a reason which contradicts the testimony of all of his other brethren in the Sunni faith. A reasonable person would realise that all of these claims are invalid, that they are based solely on bigotry rather than religious fact, and that the testimony and opinions of all these individuals should be rejected out of hand. This is for one obvious reason: somebody is lying. Somebody is making up hadeeths, or somebody is misinterpreting the Qur'an intentionally. It is a logical impossibility that all of the Sunni 'ulama are being honest on this issue, when they are so clearly and categorically contradicting each other.

Beyond this, we see that the Sunni objections lack any claim to certitude. Their mutual contradictions preclude having certainty about any of them. At minimum only one can be correct, and it is entirely possible that they are all wrong. However, arguments about abrogation require certainty. It is not enough to merely "think" that something has been abrogated. To give an example: tragically, some people in the modern world are of the belief that the obligation for women to wear hijab is basically abrogated. They say that times have changed, the world is different now, and a hukm from 1400 years ago no longer applies in our "modern" world. In its essence, this is only an argument about abrogation, since such people are claiming that something was obligatory but now no longer is. However, such people never have the slightest amount of evidence to bring in support of their claim except the pathetic claim that "times have changed," which is meaningless. Such people think that hijab is abrogated, but they have no certainty other than their own emotions and guilty-conscience in the face of Western secularists. A true Muslim recognises that such dubious claims as the abrogation of hijab in the modern era are to be wholly rejected, because there is no certain proof that it has, only supposition. The same is the case with Sunni arguments about the abrogation or impermissibility of Mut'ah: we find only supposition, and we do not find a single Sunni argument that even approaches certainty. Any Muslim with the slightest knowledge of this subject would realise that the original permissibility of Mut'ah is certain. All the arguments given about its abrogation are extremely uncertain. Is doubt about abrogation sufficient? Yet Allah (swt) has said in the Qur'an:

Doubt has nothing over the Truth.

As such, it is not sufficient to think or suspect that Mut'ah is abrogated. In order to say it is haram, one must have completely certainty. Yet the plethora of Sunni arguments makes obtaining certainty about any of them impossible. This, combined with the individual paucity of each of those arguments, leaves us with only one solution: to reject the Sunni claim that Mut'ah has been abrogated.

10.Chapter 10: The Truth: That 'Umar banned Mut'ah

We have already read the fatwa of Ibn Abbas, where he stated:

Mut'ah was blessing of Allah upon the Ummah of Muhammad and had Umar not prohibited it the only person to fornicate would be a wretched person.

It has been established that the Qur'an bore witness to the legitimacy of Mut'ah, and that it was originally halaal. All arguments about other verses abrogating the verse of Mut'ah have proven invalid. The only argument after this was the belief that the Prophet (s) had abrogated it in his Sunnah, but this was proven to be impossible: all of the hadeeths dramatically contradict each other on this issue. It is also well known that a large number of companions, if not the majority of them, continued to practice Mut'ah after the death of the Prophet (s). The only claim for the abrogation of Mut'ah which remains, then, is the only claim which is true: that it was "abrogated" by 'Umar, who of course had no authority to do such a thing. This acknowledgement is made in Ahl'ul Sunnah's esteemed work al Awa'il, wherein we read:

"The first to make Mut'ah haraam was Umar"

 [Al Awa'il](#)

Indeed, the Sahaba deemed Umar to be a liar when it came to this issue. We read in Tafseer Kabeer page 41:

Ali said: "Had Umar not banned Mut'ah then the only person to fornicate would be a wretched person."

 [Tafseer al-Kabeer, Volume 4 Page 41](#)

We should remember that "Nida ul Islam magazine" in of one of the silliest articles about Mut'ah, writes about Razi:

Nida ul Islam magazine:

Before we close this research, we refer to the words of Imam Alfakhr AlRazy in response to those who claim that 'Umar added the prohibition of temporary marriage himself. So they declared him as an apostate and attributed apostasy to all who did not stop him: "all this is erroneous. All that is left to say is that temporary marriage was permitted during the time of the Messenger (saww.), and I prohibit it with what has been authenticated with me that the Messenger of Allah (saww.) prohibited it."

Yet Razi felt no problems narrating this hadeeth of Imam 'Ali (as). We ask the enemies of the Ahl al-Bayt (as): why do you disregard the words of Imam 'Ali (as), and take the words of Razi instead? In fact, these words of Imam 'Ali (as) are sufficient to destroy the claims of Razi and other of Umar's advocates. We also read in Tafseer Durre Manthur, Volume2 p. 40 that Ibn Abbas discredited Umar's fatwas on this subject. The companion Jabir bin Abdullah's testimony refutes the assertion that the verse on Mut'ah was abrogated We read in Zaad al Maad Volume 2 page 205 Dhikr Fatah Makkah:

"Those who claim the verse was abrogated should be asked of the report in Sahih Muslim wherein the Sahaba Jabir stated in the lifetime of Rasulullah(s) and Abu

Bakr , Mut'ah would be performed by the use of mud and flour and cloth, until Umar stopped it following the episode Umar bin Harith".

If Mut'ah was abrogated, then what compelled Jabir to say that it was practised during the reign of Abu Bakr? If Rasulallah(s) deemed Mut'ah to be abrogated then were the companions indulging in fornication under the cloak of Mut'ah during Abu Bakr's reign? Was the Prophet (s) not sufficient to stop this terrible practice?

Ibn Qayyim, the student of Ibn Taymeeya, was also explicit that Mut'ah was not abrogated, rather that 'Umar stopped it on his own accord. We also read in Zaad al Maad Volume2 page 205 Dhikr Fath Makka:

"there exists two Ahlul Sunnah views on Mut'ah: One says that Umar stopped it. Rasulallah(s) issued an order to follow the rightly guided khalifas they don't consider the edicts if Mut'ah being made haram following the victory of Makka on the authority of Sabra bin Juhani to be Sahih since it was narrated by Abdul Malik bin Uzai and Ibn Mueen wrote against him and Imam Bukhari despite its need did not place this tradition in his Sahih Bukhari. If the prohibition on Mut'ah was Sahih then Imam Bukhari would have definitely recorded it in his Sahih".

It is clear that if Mut'ah's abrogation was Sahih then Jabir would not have opposed Umar, and that if Rasulallah(s) outlawed it, the Companions would not have practiced it during the reign of Abu Bakr. Ibn Qayyim makes this point precisely, even though he was well known for his hatred of the Shi'a. We read in Zaad al Maad Volume2 page 206 Dhikr Fath Makka

"If the hadith of Jabir was sahih then how did ibn Masud remain ignorant of this? If it was Sahih then why would Umar say that Mut'ah was practised during the lifetime of the Rasulallah(s), and say: "Now I stop it and shall stone the one who practises Mut'ah?" If the Abrogation hadith was Sahih then why did people practise Mut'ah during Abu Bakr's reign, when it is claimed his was like the Khilafath of Prophethood?"

Suyuti also reports that the verse of Mut'ah was not abrogated, but that this was only done by 'Umar. We read in Tafseer Durre Manthur Volume 2 page 140:

Hakam was asked if the verse on Mut'ah had been abrogated . He replied "No, because Ali said if Umar had not banned Mut'ah, then the only person to fornicate would be a wretched person."

We see that this has been recorded by Suyuti the great 9th century Ahlul Sunnah Scholar. The Sahaba Imran bin Husain believed that the verse on Mut'ah had not been abrogated either. We quote from Ahlul Sunnah's authoritative, work Tafseer Ghareeb al Quran p. 6 part 5:

The Sahabi of Rasulallah Imran Ibn Abi Husain said the verse of Mut'ah appeared in the Book of Allah and no verse descended to abrogate it. Rasulallah(s) gave order allowing for the practise of Mut'ah and we did Mut'ah in his presence. Rasulallah(s) dies and till then he did not refrain us from practising it, after him Umar gave his personal view and banned Mut'ah.

But the greatest testimony to Mut'ah's original permissibility, and to the crime of 'Umar, was 'Umar's own words. In this we can rely on the following authoritative Sunni texts.

1. Kanz al Ummal, Volume 8 p. 93 Bab Mut'ah.
2. Ahkaam al Quran, Volume 2 p 182
3. Al Muhazraat, p. 14
4. Tafseer al Kabeer, Page 42 & 43
5. Sharh Muqassid, Volume 3 p. 94, Dhikr Mutha'een Umar
6. Zaad al Maad, Volume 2 p 205

7. Tafseer Qasmi, Volume 3 p. 04
8. Sharh Tajeed, p. 08

We read in Kanz al Ummal:

"Two types of Mut'ah were present during the lifetime of Rasulallah (s), I prohibit them both, its Mut'ah of Nisa and Mut'ah of Hajj"

[Online Kanz al Ummal, Hadith 45715](#)

We read in Ahkam al Quran:

ما روي عن عمر أنه قال في خطبته : " متعتان كانتا على عهد رسول الله صلى الله عليه وسلم أنا أنهي عنهما وأعاقب عليهما

Umar in a sermon said, during the life of Rasulallah, two types of Mut'ah existed, I prohibit them and shall punish those that do it.

[Online Ahkam al Quran al Jasas, Surah Nisa, Chapter: Mutah](#)

In Tafseer Kabeer:

Umar said: "Two Mut'ah's existed during Rasulallah's lifetime and I now prohibit both of them."

[Tafseer al Kabeer, by Imam Fakhr ul-Radhi, Page 42 & 43](#)

We read in Musnad Ahmad Ibn Hanbal Volume 1 page 12 hadith 347:

When Umar become Khalifa he issued a sermon to the people: 'Quran is the same Quran and Rasulallah (s) is the same Rasulallah (s). During the time of Rasulallah there were two types of Mut'ah, Mut'ah of Hajj and Mut'ah of Nisa.'

[Online Musnad Ahmed bin Hanbal, Volume 1 Hadith 347](#)

Here, we see 'Umar openly admitting that what he is doing directly contravenes the order of the Prophet (s). Shah Abdul Aziz resorts to deception in order to defend 'Umar's blatant act of bid'a. In Taufa Ithna Ashari, page 11 Bab Umar, al Muhaddith Shah Abdul Aziz stated.

"It can't be proven that Mut'ah during the lifetime of Rasulallah(s) was halaal, all that is proven is that Mut'ah existed".

In Al-Muhazraat we read that:

Umar said on the pulpit that Rasulallah(s) allowed you two types of halaal Mut'ah and I deemed them haram.

We read in Sharh Tajeed page 408 Dhikr Muthaeen Umar:

Umar climbed the pulpit and said during the lifetime of Rasulallah(s) three things were halaal and now I deem them haram and shall punish those that practise them. Mut'ah of Nisa, Mut'ah of Hajj and declaring "hayya ala khayril Ammal". Our reply is that these are not issues that should produce criticisms of Umar since on Mujtahid can differ with another Mujtahid, on issues, these are differences of Ijtihad and cannot be ground to criticise a Mujtahid.

We read in Sharh Muqassid:

Umar acknowledged that Mut'ah was halaal and declared it haram.

Qadhi Yahya also acknowledged Mut'ah was prohibited by Umar NOT Rasulallah(s). This is

proven from Ahl' ul Sunnah's authority work 'al-Muhazraat' Volume 2 page 214 part 12

Yahya Ibn Aktham asked a Shaikh from Basra: "Why do you permit Mut'ah?" He answered "Due to Umar Ibn al-Khattab". Yahya asked: "How is that? Umar was the most sever one against it?" He answered: "Yes, it is an authentic narration that Umar ascended the pulpit and said: 'Allah and His Prophet permitted you two Mut'ah, but I forbid you on both and will punish those who commit it', so we accepted the witness of Umar (that Allah and His Prophet permitted it) but we did not accept his prohibition."

In short, we see that 'Umar never claimed that Mut'ah was abrogated by the Prophet (s). Dr. Salamah and others, therefore, are contradicting the person they believe to be the greatest of the companions. The simple fact is this: Allah (swt) allowed Mut'ah, and 'Umar forbid it. Does this not constitute open apostasy and polytheism?

Only the weakest arguments could be presented for defending such absurd behaviour. Taftazaneer sought to defend Umar, saying that he was a Mujtahid and was therefore entitled to Ijtihad. This argument is only taking the polytheism of 'Umar one step further, by offering a general permission to all Mujtahids to contravene the Qur'an and Sunnah. To claim that Ijtihad may contradict the Qur'an and Sunnah opposes the most fundamental doctrines of Islam, namely that Allah (swt) is the Lawgiver, and no one has any right to contradict him. To believe otherwise is to believe all bid'a to be permissible, which is obviously non-sense.

We read in Zaad al Maad Volume 2 p. 05

"The tradition in Muslims on the authority of Jabir we would do Mut'ah via mud, flour and clay and also practised Mut'ah during the reign of Abu Bakr until the episode of Umar bin Hareeth when Umar outlawed it and its proven that Umar declared that Mut'ah's were halaal during the lifetime of the Rasulallah(s) and I prohibit them, if those that deem Mut'ah haram were presented with this reply then how will they reply? People have two views, one is that Umar himself declared it haram, and that Rasulallah(s) issued an order to follow our khalifa. To rely on the claim that Mut'ah was deemed haram following the victory Makka is not correct since this was narrated by Abdul Malik bin Rabi bin Sabra who heard is from his forefathers, and on this authority Ibn Moeen made his comment that Imam Bukhari did not reply on him and did not place is in his Sahih even though such a hadith was needed if this narration was Sahih he would have definitely recorded it. If the prohibition on Mut'ah is correct then why were Companions practising this during the khilafath of Abu Bakr when this was the era of the Khalifa of Rasulallah(s)

110.Maulana Maudoodi's attempts to defend 'Umar

Sunni scholar Sayyid Abu'l A'la Maudoodi in his Rasail wa Masail Volume 2 page 22 wrote:

The reality is this, of the practices that existed during the jahiliyya, Nikah Mut'ah was also one, a women would be given a gift, would then be married for a specific time. The approach of Rasulallah (s) was that he would not deem a practise to be abrogated, until Allah (swt) revealed a specific order to him, rather he would maintain silence, or would even permit his adherents to adhere to it subject to circumstance, until a Surah was revealed in connection with Mut'ah. In the beginning he remained silent, but when on travel or Jihad people highlighted their sexual frustrations, Rasulallah (s) permitted it as an order had not yet been revealed to Rasulallah (s). When the order cam he outlawed it, but this order did not reach the ears of all the people, which is why some people due to their ignorance continued to practise Mut'ah. Finally, Umar in his reign enforced the order with complete strength.

Reply

If only Maudoodi the great commentator of the Qur'an could elaborate as to when this order took place? When was it revealed? Which verse was revealed to abolish this practise? Did such an order only reach the Ummah via the words of Rasulullah (s)? Did Allah (swt) not see the need to send a verse to put an end to this jahiliyya practise? Maudoodi's claim that the order had not reached the ears of everyone and hence continued to be practised on account of ignorance, clearly point to the fact that the prohibition had not occurred in the Qur'an, if it had then it would have reached all the people.

The more we analyse the arguments of Maudoodi, the more weak his arguments become evident. Rasulullah (s) passed through his life, Abu Bakr his entire reign as Khalifa, the people continued to practise Nikah Mut'ah, it was ultimately left to Umar to put his foot down who utilised his complete strength to bring this practise to an end. Was there no strength in an order that had been given by Allah (swt) and his Prophet (s) that would have led to the Sahaba to bow to such a prohibition? What strength did Umar possess to enable him to bring Mut'ah to an end, strength that Allah (swt) and Rasulullah (s) had missing in their itinerary? These comments of Maudoodi are indeed amazing.

111. Maulana Waheed'ud Deen az Zaman's attempts to defend 'Umar

Maulana Waheed'ud Deen az Zaman Khan is his famous 'Lughut ul Hadeeth' Volume 4, page 9 under the chapter look at the words that begin with the letter "Meem" recorded the memorable words of Umar as follows, with the defence of the Hanafi scholar straight after:

'Two Mut'ah's, the Mut'ah of Hajj and Nikah Mut'ah were practised during the lifetime of Rasulullah (s), [Rasulullah (s) deemed both correct but I make them both haraam] - These words of Hadhrath Umar do not mean that he was making it haraam of his own accord, since what is halaal or haraam is limited to the realms of the Shari'ah not Umar, rather he was stating 'I shall declare the prohibition so as to dispel any doubts from amongst the people'.

Reply

We would urge our reader to examine the Arabic text carefully, before embracing the defence of Allamah Khan, wherein the words of Umar are as follows:

'I make them both haraam' - This makes the commentary of Zaman null and void. WE the Shi'a do indeed believe that the domain of halaal / haraam is the exclusive right of Allah (swt) and his Rasul (s), all are bound, including our Imams, 'Ali (as) through to al Mahdi (as), no one has the right to deem something haraam of their own accord.

112. Fakhradeen Radhi's attempts to Defend 'Umar

We shall now present the detailed defence of Umar that was presented by his chief advocate, Fakhradeen Radhi. Since today's modern day Nasibi, the Salafi Cult have a habit of rejecting all the early scholars by falsely claiming that they were either weak, Mutazzali or Shi'a, we shall set out the obituary of Radhi to set out his esteemed rank in the eyes of 'actual' Sunnis: We are quoting verbatim from the Biographical Notes in 'Reliance of the Traveller', Noah (Nuh) Ha Mim Keller, USA: Sunna Books, 1991 CE, x122 (a) (pp. 1045-6)]

"Al-Fakhr al-Radhi (w57.2) is Muhammad ibn `Umar ibn al-Hasan ibn al-Husayn, Abu `Abdullah Fakhr al-Din al-Radhi, born in Rayy, Persia (just south of present-day Tehran, Iran), in 544/1150. A Shafi`i scholar of genius and a Mujtahid Imam in

tenets of faith, he was among the foremost figures of his time in mastery of the rational and traditional Islamic sciences, and preserved the religion of Ahl al-Sunna from the deviations of the Mu`tazilites, Shiites, Anthropomorphist, and other aberrant sects of his era by authoring a number of brilliant works that came to enjoy a wide readership among his contemporaries and have remained popular with scholars to this day. His thirty-two-volume Koranic exegesis Mafatih al-ghayb [The keys of the unseen] is one of the most famous of his works, though he also wrote on tenets of belief, heresiology, fundamentals of Islamic law and faith, scholastic theology, rhetoric, geometry, and poetry in Arabic and Persian, in both of which he was a preacher of considerable eloquence. His efforts to purify Islam from the heresies of anthropomorphist reached the point that when unable to answer his arguments against them, they resorted to writing ugly remarks and insinuations on scraps of paper and attaching them to the pulpit (Minbar) from which he gave the Friday sermon. He arrived one day and read one of these, and then spoke to those present in an impassioned voice, saying: "This piece of paper says that my son does such and such. If it is true, he is but a youth and I hope he will repent. It also says that my wife does such and such. If it is true, she is a faithless woman. And it says that my servant does such and such. Servants are wont to commit every wrong, except for those Allah protects. But on none of these scraps of paper - and may Allah be praised - is it written that my son says Allah is a corporeal body, or that he likens Him to created things, or that my wife believes that, or my servant - So which of the two groups is closer to guidance?" He travelled to Khawarzim and Khurasan, and finally to Herat, Afghanistan, where he died in 606/1210 (al-A`lam (y136), 6.313; and Tabaqat al-Shafi`iyya al-kubra (y128), 8.81-89)".

With this esteemed rank in mind, let us now turn to the words of Radhi in Tafseer Kabeer Volume 3 p. 96:

"Proof of Mut'ah is that Umar declared that this existed in the lifetime of Rasulallah now I deem it haram. Umar said this in the presence of a large gathering of Sahaba and at that time no Sahaba objected to his comment. They didn't say Rasulallah had not prohibited Mut'ah and that you have no right to outlaw it. There are three possible reasons for this.

- It was halaal and the Sahaba adopted hypocrisy by maintaining their silence and this is batil since it suggests Umar and the Sahaba committed kufr. By deeming a Halal Mut'ah haram, or as Rasulallah(s) didn't forbid is an act of rebellion and alleged Kufr on Umar. The silence of the Sahaba, constituted their support for Umar, this is disrespect of the Sahaba and points to Kufr on their part. It is not acceptable to accept kufr on the point of Umar and the Sahaba. Its also not acceptable to deem Mut'ah to be halaal.
- Sahaba remained silent before Umar because they didn't know whether Mut'ah was Halal or Haram and they needed to look into the matter. This assertion is also Batil, since Mut'ah like Nikah affected daily like hence to suggest the Sahaba had no knowledge on this issue is unacceptable.
- Sahaba remained silent because Mut'ah was haram, Umar stated the same as they didn't raise their voices since the illegality of Mut'ah was proven.

Verily by prohibiting Mut'ah Umar had referred to his own opinion. The fact is Mut'ah had been prohibited during the life of Rasulallah(s) and he was likewise prohibiting it. Self-proclamation would have made it incumbent to deem Umar a kaffir, and silence of the Sahaba after this, throws up an issue of takfeer against them".

Reply

The idea that the Companions would have been committing kufr by not openly renouncing 'Umar at that moment is entirely invalid. 'Umar was known for his anger and violence towards opponents: this was the man who had murdered the daughter of the Holy Prophet (s). If the Companions present chose not to speak at that moment, then this would have been more than permissible. Sunni 'ulama have acknowledged that not all matters can be said openly. Imam Radhi himself writes in Tabaqat fiqh Shafeeya Volume 2 p. 3:

"If its asked why a mater of truth isn't stated openly, out reply is that its not always possible to state such things openly the poetry of Ghazali on this topic is worthy of note....."

Umar himself outlawed Mut'ah, and some people may have remained silent because it was not appropriate to speak out openly. If these narration's are true, then there is every indication that the situation at the time could have made many Companions fear for their lives. Furthermore, their silence could also be understood as a type of passive resistance: they did not speak out to his face, but we know from many hadeeths that many Companions (such as Ibn 'Abbas) continued to practice Mut'ah in spite of 'Umar's fatwa. Shah Abdul Aziz in Tausifa Ithna Ashari Pt 7 Bab Imamate writes:

Opposing ijma is permissible, silent opposition is also permissible.

In any case, Sunni fiqh most certainly allows silence in the face of bid'a, if one feels that one's life is threatened, and even allows open statements of disbelief if the situation necessitates it. We read in Sharh Aqaid Nafsi: page 98 wherein Allamah Sa'dadeen Taftazani wrote a commentary of the Aqaid of Najeemudeen Umar bin Muhammad Nafsi, in his discussion on the perfection of Prophet's states:

"It's prohibited to refer to attribute minor and great sins to Prophets, it is permitted for Prophets to recite kufr in a state of Taqiyyah".

In his commentary of the comments of Nafsi, Taftazani states:

"Some have disallowed Prophets to practise Taqiyyah, such Faadhil Khyaal who asks those people how Taqiyyah allowed when they have to remove fear. But in some circumstances this is the order of Allah (swt)".

We have cited the opinion of the Shamsadeen Ahmed bin Musa Khyaal that it is permissible for Prophets to indulge in open kufr. Certainly, then, if one is allowed to utter open words of disbelief in a state of Taqiyyah, then how can silence be prohibited? According to Radhi himself, Prophet Ibrahim (as) recited Kufr in a state of Taqiyyah. We read in Tafseer Kabbeer volume 4 page 77:

"When at night Ibrahim saw he stars and said this is my lord. These words are Kufr and the question arises, how a Prophet would recite such Kufr... The order on Ibrahim was propagation (Dawah), this was an opportunity to do Dawah and the temporarily recited this Kufr. His words at that time were the word said in duress. This proves at a time of necessity it is permissible to recite kufr since the Quran confirmed when one's heart is firm he can openly recite kufr when danger is clear reciting kufr is permissible.

Suyuti also said a Prophet can commit kufr by prostrating to other than Allah under duress. He writes in Tafseer Durre Manthur Volume 5 p. 24

"When the Egyptian popularised that Musa killed a man, Musa(as) killed him. Pharaoh issued an order to 'find Musa, and kill him as he has murdered one of our

people'. As this decision was made, a man came and told Musa- "Its become famous amongst the want to kill you, you should leave I one giving you good advice" Musa prayed towards Allah (swt) seeking protection from the tyrants tyranny and then departed. On route he was a King riding on a horse with a spear. When Musa saw him he came forward and prostrated before him through fear. The King said 'don not prostrate before me, I shall point you in direction of Midian and he did just that"

Certainly, many Companions would have reason to be concerned about 'Umar. We read in Tafseer Kabeer Volume 3 p. 96 (Commentary of Al Nisa verse 24):

Umar said whenever someone does Mut'ah send him to me and I shall stone him to death.

Umar was clearly a ruthless leader, firm on his leadership, he would not tolerate voices of opposition. When Abu Bakr declared Umar his successor, the Sahaba were so fearful of the consequences they ran to Abu Bakr and said 'What response will you give to Allah for placing Umar over us?'

According to Ahl as-Sunnah Prophets can practise kufr under duress, and by the same token Companions could have also adopted Taqiyyah before Umar when he threatened to kill them. Sunni 'ulama have acknowledged silence of the Sahaba does not constitute acceptance. We read in Tabaqat Shafeeya Volume 1 p. 37

"In some circumstances maintaining silence is better than speaking...If is pointed out why silence is maintained on a matter that is true, it should be pointed out that the situation means that it is always not appropriate for a scholar to always something openly."

The concept that silence constitutes acceptance (the principle of taqreer) is only true in respect of the Infallibles. We read in the authoritative Sunni work Fathul Bari Volume 13 p. 23, Kitab al Ahkam

"If anyone does or says something before Rasulallah(s), and Rasulallah(s) does not stop or rebuke the act/words then this serves a proof as to the permissibility of this act, since Rasulallah(s) was infallible. Others cannot rely on this, as they are not infallible. Imam Bukhari said, other than Rasulallah, the silence of someone cannot be advanced as proof"

After this the author, Ibn Hajar Asqalani, states that if a claim contravenes the Quran and Sunnah, then such a claim is false. One should follow the Quran and Sunnah only, and reject personal opinions. Now, the claim that Umar declared Mut'ah to be haram contradicted the Quran and Sunnah without any doubt. We have proven that Mut'ah is halaal from the two sources of Shari'ah, and it is the duty of Muslims to leave the words of Umar and bow their heads before the words of Allah(swt) and Rasulallah(s). We have seen that many companions, such as 'A'isha, Ibn 'Abbas, and Ibn Mas'ud, as well as the Imams 'Ali (as), Hasan (as), and Husayn (as), all voiced their opposition to Mut'ah, so the claim that the companions were silent is contradicted by vast hadeeth literature:

113.The opposition of Ibn Abbas to Umar's order

Founder of Sipah-e-Sahaba Haq Nawaz Jhangvi sought to apply his false Qiyas as follows:

Haq Nawaz Jhangvi states:

PERHAPS SOME OF THE COMPANIONS LIKE
JABIR, IBN ABBAS AND OTHERS WHO ACTD
UPON MUTA WERE UNAWARE OF ITS

PROHIBITION BY THE PROPHET UNTIL IT WAS
PROCLAIMED BY UMAR.

The words 'perhaps' proves that this Nasibi is just using baseless guess work. The amusing thing is the alleged ignorance of Ibn Abbas with the regards to the prohibition of Mutah, holds no water if we are to accept this tradition that another Nasibi cited in his anti Mutah article.

Mufti Muhammad Shafi states:

....Nevertheless, this much has to be said that Sayyidina Ibn 'Abbas radiyallahu 'anhu) took Mut'ah to be permissible upon a certain time. Then, it was on the good counsel of Sayyidina Ali, radiyallahu 'anhu (as in Sahih Muslim, volume 1, p. 452) and under the chastening impact of the noble Ayat-Illaa 'alaa azwaajihim awmaa malakat aymaanuhum-that he revoked his earlier position, as indicated in the narration from Imam Tirmidhi

Jhangvi would like us to believe that Ibn Abbas was unaware that the Prophet (s) made Mutah Haram, and therefore he continued issuing fatwa in its favour until the end of his life. The tradition cited by Mullah Shafi makes the ignorance card advanced by Jhangvi completely redundant. This alleged hadith demonstrates that Ibn Abbas had been informed of the prohibition by Ali Ibn Abi Talib [as] – that evaporates any suggestion that Ibn Abbas was 'UNAWARE OF ITS PROHIBITION BY THE PROPHET'. This being the case why did he maintain his stance on the permissibility of Mutah, when his alleged 'ignorance' had been removed by Imam 'Ali (as), and (according to Jhanvi) Khalifa Umar?

The comments of Jhangvi here serve as proof that Mut'ah had not been abrogated by the Qur'an. If it had then famous exegesis of the Qur'an Ibn Abbas, would certainly have known of it, and would have had no need to rely on Umar's tactical reminder. In relation to Ibn Abbas, the comments of Jhangvi can be easily refuted for we have a plethora of evidence from the texts that prove that Ibn Abbas opposed Umar's prohibition on Mut'ah.

We for example learn in Tafseer Durre Manthur Volume 2 page 41 Ayat Mut'ah:

Ibn Abbas said: "Mut'ah was blessing of Allah upon the Ummah of Muhammad and had Umar not prohibited it the only person to fornicate would be a playboy"

[Online Tafsir Dur e Manthur , Surah Nisa verse 24](#)

Ibn Abbas' words are a clear opposition to Umar's order and serves as proof that Mut'ah is halaal until the day of Judgement.

We also read in Zaad al Maad Volume 2 page 190:

"Narrated Saeed bin Jubayr that ibn Abbas said: 'The messenger of Allah practised Mut'ah.' Urwa said: 'Abu Bakr and Umar prohibited Mut'ah.' Ibn Abbas said: 'I see Allah will reap destruction on you, I am telling you about the orders of Rasulullah(s) and your telling me about the orders of Abu Bakr and Umar.'"

Also further read:

"Narrated by Mo'amar Ayub that Urwa said to Ibn Abbas "Don't you fear Allah by authorising practise of Mut'ah? Ibn Abbas replied "Ask your mother about this matter" Urwa then replied "Abu Bakr and Umar did not practise Mut'ah". Ibn Abbas replied, "You won't rest, your incorrect words until God reap destruction on you. I

am telling you the order of Rasulallah(s) and your telling me about the words of Abu Bakr and Umar".

As further evidence we shall rely on the following authentic Sunni sources:

1. Anaya Sharh Hidayah, Volume 3 page 49 Bab Nikah
2. Au jaza al Masalik fi Sharh Muwatta Imam Malik, Volume 9 page 04 Bab Mut'ah
3. Fatwa Qadhi Khan, Volume 1 page 51 Kitab Nikah
4. Mutwatta Sharh Zarqani, Volume 3 page 54
5. Fathul Bari Sharah Sahih Bukhari, Volume 9 page 73 Kitab Nikah

We read in Anaya Sharh Hidayah:

وَهَذَا عِنْدَنَا بَاطِلٌ (وَقَالَ مَالِكٌ هُوَ جَائِزٌ) وَهُوَ الظَّاهِرُ مِنْ قَوْلِ ابْنِ عَبَّاسٍ (لِأَنَّهُ كَانَ مُبَاحًا) بِالِاتِّفَاقِ (فَيَبْقَى إِلَى أَنْ يَطْهَرَ نَاسِيخَهُ

"It is unlawful but Malik said it is lawful and that is what appears from Ibn Abbas's statement, because there is agreement that it was lawful, so it will be the case until the abrogation appears"

The book can also be downloaded from the following Salafi link:

www.almeshkat.com (Vol 4 page 391)

We read in Au jaza al Masalik:

In the eyes of Ibn Abbas and his Sahaba Mut'ah is permissible.

We read in Fatwa Qadhi Khan;

"Nikah is not legally established by usage of the word 'Mutah' and it is false according to us and isn't permissible, contrary to Ibn Abbas and Malik"

 [Fatawa Qadhi Khan, Volume 1 page 151 \(Nolakshor, India\)](#)

We read in Muwatta Sharh Zarqani:

It is proven that Sahaba such as Jabir, Ibn Abbas and Asma deemed Mut'ah to be permissible.

We may also quote from the Sunni sources:

1. Tafseer Kabeer, Volume 3 p. 95 -ayat Mut'ah
2. Sunan al Kabeera, Volume 7 p. 05
3. Fathul Qadeer Shah Hidaya, Volume 3 p. 51
4. Neel al Authar, Volume 6 p 153

We read in Neel al Authar:

Saeed bin Jaffer asked Ibn Abbas "What do you say about Mut'ah? The city people talk about your fatwas on the permissibility of Mut'ah".

In fact, Ibn Abbas invoked the wrath Allah on those opposed to Mut'ah. We read in Zaad al Maad, Volume 2 page 176:

وقال ابن عباس لمن كان يعارضه فيها بأبي بكر وعمر : يوشك أن تنزل عليكم حجارة من السماء أقول : قال رسول الله صلى الله عليه وآله وسلم وتقولون : قال أبو بكر وعمر

"When people would say to Ibn Abbas you deem Mut'ah to be halaal, whilst Abu Bakr and Umar prohibited it he would reply "May stones hit you from the sky" I am telling you about the orders of Rasulallah(s) and your telling me about the orders of Abu Bakr and Umar".

[🌐 Zaad al Maad, Volume 2 page 176](#)

We read in Fathul Bari Volume 9 page 73:

قال ابن بطال : روى أهل مكة واليمن عن ابن عباس إباحت المتعة، وروي عنه الرجوع بأسانيد ضعيفة وإجازة المتعة عنه أصح، وهو مذهب الشيعة

Ibn Batal said: 'The People of Mecca and Yemen narrated from Ibn Abbas that Mut'ah is permissible. It is narrated by a weak chain that Ibn Abbas revoked its permissibility. The permission of Mut'ah by him is more correct and this is the doctrine of the Shia.'

[🌐 Online Fath al Bari, Vol 9 Kitab al Nikah](#)

Other works deal with this subject as well, and as proof we are relying on the following esteemed Sunni works:

1. Aqd al Fareed, Volume 2 page 69
2. Al-Muhazraat , Volume 3 page 14
3. Murujh al Dhahab, Volume3 page 10 Dhikr Mu'awiyah Ibn Yazeed
4. Sharh Ibn al Hadeed, Volume 4 page 75 Dhikr Khabr Ibn Zubayr
5. Zaad al Maad, Volume 2 page 190

We read in Zaad:

"Urwa Ibn Zubayr said to Ibn Abbas don't you fear Allah for deeming Mut'ah to be Halal? Ibn Abbas said "go and ask your mother about this"

In Al-Muhazraat we read:

Abdullah Ibn Zubayr mocked Ibn Abbad for believing that Mut'ah wa halaal, we said go and ask your mother on how she and your father first used this practise.

Ibn Abbas accused Umar of banning Mut'ah and accused the guilt of all future acts to be on his head. We are quoting the following classical Sunni texts:

1. Tafseer Mazhar,i Volume 2 page 4, Ayat Mut'ah
2. Tafseer Qurtubi, Volume 5 page 40
3. Tafseer Akham al Quran, Volume 2 page 147
4. Neel al Autar, Volume 6 page 53
5. Tafseer Durre Manthur, Volume 2 page 41
6. Nihaya by Ibn Atheer, Volume 2 page 77

We read in Tafseer Durre Manthur the words of Ibn Abbas:

عن ابن عباس قال : يرحم الله عمر ما كانت المتعة إلا رحمة من الله رحم بها أمة محمد، ولولا نهيه عنها ما احتاج إلى الزنا إلا شقي

Ibn Abbas said: "Mut'ah was a blessing of Allah upon the Ummah of Muhammad and had Umar not prohibited it the only person except the wretched (Shaqi; an utmost wrongdoer)."

[🌐 Online Tafsir Dur e Manthur, Surah Nisa verse 24](#)

The rank of Ibn Abbas amongst the followers of the companions cannot be dismissed, Ibn Kathir in "al-Bidaya Wa al Nihaya" Volume 8 pages 299, 300 praised him as follows:

"Ibn 'Abbas is the most knowledgeable person among the people as to what God has revealed to Muhammad. Umar Ibn al-Khattab used to say that the interpreter of the Qur'an is Ibn 'Abbas. He was accustomed to telling him: 'You have acquired a knowledge which we never received. You are the most expert in the book of God'"

Imam of the Deobandis, Maulana Mohammad Abul Hassan in his commentary of Sahih al Bukhari, Faizul Bari, Parah 21, Page 125, tows the traditional Sunni line that Umar reinforced the prohibition on Mut'ah made by Rasulallah (s). Interestingly in the same section he asserts that Ibn Abbas deemed Mut'ah to be halaal. How is it that a man that Umar deemed to be the greatest expert of the Qur'an, upheld a practise banned by Rasulallah (s)? If Ibn Abbas was ignorant of this prohibition then clearly the alleged re-enforcement of this edict by Khalifa Umar should have convinced him, so why didn't it?

 [Faizul Bari, by Maulana Mohammad Abul Hassan, Parah 21, Page 125](#)

There are only two options:

1. **Option One:** Ibn Abbas was a Munafiq, proven by the fact he deemed Mut'ah halaal, when Umar made it clear that Rasulallah (s) outlawed it.
2. **Option Two:** Ibn Abbas deemed Mut'ah halaal, because was upholding the Sunnah Rasulallah (s) who revoked it, and he was refusing to be bound by the personal stance of Umar.

Clearly option one is unacceptable, this would destroy the character and rank of a leading Sahaba of the Prophet (s), worse it in effect renders him an apostate. Option Two clearly is the correct one, Ibn Abbas was upholding the Sunnah of Rasulallah (s) not the Sunnah of Umar ibn al Khattab.

114. Refuting the claim that Ibn Abbas changed his position on Mut'ah

In the deeply moving article Zawaaj al Mut'ah:

article Zawaaj al Muta states:

Ninety-nine percent of the companions followed this opinion, but there was one percent who believed Mut'ah can be performed in extreme case of necessity in the land of war. This one percent is divided into two groups. One says, it is allowed with the Caliph's permission, and the other says there is no need for the permission . Those who do not believe in Caliph's permission say that it was Umar who made it haram. Their proof is based upon an opinion by a companion namely Ibn Abbas. People misused this opinion of Ibn Abbas until he clarified himself and said, Wallahi I did not mean what they did! I meant similarly to what Allah meant when he allowed the meat of dead animals and pork to be eaten in extreme necessity. This is referring to the time when people abused the rule of necessity at time of Umar, following the understanding of the one percent.

115. Reply One - The Sahih Sita confirm that Ibn Abbas deemed Mut'ah halaal.

As proof we can cite:

- Sahih Bukhari, Arabic-English, v7, Hadith #51
- Sahih Muslim, English version, v2, chapter DXLI (titled: Temporary Marriage), Tradition #3261
- Sahih Muslim Sharh Nawawi Volume 1 p. 52
- Sunan Kabeera Volume 7 p 215 Kitab Nikah
- Tafseer Durre Manthur Volume 2 p. 41

We read in Sahih Bukhari:

"Narrated Abu Jamra: I heard Ibn Abbas (giving a verdict) when he was asked about the Mut'ah with the women, and he permitted it (Nikah al-Mut'ah). On that a freed slave of his said to him, "That is only when it is very badly needed and (qualified permanent) women are scarce, or similar cases." On that, Ibn Abbas said, "Yes."

It is interesting to note that "Nida ul Islam magazine" cites no reference whatsoever and falsely attributes this saying to Ibn Abbas! Pork and dead animals CAN be eaten in times of necessity but such meat remains haraam, but in the case of Mut'ah we know that it was made permissible by Divine decree as is proved by verse 24 of Surat Nisa [confirmed by Ibn Abbas], similarly the tradition of Bukhari demonstrates that Ibn Abbas issued a fatwa that Mut'ah was permissible. Even if we were to accept the argument of necessity, this is open to interpretation and can arise in all manner of circumstances, e.g. an overseas student may need to do Mut'ah as this is the only means to control his sexual desire. If the Nasibi is using Qiyas to suggest that the Sahaba only deemed Mut'ah to be used in times of need, perhaps she could explain at the Victory of Makka as the annals of history attest that Muslims performed pilgrimage together with their wives. Hence, there was no extraordinary need for Mut'ah.

Ibn Hanbal in his Musnad Volume 5 page 228 records:

Ibn Abbas narrated "Rasulullah (s) gave us the order to practise Mut'ah, it existed, Urwah ibn Zubayr said, 'Abu Bakr and Umar stopped this', Ibn Abbas responded saying 'I'm telling you what Rasulullah (s) deemed halaal and you're telling me what Abu Bakr and 'Umar did, I see that you shall be destroyed'".

 [Musnad Ahmad Ibn Hanbal, Volume 5, Page 228](#)

If Ibn Abbas held a position that Mut'ah had been prohibited by Rasulullah (s), then why was Ibn Abbas stating that Rasulullah (s) ordered this practise, deeming it halaal?


We read in Sahih Muslim

"Urwa Ibn Zubair reported that Abdullah Ibn Zubair stood up (and delivered an address) in Mecca saying: Allah has made blind the hearts of some people as he has deprived them of eyesight that they give religious verdict in favour of temporary marriage, while he was alluding to a person (Ibn Abbas). Ibn Abbas called him and said: You are a rude person and devoid of sense. By my life, Mut'ah was practised during the lifetime of the leader of pious (he meant Allah's Messenger, may peace be upon him), and Ibn Zubair said to him: Just do it yourself, and by Allah, if you do that I will stone you with your stones".

Several things are established from this tradition:

- Ibn Zubayr was alluding to the fact that Ibn Abbas was blind. Ibn Abbas became blind towards the end of his life and yet he still maintained the position that Mut'ah was halaal even in his last days.
- Ibn Abbas submitted evidence of Mutah by citing the Sunnah of the Prophet. Ibn Zubayr offered no corroborative evidence, proving a prohibition; all he did was site a threat of force. This was a very public debate, wherein the intention was publicly humiliate Ibn Abbas from the pulpit, in the presence of people gathered there. If Ibn Abbas was promoting a haraam activity, why is not a single person gathered there sought to refute Ibn Abbas, by evidencing the alleged Hadeeth banning Mutah? There was no reason for those opposed to the stance of Ibn Abbas to remain silent, after all they were not under any form of threat to remain silent, on the contrary had they stood up with supporting evidence with which to silence Ibn Abbas, this would have assisted Ibn Zubayr, who had got himself trapped by the comments of Ibn Abbas. If Ibn Abbas was wrong and Mutah had been made haraam, can it be believed that the Sahaba and Tabieen that were gathered there did nothing to correct Ibn Abbas? Was there not any religious obligation to correct Ibn Abbas for this deviant belief? The failure of Ibn Zubayr and those gathered at the time to provide any nass with which to silence to silence Ibn Abbas proves that at that time no evidence of the prohibition by 'nass' existed at that time, the people had no knowledge of such traditions, it was outlawed because Umar (and here Ibn Zubayr) found the practice tasteful – but personal opinion in the presence of what is lawful in the eyes of Allah (swt) as Ibn Abbas (ra) correctly pointed out.
- The threat of Ibn Zubayr to inflict a penalty proves that his order came at a time when he had the clout to inflict such an act, namely when he attained brief power during the Khilafath of Yazeed. This serves as a major proof on the lawfulness of Mut'ah, since the brief reign of Ibn Zubayr was well after Abu Bakr, Umar and Uthman. The view of Ibn Abbas. is clear evidence that he believed its banning to be of Umar's own violation and not the word of Rasulullah(s), if we are wrong in our assertion then why the objection of Ibn Zubayr? There would be no reason for a dispute if Ibn Abbas believed, like Ibn Zubayr, that Mut'ah was haram.

As such, there can be no doubt that Ibn 'Abbas maintained this opinion until his death. Hadhrath Abdullah ibn Abbas died in 68 Hijri and **"became blind towards the end of his life."**

 [Al Bidayah Wal Nihayah \(Urdu\), Vol 8 page 1291, Events of 68 H](#)

If Nasibi are still going to reject our argument then allow us to cite another tradition that was quoted by Nawawi in Sharh Muslim Volume 4 page 20:

On one occasion Ibn Zubayr sought to mock him in a gathering by stating 'some people's hearts are blind like their eyes, since they deem Mut'ah to be permissible, Ibn Abbas immediately spoke saying 'I saw the Imam of the Praiseworthy, Rasulallah (s) with my own eyes, giving the permissibility to practise Mut'ah'.

We appeal to justice, Ibn Abbas lived almost 57 years after the Prophet (s), and lost his eyesight in his final years, a time when he refuted the comments of Ibn Zubayr, so even then he upheld the validity of Mut'ah, this destroys any notion that he had revoked his position practising Nikah Mut'ah.

Many Sunni hadeeths attest to this fact.

Advocates of Sahaba may believe that Ibn Abbas corrected his stance/clarified any misconceptions, but he maintained this stand openly defending his stand before Ibn Zubayr's protestations and his mocking him to consult his mother on the its legitimacy serves as ample

proof that Ibn Abbas deemed the prohibition on Mut'ah to be wrong and placed the blame squarely at the door of Umar.

This tradition destroys another magnificent argument that had been advanced in 'The unlawfulness of Mut'ah' by Maulana Mufti Muhammad Shafi:

Mufti Muhammad Shafi states:

However, there are some of those who claim that Sayyidina Abdullah ibn 'Abbas, radiyallahu 'anhu, believed in the lawfulness of Mut'ah right up to his later years, although this is not so. Hadrath Imam Tirmidhi (rahmatullahi 'alaihi), devoting a chapter to Mut'ah, has reported two Ahadith. The first one is as follows:.

Hadrath Ali ibn Abi Talib (radiyallahu 'anhu) reports that the Holy Nabi, sallallahu 'alaihi wa sallam, on the occasion of the battle of Khyber, prohibited Mut'ah with women and from (eating) the meat of domestic donkeys.

This Hadith-e-Sharif appears in Sahih al-Bukhari and Sahih Muslim as well. The second Hadith reported by Hadrath Imam al-Tirmidhi is given below:

Hadrath Ibn Abbas (radiyallahu 'anhu) says: Mut'ah was there only in the early period of al-Islam until the Ayat-Illaa 'alaa azwaajihim awmaa malakat aymaanuhum-was revealed. Then, he said: All private parts other than these are unlawful (that is other than those of the legally wedded wife and the bondswoman one may come to have).

Nevertheless, this much has to be said that Sayyidina Ibn 'Abbas radiyallahu 'anhu took Mut'ah to be permissible upon a certain time. Then, it was on the good counsel of Sayyidina Ali, radiyallahu 'anhu (as in Sahih Muslim, volume 1, p. 452) and under the chastening impact of the noble Ayat-Illaa 'alaa azwaajihim awmaa malakat aymaanuhum-that he revoked his earlier position, as indicated in the narration from Imam Tirmidhi

Ibn Abbas [ra] lived many many years after death of Ali Ibn Abi Talib [as]. Had Ali Ibn Abi Talib [as] really forbidden Mutah to Ibn Abbas, then it is impossible that Ibn Abbas [ra] would have continued issuing Fatwa in favour of Mutah until the end of his life? If the alleged counsel of Imam 'Ali (as) was indeed correct (that Mut'ah was made haraam at Khayber) how did Ibn Abbas still believe that Mut'ah was halaal during the reign of Ibn Zubayr? In this regards we read in Sahih Muslim, Book 008, Number 3261:

'Urwa b. Zabair reported that 'Abdullah b. Zubair (Allah be pleased with him) stood up (and delivered an address) in Mecca saying: Allah has made blind the hearts of some people as He has deprived them of eyesight that they give religious verdict in favour of temporary marriage, while he was alluding to a person (Ibn 'Abbas). Ibn Abbas called him and said: You are an uncouth person, devoid of sense. By my life, Mut'a was practised during the lifetime of the leader of the pious (he meant Allah's

Messenger, may peace be upon him), and Ibn Zubair said to him: just do it yourselves, and by Allah, if you do that I will stone you with your stones.

There are a plethora of Sunni traditions regarding the dispute between Ibn Abbas and Ibn Zubair. In light of this tradition will the defenders of the Sahaba tell us of their opinion of Ibn Abbas? Was he a hypocrite who knowing that Mut'ah was haraam still advocated an act that today's Nasibi deem prostitution? Moreover to suggest that Ibn Abbas changed his view of Mut'ah due to the 'chastening impact of the noble Ayat-Illaa 'alaa azwaajihim awmaa malakat aymaanuhum is indeed amusing, since the tradition from Tirmidhi includes the alleged testimony of Ibn Abbas, that 'Mut'ah was there only in the early period of al-Islam'. This is clearly false because this verse cited (Surah Mara'aj) was Makkan and the practise of Mut'ah continued well after the Hijrah, and according to Ahl as-Sunnah traditions was revoked at the time of the Victory of Makka in the 8th Hijri! Moreover (as we have already proven in the previous chapter) the verse that 'changed' the view of Ibn Abbas (as we have already discussed) before the verse on Mut'ah and Ibn Abbas would recite verse 24 of Nisa with the additional word 'for a prescribed period' to confirm that the verse was about Mut'ah!

Mufti Shafi had relied on a narration from Sunan Tirmidhi as evidence that Ibn Abbas altered his stance on Mutah:

Mufti Muhammad Shafi states:

The second Hadith reported by Hadrath Imam al-Tirmidhi is given below:

Hadrath Ibn Abbas (radiyallahu 'anhu) says: Mut'ah was there only in the early period of al-Islam until the Ayat-Illaa 'alaa azwaajihim awmaa malakat aymaanuhum-was revealed. Then, he said: All private parts other than these are unlawful (that is other than those of the legally wedded wife and the bondwoman one may come to have).

Nevertheless, this much has to be said that Sayyidina Ibn 'Abbas radiyallahu 'anhu) took Mut'ah to be permissible upon a certain time. Then, it was on the good counsel of Sayyidina Ali, radiyallahu 'anhu (as in Sahih Muslim, volume 1, p. 452) and under the chastening impact of the noble Ayat-Illaa 'alaa azwaajihim awmaa malakat aymaanuhum-that he revoked his earlier position, as indicated in the narration from Imam Tirmidhi

The tradition can also be read in Sunan al-Behaqqi, Volume 7 pages 205-206 but it would have been better for Maulana Shafi and others who use this tradition in an attempt to prove Ibn Abbas [ra] believed in the impermissibility of Mutah had checked the authenticity of the tradition. The chain includes a narrator Musa bin Ubaydah who has been declared weak by Imam Ibn Hajar Asqalani in Taqreeb al-Tahdeeb, Volume 2 page 226, Imam Dhahabi in Al-Kashef, Volume 2 page 306 and by Imam Yahyah bin Mueen in Tarikh Ibn Mueen, page 199. Imam Jamaluddin al-Mizzi records in Tahdeeb al-Kamal, Volume 29 page 112 that Imam Nasai and Imam Tirmidhi himself deemed him weak. Imam al-Razi records in his book Al-Jarh wa al-Tadeel that his Hadiths are Munkar. Prominent scholars of Ahle Sunnah included him in their books having the list of weak narrators such as Bukhari in Dhu'afa Saghir, page 111, Abu Naeem al-Asbahani in Dhu'afa, page 135, Ibn Haban in Majrohin, Volume 2 page 234 and Al-Aqili in al-Dhu'afa, volume 4 page 160. Also we are informed in Tahdeeb al Tahdeeb, Volume 10 pages 356-360:

Ibn Hanbal said: 'He narrated Munkir hadeeth, taking narrations from him is not acceptable according to me, he narrated numerous Munkir hadeeths'

Moreover the advancing of this verse is also baseless which suggests that the only relationships that remained lawful following descent of this verse were those with wives and slave women – we know from ample evidence that women in Mutah relationships are also counted as wives as this is also a form of Nikah – and hence would not fall outside the boundaries of this verse.

Also take a look at the a grave defect in the text [matan] of the cited narration. According to this narration Ibn Abbas [ra] stated that Mutah was Halal until the aforesaid verse revealed. If these were indeed the words of Ibn Abbas [ra] then can any sane person answer the question as to why Ibn Abbas [ra] was fighting with Ibn Zubayr for the permissibility of Mutah half a century later to the revelation of the cited verse?

116.Reply Two - Ibn Abbas rejected Umar's prohibition on Mut'ah during his lifetime

We are quoting from:

1. Fathul Bari Volume 9, page 173
2. Aujaza al Masalik Sharh Muwatta Imam Malik, Volume 9 page 404
3. Mirqat Sharh Mishkat, Volume 3 page 381 Dhikr Mut'ah
4. Insaan al Haywaan, Volume 2 page 154 Dhikr Mut'ah
5. Neel al Autar, Volume 6 page 51, Bab al Nikah
6. Fathul Qadeer Sharh Hidayah, Volume 3 p. 51
7. Al Bidayah wal Nihayah, Volume 4 page 221

Ibn Katheer writes:

ومع هذا ما رجع ابن عباس عما كان يذهب إليه من إباحة

"Ibn Abbas never retreated from permitting donkey's flesh and Mutah"

<http://www.al-eman.com/Islamlib/viewchp.asp?BID=251&CID=60#s4>

We read in Fathul Bari:

Ibn Batal said: 'The People of Mecca and Yemen narrated from Ibn Abbas that the Mut'ah is permissible. And it is narrated by a weak chain that Ibn Abbas revoked its permissibility. The permission of Mut'ah by him is more correct and this is the doctrine of Shia.

[Online Fath al Bari, Vol 9 Kitab al Nikah](#)

We read in Mirqat Sharh Mishkaat:

ولا تردد في أن ابن عباس هو الرجل المعرض به وكان قد كف بصره فلذا قال ابن الزبير كما أعمى أبصارهم وهذا إنما كان في حال خلافة عبد الله بن الزبير وذلك بعد وفاة علي كرم الله وجهه فقد ثبت أنه مستمر القول على جوازها ولم يرجع

"There is no doubt that Ibn Abbas was mocked, he was blind, so ibn al-Zubair said as those who are blind in terms of vision, that was during the reign of Abdullah ibn al-Zubair and that was after the death of Ali, it has been proven that he (ibn Abbas) continued believing its validity and didn't retreat."

[Download the book from www.almeshkat.com](#)

We read in Fathul Qadeer Sharah Hidayah:

"Ibn Abbas position on the permissibility of Mut'ah until his last day is proven".

In Rasal wa Masail Volume 3 pages 53-54: Imam of the Pakistani Wahabi's Maulana Sayyid Abu'l A'lal Maudoodi was asked whether Ibn Abbas revoked his position on Mut'ah by one of his Wahabi supporters and this was his answer:

The comments of the people of knowledge in connection with this are before me, and it is true that differences exist chapter those traditions that I have noted do not prove that Ibn Abbas had deemed his opinion to wrong, rather it would suggest that he had only issued edicts in its support...

In Fathul Bari, Allamah Ibn Hajr noted these comments from Makkan narrators:

'The people of Makka noted the Fatwa of Ibn Abbas, on the permissibility to practise Mut'ah, although there are also calls wherein he revoked this position, but these chains are weak, whilst Sahih tradition purport that he deemed it permissible' later Ibn Hajr admits that there are differences over whether he revoked it.

117.Reply Three: The students of Ibn Abbas had a better idea about his stance on Mut'a

Whilst we have proved that Ibn Abbas remained firm on the permissibility of Nikah al-Mut'a until the end of his life if our opponents still argue that he changed his mind towards the end of his life, then we should point that his students, who are counted as revered personalities in the Sunni school had a much better knowledge of the stance of Ibn Abbas, which is why Saeed bin Jubayr, Tawood bin Kaysan and Ata bin Riayah termed Mut'a to be Halal. We shall now expand on this further.

118.The Sahaba of Abdullah bin Abbas deemed Mut'ah to be Halal

As evidence we shall cite the following Sunni texts:

1. Fathul Bari Sharh Bukhari, Volume 9 page 172 Bab Nikah
2. Umdah Thul Qari Fi Sharh Bukhari, Volume 8 p. 10 Bab Ghazwa Khyber
3. AuJaza al Masalik, Volume 9 page 404
4. Neel al Autar, Volume 6 page 533 Dhikr Mut'ah
5. Sharh Zarqani Muwatta Imam Malik, Volume 3 page 54
6. Tafseer Khazan, Volume 1 page 423
7. Al-Estidkar by Ibn Abdul Barr, Volume 5 page 506

We read the following statement about Ibn Abbas in Tafseer Khazan:

فروي عنه أن الآية محكمة وكان يرخص في المتعة

"It has been narrated from him that the verse is Muhkam and he used to permit mutah"

For those who are unaware of word Muhkam, we should elaborate that Muhkam is the type of verse which has not been abrogated whatsoever. Imam of Ahle Sunnah Munawi records:

آية محكمة أي لم تنسخ

"Muhkam verse is the one which has not been abrogated"

Faidh al-Qadir, Volume 4 page 508

Allamah Azeem Abadi records in 'Awn al-Mabood Sharah Sunan Abu Dawood' Volume 8 page 66:

آية محكمة أي غير منسوخة

"Muhkam verse is the one which has not been abrogated"

We read in Fathul Bari:

Ibn Hazm stated: 'Those who deemed Mut'ah to be halaal after the Holy Prophet [s] are Ibn Masud, Mu'awiya , Abu Saeed, Ibn Abbas, Salma, Ma'bad the son of Umayyah bin Khalaf, Jabir, Umro bin Hurayth..'

 [Online Fath ul Bari from www.al-eman.com](http://www.al-eman.com)

 [Online Fath ul Bari from hadith.al-islam.com](http://hadith.al-islam.com)

We read in in Fathul Bari as well as in Sharh of Muwttā Imam Malik by Allamah Zarqani:

قال ابن عبد البر : أصحاب ابن عباس من أهل مكة واليمن على إباحتها

Ibn Abdulbar said: 'The companions of Ibn Abbas from Makka and Yemen believed that it was lawful'

Neel al Autar states:

"Those individuals that deem Mut'ah halaal were Taus, Ata bin Abi Rabeah and Saeed bin Jabeer"

Allamah Ibn Abdul Barr records:

Abu Umar said: 'All the companions of ibn Abbas from the people Makka and Yemen, consider Mutah halal'

Qadhi Thanauallah Panee Pathee in his Tafseer Mazhari, Volume 3, Page 19 makes this comment:

"Ibn Hajr Asqalani cites those Tabieen that gave Fatwas on Mut'ah being halaal, they were Ibn Jurrayj, Tawoos, 'Ataa', the students of Ibn Abbas, Sa'eed bin Jubair and the Fuqaha of Makka."

 [Tafseer Mazhari, Volume 3, Page 19](#)

Ibn Taymeeya quotes the comments of Ibn Hazm:

"Among the Successors of the Companions, Tawoos, Sa'eed bin Jubair, 'Ataa', and the rest of the Makkan jurists believed in its permissibility."

Ibn Taymiyya al-Harrani, al-Muntaqaa min Akhbaar al-Mustafa, edited by Muhammad Hamid al-Faqqi, 2 volumes, Cairo: al-Maktabat al-Tijariyya, 1931 edition, volume 2, page 520

These students of Ibn 'Abbas were all given a very high rank by the Sunni 'ulama. We shall present some facts about these great individuals.

Tawoos bin Kaysaan, Died in 106 hijrah:

He was a highly reliable hadeeth narrator and Prophetic traditions from him are recorded by Imams Bukhari, Muslim, al-Tirmidhi, al-Nasa'i, Abu Dawood, Ibn Maja, Imam Ahmad bin Hanbal.

- Tawoos narrates 85 traditions in Sahih Bukhari and 78 in Sahih Muslim.

Ibn Kathir states about him:

"He was an exalted Imam... he had met with almost 50 Sahabah and most of his traditions are narrated from Ibn Abbas. Many prominent Tabaeen have narrated traditions from him"

Al Bidayah wal Nihayah (Urdu), Vol 9 page 305 'Events of 106 H'.

Sa'eed bin Jubair, Died in 94 or 95 hijrah:

He was a highly reliable hadeeth narrator and Prophetic traditions from him are recorded by Imams Bukhari, Muslim, al-Tirmidhi, al-Nasa'i, Abu Dawood, Ibn Maja, Imam Ahmad bin Hanbal, and Imam Maalik bin Anas.

Sa'eed narrates 147 traditions in Sahih Bukhari and 78 in Sahih Muslim.

'Ataa bin Abi Riyah, Died in 114 or 115 hijrah:

He was a highly reliable hadeeth narrator and Prophetic traditions from him are recorded by Imams Bukhari, Muslim, al-Tirmidhi, al-Nasa'i, Abu Dawood, Ibn Maja, and Imam Ahmad bin Hanbal.

'Ataa narrates over 100 traditions in each of Sahih Bukhari and Sahih Muslim.

Ibn Kathir while writing about Ata states in his esteemed work *Al Bidayah wal Nihayah (Urdu)*, Vol 9 page 339 'Events of 114 H' published by Nafees Academy Karachi:

"He was extremely Thiqa and an exalted person among all Kabar Tab'een. He met with 200 Sahabah... Ata was a Thiqa scholar and a jurist... Abu sabgh al Baqir said: 'I never found a more learned Faqih than Ata'."

We invite those with open minds to consult the taraajim (biographical notices) in the rijaal books for each of these 3 towering personalities and the glowing tributes paid to them by the likes of al-Dhahabi, Ibn Hajar al-'Asqalani, and in particular al-Mizzi's *Tahdheeb al-Kamal*. Use the index to locate the individuals.

Now that we have made reference to the esteemed rank of these three personalities let us now analyse the magnificent words of Nida ul Islam magazine:

Nida ul Islam magazine:

Temporary marriage - i.e., Mut'ah marriage - was permitted at the beginning of Islam, then it was abrogated and became haraam until the Day of Judgement.

Were Imams of Ahle Sunnah Sa'eed, Tawoos, and 'Ataa advocating haraam sexual relations? Or was it a valid difference of understanding from the sources (Ijtihad) as legal scholars frequently have in many areas?

Nida ul Islam magazine:

On these grounds, Mut'ah marriage is considered to be zina (adultery or fornication), even if both parties consent to it, and even if it lasts for a long time, and even if the man pays the woman a mahr. There is nothing that has been reported in Shari'ah that shows that it may be permitted, apart from the brief period when it was allowed during the year of the conquest of Makkah.

Were Sa'eed, Tawoos, and 'Ataa advocating zina? Or was it a valid difference of understanding from the sources (Ijtihad) as legal scholars frequently have in many areas? According to the

quoted statement you imply that even many Companions were, na'oodhubillah, involved in zina (see the plethora of traditions which show Companions were involved in Mut'ah after he demise of the Prophet (s) - some of these have been quoted earlier). The enmity against the Shi'a makes people blind to what they say and who else they implicate!

Nida ul Islam magazine:

As temporary marriage was a custom amongst Arabs in the days of ignorance, it would not have been wise to forbid it except gradually, as is the manner of Islam in removing pre-Islamic customs which were contrary to the interests of people.

Were Sa'eed, Tawoos, and 'Ataa from the days of the jahiliyya, or were they from the generation who saw, met the Companions and obtained their religious knowledge from them - decades after the Islamic Shari'a had taken its final form? It is clear they were from the latter and still proponents of Mut'ah. So was it a valid difference of understanding from the sources (Ijtihad) as legal scholars frequently have in many areas?

Nida ul Islam magazine:

It is well established that temporary marriage does not agree with the interests of people because it causes loss to the offspring, uses women for fulfilment of the lusts of men, and belittles the value of a woman whom Allah has honoured. So temporary marriage was forbidden.

Now who would tell Sa'eed, Tawoos, and 'Ataa who obviously thought that was NOT the case. And what about the noble Companion of the Prophet (s), Jabir al-Ansaari, who himself admitted to holding Mut'ah permissible till the end of caliphate of 'Umar (see evidence supplied earlier in this article)? And you say we insult the Companions?

Nida ul Islam magazine:

There is no doubt that contemplation in this brief message will find in it convincing proof that temporary marriage is prohibited for those who believe in Allah and are free from blind loyalty.

Did Sa'eed, Tawoos, and 'Ataa believe in Allah and were they free from blind loyalty? Why did this 'convincing proof' not come to the notice of Ata'a, Tawoos and Sa'eed? Does Abu Ruqqaya possess greater knowledge than these three Tabaeen / Fuqaha? Why did these reliable scholars of hadith - from whom Bukhari and Muslim narrate and believe that Mut'ah was valid decades after these Companions had passed away?

We appeal to those with open minds, if (according to Ahl as-Sunnah) all the Sahaba are stars of guidance for the Ummah, and difference amongst the *'ulama* is a blessing, and that every scholar issues a correct fatwa, then we appeal for justice before our Muslim brothers. If Ibn Abbas and his Sahaba and Tabieen can be deemed as Islamic scholars, then we see that they all ruled in favour of *Mut'ah*. Why is it impermissible to follow these stars of guidance, and obligatory to follow 'Umar? This question becomes even more difficult to answer when we see how 'Umar's fatwa completely contradicts the Qur'an and *Sunnah*.

119. The opposition of Imran bin Husain to Umar's order

Imran bin Husain also opposed Umar's view and this is proven from Sahih Bukhari Volume 2 page 375 (Arabic edition), and in Sahih al Bukhari Arabic-English, v6, Hadith number 43:

"The Verse of Mut'ah was revealed in Allah's Book, so we did it at the time of Allah's Apostle, and nothing was revealed in Quran to make it illegal, nor did the Prophet prohibit it till he died. But a man (who regarded it illegal) expressed what his own mind suggested".

Note: For the above Hadith, the Saudi translator of Sahih al-Bukhari (Muhammad Muhsin Khan) has changed the word "Mut'ah" to "Hajj-at-Tamatu". This is while in the Arabic text of the Hadith of al-Bukhari which is beside the English text, the word "Mut'ah" has been used alone.

Hadeeths stating 'Imran's belief in the permissibility of Mut'ah are many:

1. Tafseer al-Kabeer, Page 44
2. Tafseer Ghareeb al Quran, Volume3 p.
3. An jaz al Masalik fi Sharh Muwatta Imam Malik, Volume 9 p. 04
4. Tafseer la'b Hayoon, V3 p. 18
5. Zaad al Maad Volume, 1 p. 52
6. Sahih al Bukhari Volume, 6 p. 7 Kitab Tafseer
7. Fathul Bari, Volume 8 p. 86 Kitab Tafseer
8. Sahih Muslim, Volume 1 p. 74 Kitab Hajj
9. Tafseer Qurtubi, Volume 5 p. 33, Ayat Mut'ah

We read in Tafseer Qurtubi, citing the comments of Abu Bakr Tusi:

وقال أبو بكر الطرطوسي : ولم يرخص في نكاح المتعة إلا عمران بن حصين وابن عباس وبعض الصحابة وطائفة من أهل البيت .

"On Nikah Mut'ah, Abdullah Ibn Abbas and Imran bin Husain permitted it and some Sahaba and Ahl'ul bayt commented on its permissibility"

[Online Tafsir Qurtubi, Surah Nisa verse 24](#)

Imran condemned Umar by issuing a fatwa on the permissibility of Mut'ah. We read in Tafseer Kabeer:

Imran ibn Husain narrated: "The verse of mut'a was revealed in Allah's book, and there did not come any other verse after that to abrogate it; and the Prophet ordered us to do it, so we did it at the time of Allah's apostle, and he did not forbid us from it till he died, but then a man (who regarded it illegal) expressed what his own mind suggested". [the narrator comments] by this he was referring to 'Umar. [Radhis comments] Those who believe in the legitimacy of Mut'ah advance this as proof".

[Tafseer al-Kabeer, Page 44](#)

Imam Abu Ishaq Thalabi in his famed work 'Al Kashaf al Bayan fi Tafseer al Quran' also recorded the testimony of Sahabi Imrain bin Hussain:

Mut'ah was revealed in the Quran and no verse was revealed after it, abrogating it. We practised Mut'ah during the life of Rasulallah, he never prohibited until he died, one person prohibited it based on his own view

After this, Thalabi states:

قال الثعلبي قلت ولم يرخص في نكاح المتعة إلا عمران بن الحصين وعبد الله بن عباس وبعض أصحابه وطائفة من أهل البيت

"On Nikah of Mut'ah, Imran bin Husain, Ibn Abbas and a group amongst the Ahl'ul bayt and some Sahaba deemed it halaal".

Thalabi is no ordinary scholar he was awarded a high rank by the Sunni 'ulama. In Tabaqat al Kubra of Volume 3 page 23 the appraisal of Thalabi is as follows:

"Allamah Thalabi was the greatest scholar of his time with regards to knowledge of the Quran and Imam of Ahl'ul Sunnah, Abu Qasim al Qurshree commented " I saw Allah (swt) in a dream, I was conversing with Him and vice verse, during our conversation, Allah (swt) said ' a pious man is coming, I looked and Ahmad bin Thalabi was coming towards us"

120. Asma Bint Abu Bakr's opposition to Umar

We have already discussed it in chapter 4, let us quote the tradition once again which we read in Imam Ibn Hajr Asqalani's book 'Talkhees al Habeer fi Takhreej al Hadeeth al Rafa al Kabeer' Volume 3 page 159 (printed Cairo):

"After the death of Holy Prophet [s], a group of Salaf deemed it Halal. Amongst the Sahaba they were Asma bint Abi Bakr, Jabir bin Abdullah, Ibn Masood, Ibn Abbas, Mu'awiya, Amro bin Huraith, Abo Saeed, Salama and Mu'abed-the sons of Umaya bin Khalaf. He said that Jabir reported from the companions that (it was valid) during the reign of the Prophet, Abubakr and some part of Umar's reign. He said that it is reported from Umar that he forbade it only if there were not two just witnesses. Some of Tab'een deemed (it halal) such as Tawous, Atta, Saeed bin Jubair and the majority of the jurists of Makka."

Moreover we read:

"What has been reported from Asma, al-Nesa'i narrates it from Muslim Quri: 'We went before Asma bint Abu Bakr and we asked her about Mut'ah al-Nisa, she replied: 'I performed this Mut'ah during the lifetime of Rasulallah (s)'"

[http://feqh.al-](http://feqh.al-islam.com/Display.asp?Mode=0&MaksamID=101&DocID=51&ParagraphID=1206&Diacritic=1)

[islam.com/Display.asp?Mode=0&MaksamID=101&DocID=51&ParagraphID=1206&Diacritic=1](http://feqh.al-islam.com/Display.asp?Mode=0&MaksamID=101&DocID=51&ParagraphID=1206&Diacritic=1)

[Download book from www.almeshkat.net](http://www.almeshkat.net) (Volume 3 No. 1506)

We also read in Musnad Abu Daud, Volume 5 page 48 Tradition 1731:

Muslim Quri narrated: "We came to Asma Bint Abu Bakr and asked her about Mut'ah with women. She said: 'We performed this during the lifetime of Rasulallah (s)'"

[Musnad Abu Dawood al-Tayaalsi, Volume 5 page 48 Tradition 1731](#)

Asma openly opposed her uncle Umar on the issue of Mut'ah. Had it been abrogated she would have mentioned it, but her failure to comment proves she still deemed it to be halaal.

121. Imran Bin Sawadah's opposition to Umar

[Imam Ibn Jareer Tabari](#) has recorded the following incident in his Tarikh:

Imran Ibn Sawadah reported: "I went to Umar's house and told him that I want to give him some advice. His reply was, "The person giving good advice is welcomed anytime." I said, "Your community finds fault with you on four accounts." Umar put

the top of his whip in his beard and the lower part on his thigh. Then he said, "Tell me more." I continued, "It has been mentioned that you declared the lesser pilgrimage forbidden during the months of pilgrimage..." He answered, "It is permitted. If they were to perform the lesser pilgrimage during the months of the pilgrimage, they would regard it as being a lieu of the full pilgrimage, and (Mecca) would be celebrated by no one, although it is part of God's greatness. You are right." I continued, "It is also said that you have forbidden temporary marriage, although it was a license given by God. We enjoy a temporary marriage for a handful (of dates), and we can separate after three nights." He replied, "The Messenger of God permitted it at the time of necessary. Then people regained their life of comfort. I do not know any Muslim who has practised this or gone back to it. Now, anyone who wishes to, can marry for a handful (of dates) and separate after three nights. You are right." I continued, "You emancipate a slave girl if she gives birth, without her master's (consenting to) the emancipation... (and the fourth complain is) There have been some complaints of your raising your voice against your subjects and your addressing them harshly."

 [History of al-Tabari, English version, Volume 14, pp 139 & 140](#)

This narration clearly separates truth from falsehood. Umar states that people can engage in Temporary Marriage again. Interesting to see that the one who was talking to Umar, says that you forbade it but we still ENJOY this type of marriage! He uses the word "enjoy" and not "enjoyed" meaning that what is important to us is Allah's command and not Umar's, and thus we still do it. He also mentioned that Temporary Marriage is licensed by Allah and people are unhappy about this innovation of Umar.

It is interesting to note that Umar never attributed the prohibition of Mut'ah to the Prophet (s). They were others who did that after his death, mainly to justify what Umar did which was also being enforced in the reign of Uthman. Umar clearly mentioned that: "Mut'ah was permitted at the time of the Prophet and I prohibit it!" If it was really the Prophet (s) who cancelled Mut'ah, Umar would have said: *The two Mut'ah were Halal and then became Haram at the time of the Prophet, and I am informing you about the second law set by the Prophet which cancelled the first.*

122.The Sahabi Jabir bin Abdullah deemed Mut'ah to be halaal

Before we mention the belief of a Sahabi Jabir bin Abdullah towards the permissibility of Nikah al-Mutah, we shall point out that the followers of Umar tried their best to fabricate a tradition regarding the impermissibility of Mutah attributing to Jabir bin Abdullah. We read in Majma al-Zawaid:

"Jabir reported: 'We exit along with the women with whom we had contracted temporary marriage, Holy Prophet [s] stated: 'They are Haram till the day of Qayamah'. Those women then departed from us. From that day the place became popular with the name of 'Thanetal Wida' while before that, the place was known as 'Thanetal Rakab'.

Majma al-Zawaid, Volume 4 Tradition 7386

The forgery of this tradition can be proven from the fact that Imam Abi Bakar al-Haythami records about this tradition that **"Tabarani has narrated it in Awsat and one of the narrators of this tradition is Sadqa bin Abdullah"** about whom Ahmed bin Hanbal stated in his book Al-Elal, Volume 1 page 551: **'He is nothing, his hadith is weak and his narrations are munkar, his hadith worth nothing'**. Imam Muslim stated about him: **'He narrated Munkir'**. Imam Ibn Hajar Asqalani in Taqreeb al-Tahdeeb Volume 1 page 436, Imam Dhahabi in Al-Kashef, Volume 1 page 502 and Imam Nasai in Al-Dhu'afa, page 196 have declared him weak, while Imam Bukhari stated in his book Al-Dhu'afa al-Saghir, page 64 that he is **'very weak'**.

As for the subject [matan] of the cited tradition, Sahabi Jabir bin Abdullah has been alleged to quote Prophet [s] **'They are Haram till the day of Qayamah'** while the Sahih traditions inform us that Jabir bin Abdullah not only deemed Mut'ah to be Halal but he himself contracted temporary marriage even after the death of Holy Prophet [s]. Perhaps the followers of Umar did not consider this point while fabricating the above tradition and attributing to Jabir bin Abdullah. We are relying from the following Sunni sources.

1. Sahih Muslim, Bab ul Nikah, book 008, number 3249:
2. Kanz al Ummal, Volume 8 page 293 Bab Nikah Mut'ah
3. Neel al Autar, Volume 6 page 153 Bab Nikah Mut'ah
4. Sharh Muwatta by Zarqani, Volume 3 page 154
5. Al Jaza al Masalik fi Sharh Muwatta Imam Malik, Volume 3 page 154
6. Fathul Bari Volume, 7 page 172 Kitab Nikah
7. Sunan al Kabeera, Volume 7 page 206 Kitab al-Hajj

We read in Sahih Muslim:


Jabir bin Abdullah reported: 'We contracted temporary marriage giving a handful of flour as dower, during the life time of Allah's messenger (P) and during the lifetime of Abu Bakr until Umar forbade it and the case of "Amr Bin Harith"

We read in Zaad al Maad Volume 2 page 305:

"What can we say about the narration of Jabir in Muslim, where he states that during the life of Rasulullah(s) and Abu Bakr we would do Mut'ah for certain day using dough, cloth, until Umar stopped it. What are you going to say about this decision?" Umar, stated that during the lifetime of the Rasulullah (s) two types of Mut'ah existed, Mut'ah of Hajj and Mut'ah of Nisa, and now I prohibit them. People will want answers, on Mut'ah there will be two answers. That Umar banned it and Rasulullah (s) ordered us to adhere to the Sunnah of the Khalifas.

We read in Musnad:

"Abu Nadra said to Jabir bin Abdullah 'Ibn Zubayr prohibits Mut'ah whilst Ibn Abbas allows it. He [Jabir] replied 'The order of Rasulullah (s) is before us, we performed Mut'ah with Rasulullah (s). Affan said 'We practised this during the reign of Abu Bakr, and when 'Umar became Khalifa he gave a Sermon 'The Qur'an is the Qur'an, and the Prophet is the Prophet, two Mut'ah's existed during the life of the Prophet, Mut'ah of Hajj and Mut'ah with women"

 [Masnad Imam Ahmad Ibn Hanbal, Volume 1, Page 437](#)

Allamah Waheed'ud Deen az Zaman in 'Lughuth al Hadeeth' Volume 4 page 10, Chapter 'Meem' recorded:

Jabir ibn Abdullah narrates that during the life of Rasulullah (s) and reign of Abu Bakr Siddique and the early reign of Umar, we continually practised Mut'ah, until someone did something subject to his own opinion [It is being referred to Hadrath Umar, means he prohibited it].

 [Lughath al Hadeeth, alphabet: Meem, page 10 \(published in Karachi\)](#)

We read in 'Sunan al Kabeera' by Imam Behaqqi, Volume 7 page 206:

"Jabir was asked, Ibn Zubayr tells people to refrain from Mut'ah, whilst Ibn Abbas says it is permissible. Jabir replied "we practised Mut'ah during the lifetime of Rasulullah(s) and Abu Bakr. When Umar became khalifa he delivered a sermon "Rasulullah(s) and the Quran have not changed, during the life of Rasulullah(s)

there were two types of Mut'ah, I ban them and shall punish one who breaks this, one is Mut'ah with women, and I shall stone anyone who does this, the other is Mut'ah of Hajj".

[Online Sunah al Kubra by al Behaqi, Kitab al Haj, Hadith 8958](#)

Here, Jabir admits Mut'ah was practised during Abu Bakr's reign. If Rasulullah(s) banned Mut'ah then why were Sahaba still indulging in this haram act during Abu Bakr's reign.? Jabir's testimony is clear proof that Mut'ah was not abrogated by Rasulullah(s), and that 'Umar's act was a clear innovation in Islam. These narrations on the permissibility of Mut'ah by Jabir the Sahabi has shakes the root of the Sunni religion, we also read in Sahih Muslim *Book 008, Number 3248, Bab ul Nikah:*

Ibn Uraij reported: 'Ati' reported that Jabir b. Abdullah came to perform 'Umra, and we came to his abode, and the people asked him about different things, and then they made a mention of temporary marriage, whereupon he said: Yes, we had been benefiting ourselves by this temporary marriage during the lifetime of the Holy Prophet (may peace be upon him) and during the time of 'Abu Bakr and 'Umar.

We read in Tahdeeb al Kamal, Volume 20 page 84:

"Abu Hafs al-Baheli reported that Umar bin Qais asked Atta: 'When were you born?' He answered: 'Two years after Uthman's caliphate.'"

This proves that long after Umar's death, Jabir continued to maintain his position on the permissibility of Mut'ah and didn't deem Mutah to be prohibited. On the contrary he made it clear that this was practised during the lifetime of Rasulullah(s), Abu Bakr and Umar. So if Mut'ah is Zina, were the Sahaba indulging in Zina during these golden ages?

123.Sahabi Abu Saeed Khudri deemed Mutah Halal and practiced it even after the death of Holy Prophet [s]

Imam of Ahle Sunnah, Badruddin al-Aini records the following testimony of famed Sahabi Abu Saeed Khudri:

عن أبي سعيد الخدري وجابر بن عبد الله قالوا: تمتعنا إلى نصف من خلافة عمر رضي الله عنه حتى نهى عمر الناس عنها في شأن عمرو بن حريث

Abu Saeed Khudri and Jabir bin Abdullah narrated: 'We contracted temporary marriage till the half of the Umar's [ra] caliphate until he forbade it in the case of Amr Bin Harith'.

Umada tul Qari Sharah Sahih Bukhari, Volume 17 page 246

(In some versions, the tradition can be found in Volume 8 page 310 of the book).

124.Umar's debate with a Muslim on Mut'ah

We read in Kanz al Ummal Volume 7 page 94 Dhikr Mut'ah:

Um Abdullah bint Abi Khuthaima stated that a man came from Syria and said: 'Celibacy has become difficult for me, arrange a woman for me with whom I can perform mutah'. She replied by directing him to a woman, with whom he eneted into an agreement, and brought forward just witnesses. He stayed with the woman for as long as Allah (swt) wanted him to stay and then left.

Umar received information and summoned me and asked: 'Is what happened true? I replied: 'Yes'. He (Umar) said: 'If he returns let me know'. Upon his return, I informed Umar. He (Umar) summoned him, when he (the man) went to him, Umar asked him: 'Why you did that?'

The man replied: 'I performed it during the lifetime of Rasulallah(s), and he never prohibited it until the time of his death. Then I practised it during the time of Abu Bakr and he never prohibited it until the time of his death, I also practised Mut'ah during your reign and you didn't narrate any evidence of its prohibition.'

Umar replied: 'By whom my soul in his hand! If I had forbade this before today, I would have stoned you, declare it (to the public) so that they can distinguish nikah from adultery'

[Online Kanz ul Ummal, Volume 7 Hadith 45726](#)

So here we have another example of a companion admitting that there was no such prohibition of Nikah al Mubah right during the era of Holy Prophet [s] and the early days of Umar's reign.

125. Mu'awiya practised Mut'ah after the death of Rasulallah(s)

We shall cite the following authentic Sunni sources as proof:

1. Fathul Bari, Volume 9 page 174 Bab Nikah Mut'ah
2. Sharh Zarqani (commentary of Muwatta) Volume 3 page 53, Mut'ah
3. Al Jaza al Masalik, Sharh Muwatta, Volume 9 page 403, Mut'ah
4. Neel al Autar Volume 6 page 153 Mut'ah
5. Musanaf Abdul Razaq, Volume 7 page 499.

We read in al Jaza al Masalik:

"Ibn Hazm, states those people that deemed Mut'ah, Mubah (permissible) after Rasulallah were amongst the Sahaba, Abdullah bin Masud, Mu'awiya, Abu Saeed Al Khudri, Abdullah ibn Abbas, Salma, Mubid Umayya bin Khulafa's son, Jabir bin Abdullah Ansari, Umro bin Harees".

We read in Neel al Autar:

"Those Sahaba who deemed Mut'ah halaal after Rasulallah, were Asma' bint abi Baker, Jabir bin Abdullah, Ibn Mas'ud, Ibn Abbass, Mu'awiyah, Umrro bin Al Hurayth, Abu Sai'd and Salmah the sons of Umayyah bin Khalaf ..."

The above individuals, all highly esteemed in the Sunni faith, deemed Mut'ah to be halaal after the death of Rasulallah(s).

If it was haram and is Zina, then why did the site in law of Rasulallah (s) practise it? And then we have the beloved Imam of Enemies of the Ahl al-Bayt (as), fifth Imam of Ahlul Sunnah, Mu'awiya, believed, practised it and paid this woman regular stipends? We read in Fathul Bari Volume 9 pages 174:

Abdulrazaq recorded from Safwan bin Yala bin Umaya that he said: 'Yala told me that Muawiya performed mutah with a woman in Taaif'. The chain is Sahih, but in Abi al-Zubair's narration from Jabir as Abdulrazaq recorded was from past and text is: "When Muawiya arrived in Taaif, he performed mutah with a slave woman whose name was Mu'ana and she belonged to Bani al-Hadhrami" Then Jabir said: 'Mu'ana lived till Mu'awiya's reign, he used to send her stipends every year'.

[Fathul Bari Volume 9 pages 17](#)

[Online Fath ul Bari from www.al-eman.com](#)

[Online Fath ul Bari from hadith.al-islam.com](#)

This has been similarly recorded in Musanaf Abdul Razaq, Volume 7 page 499.

Comment:

If Mutah is adultery in the eyes of Nawasib like that of Sipah e Sahaba then will they issue an edict against Mu'awiya for committing adultery? And why are they not ashamed of the adultery committed by their caliph and beloved sahabi? Nawasib such as Ansar.org are very proud to call Mu'awiya a 'Hadi' (guide) according to a (supposed) hadeeth, if the 'Hadi' of Nawasib is an adulterer then what can we expect from his followers!

126.Saeed bin Jabayr contacted Mut'ah with a woman in Makkah

We are citing the following Sunni Sources.

1. Fathul Bari, Volume 9 page 174 Dhikr Mut'ah
2. Musanaf Abdur Razaq, Volume 7 page 96
3. Tafseer Ibn Katheer, Volume 1 page 74 Ayat Mut'ah
4. Tafseer Fathul Qadeer, Volume 1 Page 74 Ayat Mut'ah
5. Tafseer al Abi Hayan al Andalusi, Volume 3 page 18
6. Neel al Autar, page 57 Dhikr Mut'ah

We read in Fathul Bari

Ibn Hazim said, those that deemed Mut'ah halaal after Rasulallah(s) and remained firm in this position, included Ibn Masud, Mu'awiya, Abu Saeed, Salma wa Majid, Umayya's son, Jabeer and Umar bin Harith, Jabir cited the practise of Mut'ah by the Sahaba during the reign of Abu Bakr and Umar, amongst the Tabieen the jurists of Makkah and Taus and Saeed bin Jabeer and Ata deemed Mut'ah halaal. Those Tabieen that Ibn Hazim quoted on the lawfulness of Mut'ah, carried a Sahih chain, according to Abdul Razzaq

We read in Tafseer Ibn Katheer:

"Ibn Abbas, Ibn Abi Kaab, Saeed bin Jabayr and Sadi would read the verse of Mut'ah with the words 'for a prescribed period' and the word 'ajal' are proof that this is referred to Mut'ah."

We read in Musanaf Abdur al Razzaq:

Narrators say: "A beautiful Iraqi women resided in Makka, Saeed bin Jabayr intended on visiting her, I asked why he spend so much time with the women, he said 'he had performed Nikah Mut'ah with the women, and that Nikah Mut'ah was more Halal than drinking water".

[Online Musnaf Abdur Razzaq, Kitab al Talaq, Bab al Mutah, Hadith 14020](#)

There should be no need to enlighten our readers about the Sunni Imam Saeed bin Jubayr, but let us cite the comments recorded by Imam Ibn Hajar Asqalani about him.

"...He narrated hadiths from Ibn Abbas, Ibn Al-Zubair, Ibn Umar, Ibn Maqal, Uday Ibn Hatem, Abi Masood Al-Ansay, Abi Saeed Al-Khudari, Abu Hurayra, Abu Musa Al-Asha'ari, Al-Dahak Ibn Qais Al-Fehri, Anas, Amro Ibn Maymoon, Abi Abdulrahman Al-Sulami and lady Aysha..... Ibn Abi Mughera said that when people of Kufa visit Ibn Abbas and ask him for Fatwa, he used tell them: "Isn't Saeed Ibn Jubayr among you?" Amro Ibn Maymoon said that his father said that Saeed bin Jubair died and there was no one on earth who was not in need of attaining knowledge from him'... Abu Al-Qasem Al-Tabari said: "He is a reliable Imam and hujah on Muslims".....Ibn Haban Said: "He was a jurist, worshiper, righteous and pious"."

Tahdeeb al Tahdeeb, by Ibn Hajr Asaqlani Volume 4 No. 14

Do Nawasib know more about the validity of Mutah than their Imam? And if it was really forbidden do Nawasib want to suggest that their praised Imam was an adulterer (naudobillah)? Alhamdulillah Shia do not ascribe to such views about Saeed bin Jubayr.

127.A Sahabi 'Salmah bin Umayya' contracted Mut'ah with Umm Irak

We shall rely on the following Sunni sources:

1. Fathul Bari, Volume 9 page 174 Bab Mut'ah
2. Al Jaza al Masalik Volume 9 page 03
3. Neel al Autar, Volume 6 page 53 Bab Mut'ah
4. Musanaf Abdul Razaq, Volume 7 page 97
5. Al Mhhali by Ibn Hazim, Volume 9 page 20
6. Jameer' athul Nasab, Volume 1 page 60

We read in Fathul Bari:

فروى عبد الرزاق بسند صحيح عن عمرو بن دينار عن طاوس عن ابن عباس قال " لم يرع عمر إلا أمر أراكة قد خرجت حبلى، فسألها عمر فقالت : استمتع بي سلمة بن أمية

Abdur Razzaq narrated with a Sahih chain from Umro bin Dinar from Taus from Ibn Abbas that Umar summoned Umm Irak, who was pregnant, she openly stated that she had performed Mut'a with Salmah bin Umayya.

<http://www.al-eman.com/hadeeth/viewchp.asp?BID=12&CID=446#s1>

We read in Jameer' athul Nasab:

Saleem's son was Mujeed, his mother was Umm Iraq, Saleem contacted Mut'ah with her and this Mut'ah existed during the reign of Abu Bakr and Umar.

Ibn Hajar Asqalani records in Taqrib al-Tahdib, Volume 1 page 246:

'Salamah bin Umayya al-Tamimi al-Kufi, brother of Y'ala bin Umayya, a Sahabi, narrated one hadeeth.'

This is yet another example of a Sahaba continuing to practice Mut'ah after 'Umar banned it.

128.Umar's son Abdullah deemed Mut'ah halaal and condemned the order of his father

Before mentioning the views of Abdullah Ibn Umar regarding the permissibility of Mutah and going against the rulings of his father, let us first cite a tradition which Nawasib cite in an attempt to prove that Ibn Umar's up held the false rulings of his father. Imam Behaqqi records:

"Umar climbed on the pulpit and after praising Allah [swt] stated: 'What has happened to these people, why are they contracting temporary marriage while Prophet [s] had forbade it. If someone is brought to me who has committed Mutah, I will stone him to death.'

Sunnan al-Behaqqi, Volume 7 page 206

We shall point out to the Nawasib that the chain of narration contain Mansur bin Dinar. Imam Yahyah bin Mueen stated about him: **'He is weak in hadith'**. Imam Nasai stated: **'He was not strong'**. Imam Bukhari stated: **'There is Nadhar in his hadith'** meaning there are

doubts in his hadiths. Aqeeli counted him among the weak narrators. See:

1. *Jirah wal Tadeel, Volume 4 page 171*
2. *Mizan al Eitidal, Volume 2 page 148*
3. *Lisan al Mizan, Volume 4 page 95*

Since it is known that Umar forbade both types of Mutah, we read in Sunan Tirmidhi that when Umar's son was asked of his position on the Mutah al Hajj prohibited by his father he offered the following reply:

'Abdullah ibn 'Umar was questioned about the combining of the hajj. In reply he said: It is halal. The questioner then asked: But your father has forbidden it? He replied: When my father forbids something practised by the Messenger of Allah (S), what is the better option for me to pursue: to follow the order of my father or that of the Messenger of Allah (S)? The man said: Certainly you have to obey the commandment of the Messenger of Allah'

[Online Sunan Tirmidi, Hadith 832](#)

Beloved Imam of Salafies Ibn Qayyim al-Jawziyah also recorded this in his esteemed work Zaad al-Maad:

وقال عبد الله بن عمر لمن سأله عنها وقال له : إن أباك نهى عنها : أمر رسول الله صلى الله عليه وآله وسلم أحق أن يتبع أو أمر أبي ؟

Someone asked Abdullah bin Umar (about Mut'ah) saying: 'Your father prohibited it.'

(Ibn Umar replied): 'Is the order of the Messenger of Allah more deserving to be followed, or the order of my father?'

[Zaad al-Maad, Volume 2 page 176](#)

The tradition reinforces our stance that Umar who forbade both kinds of Mut'ah and Abdullah Ibn Umar's stance on Mutah al Hajj. When he was asked about Mutah al Nisa, he gave the very furious reaction. We read in Musnad Ahmed Bin Hanbal:

"Narrated Afan, narrated Ubaidillah ibn Iyad, narrated Iyad; ibn luqait, Abdulrahman ibn Naeem said: A man asked Ibn umar about Mutah, Mutah with women, so he got angry and said I swear by Allah that we were not fornicators during the Messenger of Allah's reign, then he said again: I swear by Allah I heard messenger of Allah say there will be about thirty liars before the Dajjal (fake Messiah)"

[Online Musnad Ahmed Bin Hanbal, Vol 2 Hadith 5546](#)

We also read:

"Narrated Abu Al-Waleed, narrated Ubaidallah ibn Ziad, narrated Iad, Abdulrahman ibn Naeem said: Abu Al-Waleed doubt and said: one man asked Ibn Umar about Mutah, womans Mutah, so he said: 'I swear by Allah that we were not fornicators during the reign of the Messenger of Allah'. Then he again said: 'I swear by Allah, I heard the Messenger of Allah saying: 'Before the establishment of doomsday there will be the Dajjal (fake Messiah) and thirty or more liars'."

[Online Musnad Ahmed Bin Hanbal, Vol 2 Hadith 5436](#)

This proves that just like Mutah al Hajj, Ibn Umar also deemed Mut'ah al Nikah to be halaal, and did not believe they had been abrogated. Furthermore, this is a crushing blow to Dr. Salamah, whose logic leads to the inevitable conclusion that the Sahaba were fornicators.

129. Maula Ali also opposed Umar prohibition on Mut'ah

In Tafsir Dur al-Manthur we read the words of Maula Ali [as] that we cited previously as well:

Narrated Abdulrazaq and Abu Dawoud in (book) Nasikh and narrated ibn Jareer from al-Hakam that he was asked whether the verse on Mut'ah has been abrogated, he said: "No, Ali (ra) said that if it were not for Umar forbidding it, no one would commit (the sin) of fornication except the wretched (Shaqi; an utmost wrongdoer)."

Also see:

1. *Tafseer Tabari, Volume 4 page 10*
2. *Al-Kashf al-Bayan fi Tafsir al-Quran by Abu Ishaq Thalabi, verse 4:24*

Suyuti is a renowned Sunni Scholar and his virtues are expounded in detail in the book of Rijjal. In his Tafseer he states that he compiled this Tafseer with good chains he found. Suyuti's recording of Maula Ali's testimony is proof that Umar banned Mut'ah not Rasulullah. Maula Ali deemed this to be clear deviation and deemed Umar to have perpetuated a major sin, and was in effect responsible for people fornicating.

We are citing the following authentic Sunni Sources:

1. Tafseer Durre Manthur, Volume 2 page 486
2. Tafseer Gharaib al Quran, Volume 3 page 6 pt 5
3. Tafseer Tabari, Volume 4 page 10
4. Tafseer Kabeer, Volume 3 page 95
5. Tafseer al-Bahr al-Muheet by Abu Hayan al-Andulusi, Volume 3 page 226
6. [Kanz ul Umaal, Hadith 45728](#)
7. Musanaf Abdul Razaq, Volume 7 page 500 Hadith 14029
8. Al-Muharrar al-Wajiz by Ibn Atya al-Andulusi, Volume 2 page 36

All these sources have the words of Imam 'Ali (as):

"Ali (r) said: If it were not for Umar forbidding it, no one would commit (the sin of) fornication except a wretched person".

Let us now analyse the words carefully:

'If it were not for Umar forbidding it' – The word 'If' shows that this statement is a conditional statement. That means whatever is said; the results are based on the condition(s) specified.

'were not for Umar forbidding it' -is a condition.

'no one would commit (the sin of) fornication'– This is a statement.

'except a wretched person' – This statement now carries an exception to the rule, of those who ignore and disobey Allah (swt) no matter what.

The POINT here was, it is apparently clear and commonly known by every knowing and wise person that sexual needs are natural. No one has denied it and no one can deny it. To put it simply, people who were unable to find a life long commitment (Perm. Marriage) and yet it could not curb their sexual needs, had a blessing from Allah [swt] to perform Nikah Mutah (there may be other reasons also) and avoid fornication. Having that blessing no one would have committed fornication except people who flagrantly disobey Allah [swt] anyway.

In the above statement, the condition specifies that it was only because of Umar that people will commit fornication since Umar had made 'a Lawful-Islamic-Act a-blessing from Allah [swt] unlawful. It is like you make unlawful to work, people will EAT whether they are working or not, meaning either they will work to earn their bread or they will steal. You can not put natural requirements in a box and not provide a lawful way to fulfil those requirements. That is not how nature works, and this applies to every single NATURAL URGE of Human Being.

You can not make sleeping HARAM and make Human nature to require sleep; similarly you can not make Breathing HARAM and make human Nature to require to breath, so on and so forth.

In 'Lughuth al Hadeeth' Volume 4 page 9 Chapter "Meem", Maulana Waheed uz Zaman further expands on the words of Maula 'Ali (as):

Hadhrath 'Ali [r] said 'Had Umar not banned Mut'ah then the only person to fornicate would have been a disgraceful person, since Mut'ah is easy, and one can attain the objective, there would have then been no need to indulge in haraam acts'.

 [Lughaat ul Hadeeth, alphabet 'Meem' page 9 \(Published in Karachi\)](#)

Some Nasibi have raised the objection: 'why didn't Imam 'Ali (as) mention Mut'ah in Nahj ul Balagha?' It is indeed amusing to read the absurd claim of Dr Salamah:

Dr Salamah states:

"Oddly enough, 'Ali left behind a voluminous book, Nahjul-Balaghah, wherein he presented various aspects of Islam and the Muslim state. However, not a single word in favour of Mut'ah is mentioned in it. Had 'Umar been wrong, nothing would have prevented 'All from condemning it in his writings.

The author clearly has no idea what he is talking about. Imam 'Ali (as) did not "leave behind" Nahj al-Balagha. The book was compiled centuries later by Sayyid Ar-Radhi. We have seen that the book does not deal with fiqh issues; nor is it a "voluminous" work. Compared to other hadeeth collections, it is one of the shortest. Salamah does not even deal with the many narration's, found in Sunni books, where Imam 'Ali (as) condemns 'Umar's ban on Mut'ah. Indeed, this hadeeth is an authentic narration. Moreover, how can the author put words in Umar's mouth while he himself has been quoted to have admitted the fact that Mutah was Halal during the time of Prophet [s]?

The increasingly favourite Nasibi author of *www.ahlelbayt.com* as usual did some copy paste work and pasted the same paragraph without using his own brain and hence he also came under the humiliation that Dr. Salamah had to go through by raising the stupid objection cited above.

 [Screenshot from Ibn al-Hashimi's article - top](#)


 [Screenshot from Ibn al-Hashimi's article - text](#)

130. Further Arguments of Dr. Salamah

Dr Salamah states:

"As previously mentioned, Furthermore, since 'Umar was later succeeded by 'Uthman and then 'Ali, had 'Umar's statements been contrary to the ruling of the Prophet (PBUH), at least one of them would have re-established the sanctity of Mut'ah. Again, there are no records of such abrogation.

Once again, the later coming Nasibi author on the internet namely Ibn al-Hashimi copy pasted the same pathetic arguments of Dr. Salamah without using his own brain.

 [Screenshot from Ibn al-Hashimi's article - top](#)

 [Screenshot from Ibn al-Hashimi's article - text](#)

It is common sense that the false fatwa of Umar had been buried with the Khalifa, and with Umar's death people were free to practise Mut'ah as they had done in the past. If Uthman toed the same line as Umar, then this does not mean that Umar was right - since Umar had bound himself to adhering to Umar's decisions when offered the Khilafath - a condition that Uthman accepted, which Imam 'Ali (as) did not. As we have already proven Imam 'Ali (as) had openly expressed his disgust at Umar's prohibition and his words serve as clear proof that this was a legitimate act. There are scores of Shi'a traditions wherein our Imams (starting from Imam 'Ali (as) endorsed the practise of Mut'ah, so the people during the era of Imam 'Ali (as) were in no doubt that this was halaal.

131. Testimony of the Sahaba that Umar was the first person to deem Mut'ah to be haram

For this section we shall rely on the following sources of Ahlul Sunnah

1. Fathul Bari, Volume 1 page 275 and Volume 3 page 433
2. Irshad al Sari Volume 3 p. 36 Kitab Hajj
3. Tareekh al Khulafa p. 36
4. Sirah Halabiyah (Urdu), Vol 5 page 159

We read in Fathul Bari:

Hadith of Imran: 'We performed mutah during the time of messenger of Allah (pbuh), then a man said by his opinion what he wanted'.

Just after this, Imam Ibn Hajar Asqalani confirms that it was Umar who prohibited it:

هو عمر كما ثبت في صحيح مسلم

'He is Umar as its proven in Sahih Muslim'

Fath al-Bari, Volume 1 page 275

By Sahih Muslim, Ibn Hajar was referring to the following tradition that has previously been cited by us:

Narrated 'Imran bin Husain:

"The Verse of Mut'a was revealed in Allah's Book, so we did it at the time of Allah's Apostle, and nothing was revealed in Quran to make it illegal, nor did the Prophet prohibit it till he died. But a man (who regarded it illegal) expressed what his own mind suggested."

Imam Radhi, Imam Abi Ishaq Thalabi, Ibn Hayan and Allamah Nizamuddin Nisaburi have recorded this tradition in under the commentary of Surah Nisa, verse 24 (the verse of Mut'ah). This shows that it was clear to the Sunni scholars that the tradition refers to Nikah al-Mut'ah.

At another place Ibn Hajar recorded the words of Imam Kirmani regarding the same tradition who also confirmed Umar being the first ever person to prohibit both forms of Mut'a:


Al-Kirmani said that it appears from Bukhari's sentence that it meant Uthman... while more deserving is to say that it was Umar because he was the first one who prohibited it while the man (Uthman) that came after him (Umar) was merely obeying him in this action"

Fath al-Bari, Volume 3 page 433

While citing the innovations of Umar, the seventh innovation that Allamah Jalaluddin Suyuti

records is:

[7]. He promulgated the prohibition of Mutah and didn't make it permissible for anyone"

 [Tareekh Khulfa \(Urdu\), page 216 \(Madina Publishing Co. Karachi\)](#)

We read in Sharh of Sahih Muslim by Imam Nawawi:

"Hadhrath Umar was the first person to prohibit Mut'ah".

We read in Seerah Halbeeya:

"Some Ulema have narrated that the first person to forbid Mutah was Umar Farooq (this means he prohibited it during his caliphate)"

 [Sirah Halabiyah \(Urdu\), Vol 5 page 159 \(Published by Daarul Isha` at Karachi\)](#)

132.Many 'ulama of Ahl as-Sunnah deemed Mut'ah to be halaal

We shall cite the following Sunni sources

1. Tafseer Gharab al Quran part 5, p. 4, Surah al Nisa
2. Tafseer Kabeer Volume 3 p. 95, Surah Nisa verse 24
3. Tafseer Haqqani Volume 2 p.4
4. Nuzul al Ibrar fi fiqh Mukthasar Nabi al Mukthar, p. 3

We read in Tafseer Kabeer:

Amongst the Ummah are so many great scholars who deem Mut'ah to have been abrogates, whilst other say that Mut'ah still remains.

Imam of Deobandies Allamah Abu Muhamad Abdul Haq Haqqani states in Tafseer Haqqani:

"Some scholars deem Mut'ah permissible, in the same way the Sahaba Ibn Abbas and Imran bin Husain deemed it permissible, they say that this woman is also a wife".

 [Tafseer Haqqani, Vol 2 page 4 \(published in 1956, Deoband UP. India\)](#)

Waheed uz Zaman states:

One the topic of Mut'ah, differences have arisen amongst the Sahaba, and Ahl'ul Hadith (people of Hadith), and they deemed Mut'ah to be permissible, since Mut'ah under the Shari'ah was practised and this is proven, and as evidence of permissibility they cite verse 24 of Surah Nisa as proof. The practise of Mut'ah is definite and there is ijma (consensus) on this and you can't refute definite proof by using logic.

We read in Gharaib al Quran:

The people of Faith are in agreement that Mut'ah is halaal, then a great man said Mut'ah was abrogated, other than them remaining scholars, including the Shi'a believe Mut'ah remain halaal in the same way it was in the past. Ibn Abbas held this viewpoint and Imran bin Husain.

133. Former Leader of Jamaat-e-Islam, Sayyid Abul'ala Maudoodi deemed Mut'ah to be permissible

Maudoodi in his periodical Turjuman al Qur'an in his commentary of Surah Mu'minin, [1955 edition]

"Whether Mut'ah is haram or halaal is a dispute that creates dissension between Shi'as and Sunnis, and has resulted in heated discussion, it is not difficult to ascertain the truth. A man comes across such situations when Nikah becomes impossible and he is forced to make a distinction between Zina and Mut'ah. In such scenarios practising Mut'ah is a better option to Zina"

134. Maulana uz Zaman deemed Mut'ah to be permissible

We have already cited the tradition from Sahih al Bukhari (English translation) Volume 7, Book 62, Number 13, wherein Ibn Masud stated that Rasulullah (s) allowed the Sahaba to contract Mut'ah. The Salafi scholar Maulana uz Zaman translated the words of Ibn Masud, in his Sharh of Sahih al Bukhari, Tayseer al Bari Volume 6 page 111 (printed in Karachi) as follows:

He gave us the permission to use cloth and contract Nikah, i.e. Mut'ah with women.

The reference is absolutely clear that the Prophet gave the order to contract Mut'ah, and curiously in his commentary of this tradition Zaman says as follows:

"From this hadith it can be seen that the usage of Mut'ah arises in 'needed' circumstances such as travel but not in situations where no need arises".

 [Tayseer al Bari Sharah Sahih Bukhari, Volume 6 page 111](#)

Let us for example accept that comment that Nikah Mut'ah is restricted to travel, this Sunni scholar has still acknowledged the validity of Mut'ah, and that is exactly what we the Shi'a are saying, that it can be exercised at a time when 'need' arises. Need is an entirely subjective thing, based on one's own self control, if a man can remain pure without having sex that is fine, but if he fears falling into haraam activities due to sexual frustration, such as fornication, then the Shari'ah has also provided a legal means with which he can control his sexual urge.

135. The Imam of Ahl as-Sunnah Ibn Jurrayj contracted Mut'ah with seventy women

The following sources deal with this issue:

1. Fathul Bari, Volume 9 p. 73 Bab Mut'ah
2. Al Mughni by Ibn Qadema, Volume 7 p. 71
3. Meezan al Itidal, Volume 2 p. 59
4. Tahdeeb al Tahdeeb, Volume 6 p. 06

Whilst we already cited the appraisal of Dhahabi of Ibn Jurraya from Tadkirathul Huffaz Volume 1 pages 170 -171, let us also quote his comments from Tahdeeb:

Abdul Malik Ibn Jurraya was one the great men of knowledge, he was Thiqa (reliable) and authoritative, he performed Mut'ah with seventy women, deeming this practise to be halaal.

If Mut'ah was abrogated by Rasulullah(s) and thus became Zina, then did this great Sunni Imam, who was incidentally from amongst the Tabieen, commit fornication with seventy

women? How can a Sunni scholar that fornicates with seventy women be graded as a very reliable authority? If it was obligatory to accept 'Umar's ruling, than was this Faqih committing a sin? Or is the truth much more obvious: that this Faqih recognised 'Umar's ruling was bid'a, and disregarded it.

136. Imam Malik issued a Fatwa that Mut'ah is halaal

We shall cite the following Sunni sources:

1. Fatawi Qadhi Khan, Volume 1 page 151
2. Al Hidayah, Volume 1 page 186

We read in Al-Hidayah:

وقال مالك : هو جائز لأنه كان مباحا فيبقى إلى أن يظهر ناسخة

Malik said: 'It is permitted because it was lawful so it will remain (lawful) till the abrogation appears'

Although the name of the book Al-Hidayah is suffice to tell its authenticity among Ahle-Sunnah but for the benefit of our readers and most importantly, to nullify any attempt by Nawasib to cast doubts on the authenticity of the reference cited, let us mention that this book is compared with Quran among Ahle Sunnah, as we read:

"The book Al-Hidayah is a guide to guidance and it removes the blindness from those who preserve it. Oh you, the rational ones, you must preserve it and be with it, because who ever reached to it in fact he reached to the maximum goals. That is what Allamah al-Hadad said in his margin on the book al-Hidayah. Other one said: 'al-Hidayah is like Quran, it has abrogated the previous books which were written about laws.'"

 [Hidayah, page 4](#)

[Imam Hassan bin Mansoor Qadhi Khan](#) records in 'Fatawa Qadhi Khan':

"Nikah is not legally established by usage of the word 'Mutah' and it is false according to us and isn't permissible, contrary to Ibn Abbas and Malik"

 [Fatawa Qadhi Khan, Volume 1 page 151 \(Nolakshor, India\)](#)


137. Imam of Ahl as-Sunnah Ahmad Ibn Hanbal deemed Mut'ah to be Halal

We read in [al Bidayah wa al Nihaya](#) Volume 4 and p. 94, Dhikr Khayber:

"In the same way that Ibn Abbas deemed Mut'ah to be halaal, Imam Ibn Hanbal also stated Mut'ah was halaal"

Ibn Katheer's in his Tafseer, Surah an-Nisa, Page 3 under the verse 4:24 said:

"Ibn Abbas an other Sahaba said that Mut'ah can be utilised when needed, Ibn Hanbal also narrated the same".

 [Tafseer Ibn Katheer, Surah an-Nisa, Page 3](#)

Imam Hanbal like Malik is a Sunni Scholar of fiqh, like Ibn Abbas and other Sahaba. If Mut'ah is a shameless act of Zina then did the Allah and Rasulallah(s) allow such acts on certain occasions. Clearly Sahaba did not see Mut'ah in this way, the clearly understood words of

Rasulullah(s), so for Sunnis experts to deem Mut'ah haram today is a major injustice on their part.

138.Umar's own testimony that Mutah is permissible and he himself performed it

Uptil now we have read of Umar's prohibition of Mutah, at no point did he deem Mutah Haram (according to the edicts of the Prophet). In Sahih Muslim we read the words of the companion Jabir bin Abdullah who referred to the practising of Mutah during the time of the Prophet [s], then during the era of Abu Bakar and also during Umar's reign until he forbade it in the case of Amr bin Harith. Interestingly in Tareekh al-Madina by Ibn Shabah, we read the following version of that incident wherein Umar admitted that Mutah was Halal:

حدثنا أيوب الرقي قال : حدثنا عثمان بن عبدالرحمن الحراني عن زمعة بن صالح عن عمرو بن دينار عن جابر بن عبد الله قال : استمتعت من النساء على عهد رسول الله صلى الله عليه وسلم وزمن أبو بكر ثم زمن عمر حتى كان من شأن عمرو بن حريث الذي كان ، فقال عمر رضي الله عنه : إنا كنا نستمتع ونفي ، وإنني أراكم تستمتعون ولا تفون ، فأنكحوا ولا تستمتعوا

Jabir said: "We performed mutah during the messenger of Allah's life time and Abubakr life time and then Umars', till what was done by Amro bin Huraith, then Umar said: 'We used to perform mutah and fulfil it, but I see you performing mutah but not fulfilling it, so perform nikah, don't perform Mutah"

Tareekh al-Madina by Ibn Shabah, Volume 2 page 717

Umar admitted that Mutah was Halal and the but he prohibited it on account of his observing some people (Sahabah) taking Mutah too casually and not fullfilling the legal responsibilities of a husband. Umar therefore deemed it better to perform permanent Nikah to place psychological pressure on men to fulfil their responsibilities; crucially what is clear from the tradion is that at no point did Umar rule that Mutah was haram.

139.An excuse that the 'revered'and 'knowledgeable'Sahabah were ignorant of the prohibition of Muta

The testimonies of great Sahaba, Tabayeen and Sunni scholars regarding the permissibility of Nikah al-Mutah has taken a shape of a thorn in the throat of Nasibism, which they can neither swallow nor spit. That was the reason that their clergy thought to invent an excuse that could save their sinking ship, hence they came up wit the notion that all those Sahaba who deemed Mutah Halal and kept practicing it, were actually ignorant of its (supposed) prohibition. The excuse later on proved to be a thorn over thorn in their throat because instead of solving their problem, it further aggravated it, giving birth to a seires of logical replies and jaw breaking questions and objections. This could have been the invention of a mind, that must have been stubborn of first order, who would not care what contradictions it would create within the teachings of his own school. The point of sorrow is that many of the latter Nawasib also adhered to the same excuse. For example, founder of Sipah-e-Sahaba Haq Nawaz Jhangvi sought to apply his false Qiyas as follows:

Haq Nawaz Jhangvi states:

PERHAPS SOME OF THE COMPANIONS LIKE JABIR, IBN ABBAS AND OTHERS WHO ACTD UPON MUTA WERE UNAWARE OF ITS PROHIBITION BY THE PROPHET UNTIL IT WAS PROCLAIMED BY UMAR.

All of those, who adhere to this view, we would like to ask them:

1. What proof do you have that those of the Sahaba that deemed Muta Halal were unaware of its supposed prohibition? Or its just the result of wild guess aka Qiyas?
2. The orthodox Sunni view us that Ibn Abbas [ra] was deemed amongst the most learned and knowledgeable Sahaba, who had the indepth knowledge of Islamic injunctions, if your notion is that he was ignorant of Halal and Haram and were advocating adultery, then what credibility is there for his statements in different issues?
3. Same goes with rest of the Sahaba who deemed Muta Halal, what credibility there remains for their view points and statements in different issues? Couldn't such statements too be the result of 'ignorance of actual law'?
4. Ansar.org die to prove that Muawiyah was a 'Hadi' according to the (supposed) words of Prophet [s] and tradition inform us that he did Muta long after the death of Holy Prophet [s], so does that mean that in your sect a Hadi can commit adultery? Muawiyah had many opponents, why didn't any of his opponents criticized him for committing adultery (Muta, act which according to present Day sunnis is Haram)?
5. Those were Sahaba, what about the Tabayeen whom Sunnies deem the second best generation in terms of believers. Was that second generation too ignorant of the actual law pertaining to the Muta and they were unable to correct their stance? Then what credibility there remains regarding thousands of their statements pertaining to jurisprudence found in Sunni books?
6. Last but certainly not the least, those Sunnies who say that Prophet [s] had prohibited Muta and Umar did not banned it during his reign rather he just re-established the prohibition, can they show us single statement of Umar wherein he stated that Muta was Haram in Islam (during the time of Prophet) and hence he was then just enforcing the application of the injunction? On the contrary, we have the statements of Umar wherein he testified that Muta was Halal during the time of Holy Prophet [s] and he (Umar) is the one 'then'banning it.

11.Chapter 11: The misuse of Shi'a Hadeeths to demonstrate the prohibition of Mutah

Since Nawasib have not been able to find authentic Shia traditions prohibiting Nikah al-Muta, they have resorted to fabricate traditions.

140.Hadith one

The un-named author of Zawaj al Mut'ah cited these two traditions:

un named author states:

The Shia themselves have a hadith narrated by Ali (r.a.a) which states that the Prophet made Mut'ah haram on the day of Khayber (Book of Tahdeeb: vol. 7, pg. 251, rewaya 10). The author states that Ali lied for the purposes of Taqiya. In Book of Istebzar: vol. 3, pg. 142, rewaya 5, there is a declaration by Ali that Mut'ah is haram. Again they accuse Ali of lying for Taqiya.

Nasibis quote these two traditions as if they are celebrating Eid, their happiness is on par with the happiness of their Imam Yazeed when the head of Imam Husayn (as) was brought to him. To them this great finding destroys the entire Shi'a aqeedah on Mut'ah. Putting aside the fact that this single hadeeth contradicts tens of thousands of other Shi'a hadeeths on the subject, there are further problems with this argument:

141.Reply One - A hadith that has not been verified by a hadith scholar cannot be relied upon

We read in Ahl as-Sunnah esteemed masterpiece Tawfa Ithna Ashari, Chapter 9 page 266 Muthaheen Abu Bakr:

In the eyes of Ahl as-Sunnah, only those hadith are reliable that appear in the authoritative texts of hadith scholars.

Using this argument, we would point out that both hadith have not been recorded / relied upon by any authoritative hadith scholar.

142.Reply Two - Shaykh Tusi rejected both traditions

The author of Tahdeeb and Istibzar namely Shaykh Tusi himself rejected the traditions. In his commentary of this hadith, he commented:

This narration was on account of Taqiyyah, this is in fact the aqeedah of the opponents of the Shi'a, those with knowledge should be aware that in our Imam's religion, Mut'ah is Mubah.

[Tahdeeb al-Ahkam, Volume 7 page 251 Hadith \(1085\)10](#)

Moreover, Shaykh Baqir Majlisi wrote the following about the tradition recorded in Shaykh Tusi's

book:

"It appears to be a fabrication by the Zaidies as it appears from most of their traditions."

Malaz al-Akhyar, Volume 12 page 32

143.Reply Three - The narrators of the Khayber tradition are weak

A narrator in the chain is Husayn bin Alwan, about whom we read in Rijjal al Kashi and Rijjal al Kabeer:

"He was a 'Aam' Kufi"

When our hadith scholars grade a person as 'Aam' this means that he was 'common' a Sunni.

Another narrator Amro bin Khalid was also a Sunni (Wasail al-Shia, v30 p438) and if we analyze his status from even Sunni sources, we would come to know that he was not an authentic narrator as Ibn Hajar said about him: **'Matruk'**. Yahya ibn Mueen said: **'liar'** and Abu Zar'a said: **'He used to fabricate hadith'**.

Having Sunni narrators in Shia text is not a strange thing. If we analyze the Shia text, we would come to know that some Shia narrators used to take traditions from Sunni narrators mixing up the chain of narration, as we read in Rijal Kashi, Volume 2 page 855:

Ibn Shaza said: 'My father [ra] asked Muhammad bin Abi Umair: 'You met many A'ama (Sunni) scholars, how come you didn't hear (hadith) from them?' He replied: 'I heard (hadith) from them, but I saw many of our (Shia) companions heard from the A'ama (Sunni) narrations and Khasa (Shia) narrations, then they mixed up until they attributed the narrations of A'ama (Sunnis) with the Khasa (Shia) and the narrations of Khasa (Shia) with the A'ama (Sunnis), therefore I disliked to mix up the traditions, so I left that and remained on that (narrating only from Shia).'

Keeping this thing in mind, we know that the prohibition of Mutah at Khayber narrated by Ali [as] is found in Sunni text, thus it is quite possible that the shia narrators heard it from the Sunni narrators, mixed up the chain and attributed the tradition to Zaid bin Ali.

We shall also point out that a tradition is referred to as 'Sahih' according to the Shia school when:

ما اتصل سنده بالعدل الإمامي الضابط عن مثله حتى يصل إلى المعصوم من غير شذوذ ولا علة

"What is narrated in succession by the authentic and preserved Imami narrator from the same quality narrator till it ends to the infallible without any oddity or malady"

Resael fi Derayat Hadith by Abu al-Fazl al-Babeli, Volume 1 page 395

The very principle can also be found in Sunni school as Allamah Ibn al-Salah said in his book 'Muqadimat ibn al-Salah' page 16:

"The Sahih hadith is the one with continued chain continually narrated by the just and preserved narrator from the just and preserved narrator till it ends without being odd or malady'.

The oddity of any tradition can be defined as:

"The oddity is the sole chain hadith contradicting the various chains of hadith"

Resael fi Derayat Hadith by Abu al-Fazl al-Babeli, Volume 1 page 409

And this rule is not exclusive to the Shia school, rather Sunni school also uphold the very principle as Allamah Ibn al-Salah said in his book 'Muqadimat ibn al-Salah' page 61:

"Verily the odd (hadith) is what the authentic (narrator) narrated contradicting what the people narrate, al-Hafiz Abu Y'ala al-Khalili al-Qazwini reported the same definition from al-Shafiyee and group of scholars of Hijaz and then he said: 'What is adopted by the scholars is that the odd hadith is which has only one chain narrated by an authentic or even unauthentic Sheikh, so what was narrated from unauthentic Sheikh is abandoned and what is narrated by authentic Sheikh so they stop on it and don't use it as proof'."

So the cited tradition is weak by both the perspectives mentioned by Allamah Abu Fal al-Babeli i.e. it is neither narrated by authentic and preserved Imami narrator from the same quality narrator till it ends to the infallible Imam nor it is free from any kind of oddity and malady since it is narrated by only one chain of narration contradicting the Shia hadiths which are more than two hundred in number pertaining to the permissibility of Mutah. Abu al-Fazl al-Babeli stated in his book 'Resael fi Derayat Hadith' Volume 1 page 488:

"If a contradiction took place then the priority will be given to the abundance (of hadith)."

The tradition therefore is of no value to us, since it:

1. Contradicts the Qur'an
2. Contradicts the words of Maula 'Ali(as)
3. Contradicts the views of all of our Imams.

Moreover Ayatullah (late) Syed Abul Qasim al-Khoei mentioned the same after citing a few traditions on the prohibition of Mutah (including the one narrated from Ali [as] for the prohibition of Mutah at Khayber) in his authority work 'Al-Bayan fi Tafsir al-Quran' page 313:

"Answer:

First: Abrogation cannot consist of a 'ahad' tradition, as we mentioned several times.

Second: These narrations contradict the mutawatir narrations of Ahlulbayt (as) which refer to the validity of mutah and the Prophet never forbidding it."

<http://www.shiaweb.org/quran/bayan/pa63a.html>

On page 322 of the same book, he clearly stated:

"What has been narrated from Ali [as] regarding the prohibition of Mutah is absolutely fabricated."

And most importantly, the cited traditions narrated by Ali [as] suggest that Mutah was prohibited at Khayber whereas we already have advanced authentic traditions that point to the practice of Mutah after the victory of Makka, a year after Khayber.

144.Reply Four: Taqiyah was not on the part of Ali [as] rather it was practised by the narrator

The un-named author of Zawaj al Mut'ah stated regarding the two traditions he cited:

un named author states:

...The author states that Ali lied for the purposes

of Taqiya... . Again they accuse Ali of lying for Taqiya.

It shows the sheer ignorance of the author since at no point does the author attest that it was Ali [as] who lied for the purpose of Taqiya rather Taqiya was practised by one of the narrators in the chain. That is what Faiz Kashani records in Al-Wafei, Volume 3 page 55:

"Attributing taqiya to Amir al-Momineen [as] in relation to such a narration is impossible, but is possible if it is attributed to some of the narrators"

Al-Hur al-Amili likewise stated that the Taqqiyah was in 'narrating' the tradition not by the Imam [as]. We read in Wasail al Shia:

"Al-Shaikh (Tusi) and others took this as Taqiyyah, that is, in the narrating..."

[Wasail al Shia, Volume 21 page 22 Hadith 26387](#)

Logically, why would Maula Ali [as] perform Taqqiyah at that time, since Prophet [s] was there and Umar had not banned it. Even after the prohibition of Mutah by Umar, we have clear-cut traditions narrated by Ali [as] **"Had Umar not banned Mut'ah then the only person to fornicate would be a wretched person."**

And when we analyze the chain of narration we see that it was Zayd who practiced Taqiya and his performing Taqiya in this case is apparent by the fact that the first two narrators who narrated from Zayd namely Amro bin Khalid and al-Hussain bin Alw'an were Sunni, since Zayd was narrating in a Sunni environment and was wanted by the government of Bani Ummayah he attributed that hadith to the Imams of Ahlulbayt [as] under Taqiya.

145.Hadith Two

Another hadeeth used by the enemies of the Ahl al-bayt (as) with their usual deceitful nature is the hadeeth of Imam Baqir (as), recorded 'Tahdeeb al Ahkam' and 'Furu al Kafi':

Abdullah Bin Umair asked Abi Ja'far [as]: Is it acceptable to you that your women, daughters, sisters, daughters of your aunts do it (Mut'ah)? Abu Ja'far rebuked him when he mentioned his women and daughters of his aunts.

146.Reply

Since Nawasib are completely influenced by their genes that they inherited from their ancestors, they never present the complete tradition, particularly the part wherein the Imam [as] condemns Umar's action of banning Nikah al-Mutah. This is the complete tradition:

Zurarah narrated: Abdullah ibn Umair Al-Laithi came to Abu Jafar [as] and he asked him: "What do you say about the Mutah of women?"

He answered: "Allah made it halal in His book, and on the tongue of His Prophet [s], so it is halal until the day of Qiyamah."

He (Al-Laithi) said: "Those like you say this, but Umar made it haram and forbade it."

He said: "Even if he did?"

He (Al-Laithi) said: "I seek refuge for you with Allah from that, that you deem halal that which Umar made haram."

He said: "Then you are with the doctrine of your companion (Umar), and I am with the doctrine of the Messenger of Allah [s], invoke the curse of Allah (upon the one mistaken between us) - the truth is what the Messenger of Allah said and what your

companion says is falsehood."

Abdullah ibn Umair then advanced and said: "Does it please you that your women and your daughters and your sisters and the daughters of your uncle do (Muta)?" Abu Jafar [as] turned away from him when he mentioned His [as] women and the daughters of his uncle.

1. *Al-Tahdeeb, Volume 2 page 186*
2. *Al-Furu, Volume 2 page 42 Hadith No. 4*

The narration fails to prove that Mut'ah is haram, for there is nothing in it to establish that the Imam (as) turned away his face at the thought of Mut'ah. This is especially obvious since the Imam (as) himself emphasized it was halaal. It is far more probable that the Imam (as) turned away his face on account of the disrespect afforded to him by Ibn Umair.

Let us given an example that will justify the action of our Imam (as):

If a Sunni Shaykh ul Hadith is the father of a young 18 year old daughter, and a poor elderly man who sweeps the streets for a living poses a question to the esteemed Shaykh: "Can a poor old man have a Nikah with an 18 year old girl?" The Shaykh shall reply: "Yes, such a Nikah is sound. No hurdle exists in Islam to prohibit such a union. "If the elderly sweeper's next question is 'Will you therefore marry your 18 year old daughter to me' will the Shaykh immediately jump for joy, urge the man to make a formal proposal, or will he turn his face away for this insulting comment?"

Similarly, marrying four wives is Halaal in Islam, yet a son might not like the idea of his mother becoming someone's third wife after his father dies. That does not mean, that polygamy and a widow's right to remarry is haraam.

147.Hadith Three

Another hadeeth that Nasibi 'ulama have used is the following from Furu al Kafi, Kitab ul Nikah, the Imam said about Mut'ah:

Al-Mufadal bin Umar reported that Aba Abdullah (as) said about Muta: 'Abandon it, aren't anyone of you ashamed of exposing his private parts, and then exposing it (by telling) to his pious brothers and companions?'

1. [Furu al-Kafi , Volume 2 page 44 Hadith 4](#)
2. [Wasail al Shia, Volume 21 page 22 Hadith 26422](#)

148.Reply

First of all, it should be noted that Allamah al-Majlesi in his commentary of the cited tradition said that its a 'weak' hadith (Mirat al-Uqool, Volume 20, page 234).

Secondly, it does not explicitly say anything on the prohibition of Muta whilst we have a multitude of traditions narrated from the Imams [as] about its permissibility rather the main emphasis on this tradition was on the immoral act of seeing one's private parts whilst being in Nikah and then discussing it with outsiders. It is recorded by Allamah Majlisi in its commentary:

"The meaning is that a woman after observing his private parts, and then following the expiry of Muta and the Idah, subsequently informs another man and informs him (of what she saw)."

The condemnation of such an act is logical and is similarly evidenced in Sunni texts as follows:

Abu Hurayrah (may Allah be pleased with him) is quoted to have said: Allah's Messenger (peace and blessings be upon him) led us in prayer, and when he had finished he turned toward us and said: "Remain seated. Is there among you one who comes to his wife, closes the door, and draws the curtain, and then goes out and speaks about it, saying, "I did this and I did that with my wife?" They remained silent. Then he turned toward the women and asked, "Is there among you one who tells about such things?" A girl raised herself on her knees so that the Messenger of Allah could see her and listen to what she said. She said, "Yes, by Allah, the men talk about it and the women do, too." Then the Prophet (peace and blessings be upon him) said, "Do you know the similitude of those who do that? They are like a male and female devils who meet each other in the road and satisfy their desire with the people gazing at them."

 <http://islam-online.net/fatwa/english/FatwaDisplay.asp?hFatwaID=74854>

 [Screen shot from islam-online.net](#)

(Kanzul Ummal, Hadith. 44906, Faiz al Qadeer, Hadith. 5431, Sahih Jame'a al-Saghir by Albaani, v1 p746 Hadith. 4008 etc.)

Furthermore, if this hadeeth is to be accepted as a prohibition of Mut'ah, then it means that it is haram for any woman to have sex with more than one man in her life. As such, according to the Sunni logic, if an 18-year old woman marries, and her husband dies two weeks later, she can never marry again. This is obvious non-sense.

Also, the cited hadith cannot be interpreted as evidence relating to the prohibition of Mutah since the chances of a woman seeing the private parts of her husband, getting divorced, remarrying later and then revealing the private parts of her ex-husband to the new one is possible in permanent Nikah also, does that mean permanent Nikah is also Haram in the eyes of our opponents?

149.Hadith Four



Another hadith which is often rotated on the internet by Nawasib is:

Narrated by A'maar: Abu Abdullah said to me and to Suliman Bin Khaled: "I made Mut'ah Haram on you"

150.Relpy

Nawasib utilised their innate deceptive abilities partially citing the tradition, and even then citing only those words that support their point of view. Let us cite the entire tradition with its full context.

"I have made Mutah haram for you two in my presence as long as you two are in Madinah, because both of you come to me frequently and I fear that you will be caught and it will be said, 'these are the companions of Jafar.'"

1.  [Al-Kafi, Volume 5 page 467 Hadith 9](#)
2.  [Wasail al Shia, Volume 21 page 22 Hadith 26424](#)

The followers of Umer deemed Mutah Haram and they were aware that the Ahl'ul bayt (as) and their adherents deemed it Halal. The situation in Madina at that time was difficult for the Shi'a and any sign from the the sahabah of Imam Jafar [as] about deeming Mutah Halal could have put their lives in danger. It is clear that this edict was said under taqiyyah for those companions of the Imam [as] because contracting Mutah is not more valuable than one's life. If Mutah was haram the Imam would have told both companions to permanently refrain from Mutah whether they were in Madina or outside it.

Lastly and most crucially the tradition is weak since it has Sahl ibn Ziyad in its chain who is deemed untrustworthy and weak (See Mo'jam Rijal Hadith by al-Khoi Vol 9 page 354 No. 5639). Shaykh Majlisi also counted the hadith amongst the known weak hadiths in Mirat al-Uqool, Volume 20, page 259.

151.Hadeeth Five and Six

Here we see another Shia tradition being rotated all over the internet forums by Nawasib in order to prove that Mutah was prohibited by our Imam [as].

Ja'far Al-Sadiq says in a narration by Abdallah bin Sinan: "I asked Abu Abdullah (as) about Mutah. He said: "Don't defile yourself with it"

Bihaar Al-Anwar, Volume 100, page 318

A similar tradition cited by Nawasib is this one:

Narrator says that he heard ibn Abi Umair who narrated from Ali bin Yaqtin saying: 'I asked Aba al-Hassan (a.s) about the Mutah and He (a.s) replied: 'What do you have to do with this, when Allah has made this unnecessary for you.' I said: 'I just wanted to know about it'. He (a.s) replied: 'It is recorded in Ali's (as)'s book'.

1. [Wasail al Shia, Volume 21 page 22 Hadith 26420](#)
2. Al- Kafi, Volume 5 page 442

152.Reply

The author of Bihar, Shaykh Majlisi has taken the first tradition from a book 'Al-Nawadir' by Ahmad bin Muhammad bin Isa al-Ash'ary who has recorded many traditions on the lawfulness of Mutah. The statement of Imam Jafar Sadiq [as] was in referred to the personal situation of Abdullah bin Sinan since he was a married man and his sole objective behind Mutah was to derive sexual pleasure, thus Imam Jafar [as] just advised him not to do it since it was 'unnecessary' for him. Abdullah bin Sinan is has seen the periods of two Imams namely Imam Baqir [as] and Imam Jafar Sadiq [as]. Imam Jafar al-Sadiq [as] became Imam after his father and started teaching when He was 31 years old. Abdullah bin Sinan supposed to be in the same age of Imam Jafar al-Sadiq [as] because he probably died before Imam Sadiq [as] or few months after Imam Sadiq [as]. According to this tradition:

Umar bin Yazid narrated said: 'I heard Abu Abdullah [as] mentioning Abdullah bin Sinan and said: 'He is getting more benefits as he is getting older.'"

1. *Rijal Kishi, Volume 2 page 710*
2. *Min la Yhdruhu al-Faqih, Volume 4 page 431*

Which means Abdullah bin Sinan was an elderly man during Imam Jafar al-Sadiq's time and most probably he was older than Imam Jafar al-Sadiq [as]. Therefore, it he cannot be single by that age because the Shias, in fact all of the people of that time used to get married in young age and during Imam Jafar's [as] time of Imamate, Abdullah bin Sinan's age cannot be less than 30s. thus Imam Jafar [as] just advised him not to do it since it was 'unnecessary' for him. This is similar to the case of Ibn Yaqtin, a married man who asked Imam Raza [as] about Mutah, to which the Imam [as] replied: **"What you have to do with this, when Allah has made this unnecessary for you."** (Wasa'il, Volume 21, page 22).

As stated by Imam Raza [as], Mutah is 'unnecessary' when one's wife is already present otherwise it may cause problems pertaining to the mistreatment of women. Imam Raza [as] in another hadith has elaborated on the matter as follows:

Imam Abu Hasan [as]: "It is Halal, Mubah Mutlaq, for he whom Allah has not made

this unnecessary through marriage. So seek chastity through Mutah. If Allah has made this unnecessary for you, then it is permissible for you only when you do not have access to your wife."

[al-kafi, Volume 5 page 453, Hadith 2](#)

[Wasail al Shia, Volume 21 page 22 Hadith 26421](#)

Most relevantly a famed Shia work 'Mustadrak-ul-Wasail' (vol 14 page 455) records the tradition of Abdullah bin Sinan under the chapter of **"The disliking of Mutah when one does not need it and when it necessitates repulsiveness and mistreatment of women"** this concurs with logic and Quranic injunctions. It seems that Nawasib never bother to ponder over the Holy Book before attacking the Shia. We are clearly told in the Quran to keep aloof from polygamy if there are chances of committing injustice against them.

"Marry women of your choice, Two or three or four; but if ye fear that ye shall not be able to deal justly (with them), then only one, or (a captive) that your right hands possess, that will be more suitable, to prevent you from doing injustice," (4:3)"

And we also read in Sunan Abu Dawood Bab ul Nikah Book 11, Number 2128:

"The Prophet (peace be upon him) said: When a man has two wives and he is inclined to one of them, he will come on the Day of resurrection with a side hanging down"

Are our opponents prepared to suggest that there is no harm in keeping a number of wives even if you do not treat them equally since they believe that the Holy Prophet [s] himself was unjust to his wives and he was more tilted towards Ayesha to the extent that his (s) daughter Fatima Zahra [as] had to intervene upon the behest of his other the wives (see Sahih Muslim, Bab Fadil Sahaba Book 031, Number 5984)?

Though, the tradition of Ali bin Yaqtin is clear in that respect, but the tradition of Abdulah bin Sinan can also be read from another perspective i.e. Imam advised to Ibn Sinan of not performing Mutah was for a specific time and area since the women of that region were not secure during those days. As we read the words of Imam [as] in another tradition:

Narrated by Hasan bin Mahboob - Abaan - Abi Maryam that Abi Jaffar [as] was asked about Mutah, he replied: 'These days, Mutah is not like it used to be earlier, as there used to be secure (women) but now a days, they are not secure, therefore ask about them.'

1. [Min la Yahdruhu al-Fiqih, Volume 3 page 292 Hadith 4585](#)

2. [Al-Kafi, Volume 5 page 453 Hadith 2](#)

3. [Tahdeeb al-Ankam, Volume 7 page 251 Hadith \(1084\)9](#)

Sheikh Muhammad Baqer Behbodi decalred it 'Sahih' in his book "Sahih Men la Yahdruhu al-Fiqeh" page 287

Yet again, the traditions advanced by Nawasib fail to prove that the Imam [as] prohibited Mutah rather they negate the propaganda of the same Nawasib, people can misue Mutah when they have a permanent wife and this could lead to injustice towards them, and that is why our Imams [as] discouraged people from doing it.

153.Hadeeth Seven

Another Shi'a tradition rotating all over the internet is this one:

Ja'far Al-Sadiq says about Mutah in a narration by Hisham bin Al-Hakam: "Here only

the fawajir [prostitute] do it"

[Bihaar Al-Anwar, Volume 100 page 318](#)

154.Reply

The author of Bihar, Shaykh Majlisi has taken this tradition from a book 'Al-Nawadir' by Ahmad bin Muhammad bin Isa al-Ash'ary. Beside this tradition, the author has mentioned plenty of traditions about lawfulness of Mutah, we can therefore conclude that this tradition refers to the incorrect use of Mutah during that particular period. Some women may take advantage of Nikah al Mutah as a source of income (as prostitutes do), and it is such an intention that is being condemned in this narration.

The word 'here' [Indana] clearly points out that Imam [as] was referring to the women of a certain time period and of a certain area/locality where the women with whom men were doing Mutah were not secure and sound in terms of character and morality. The very point becomes further clear when we read the following tradition in Shia books:

Narrated by Hasan bin Mahboob - Abaan - Abi Maryam that Abi Jaffar [as] was asked about Mutah, he replied: 'These days, Mutah is not like it used to be earlier, as there used to be secure (women) but now a days, they are not secure, therefore ask about them.'

1. [Min la Yahdruhu al-Fiqih, Volume 3 page 292 Hadith 4585](#)
2. [Al-Kafi, Volume 5 page 453 Hadith 2](#)
3. [Tahdeeb al-Ahkam, Volume 7 page 251 Hadith \(1084\)9](#)

Sheikh Muhammad Baqer Behbodi declared it 'Sahih' in his book "Sahih Men la Yahdruhu al-Fiqeh" page 287

If our opponents are still adamant that this hadith doesn't refer to a specific past period and it is a general rule i.e. only prostitutes perform Mutah then will they say about Hadrat Ayesha the younger daughter of Hadrat Abu Bakar who deemed Mutah permissible (Sharh Muslim by Nawawi) and the elder daughter of Abu Bakar, Asma who went a step further and personally performed and gifted a prominent Sahabi to our Sunni friends from this union? And what about those Sahabah who during and after the life of Prophet [s] kept performing Mutah, were they cohorts to prostitution (noudobillah)?

155.An Excuse that Mut'ah is Haram since the Prophet [s] and Imams of Ahlulbayt [as] never personally performed it

We have noticed some of Nawasib evidence their ignorance by claiming that the Prophet of Islam [as] and the Imams of Ahlulbayt [as] that the Shia adhere to never performed Nikah al-Mut'a. Their non-practising of Mut'a doesn't make Mut'a Haram and this is NO STANDARD in Islamic Sharia that demands that a Muslim performs every act that is halaal in the Shar'ah.

The Holy Prophet [s] and the Imams of Ahlulbayt [as] never practised Mut'a because they already had permanent wives and according to Shia fiqh it is disliked to perform Mut'a in the presence of a permanent wife as we have mentioned above in the traditions of Abdullah bin Sinan and Ibn Yaqteen.

If our opponents are still adamant in citing this lame excuse then we should point out the position of Adhan and Iqamah in the Sunni school. Imam Nawawi wrote in Al-Majmo'a, Volume 3 page 82 that both Adhan and Iqamah are Sunnah, Ibn Mundhir and Dawood termed them fardh (obligatory), Imam Malik termed them Sunnah while Imam Ahmad called them Fardh Kifaya. Ibn Qudamah records in Al-Mughni, Volume 1 page 427 that Ata, Mujahid and Imam Auzai termed adhan as fardh (obligatory). Now it's an open challenge to the proponents of this

excuse to show us a single narration wherein Holy Prophet [s] ever recited Adhan or Aqamah himself! On the contrary we read the following in authentic Sunni works:

أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَالْخُلَفَاءَ الرَّاشِدِينَ بَعْدَهُ أُمُّوًا وَلَمْ يُؤَدِّنُوا

"The prophet and subsequent caliphs lead the prayer but never gave adhan"

1. *Neel al-Autar* by Showkani, Volume 2 page 14

2. *Tuhfat al-Ahwadi Shrah Jam'e Tirmidhi* by Shaykh al-Mubarakfuri, Volume1 page 523

3. *Al-Majmo'a* by Imam Nawawi, Volume 3 page 79

Allamah Abu Bakar al-Kashani records in his esteemed Hanafi work 'Badae al-Senae' Volume 1 page 276:

رُوِيَ عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا أَنَّهُ قَالَ : صَلَّى خَلْفَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَخَلْفَ أَبِي بَكْرٍ وَعُمَرَ وَعَثْمَانَ قَبْدَعُوا بِالصَّلَاةِ قَبْلَ الْخُطْبَةِ وَلَمْ يُؤَدِّنُوا وَلَمْ يَقِيمُوا

"Its narrated from Ibn Abbas that he said: 'I prayed behind the messenger of Allah (pbuh), Abu bakr, Umar and Uthman, they usually began with prayer before the sermon and they never performed adhan or iqama'"

The absurd Nasibi argument if applied here, would mean that we should deem Iqamah and Adhan Haram since there is no evidence that the Prophet of Islam [s] nor the esteemed rightly guided caliphs ever recited them! One should remember that what Holy Prophet [s] said, it shall suffice to act on it accordingly even if he didn't act upon it personally.

12.Chapter 12: The status of slave-girl in Shia madhab

Dr. Salamah has deceitfully used Shia traditions about the status of slave-girls in his topic on Nikah al-Mutah while both of them are very different topics. . But since we noticed that the topic was fabricated by him to malign the Shi'a and this was wholeheartedly embraced as fact by Nasibi websites such as www.ahlelbayt.com, <http://allaahuakbar.net> and the forums of kr-hcy.com (etc), we have therefore chosen to address this issue once and for all. We will discuss the topic in detail and by the end of the chapter these lunatics will realize that followed a lie, and persented this lie to the massess to stoke up hatred against the pure madhab of Ahlulbayt [as].

Dr. Salamah states:

The Shi'ah books of fiqh carry a separate chapter entitled "I'arat al-Furuji" This could literally be translated as "The Loaning of Vaginas." Under this heading the Shi'ah imams have discussed the various conditions under which a woman can be temporarily given to another person. **The books give details as to how a woman can be loaned only for the pleasure of seeing her naked body or for the pleasure of enjoying her lasses or for the pleasure of having sexual intercourse with her.** Most of these descriptions are very explicit and are not even worthy of being reproduced here.

The following are a few of their milder quotations:

A man asked Imam Ja'far as-Sadiq if it was permissible to temporarily loan a woman to another person. The imam said, "It is not

permissible." Then he hesitated for a moment and added, "There is no harm if one offers his **slave girl** to one of his brothers." 51

Imam Abu 'Abdullah [Ja'far as-Sadiq] said, "If a person allows another person to kiss his **slave girl**, then such a kiss is permissible, and the man should be contented with the kisses alone; but if he offers him her vagina, then everything is permitted." 52

A narrator stated, 'I said to Imam Abu 'Abdullah [Ja'far as-Sadiq], 'a few of our friends have narrated from you that if a person offers his **slave girl** to another person, she is permissible to him.' The imam responded, this is correct... ' I asked, 'a certain person has a fine, beautiful **slave girl** who is a virgin. He keeps her only for himself but says to one of his brothers to enjoy the girl except her vagina. Would sexual intercourse be lawful with her?' The imam said. No, enjoy what is permitted to you by your brother.' I further asked. What if that man gets carried away by his desire and engages in sexual intercourse?' The imam said, this would be very improper.' I then asked, Would that man be called a fumigator?' The Imam said. The man would not be called a fomicator. Rather, he would be called dishonest. If the girl was a virgin, he should pay to the master one tenth of her price; otherwise, the fine will be one twentieth of the price of the slave girl.'" 53

Ibn al-Hashimi in his article at www.ahlelbayt.com did some copy paste work and quoted the same material from Abu Salamah's article without mentioning the name of the Shia hadith book wherein chapters with the name of "Loaning of vaginas" exist. see:

 [Screen shot from Ibn al-Hashimi's article at www.ahlelbayt.com](#)

156.Reply One: The author's dishonesty for mixing the topic of Slave-girls with Mut'ah

First of all, as we pointed out earlier, there was no need to bring the topic of slave girls amid Mut'a jointly as these two are entirely different topics. Since the motive of the author when combining the two issues was to supposedly portray 'how badly woman are treated in Shia fiqh and are considered toys to overcome one's sexual desires' we deem it appropriate to refute this alleged notion of the author.

By writing the following words the author has demonstrated his ignorance, he said "**Most of these descriptions are very explicit and are not even worthy of being reproduced here.**" We don't know why the author has created suspense and has put the element of 'shyness' in citing those traditions when similar traditions and edicts exist in Sunni sources. We shall inshallah 'introduce' the author to some of the sources of his school on the topic to remove any future shyness in citing the beliefs of his school.

157.Reply Two: 'Loaning of vaginas' is prohibited under Shia fiqh

We should point out that the author has committed sheer dishonesty when suggesting that Shi'a ascribe to the 'loaning of vaginas' when this is strictly prohibited under Shia fiqh. For example al-Sharif al-Murtudha records in 'al-Entesar' page 280:

إعارة الفروج
ومما شنع به على الإمامية تجويزهم إعارة الفروج وأن الفرج يستباح بلفظ العارية. وتحقيق هذه المسألة أنا
وما وجدنا فقيها منهم أفتى بذلك ولا أودعه مصنفا له ولا كتابا

"Loaning Vagina:

What has been used to malign the Imamiya are the (claims) that they permit the loaning of vaginas and that the vagina can be lawful in the name of loan. Regarding research in this matter, we didn't find any jurist permitting that nor did they write about (its permissibility) in any book"

al-Muhaqiq al-Kurki in "Jame'a al-Maqasid" Volume 6 page 62, Allamah al-Heli in "Al-Tadkira" Volume 2 page 210 and Ali Asghar Merwarid in "Al-Yanabi al-Feqhya, of Volume 17 page 187 recorded:

ولا تجوز استعارة الجواري للاستمتاع

"Its not permitted to loan the slave girl for sexual intercourse"

Shaykh al-Tusi stated in 'Al-Mabsut' Volume 3 page 57:

ولا يجوز إعارتها للاستمتاع بها لأن البضع لا يستباح بالإعارة

"It is not permissible to loan (the slave girl) for enjoyment purpose, because sexual intercourse cannot be legitimate through loaning"

These explicit rulings of Shia scholars shall suffice to shut the Nasibi mouths.

158.Reply Three: The author's ignorance by interpreting the topic of "making slave-girl halal" into the "loaning of vaginas"

In Shia fiqh we don't have any thing that resembles the 'loaning of vaginas' as the deceitful author has claimed and there isn't any chapter in Shia books with the name of 'loaning of vaginas' but there are indeed a few traditions about allowing the vagina (not loaning the vagina) and allowing means the master of a slave girl makes her 'marry' someone rather than loaning her for sexual proposes because in Islam the slave girl cannot get married without the permission of her master and even if she marries then her master has the complete authority to take her back. But we see the idiots from amongst Nawasib mixing up both topics as Sheikh al-Mufid said in 'Al-Masael Al-Saghatya' page 72:

وبين الاحلال والعارية فرق في المعنى واللفظ ، وفصل في مقتضى الأحكام ، فمن خلط المعنيين جميعا ولم يعرف فرق ما بينهما فهو بعيد من الصواب

"There is difference of word and meaning between 'making Halal' and 'loaning' and these have separate laws, whoever mixed up the two meanings and couldn't recognize the difference between them, surely he is far aloof from correctness"

We therefore see traditions used by the author under the chapter No. 300 of al-Kafi, Volume 5 namely **"The man makes his slave girl halal to his brother and the wife makes her**

slave girl lawful to her husband".

159.Reply Four: The first tradition cited by the author

Dr. Salamah and Ibn al-Hashimi have claimed that Shia books of fiqh carry a separate chapter entitled "I'arat al-Furuuj" (Loaning of Vaginas) and under this heading the Shi'ah imams have discussed the various conditions under which a woman can be temporarily given to another person but they deceitfully failed to cite references to substantiate his claim because they knew that no chapter exists with the title "Loaning of vaginas" in any Shia book that evidences its permissibility. The chapter from which Dr. Salamah cited three traditions is chapter No. 300 of al-Kafi, Volume 5 and the name of the chapter is **"The man makes his slave-girl halal to his brother and the wife makes her slave-girl halal to her husband"**. Nevertheless, let us see the first tradition cited by the author:

Dr. Salamah states:

A man asked Imam Ja'far as-Sadiq if it was permissible to temporarily loan a woman to another person. The imam said, "It is not permissible." Then he hesitated for a moment and added, "There is no harm if one offers his slave girl to one of his brothers." 51

First of all we should point out that the author has not translated the tradition as it should have been, he has used the English word 'offer' in all three traditions cited by him for the Arabic word (Yu'hillu) which should actually be translated as 'to make halal' or 'to make lawful'. Though it won't entirely change the tradition but still for the benefit of our readers, let us present the correct translation:

A man asked Imam Ja'far as-Sadiq if it was permissible to temporarily loan a woman to another person. The imam said, "It is not permissible." Then he hesitated for a moment and added, "There is no harm if one makes her slave-girl Halal to his one of his brothers".

Al-Kafi, Volume 5, Chapter No. 300, Hadith No. 16

Coming to the text of the tradition, we should point out that in the first part of the tradition when the Imam [as] was asked about 'loaning of vaginas' He [as] clearly stated **"It is not permissible"** so what is the author trying to achieve by citing this tradition? In the final portion of the tradition the Imam [as] clearly states: **"There is no harm if one makes her slave-girl Halal to his one of his brothers"** which was not the continuation of the topic of 'loaning of vaginas' rather He [as] was now mentioning the actual law pertaining to slave-girls namely allowing one's slave-girl to somebody else, this is not a controversial topic and can also be corroborated in Sunni sources.

Nevertheless, Sayyed Muhammad al-Amili in his commentary of the tradition stated:

"The tradition is weak (da'eef) because the narrator is unknown"

Ghayat al-Maram, Volume 1 page 317

Allamah al-Majlesi under the commentary of this tradition in 'Mirat al-Uqool' volume 20, page 263 termed it 'Majhul' (unknown). In addition to that, he stated:

ولا خلاف بين الأصحاب ظاهرا في عدم وقوع التحليل بلفظ العارية

"There is no disagreement among the scholars about the impermissibility of the loaning of vagina"

So we don't think there remains any need to discuss the tradition cited by the author in light of the statement of Shaykh Baqar Majlisi. We should also point out that the remainder two traditions cited by the author do not contain the words 'loaning of vaginas' rather they refer to 'making ones slave-girl Halal to someone else' that can be found in authentic Sunni texts, unless our opponents know nothing of their own beliefs. Despite this, we shall rely on the two traditions at pertinent places and shall make our opponents realize that they are in complete conformity with Sunni sources.

160.Reply Five: Understanding the concept of "making the slave-girl lawful to someone" and the two traditions cited by the author

The two traditions cited by the treacherous author makes no reference to the 'loaning of vaginas' rather they are talking about what is written in the chapter title, namely **"The man makes his slave girl halal to his brother and the wife makes her slave girl lawful to her husband"**. Whilst there is NO need to discuss this uncontroversial topic, since the cunning Nawasib cite Shia traditions regarding this and then paint them differently, we deem it our responsibility to silence these liars.

Dr. Salamah states:

Imam Abu 'Abdullah [Ja'far as-Sadiq] said, "If a person allows another person to kiss his slave girl, then such a kiss is permissible, and the man should be contented with the kisses alone; but if he offers him her vagina, then everything is permitted." 52

A narrator stated, 'I said to Imam Abu 'Abdullah [Ja'far as-Sadiq], 'a few of our friends have narrated from you that if a person offers his slave girl to another person, she is permissible to him.' The imam responded, this is correct... ' I asked, 'a certain person has a fine, **beautiful** slave girl who is a virgin. **He keeps her only for himself** but says to one of his brothers to **enjoy** the girl except her vagina. Would sexual intercourse be lawful with her?' The imam said. No, **enjoy** what is permitted to you by your brother.' I further asked. What if that man gets carried away by his desire and engages in sexual intercourse?' The imam said, this would be very improper.' I then asked, Would that man be called a fumigator?' The Imam said. The man would not be called a fomicator. Rather, he would be called dishonest. If the girl was a virgin, he should pay to the master one tenth of her price; otherwise, the fine will be one twentieth of the price of the slave girl.'" 53

First of all, we should point out that the author has incorrectly translated the second tradition, it is as follows:

Imam Abu 'Abdullah [Ja'far as-Sadiq] said, "If a person made his slave girl lawful to another person to kiss, then more than that, is not permissible for the man, and if he made lawful for him from the slave girl within the vagina, then more than that is not permissible for the man, and if he made the slave girl's vagina lawful, then every thing is permitted."

 [Al-Kafi, Volume 5, Chapter No. 300, Tradition No. 15](#)

Also the deceitful author has put some words from his own pocket in the third tradition of his topic and he used the words "beautiful" , "keeps her only for himself" and "enjoy" cannot be found in the original tradition as we have made these words bold in the quotation table while the word which he translated as "Dishonest" should actually be "betrayer".

And most importantly, both of these traditions are talking about making the slave-girl Halal to someone and this act of allowing someone actually means a master making her/his slave-girl 'marry' someone, yet she remains the possession of her master who can take all the services from her, but since she is now married, the master cannot have sex with her. In the eventuality of her returning to her master, she will have to in the first instance observe iddah (istibra) only after that can the master reinstate sexual relations with her. What issue is causing this nasabi author such indigestion? Let us present the same from the blessed tongue of Imam Kazim [as] as recorded in 'Tahdeeb al-Ahkam' Volume 7 page 244:

محمد بن أحمد بن يحيى عن أحمد بن محمد عن الحسن عن الحسين أخيه عن أبيه علي بن يقطين عن أبي الحسن الماضي عليه السلام أنه سئل عن المملوك يحل له أن يطأ الأمة من غير تزويج إذا أحل له مولاه؟ قال لا يحل له

Narrated Ali bin Yaqtin that some one asked Abu al-Hassan (as) about the slave: 'Is it permissible for him to have sexual intercourse with the slave woman without a marriage contract in case the master (of the slave girl) made her lawful to him?' The imam replied: 'It is not allowed for him (without a marriage contract)'

Allamah al-Hilli in 'Mukhtalaf al-Shia' Volume 7 page 275, Sheikh al-Jawaheri in 'Jawahir al-Kalam' Volume 30 page 231 and Sayed al-Khoei in 'kitab al-Nikah' Volume 2 page 119 have graded the tradition 'Sahih'.

Shareef al-Murtudha in 'Al-Entesar' page 281 also stated about the condition of Nikah to make a slave-girl lawful to someone else:

يجوز للرجل أن يبيح مملوكته لغيره على معنى أنه يعقد عليها عقد النكاح الذي الذي فيه معنى الإباحة ، ولا يقتضي ذلك أن النكاح ينعد بلفظ الإباحة

"It is permissible for the man to make his slave-girl halal to someone else, which means (the other man) performs Nikah to make her halal for him and it is not sufficient to make her halal only by saying the word 'halal'."

As we reiterated earlier, the master after giving her slave-girl in 'Nikah' to someone else i.e. making her lawful to someone else, loses the right to have sexual intercourse with her. If, due to any valid reason, the slave-girl is returns to her master, she will have to observe Iddah which is often called 'Istibra' in case of a slave-girl. Al-Muhaqiq al-Heli states in 'Sharai al-Islam' Volume 2 page 537:

ويحرم على المالك وطء مملوكته إذا زوجها حتى تحصل الفرقة وتنقض عدها

"It is impermissible for a master to have sexual intercourse with the slave girl as long as she remains married, until separation/divorce occurs and her iddah period is completed"

Also Sheikh al-Mufid recored in 'Al-Muqana' page 538:

لا يحل لأحد أن يطأ جارية قد ابتاعها أو ورثها من سيدها حتى يستبرئها بحيضة

"It is not permissible for a man to have sexual intercourse with a slave-girl which he

owns through buying or inheriting from her master before she ends her ablution by one month period"

Sheikh al-Tusi records in Al-Mabsut, volume 2 page 140:

الاستبراء في الجارية واجب على البائع والمشتري معا ، والإستبراء يكون بقرء واحد وهو الطهر ، ولا يجوز للمشتري وطئها قبل الاستبراء في الفرج ولا في غيره ولا لمسها بشهوة ولا قبلتها

"Ablution for the slave girl is wajib both by seller and the buyer and the ablution is to be performed by one month and it is the monthly period. It is not allowed for the buyer to have sexual relation with her wether through her vagina or other part, to touch her with lust or to kiss her before she performs ablution"

Sheikh al-Mufid records in 'Al-Muqana' page 543:

وإذا زوج الرجل أمته من حر أو عبد حرم عليه وطؤها

"If a man makes his slave girl married to a free man or a slave, it is now forbidden for him to have sexual intercourse with her"

Sayed al-Khoei records in 'Minhaj al-Salihin' Volume 2 page 227:

يحرّم لمن زوج أمته وطئها ولمسها والنظر إليها بشهوة ما دامت في حبال الزوج وكذلك إذا كانت في العدة

"It is forbidden for the one who marries his slave-girl to another, to have sexual intercourse with her or touch her to look at her with lust, as long she belongs to her husband, so is the case when she is in Iddah"

So we come to know that unlike Ahle Sunnah, according to Shia fiqh a slave-girl has to be treated with dignity and honour and it is absolutely forbidden to make her a tool of sexual indulgence. Sheikh al-Mufid records in 'Al-Muqana' page 544:

ولو ملك رجلان جارية ووطئها جازئ لهما فوطئها في طهر واحد فحملت لكان الواجب تأديبهما

"If two men possess a slave girl and they thought that it was permissible for them to have sexual intercourse with her in the same period, and she subsequently becomes pregnant, surely they will be physically punished"

The strictness from the perspective of (Shia) fiqh can be deduced from the following words recorded by Sheikh al-Mufid in "Al-Muqan'a" page 502:

'Whoever bought a slave girl and looked with lust on any part of her (body) which is illegal for him to look at before he possessed her or even if he touched her, then she will become unlawful for his son'

When this concept is so clear and logical, it beggars belief that these najis Nawasib look down at it, particularly when the same can be found in their own works, and worse they sink to the lowest forms of sexual degradation that we shall evidence later.

The two traditions cited by the author and similar ones found in Shi'a works, do not refer to the 'loaning of vaginas' as the Nawasib falsely claim, rather they refer to a Master making his slave-girl lawful to someone else by him marrying her to that man.

161.Reply Six: Making one's slave-girl lawful to somebody else can be found in Sunni fiqh

It is indeed surprising to see the author concoct a topic called the 'loaning of vaginas' by using Shia traditions that actually refer to making one's slave-girl Halal to somebody else, when his own house is replete with such traditions and edicts. For example we read a tradition in Muwatta Imam Malik that clearly shows that in Sunni school one can make his/her slave-girl Halal to another man or woman:

For example we read a tradition in Muwatta Imam Malik that clearly shows that in Sunni school one can make his/her slave-girl Halal to another man or woman:

Malik said, "The best of what is heard about a slave-girl whom a man has intercourse with while he has a partner in her is that the hadd is not inflicted on him and the child is connected to him. When the slave-girl becomes pregnant, her value is estimated and he gives his partners their shares of the price and the slave-girl is his. That is what is done among us."

Malik said about a man who made his slave-girl halal to (another) man that if the one for whom she was made halal had intercourse with her, her value was estimated on the day he had intercourse with her and he owed that to her owner whether or not she conceived. The hadd was averted from him by that. If she conceived the child was connected to him.

Malik said about a man who had intercourse with his son's or daughter's slave-girl, "The hadd is averted from him and he owes the estimated value of the slave-girl whether or not she conceives."

Muwatta Imam Malik, Book 41, Number 41.6.19a

Imam of Ahle Sunnah Ibn Hazm provided a detailed analysis of the matter in his authority work 'Al-Mahala' Volume 12 pages 207-209:

مسألة : من أحل فرج أمته لغيره ؟
 نا حمام نا ابن مفرج نا ابن الأعرابي نا الدبري نا عبد الرزاق عن ابن جريج قال : أخبرني عمرو بن دينار أنه سمع طاوسا يقول : قال ابن عباس : إذا أحلت امرأة الرجل , أو ابنته , أو أخته له جاريتها فليصحبها وهي لها , فليجعل به بين وركيها ؟

**"2222: Problem: Who allowed the vagina of his slave woman to the others?
 "Narrated Hamam from ibn Mufaraj from ibn al-Erabi from al-Deri from Abdulrazaq from ibn Juraij from Amro bin Dinar from Tauws that Ibn Abbas said: 'If a (free) woman makes her slave woman Halal to a man or daughter or sister, let him (the man) have sexual intercourse with her, she shall remain the possession of her (free woman), let him perform quick intercourse between her thighs"**

We also read that in Sunni school it is totally Halal for a slave-girl to give birth to a child of a man who has been allowed a slave-girl by his wife:

قال ابن جريج : وأخبرني ابن طاوس عن أبيه أنه كان لا يرى به بأسا , وقال : هو حلال فإن ولدت فولدها حر , والأمة لامراته , ولا يعرم الزوج شيئا

"Ibn Juraij narrated that ibn Tawous narrated from his father that he didn't see any problem in that and said: 'It is halal, if she (the slave girl) gives birth to a child, so the child is free and the slave woman belongs to his wife and there will no penalty on the husband"

We further read:

قال ابن جريج : وأخبرني إبراهيم بن أبي بكر عن عبد الرحمن بن زادويه عن طاوس أنه قال : هو أحل من الطعام , فإن ولدت فولدها الذي أحلت له , وهي لسيدتها الأول

Ibn Juraij narrated from Ibrahim bin Abi Bakr from Abdulrahman bin Zadwiah from Tawous that he said 'It is lawful as the food, if she (slave woman) give virth to a child, so the child is legitimate and she belongs to her first master''

So according to Sunni school, it is Halal for a man to have sexual intercourse with a slave-girl and for a slave-girl to give birth to a child of a man who has taken her from the actual owner of the slave-girl, the child born will be legitimate and it will go with his biological father while the slave-girl will remain the possession of her actual owner, but there are different views of Imam Malik regarding this, as we further read:

ثم اختلف قوله في الحكم في ذلك : فمرة قال : هي لمالكها المبيح ما لم تحمل , فإن حملت قومت على الذي أبيحت له .
ومرة قال : تقام بأول وطنه على الذي أبيحت له حملت أو لم تحمل

"Then there is a difference in his (Imam Malik's) judgment about it, once he said: 'She is owned by her master as long she didn't get pregnant, if she gets pregnant, her ownership transfers to whom she was made lawful'. Once he said: 'Her ownership will transfer to whom she was allowed by first sexual intercourse'

We further read that there isn't any punishment in Islam for sharing a slave-girl:

. قال أبو محمد رحمه الله : فهذا قول - وبه يقول سفیان الثوري وقال مالك , وأصحابه : لا حد في ذلك أصلا

Abu Muhammad may Allah's mercy be upon him said: 'This is an opinion and Sufyan al-Thory would, (Abu Muhammad) said: 'Malik and his companions said: 'There is no punishment (hadd) in that at all''

http://www.islamweb.net/ver2/library/BooksCategory.php?idfrom=2315&idto=2315&bk_no=17&ID=2258

So when each and every aspect of sharing a slave-girl pertaining to jurisprudence can be found in authentic Sunni texts, then what the 'moralistic' author is trying to achieve by citing two Shia traditions of same nature but placing them under the heading 'loaning the vaginas'? Shall we also assert that Sunnis ascribe to the 'loaning of vaginas' in the light of the above cited Sunni edicts?

Dr. Salamah's cited a Shia tradition irrelevant to the topic that he wanted to attribute to the Shias (loaning of vaginas) whilst similar matters can be located in Sunni sources. The cited Shia tradition also refers to one making his/her slave-girl lawful to somebody else. May be it was the 'compensation' of a slave-girl suggested by our Imam [as] in the tradition that created such outrage for Dr. Salmah:

Dr. Salamah states:

A narrator stated, 'I said to Imam Abu 'Abdullah [Ja'far as-Sadiq], 'a few of our friends have narrated from you that if a person offers his slave girl to another person, she is permissible to him.' The imam responded, this is correct... ' I asked, 'a certain person has a fine, beautiful slave girl who is a virgin. He keeps her only for himself but says to one of his brothers to enjoy the girl except her vagina. Would sexual intercourse be lawful with her?' The imam said. No, enjoy what is permitted to you by your brother.' I further asked. What if that man gets carried away by his desire and engages in sexual intercourse?' The imam said, this would be very improper.' I then

asked, Would that man be called a fumigator?
 The Imam said. The man would not be called a
 fornicator. Rather, he would be called dishonest.
 If the girl was a virgin, he should pay to the
 master one tenth of her price; otherwise, the fine
 will be one twentieth of the price of the slave
 girl." 53

The tradition can be read in Al-Kafi, Volume 5, Chapter No. 300, Tradition No. 1. If ignorant Nawasib have objections to the decision of 'compensation' put forward by our Imam [as] deeming it an insult to a woman then they need to pay attention to the decision put forward by the Holy Prophet [s] in esteemed Sunni books:

Narrated Salamah ibn al-Muhabbaq:

The Apostle of Allah (peace_be_upon_him) made a decision about a man who had intercourse with his wife's slave-girl as follows. If he forced her, she is free, and he shall give her mistress a slave-girl similar to her; if she asked him to have intercourse voluntarily, she will belong to him, and he shall give her mistress a slave-girl similar to her.

1. Sunnan Abu Dawud, Book 38, Number 4445
2. Musnad Ahmad, volume 5 page 6
3. Sunnan al-Nesa'I, volume 6 page 125
4. Al-Sunnan al-Kubra of al-Nesa'I, volume 3 page 330
5. Al-Sunnan al-Kubra of al-Bayhaqi, volume 8 page 240
6. Al-Musanaf of Abdulrazaq, volume 7 page 343
7. Al-Musanaf of ibn Abi Shaybah, volume 6 page 522
8. Imam Abu Hatim al-Razi termed the tradition 'Sahih' in al-Elal, Vol 2 page 315
9. Allamah Ibn Abdulbar termed it 'Sahih' in al-Estidkar, Vol 7 page 529

The words of our Holy Prophet [s] recorded in this esteemed Sunni source namely **'if she asked him to have intercourse voluntarily, she will belong to him'** makes it clear that a man can have sexual intercourse with the slave-girl whom he doesn't own rather she is actually his wife's slave-girl. In the above cited Shia tradition there was a very similar situation but in the Shia text, we can at least find the discouragement for having intercourse with the slave-girl who was not the possession of a man.

According to Sunnies, since it is permissible thus there isn't any 'Hadd' (legal punishment) for having sexual intercourse with the slave-girl of one's wife and Sunni ulema have concluded this on the basis of the very hadeeth cited above. As Ibn Rushd records in 'Baydyatal Mujtahid' Volume 2 page 355:

"The proof of those who avert the "hadd" is what has been narrated from the messenger of Allah (pbuh) when he judged about a man who had sexual intercourse with the slave girl of his wife, if she was forced so she is free and he has to give her mistress a similar slave girl, and if she performed sexual intercourse voluntary she will be owned by him and he shall give her mistress a similar slave girl"

The Sunni sources contain the clear-cut edict:

"If a man makes his slave-girl halal for another man who then has sexual intercourse with the slave-girl, there will be no legal penalty for him."
Fatawa-e-Alamgiri, volume 3, page 268, Kitab al-Hudood, published by Daar ul-Isha'at, Karachi

Neverthelss, Dr. Salamah wrote in the initial note of the topic of slave girl that **The Shi'ah books of fiqh carry a separate chapter entitled "I'arat al-Furuj" This could literally be translated as "The Loaning of Vaginas"** which is an out and out lie but nevertheless

allow us to present an esteemed Sunni (Maliki) reference for him:

فلا حد مراعاة لقول عطاء بجواز إغارة الفروج

"There is no Hadd in it because according to Ata' loaning of vaginas (I'arat al-Furuj) is permissible"

Al-Sharh al-Kabir by Abu al-Barakat, Volume 3 page 250

We have proven that sharing a slave-girl is totally permissible in the Sunni school, the only condition is that a slave-girl who is shared must observe ablutions per number of shareholders. We read in the authority Sunni work 'Al-Mughni' by Ibn Qadamah:

وإذا كانت الأمة بين شريكين فوطئها لزمها استبراءان

"If the slave woman was shared by two partners and both had sexual intercourse with her, she must perform two ablutions (istibra)"

[Al-Mughni, Volume 9 page 157](#)

162.Reply Seven: According to Sunni fiqh you can see and touch the body parts of an unprocessed slave-girl

According to Sunni belief, it is totally permissible to see and touch the chest, breast and legs of other's slave-girls. Imam Shebani records:

"A man should not look at others' slave-girls if she was an adult or able have sexual desire or able to have sexual intercourse, he should look at those parts of her that are allowed to look at amongst the mahram, and no harm to look at her hair, chest, breast, arm, feet and leg, he should not look at her back nor the part between her navel and knees, and what ever is not allowed for him to watch it so its not allowed for him to touch it without cover though if he believe its not uncovered, unless if he obligated to carry her, and no harm to touch what is allowed to watch"

Al-Mabsoot, Volume 3 page 54

In fact one can see anything of any slave-girl except her vagina as Imam Abdur Razak records:

Jabir al-Shu'abi said: 'If a man wants to buy a slave-girl, he can see every part of her body except the vagina'

[Musnaf Abdur Razak, Volume 7 page 287 Tradition 13207](#)

We read in Fatwa Alamgiri:

"It is written in Jami' Sagheer that if someone decided to buy a slave-girl, there is no problem if he touches her feet, chest and both of arms completely and look at the uncovered organs"

[Fatwa Alamgiri, Volume 9 page 44](#)

According to Sunnis there is '**no harm to touch what is allowed to watch**' that means that a man has the free reign to respect and fondle those areas, that any decent woman would seek to keep hidden from the public gaze.

163.Reply Nine: According to Sunni fiqh you can instantly have sexual relations with a slave-girl without Iddah

It is quite strange that Dr. Salamah and the filthy Nawasib of Sipah-e-Sahabah attribute the belief of 'loaning of vaginas' by using the traditions about "making one's slave-girl halal to someone" when this concurs with Sunni Fiqh. Let us now introduce these Masters of morality to their decency in respect of slave-girls that might explain their fabricating false beliefs to Shias of Ahlulbayt [as] – namely diverting the Sunni masses away from the filth in their own house.

We have already proved from Shia sources that a slave-girl has to observe iddah (istibra) before going to a man who has the right to have sexual intercourse with her. Compare this to an esteemed figure of the Nawasib Abdullah Ibn Umar for whom even Iddah was no barr to his satiating his sexual appetite in relation to slave-girls, an appetite that helped formulate Sunni Fiqh in this regards:

حدثنا علي بن عثمان قال حدثنا حماد عن علي بن زيد عن أيوب بن عبد الله اللخمي أن ابن عمر قال وقع في سهمي يوم جلولاء جارية كأن عنقها إبريق فضة ، فقال ابن عمر : فما ملكت نفسي حتى وثبت إليها فجعلت أقبلها والناس ينظرون

"Narrated Ayoub bin Abdullah al-Lukhmi that ibn Umar said: 'On the day of the Jalola battle I won a slave-girl, her neck was like a silver ewe.' Then ibn Umar added: 'I couldn't control myself, I immediately jumped on her and began kissing her, while the people were looking at me'"

1. [Masail al-Imam Ahmad, page 281](#)
2. Al-Tarikh al-Kabir of Imam Bukhari, Volume 1 page 419, No. 1339
3. Musanaf ibn Abi Shayba, Volume 3 page 347

Muhammad bin Ismail al-Kahlani (d. 1182 H) comments on the tradition in 'Subul al-Salam' Volume 3 page 210:

وأعلم أن الحديث دل بمفهومه على جواز الاستمتاع قبل الاستبراء

You must know that the hadith is significance in relation to the permissibility of enjoying (the slave girl) before she performs ablution (istibra)"

Ibn Umar was extremely passionate when it came to the physical beauty of slave-girls, we shall inshallah further discuss this later on. In the meantime let us highlight the views of Imam Abu Hanifa regarding the ablution (iddah/istibra) of a slave-girl:

وذكر أبو يوسف في الأمالي أن أبا حنيفة كان يقول بالقياس ثم رجع إلى الاستحسان فقال ليس عليه أن يستبرئها وهو قول أبي يوسف ومحمد رحمهما الله

Abu Yusuf stated in al-Amali that Abu Hanifa was reporting about conjecture (qiyas) but then he switched to 'estihsan' and said: 'It is not required for him to let her (the slave-girl) perform ablution' and same is the statement of Abu Yusuf and Muhammad may Allah's mercy be upon them'

Al-Mabsoot by Serkhasi, Volume 13 page 148

164.Reply Eight: The dishonour of women in the Sunni school of thought

As previously stated the only motive of the author behind weaving the topic of the slave-girl with the topic Mut'a was to portray 'how badly women are treated in Shia fiqha and are infact deemed sex toys'. Whilst the previously cited material shall suffice to refute the absurdity and deceitfulness of the author we shall now present some facts and incidents as evidence of how 'well' women are treated in their school.

Muawiyah demonstrated a naked slave-girl in his court and then supplied her to men in that same condition

Ibn Kathir records:

"Ibn Asakir has narrated under the events of Muawiyah's slave Khadij al Hazi that Muawiyah bought a fair complexioned and beautiful slave-girl and he (Khadij) undressed her and brought her before Muawiyah, he was carrying a stick in his hand and began bowing towards her vagina and said: "I wish this vagina was for me; take her to Yazeed bin Muawyah." He then said "No! Call Rabi' bin Umro al Qarshi". He (Rabi) was a jurist (Faqih). When he came, Muawiyah asked him: "This slave-girl has been brought before me in a naked condition and I have seen her here and there, I want to send her to Yazeed". He said: "O commander of faithful! Don't do this. This is inappropriate". Muawiyah said: "Your suggestion is correct". The narrator says that Muawiyah then gifted her to the servant of Fatima, daughter of Holy Prophet [s] namely Abdullah bin Mas'adat Fazari who was black and Muawiyah told him: "Make your children white through her".

This demonstrates the cleverness and intelligence of Muawiyah he observed her in a lustful manner, and felt weak in front of her, he feared gifting her to Yazeed due to the verse of Holy Quran, and Faqih Rabi` bin Umro al Jarshi al Damashqi concurred with him"

 [Al Badayah wal Niahayh \(Urdu\), Vol 8 page 992 'Wives and sons of Muawyah' published by Nafees Academy Karachi.](#)

We don't understand how the children of Muawiyah can praise him for playing with the honor of a woman. According to the supposed hadith Nasibis deem Muawiyah to be their "guide". We can deduce the horrible guidance they drive from their beloved guide. How can a religious guide allow a man to undress a woman and not only that, he passed inappropriate comments about a naked woman in front of another person and deemed her as a toy ball that he could toss from one hand into another, in that same naked condition.

Note: Since Nawasib were incapable of defending the immoral act of their lord Muawiyah that was clearly praised upon by their esteemed scholar Ibn Kathir, they had no other option but to remove it from the online Arabic version of the book found at official Saudi Salafi website history.al-islam.com.

Umar used to present his slave-girls before his guests with their hair and breasts uncovered

Let us cite a supreme example of 'shyness' and 'shame' possessed by the Sahaba in relation to the respect of poor slave-girls. Imam al-Bayhaqi records in 'Al-Sunnan al-Kubra' Volume 2 page 227:

عن جده أنس بن مالك قال كان إمام عمر رضي الله عنه يخدمنا كاشفات عن شعورهن تضرب ثديهن قال الشيخ والأثار عن عمر بن الخطاب رضي الله عنه في ذلك صحيحة

Anas bin Malik said: 'The slave-girls of Umar were serving us with uncovered hair and their breasts shaking'

Al-Bayhaqi graded the tradition as 'Sahih' while Al-Albani the Wahabi in his book 'Erwa al-Ghalil' volume 6 page 204 said: **'The chain of narration is perfect'**.

In order to know more about the 'gentle' treatment Umar bin Khatab gave to slave-girls, let us cite a reference from Musnaf Ibn Abi Shaybah:

13.Chapter 13- Conclusion: An appeal to justice

Through this detailed article we have sought to prove the legitimacy of Mut'ah, from the Qur'an, Sunnah and practises of the Sahaba. We have also sought to cite its need in present day society. We appeal to those with open minds: if Mut'ah was indeed prohibited during the life of Rasulallah (s) then why did the advocates of the Sahaba state Umar was the 1st person to outlaw Mut'ah? Clearly this proves Mut'ah was halaal during the life of Rasulallah (s) and Umar for some reason banned it. Wahabis are fond of claiming that the Shi'a believe that the Imams (as) are superior to the Holy Prophet (s), yet here we see 'Umar ibn al-Khattab openly placing himself in opposition to the Prophet (s). It is perhaps only to be expected from somebody who once attempted to kill the Prophet (s) (Tarikh'ul Khulafa page 111, Dhikr Umar); but as Shi'a of the Ahl al-Bayt (as), we do not believe that anybody has the right to abrogate the hukm of the Holy Prophet (s). Sunnis place 'Umar above the Prophet (s), by deciding to follow his fatwa on Mut'ah and to reject the hukm of Allah (swt). We would appeal to all those endowed with intelligence: Does this not constitute open shirk, as well as kufr in the mission of the Prophet (s)?

The basis for the permissibility of Mut` ah is its mention as a permitted thing in the Qur'an, leaving us with the possibility of its prohibition ONLY if it were prohibited by an ayah in the Qur'an that was revealed after the ayah in which its permissibility was indicated. Such as that does not exist. Rather, we have ahadith that contradict each other as well as well-known historical chronology. Furthermore, we have other ahadith in which it is stated that Umar prohibited two (sometimes three) types of Mut` ah. Both types were permissible. One prohibition was forced to be repealed, and the other was spoken against by Sahaba and tabi` in.

Based on the facts that there is an ayah in the Qur'an indicating the permissibility of Mut` ah, that there is no ayah following it chronologically that abrogated its permissibility, that hadith cannot abrogate it, that those ahadith indicating its supposed prohibition are contradictory, and that people spoke out against the move by a caliph to prohibit it and other "Mut` ahs" (hajj at-tamattu`) that were also permissible all indicate that Mut` ah is a permissible thing that cannot be made impermissible by the word of any man, no matter what his position is in the eyes of the Ahl'ul Sunnah.

165.Overall challenge in brief

We have seen that many prominent Sahabah, Tabaeen and Sunni Ulema believed in the legitimacy of Nikah al Mutah and some of them personally performed it as well. They include Ibn Abbas [ra], Ali [as], Jabir bin Abdullah, Imran bin Hussain, Saleem bin Umayya, Abdullah ibn Umar, Muawiyah, Asma Bint Abu Bakar, Ata, Tawus, Saeed bin Jubayr, Ibn Jurayj. One of the important sources of guidance in any Sect is Hadeeth and this source is obtained from the principle books of a school and these books contain reliable narrators (sahabah and Tabaeen) who narrate the hadeeth the hadeeth forms the basis on which a Sects position on matter is formulated. The belief of a sect depends wholly on those narrators that are deemed pious and authentic.

The aforesaid notable names are not only revered in Sunni Islam they are also key narrators of the six canonical Sunni works (the Saha Sittah). If we remove these names from the Saha Satta then what will be left of the Sunni Sect?

Let us elaborate on this by asking hardcore Nawasib like Sipah e Sahabah and Ansar.org etc who define Mutah as adultery, what will they choose from the following options that they have been left with.

Option One: the above cited personalities were Shiah that's believed in Nikah al Mutah?

Nawasib will never going accept this option since:

a. it will make their whole school dependent on Shia people.

b. Believing in Mikah al Mutah does not make one a Shia their are many other things connected to it.

Option Two: They were adulterers, or the supporters of adultery (naudobillah)?
This will mean that school of Nawasib like that of Sipah e Sahabah and Ansar.org etc has been shaped by adulterers. If this is indeed the case why do they demand respect for the likes of Muawyah who contracted mutah during his reign?

Option Three: Mutah is Halal and it was Umar that forbade it during his reign according to his own testimony. Hadith that refer to the prohibition of Mutah were fabricated by his adherents in order to save him from the sin of making that which was Halal, haram.

An alternative option The way forward

When so many minor and major differences exist between the different Islamic schools of thought we should strive for unity, the best option would be for Nawasib would be to accept that:

"The legality of Nikah al Mutah is an issue of Fiqh. Those that deem it Haram should refrain from it. No objections should be raised against those that deem it halal since doing incurs the difficulties associated with options 1 & 2"

14. Appendix

166. Rulings on Temporary Marriage

From our discussion, we have seen the many lies and misconceptions which are brought forth about the Shi'a conceptions of Mut'ah. As a response, we have translated the discussion on Mut'ah found in the famous Fiqh al-Imam Ja'far as-Sadiq (as) of Ayatullah Maghniyah.

This is a standard introductory text on law used in Shi'a seminaries. As such, it will demonstrate to all what the actual Shi'a rulings on Mut'ah are. This is taken from the website Mutah.com

167. The Task from the Clergy:

There has been much talk, past and present, about Mut'ah. Much of this discussion has revolved around the question of whether or not this is halaal according to Islamic law. Indeed, many people believe that Mut'ah is a kind of fornication, because they are ignorant about its realities. They believe that the child of Mut'ah amongst the Shi'a are not entitled to inheritance from his father, and is not entitled to any of the things that his brothers who were borne from a permanent marriage would be entitled to. They believe that there is no waiting period after the end of Mut'ah, or that it is permissible for a woman to be passed from man to man by merely ending the allotted period of time in Mut'ah. Because of these beliefs, people accuse Mut'ah of being something evil, and deny its permissibility.

As such, it is obligatory on the clergy that they seek to enlighten the minds of people, especially in matters of religion, and guide them to the truth, which is denied by fanatics and zealots, and of those people who have lost their reason and religion. We see that Mut'ah is something accepted by the Shi'a as something that is not an innovated opinion created in certain times and situations.

168. Meaning of Mut'ah

Mut'ah has many meanings. In some cases it may mean to take benefit, such as when Allah (swt) refers to **"They take the benefits of the worldly life."** It may refer to increase, or it may refer to remaining, such as when He says: **"He let them remain for a while."** It may also refer to a gift, such as when He, Blessed be His Names, says: **"They are gifted of knowledge."**

As far as the legal scholars, they talk about Mut'ah in the meaning of a gift, in the sense of what they make obligatory on a man who has married a woman without specifying a dowry, and then divorces her before having sexual relations. They would necessitate that the divorced women be given a gift that is appropriate for his economic status. This is based upon the ayat 236 of surah al-Baqara: "There is no sin on you that you divorce women whom you have not touched, and that you give them a gift (Mut'ah), the rich man based on his ability, and the poor based on his ability, a righteous gift which is a right over the pure ones." They also talk about Mut'ah in terms of hajj, which we have discussed elsewhere.

169. Mut'ah Marriage

Alongside of these uses, the scholars of law talk about Mut'ah in terms of a fixed-time marriage. There is universal consensus amongst Sunni and Shi'a scholars that Islam has legislated this, and that the Prophet (s) made this permissible. This is based upon ayat 24 of Surat an-Nisa': **"When you have done Mut'ah with them, so give them the agreed upon dowry."**

Also, we find in Sahih al-Bukhari, volume nine, the section on marriage, that the Prophet (s) said to his companions during some of the wars:

"I give you permission to do Mut'ah, so do Mut'ah. A man and woman come together and agree to intimacy for three nights. If they desire to increase then they may increase, and if they desire to leave it, they may leave it."

We find also in Sahih al-Muslim, vol. 2, the chapter on Mut'ah, that Jabir ibn 'Abd Allah al-Ansari narrates:

"We did Mut'ah on the covenant of the Prophet (s) and Abu Bakr and 'Umar." On the same page we find another hadeeth from Jabir, where he adds: "But then 'Umar forbid us from this."

After we have established that the Muslims have all agreed on the legislation and permissibility of Mut'ah in the covenant of the Glorious Prophet (s), they disagree as to when it was made impermissible. Did it become haram after the Allah the Glorious made it halaal? The Sunnis would argue that it was abrogated, and made haram after permission was given for it. Ibn Hajir Al-'Asqalani writes in his Fath al-Bary bi Sharh Sahih al-Bukhari, volume 11, p. 70 of the 1989 edition,

"We have numerous ahadith which are explicit in prohibiting Mut'ah after permission was given for it."

In the sixth volume of Kitab al-Maghni of Ibn Qadamah, page 645, third edition:

"Imam Shafi'i said: I don't know anything that Allah permitted, then forbid, then permitted, then forbid again except Mut'ah."

The Shi'a say: All of the Muslims are agreed on the permissibility of Mut'ah, but they only disagree on its abrogation. This abrogation is not based on certainty, and we cannot deny Mut'ah based merely on whim or doubt. This abrogation must be based on certainty, and yet we have many narrations from the Ahl al-Bayt (as) that say that there was no such abrogation. Much of this is mentioned by Hurr al-'Amali in his Wasa'il. These narrations include the following hadeeth of Imam as-Sadiq (as), where he was asked if anything had come to abrogate the ayat of Mut'ah. He said: **"No, and if it had not been denied by 'Umar, then no one would fornicate except a truly wretched person."**

It is now important to discuss that Mut'ah shares in the permanent marriage many things, and is different from it in my things amongst the Shi'a. We will now embark on a short summary of the similarities and differences:

170. Similarities between Temporary and Permanent Marriage

The scholars of the Ja'fari school are in agreement that permanent and temporary marriage share in the following issues:

- That it is necessary that in both kinds of marriages the women must be mature, of sound-mind, and be free from any kinds of prohibitions on marriage. It is not permissible to marry a married woman, nor is it permissible to marry a woman who is in the waiting period of divorce or death, and not with a woman with whom marriage is forbidden because of family relationship, marriage or nursing. It is not permissible to marry a polytheist. Similarly, it is not permissible for the woman to marry any one except a Muslim who does not have any prohibitions on him in terms of marriage.

- Mut'ah is not correct by merely giving oneself over to another or being happy to be married. Rather, it requires explicit verbal confirmation of the marriage, just as it does with a permanent marriage. Nor is the contract valid by saying "I give myself to you" or "I make myself permissible to you" or "I rent myself to you," or anything like that, but rather must involve the three words nikahtu, zawajtu, or Mut'ahtu. The author of Al-Jawahir says:

As far as the marriage formula is concerned in Mut'ah, it must be words which have been designated by the Lawgiver for the marriage offering (ijab), such as zawajtuka or nikahtuka or muta'tuka. Any of these will make the contract valid, and it is not valid with other than these words, such as words that have to do with property or gifting or renting. As far as accepting the marriage offering, this is done by words which indicate upon intention, such as qabiltu (I accept) or radaitu (I am happy with this).

- The marriage contract is binding upon the man and woman in both kinds of marriage. However, it is the right of the man to return the remaining time of the temporary marriage, just as he may divorce himself from a permanent marriage.
- Prohibitions in terms of marriage flow from both temporary and permanent marriage. A man who does Mut'ah is not allowed to marry step-daughters from a temporary wife, nor may a man marry two sisters in Mut'ah just as he is not allowed to do so in a permanent marriage. We see that nursing from a fornicator has no effect, and the difference is that the wife of temporary marriage is a legal wife according to Islamic law, whereas the fornicator has only punishment.
- The children of a temporary marriage are like the children of a permanent marriage in terms of inheritance and support, and all the rights which accrue to a child. A person asked Imam as-Sadiq (as) about what happens if a woman he is doing Mut'ah with becomes pregnant, to which he said: "That child is your child."
- The child is considered to be the child of the father by simple sexual relations, even if they are removed from each other, or his semen enters into her from outside. This is because Mut'ah is a legal marriage just like the permanent one, and the child is to the one who has copulated with him, both by consensus of the 'ulama and by the canonical sources.
- The dowry in both kinds of marriage is the same, in the sense that one may decrease it or increase it, whether the dowry be for a small amount or for millions. This is based on the ayat: "If you give to them the dowry, then you can not take back from them anything."
- If a man divorces his wife before sexual relations, he only has to pay half the dowry. Similar is the case if a man, in a temporary marriage, returns the remaining time to the wife before sexual relations. If they finish the marriage period without having sexual relations, however, then she has the right to the entire dowry. Some, however, have said that she can only have half in this case.
- In both kinds of marriage, there is no difference if the man and woman are separated from each other except for sexual relations, in terms of dowry and waiting period.
- The woman who does Mut'ah must observe a waiting period after the end of the time of the temporary marriage, though there is no waiting period if there has been no sexual relations. This is the same as in a permanent marriage, when a woman is divorced without sexual relations. A woman in a permanent marriage and temporary one must both observe the complete waiting period if her husband dies, whether or not there has been sexual relations.
- Every condition that has been agreed upon by the husband and wife is binding in a temporary marriage, so long as these conditions are allowed by Islamic law. This is the same as in a permanent marriage, in line with the hadeeth: "The believers are bound by the conditions they make."

- It is impermissible to have sex with a woman during her menstrual period in both permanent and temporary marriage.
- If a contract is made for Mut'ah, and then the man and woman learn that the contract is invalid because of family relationship, then there is no dowry on the man, if they have not yet had sex. If they have had sex, then there is some speculation: If the woman was aware that they were forbidden to have sex with each other, but nonetheless does so anyways, then she has no right to a dowry, because she has sinned. This is in line with the hadeeth "No dowry for the sinner." However, if she does not know that she was not allowed to have sex, then she must be given her dowry, just as with a permanent marriage.
- It is not permissible for a man to have sex with the nieces of his temporary wife except with her permission, just as is the case with a permanent marriage.

171. Differences between Temporary and Permanent Marriage

- It is necessary in a temporary marriage that the time-period be explicitly fixed and specified, and it is not allowed for it to be able to be increased or decreased. In a permanent marriage, however, it is not allowed to fix any time period. This is a self-evident reality wherein analogy applies.

If the man and woman intend to do a temporary marriage, and forgot to specify a time period in the marriage contract, does the marriage become a permanent one or a temporary one, or is the whole contract invalid?

It has been the famous opinion of the scholars that, in such a situation, that the marriage becomes a permanent one. The author of Al-Jawahir has said that this is because the marriage formula without words expresses a permanent marriage, and this is in line with the hadeeth: "If you fix the time, then it is Mut'ah, and if you do not fix the time, then it is Nikah."

However, some of the scholars have said that the contract does not come into effect at all, neither permanently or temporarily. This is because what is merely intended does not come into effect, and what came into effect what was not intended

- The dowry is a primary obligation [pillar, rukn] in the temporary marriage. If the man and woman fail to specify the dowry, then the marriage is invalid. Imam as-Sadiq (as) said: "There is no Mut'ah except with two things: A specified period, and a specified dowry." In another narration he says "A known period" and a "known dowry."⁴ (reference) As for the permanent marriage, however, the dowry is not a primary obligation, and the marriage is correct if the dowry has not been specified. If a man and woman marry in permanent marriage and have sex, and then get divorced, then the woman should be given a standard dowry.
- If a permanent wife is divorced before sexual relations, then there is no waiting period for her. Such is the case with a temporary wife as well, if the time period finishes before sexual relations are consummated. If the permanent wife is divorced after sexual relations and she is not pregnant, then she must wait three menstrual periods, or three months.⁵ reference As for the temporary wife, however, her waiting period (if they had sexual relations), then she must wait for two menstrual cycles or a forty-five days, if she is not pregnant. For both types of women, if they are pregnant, then the waiting period is until after she has given birth. As far as the waiting period for a widow, then there is no difference between the two types of women, and sexual relations make no

difference her. If the woman is pregnant, however, then she must wait until either she has given birth, or four months and ten days, whichever is longer.

- There is disagreement amongst the scholars in terms of the wife's inheritance, depending on whether or not she was a permanent or temporary wife. Most scholars, such as Shaheed al-Awal and Shaheed ath-Thani, have said that a temporary wife does not inherit unless this condition was made in the marriage contract. This is because the marriage contract, by its nature, does not necessitate inheritance, or necessitate the absence of inheritance. If this condition has been made, then it must be followed, in line with the hadeeth: "The believers are bound by the conditions they make," and the hadeeth of Imam as-Sadiq (as) where he says: "If you agree to inheritance, then you are bound by your conditions."
- There is no daily living support for a temporary wife unless it is in the marriage contract. As for a permanent wife, that is her right, even if the man and wife have agreed that this is not binding upon them.
- It is makruh to do Mut'ah with a virgin girl, whereas it is recommended in permanent marriage. The author of Al-Haqa'iq narrates: "Imam as-Sadiq (as) was asked about Mut'ah, to which he said: "Her case is a heavy one, so have respect for the virgins."
- The scholars of law say that a permanent wife has the right that her husband sleep in a bed near her own bed one night every four days, visible to her face, even if their bodies do not connect. This assumes that the man is not always travelling; if he is this way, then it is wajib that the man have to do this once every four months. She also has the right to seek her husband, whether or not he is there at the house or a traveller. For a temporary wife, however, none of this is obligatory. She is not given the choice in this regard, and she does not have the right to seek her husband in this way, whether he is living locally or travelling.
- If a man divorces his permanent wife in a revocable divorce after he has had sexual relations with her, then the man may return to her before the waiting period is finished. If the divorce is a khul'a divorce, where the man did not want a divorce but agrees to in exchange for part of the dowry, then the wife has the right to return to her husband during the waiting period. For a temporary wife, however, she becomes separated from the husband by the time period ending or by having the time period returned to her. There is no right to either one of them to return to each other during the waiting period. However, it is permissible for the man and woman to renew the marriage contract during that period, whether it be permanent or temporary.⁷ However, this is not permissible to any other man except until the waiting period has finished.
- If a man has had sex with a permanent wife, then that wife is owed her entire dowry. If she refuses to be with him after this for whatever reason, then the dowry does not drop. However, the daily living expenses drop, because the woman was being disobedient. However, in a temporary marriage, if the wife refuses the man sexual relations, he may adjust the dowry based upon the time in which she refused. The author of Al-Jawahir says:

If the woman disrupts part of the allotted period, then the man may take what he wants from the dowry by ratio. If it is half, then half, and if it is a third, then a third. I have found no disagreement on this point. There is, in fact, no problem in looking at the well-narrated hadeeth on this subject, such as the narration of Ibn Hunzalah, where he said: 'I asked Imam as-Sadiq (as) about a woman whom I married for a fixed time for a certain. She came to me during part of this month, but she did not for the other part.' The Imam (as) said: 'Then take from the dowry an amount equal to the time that she withheld herself from you, except for the days of her menstrual cycle, for that part is to her.'"

- It is permissible for a man to marry more than four temporary wives, whereas this is not allowed in a permanent marriage. Al-Hurr Al-'Amily has narrated many hadeeth on

this subject in his Wasa'il. However, there are some narration's which indicate upon the impermissibility of this, and that a man may not have more than four temporary wives. One of these narration's is that of 'Amar ibn Sabaty from Imam as-Sadiq (as). When he asked Imam as-Sadiq (as) about Mut'ah, he said that the temporary wives count as one of the four [that the man is allowed to have]. There is also the narration from Imam al-Baqir (as), on the authority of Zarara. He was asked about Mut'ah wives, if they are like slave girls whom one can have as many as one wants. The Imam (as) said: "No. She counts for one of the four."

- Beyond all of this, there is the ruling that whatever is confirmed for a permanent wife is confirmed to a temporary wife except what has been differentiated in the evidence. We have mentioned the evidences which establish the differences we have already discussed, and whatever other issues remain stand upon this general ruling. The author of Al-Jawahir says: "The root premise is that permanent and temporary marriages are the same in terms of rulings except in those things which are established by evidence." In Sharh al-Lu'mah, Shaheed ath-Thani states: "The rulings of a temporary wife and a permanent wife are the same in terms of everything we have discussed, such as conditions, guardianship, and prohibited marriages, except those things which are specifically excluded.

Many scholars of law have argued that the essential natures of permanent and temporary marriage are the same, and that the word "marriage" applies to individuations of this concept: One of them permanent marriage, the other temporary, just as the word "humanity" encompasses both men and women.

172. Mut'ah with the Chaste

It is best to conclude with some of the narration's that have come about Mut'ah from the Ahl al-Bayt (as). Imam as-Sadiq (as) was asked about Mut'ah, to which he said:

"It's halaal, but do not marry anybody except the chaste, of whom Allah the Glorified has said: 'Those who protect their sexual parts.'"

In another hadeeth the Imam (as) quotes the ayat:

"The fornicator does not marry except the fornicatress or the polytheist, and the fornicatress does not marry except the fornicator or the polytheist, whereas this is forbidden upon the believers."

Sheikh As-Saduq also write:

"He who does Mut'ah with a fornicator is also a fornicator," As is written in the book Al-Hada'iq.

In Wasa'il Ash-Shi'a, volume 3, page 74 of the 1324 Hijri edition, that Ali ibn Yaqteen asked Imam Rida (as), grandson of Imam as-Sadiq (as), about Mut'ah. The Imam (as) said:

"What do you have of this, when Allah has made this unnecessary for you."

Someone else asked him, and he said:

"It is completely permissible for he whom Allah has not made this unnecessary by marriage. So seek chastity through Mut'ah. If Allah has made this unnecessary for you, then it is permissible to you if your wife is absent."

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