

## **Mutah Discussed, comments by Salman [ sunniforum ] and Shayk Faraz Rabbani [ sunnipath ]**

### **Shia's often quote:**

*"Then as to those by whom you take pleasure give them their appointed dowers" 6:24*

Ibn Mas'ud said: *The Holy Prophet allowed us to marry a woman for a limited period in exchange for a piece of cloth' Then he recited the verse: "O you who believe make not unlawful the pure things which Allah has made lawful for you"5:87* [Sahih Bukhari vol3 p85 Sahih muslim p1022 Book of Nikah hadith 1404]Jabir and Salmah bin Akwa said: *'it was announced publicly that theHoly Prophet had allowed us to contract mut'ah marriage.'* [Sahih Bukhari vol3 p163 Sahih muslim 1024 Book of Nikah hadith 1406 Musnad of Ahmad vol3 p405]

Sabrah al-Juhani said: *"The holy prophet allowed us to contract mut'ah marriage. Accordingly i married a woman belonging to the tribe of Bani Amir. I stayed with her for three days. Then the Holy prophet said that someone who had such women with him should let them go.'*[Sahih muslim p1024 Book ofNikah hadith 1406 sunan Bayhaqui vol7 p202-203]

Abu Sa'id al-Khidri said: *'We used to contract mut'ah marriage in exchange for a piece of cloth.'* [Musnad Tayalasi hadith 637]

Jabir said: *'We used to contract Mut'ah marriage in exchange for a handful of dates and flour during the days of the Holy Prophet, abu bakr, and Umar. It was only during the last days of the caliphate of Umar that it so happend that amr ibn hurayth contracted mut'ah marriage with a woman and she became pregnant. When the report of this incident reached Umar he banned muta marriage.'*[Al Musannaf by Abdur Razzaq vol7 p496 chapter on mutah]

## Response:

The hadiths on Mut`a do not contradict, since many shia's seem to be devoid of any knowledge based on Sunni Islam I would expect them to know that certain hadiths can abrogate.

Imam Ja'far said that Muta is Zina in al Bidayat Al Mujtahid.

Imam al-Marghinani stated in his al-Hidaya: "Temporary [mut`a] marriage is invalid. It is for a woman to say, I will be [f: lit, "enjoy you"] with you for such-and-such time for such-and-such amount of money."

Imam Kamal ibn al-Humam stated in his commentary on al-Hidaya, Fath al-Qadir: "*The meaning of mut`a marriage is a contract that ends with the ending of the (specified) time.*"

Imam al-Marghinani continued: "*(The permissibility of mut`a) was abrogated, as confirmed by the total consensus (ijma`) of the Companions (Allah be pleased with them).*"

Imam Kamal ibn al-Humam explained: "*As for the evidence for the abrogation itself it is that which Muslim recorded in his Sahih that, "The Prophet (Allah bless him and give him peace) forbade it on the Day of the Opening (of Makka). And in both the Sahih collections (f: Bukhari & Muslim) that, "The Prophet (Allah bless him and give him peace) forbade it on the Day of (the battle of) Khaybar." **This is understood to mean it was abrogated twice...** The prohibition is final, and there is no difference about this between the scholars of the lands, except some Shi`a."* [al-Hidaya with its commentary, Fath al-Qadir, 3: 246 – 247, Dar al-Fikr edition]

Another hadith to perhaps prove mua from Sunni sources, the shia's will quote "Jabir Ibn Abdullah and Salama Ibn al-Akwa' narrated: There came to us the proclaimer of Allah's Messenger (May peace be upon him) and said: "Allah's Messenger has granted you to benefit yourself (Istamta'u), i.e., to contract temporary marriage with women."

This is not evidence that Muta' is still allowed for none of the people of Ahly Sunnah deny that Muta' was allowed initially before being made Haram forever.

قماي قولل موي ىللكلذ مرح دق هلالل نأو , ءاسنلا نم عاتمئسالا يف مكل تنذأ تنك دق ينل سانلا اهي اى

and in the Sunan of Abu dawud:

هيبأ نع ةربس نب عيبر نع يرهللا نع رمعم انربخأ قازرلا دبع انشدح سراف نب ييحي نب دمحم انشدح  
ءاسنلا ةعتم مرح ملسو هيلع هللا يلص يبنلأ

As for the above hadith of Sayyidian Jabir, then firstly it should be noted that the translator left out a very important point which is شيج يف انك meaning **"We were in a army"**. Thus at most this was a dispensation (rukhs) provided to the people by the Prophet, as other narrations clearly state (see below). As stated in the Hadith of Bayhaqi with a "Good" chain:

"انفوخو انبرحل ةعتملا تنك امن! " نسح دانساب رذ يبا شيح نم يفهيبلا جرخأو

And in Sahih Muslim, the Prophet (Allah bless him and give him peace) is recorded to have said, *"...Allah has forbidden it [temporary marriage] until the Day of Judgement."* The hadiths about this are many, and well known...

In essence Ibn Abbas - Allah be pleased with him - said the same thing as narrated in Tirmidhi (with a weak chain) but supported by the hadith of Bukhari.

Secndly, as Shaikh Al Islam says in his Fath Al Bari, Salama ibn Akawa - Alalh be pelased with him - himself narrated from his father that Muta' was forbidden by the Prophet after he allowed it \*three times\*:

ملسو هيلع هللا يلص هللا لوسر صخر " لاق هيبأ نع عوكألا نب ةملس نب سايا نع سيمعلا يبا قيرط نم ملسم دنع نكل  
" اهنع يهن مث اثالث ةعتملا يف ساطوأ ماع

As we can see the word once again used above is "Rukhs" when it came to allowing Muta'.

Shaikh Al Islam then goes on to give his proof of how some of the Companions such as Sayyidina Jabir went back (ruju') on their initial verdict that Muta' was permissible.

Another common tactic by the shia is to use this Quranic verse and its tafsir as proof for muta from Sunni sources. *"So for whatever you have had of pleasure (Istamta'tum) with them by the contract, give unto them their appointed wages as a duty..."(Quran 4:24)*

and

Al-Tabari mentioned that: Mujahid said: "The phrase 'So for whatever you have had of pleasure (Istamta'tum) with them by the contract [4:24]' means the Temporary Marriage (Nikah al-Mut'a)."

Firstly, even if this was said by Mujahid, it does not negate the fact that the above verse was abrogated. This was narrated by Sayyidina Ibn Abbas when he said:

لاق سابع نبا نع شذحي يظرقلا بعك نب دمحم تعمهس ةديبع نب يسوم انشذح ةدابع نب حور انشذح : هيوهار نب قاحس لاقو مضيو هئيش هيلع ظفحي نم هل سيل , دلبلال هتعلسلب مدقي لجرلا نالكف , ءاسنلا ةعتم , ماسنلا لوأ يف ةعتملا تنالك " :  
يمسبم لجأ لىلإ نهنم هب متعتمتسا امف { أرقت تنالك دقو , هتجاج يضقي نأ ىري ام ردق لىلإ ءارملا جوزتيف , هعاتم هيلإ نالكو ةعتملا تكترتف { نيحفاسم ريغ نينصحم } - هلوق لىلإ - { مكتاهمأ مكيلع تمرح } تلزن ىتح { نهروجأ نهوتأف " ءيش رمألا نم امهل سيلو , ناثراوتيو , لكسمأ ءاش اذاو , قلط ءاش اذا , ناصحإل

(see Tirmidhi, Ta'liqaat of Ibn Qayyim Jawziyyah)

Secondly, even if Mujahid said this then this is only \*one\* opinion that has come from him. However I seriously doubt he said this because it is authentically established from him that interpreted the above verse to mean "(proper) Nikah":

حالكنلا : { مئهنُ به أسْمَعْتُمْ فَمَا } :دهاجم نع ,حيجن يبا نبا نع ,لبش انث :لاق ,ةفبذح وبأ انث :لاق ,ينثملال ينثذح

Yet there is a narration from Imam Tabari in his tafsir where Mujahid refers to this as "Nikah Muta'":

حالكن ينعي :لاق { مئهنُ به أسْمَعْتُمْ فَمَا } :دهاجم نع ,حيجن يبا نبا نع ,يسيع نع ,مصاع وبأ انث :لاق ,ورمع نب دمحم ينثذح ةعتملا .

Even if the above is sound then it still does not prove anything since point 1 (regarding the over ruling of this verse) still stands.

Yet it should be noted that Imam Tabari, regarding this verse provides a number of different interpretations. Thus to say that the verse means only "Muta" is dishonest. In the end Imam Tabari gives his verdict that Muta' is impermissible and what has come regarding the fact that it is permissible is not correct and cannot be followed:

عضوملا اذه يف هتداعإ نع ىنغأ امب انبتك نم عضوملا اذه ريغ يف مارج حيجصلال حالكنلا ريغ لىلإ ةعتملا نأ لىلإ انللد دقو فحاصم هب تءاج ام فالخب ةءارقف «مسمى لجأ لىلإ مئهنُ به أسْمَعْتُمْ فَمَا» :امهتءارق نم سابع نباو بعك نب أبى نع زوي امأو هفالخ يجوز ال نمع رذعلا عطاولا ربخلال هب تءاي مل شينأ لىلإ اعنت ملل اباتك يف قحلي نأ دحلأ زئاج ريغو ,نينمسلما

So even after being aware of the sayings of Mujahid and others, Imam Tabari did not find the evidence to be sound enough to prove the legality of Muta' .

Imam Al Qurtubi said:

حالكنلاب ءاسنلا نم عامجلاب وتلذذتم متعفتنا امف ىنعملا :امهريغو دهاجمو نسحلا لاقف ؛ةيالآ ىنعم يف ءاملعلا فلئاخو  
حيحصللا

- There is Ikhtilaf among the Ulema regarding the meaning of this verse. And Al Hasan, Mujahid and other said: The meaning of benefitting and enjoying...(through) proper Nikah.

وحرمة؛ المتعة حالكن نع ىهن ملسو هيلع هللا ىلص هللا لوسر نأل المتعة؛ زواج ىلع ةيالآ لمحت نأ زوجي الو :خُوَيْرٌ مُنَادٍ نَبَا لَاق  
لاق تعالى هللا نأل

{ أَهْلِيْنَ بِإِذْنِ فَأَنكَحُوهُنَّ }

دارملا :روهمجلا لاقو .لكلذك سيل ةعتملا ونكاح ،نيدهاشو بولّي يعرشلا حالكنلاوه نيلهال نذاب حالكنلا نأ مولعمو [ 25 :ءاسنلا  
مث { أَجُورُهُنَّ وَهُنَّ فَاذٌ مُّسَمًّى أَجَلٍ إِلَىٰ أَمِينٍ بِهِ اسْتَمْتَعْتُمْ فَمَا { :جُبَيْرِ نَبَاوِ وَأَبِي سَابِعِ نَبَا أَرْقَوِ .مالسإل ردص يف ناك يذلا ةعتملا حالكن  
ملسو هيلع هللا ىلص النبي اهن نع ىهن .

ونسخها تحريمها :دمحم نب بساقل او ةشئاع تلاقو .اهيف ثاريم ال ةعتملا تنك إذ ؛ثاريمل ةيالآ اهتخيرن :المسيب نب ديعس لاقو  
تعالى هلوق يف لكل ذو ؛نأرقلا يف

{ مَلُومِينَ غَيْرُ فَإِنَّهُمْ أَيَّمَانَهُمْ مَلَكَتْ مَا أَوْزُوا جِهَهُمْ عَلَىٰ إِلَّا حَافِظُونَ لِفُرُوجِهِمْ هُمْ وَالَّذِينَ }

يَمِينَ مَلَكَتْ أَلُو نَكَاحًا ةعتملا تسيلو . [ 6 - 5 :نونمؤملا ]

Ibn Khuwayz 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 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. Ayesha 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 posses, 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.

And then Qurtubi states an opinion on the agreement on the abrogation of the verse:

مارح ةعتملا نأو ،ءخوسنم ةيالآ هذه نأل ىلع نيحلاصللا فلسلاو نيغبانتلاو ةباحصللا نم ءاهقلا ءاملعلا رئاسو

The hadith on the abrogation of Muta' is Mass transmitted from Sayyidina Ali. Further, Imam Ja'far said regarding Muta' :

من يعب انزل اليه لاقف عتمة لما نع لىس هنأ دمحم نب رفع نع يقهه يبلال قنو

- Imam Ja'far was asked about Muta' and he said 'It is Zina itself'.

Secondly, some of narrations such as Qurtubi himself narrates the above from Sayyidina Ibn Abbas and \*not\* from Sayyidina Ali and it is known that initially Sayyidina Ibn Abbas did not think Muta' was haram.

خَيْرُ مَوِي اَمِي رِحْت : عَلِيَّ عِيَاوَر نَمُو

Lastly, regarding the Sanad of the hadith - in Tabari it is Dhaeef and it narrated with a break in the chain.

However, it is known through numerous narrations that Sayyidina Ali forbade Muta' :

In Imam Nawawis Sharh of Sahih Muslim:

مَلَسُو هَلَأ يَلَعُو هِيَلَع هَلَلَأ يَلَص هَلَلَأ لَوَسِر اِنَاهِن هِيَات لَجِر لَكِن اِنَالَفَل لَوَقِي بِلَاظِي بَأ نَب يَلَع عَمَس

In Bukhari:

نَأ يَلَع نَع اَمِي بَأ نَع يَلَع نَب دَمَحَم يَنْبَا هَلَلَأ دَبَعُو نَسَحَلَا نَع ... تَأطُوْمَلَاو دِيْنَا سَمَلَاو نَنَسَلَا بَا حَصَأُو مَلَسَمُو يِرَاخِبَلَا جِرْخَأ رَشَكَأ هَاوَر تُشِيْدَحَلَا اذَهُو . عِيَلَهَالَا رَمَحَلَا مَوْحَلَا نَعُو رَبِيْخ مَوِي عَعْتَمَلَا حَاكِن نَع يَهِن مَلَسُو هَلَأ يَلَعُو هِيَلَع هَلَلَأ يَلَص يَبْنَلَا عِيَوَبْنَلَا عَنَسَلَا بَتَك بَا حَصَأُو

e.t.c

As for the hadith in the Musannaf of Abd Ar razzq, then it is a singular hadith with one of the persons in the unchain unnamed. IT cannot stand as proof against the Mass Transmitted hadith:

بَا طَخَلَا نَب يَأْر نَم لَاق وَأ بَا طَخَلَا نَب رَمَع يَأْر نَم قَبَس اَم الْوَل عَفَوَكَلَاب لَاق اِيَلَع نَأ قَدَصَأ نَم يَنْرَبْخَأُو ( 5 ) جِيْرَج نَب لَاق يِقْش الَا ( 6 ) اِنَز اَم مَث عَعْتَمَلَاب تَرْمَال

(sunnipath)



## Shayk G.F. Haddad On Mut`a

Salam alaykum: A Shi`i brother wrote me from the US with the protest that it was the Commander of the Believers `Umar ibn al-Khattab - Allah -be well-pleased with him - who banned mut`a or temporary marriage. This is half-true. He banned it only after the Prophet - Allah bless and greet him - as did other of the major Companions such as `Ali ibn Abi Talib himself - Allah be well pleased with him. The proof is in the following narrations:

Ali said to Ibn `Abbas: "Allah's Messenger forbade temporary marriage and the consumption of the meat of the domestic asses." The timing of this narration is placed by many versions at the time of the campaign of Khaybar (year 7), and by more versions at the time of the conquest of Mecca (year 8). Both are narrated from `Ali and from the Companion Sabura in Bukhari, Muslim, the Sunan, the Musnads, and the Muwatta'. Some of these authentic narrations state that the Prophet - Allah bless and greet him - said: "It [nikah] is prohibited until the Day of Judgment."

The above narration abrogates the narration of Ibn Mas`ud permitting mut`a. The proof to this was adduced by Imam Ahmad, that Ibn Mas`ud said the words: "**when we were young men**" (shabab) whereas at the time of Khaybar his age was over forty. *This was mentioned by al-Bayhaqi in Ma`rifa al-Sunan wa al-Athar (10:175-176 #14098).*

The ruling that mut`a is absolutely and unconditionally prohibited upon all until the Day of Judgment is the unanimous position of the Sunni scholars. They consider, in the light of the Prophet's prohibition, that the practice of mut`a consists in a form of fornication (zina), and Allah knows best. . .

This said, even if it were `Umar alone that prohibited mut`a we would still have to follow his ruling just as we follow it in the matter of praying tarawih in congregation. The Prophet - Allah bless and greet him - clearly said in his mass-narrated hadith, to "follow his Sunna and that of his rightly-guided Companions after him." Therefore peace to all who follow guidance, and there is no enmity except against tyrants and wrong-doers.

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