

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] Jaber and Salmah bin Akwa said: 'it was announced publicly that the Holy 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 of Nikah 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]

Jaber 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 happened 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.

قمايقله موی ىلإ كلذ مرح دق مللا ن او ، ءاسنلما نم عاتمتسسالا يف مكل تندأ تندأ دق ين ا سانلما اهي اي

and in the Sunan of Abu dawud:

هیبأ نع ڦربس نب عیبر نع یرہزا نع رمعم ان رب خا ڦازرلا دبع ان ڻدح سراف نب ییحی نب دمحم ان ڻدح
ءاسنلما ڦعتم مرح ملسو ھیلع ھللا ىلص یبنلما نا

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 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 ان بر جل ڦعتملا تمناک امنا" نسح دانسا ب رذ یبأ ٿي دح نم یقه یبلما جرخ او"

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*:

ملس و ھیلع ھللا ىلص ھللا لوسر صخر "لاق ھیبأ نع عوکالا نب ڦمس نب س ایا نع س یمعلما یبأ چیرط نم ملس م دنع نکل
"اونع یهن مث اثالث ڦعتملا یف س اطرا 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 ثدح يطرقلا بعك نب دمحم تعمس قديبع نب ئسوم انثدح ئدابع نب حور انثدح : هيواهار نب قاحسن لاق و
مضيو هييش هييلع ظفحبي نم هل سيل ، دلبلا هتعلس مدقبي لجرلا نالك ، ئاسنلا ئعتم ، مالس إلأ لوا يف ئعتملا تناك :
ئيمسم لجأ إلإ ننم هب مت عتمت سا امف } أرقى تناك دقو ، متجاج يضقي منأ ىري ام ردق إلإ ئارجلا جوزتيف ، هعاتم هييلا
نالك و ئعتملا تكرتف { نيحفاسم ريخ نينصحم } - هلوق إلإ - { مكتاهم مكييلع تمرح } تلزن ئتح { نهروجأ نهوتاف
ءيش رملأا نم امهل سيلو ، ناثراوتيي ، كسمأ ئاش اذاؤ ، قلط ئاش اذا ، ناصح إلأ "

(see Tirmidhi, Ta'lqaat 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 : { مئهنه به أستمتعتم فما } : دهاجم نع ، حي جن يبأ نبا نع ، لبس انث : لاق ، ئنثملا ينثدح

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

حالكن ينعي : لاق { مئهنه به أستمتعتم فما } : دهاجم نع ، حي جن يبأ نبا نع ، ئسيع نع ، مصالع وبأ انث : لاق ، ورمع نب دمحم ينثدح
عاتملا.

Even if the above is sound then it still does not prove anything since point 1 (regarding the overruling 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 متداع! نع ئنغا امب ان بتاك نم عضوملا اذه ريخ يف مارح حي حصـلـا حالـكـنـلـا رـيـغـ لـيـلـعـ ئـعـتـمـلـاـ نـأـ لـيـلـعـ انـلـلـدـ دـقـوـ
فـحـاصـمـ هـبـ تـءـاجـ اـمـ فـالـخـ ئـارـقـفـ «ـمسـمـيـ لـجـ إـلـإـ مـئـهـنـ بـهـ أـسـمـعـتـمـ فـمـاـ»ـ :ـ اـمـهـتـءـارـقـ نـمـ سـابـعـ نـبـاوـ بـعـكـ نـبـ أـبـيـ نـعـ رـوـيـ اـمـ أوـ
هـفـالـخـ يـجـوـزـ الـنـعـ رـذـعـلـاـ عـطـاقـلـاـ رـبـخـلـاـ هـبـ تـأـيـ مـلـ شـيـنـاـ ئـلـاعـتـ مـلـلـاـ بـاتـكـ يـفـ قـحـلـيـ نـأـ دـحـأـ زـئـاجـ رـيـغـوـ ،ـ نـيـهـلـسـمـلـاـ

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:

حَكَنْ لَابَ ءاسِنَ لَا نَمْ عَاجِلَابَ وَتَذَدَّتْ مَتْعَفَتَنَ امْفَ ئِنْعَمْلَا :اَمْهَرِيَغُو دَهَاجُو نَسْحَلَابَ لَاقَفَ ؛ةَيَآلَا ئِنْعَمْ يِفَ ءامِلَعَلَا فَلَلتَّخَادَ حَيِحَصَلَا

- 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.

وَحَرَمَهُ؛ الْمُتَّعَةُ حَالَنْ نَعَ ئِنْ مَلْسَو هِيلَعَ مَلَلَا ئِلْصَ مَلَلَا لَوْسَرَ نَأَلَ الْمُتَّعَةَ؛ زَاوَجَ ئِلَعَ ةَيَآلَا لَمَحَتَ نَأَ زَوْجِيَ الَّوْ :خُويَزْمَنَدَادَ نَبَالَاقَ

{ أَهْلِهِنَّ بِإِذْنِ فَانْكُحُهُنَّ }

دارِمَلَا :رَوْمَجَلَا لَاقَوْ .كَلَذَكَ سَيِلَ ؤَعْتَمَلَا وَنَكَاحُ ،نِيَدَاهَاشُو بَوَلَيَ يِعَرَشَلَا حَاكَنَلَا وَهَنِيَلَهَأَلَا نَذَابَ حَاكَنَلَا نَأَ مَوْلَعَهُو [25 :ءاسِنَلَا] مَثَ { أَجُورَهُنَّ وَهُنَّلَأْ مُسَمَّى لَجَلَ إِلَى مَيْهُنَّ بِهِ أَسْتَمَعَهُمْ فَمَا } :جَبِيرَ نَبَاوَ وَأَبَيِ سَابِعَ نَبَأَ أَرَقَوْ .مَالِسَالَا رَدَصَ يِفَ نَأَكَ يِذَلَا ؤَعْتَمَلَا حَالَنْ مَلْسَو هِيلَعَ مَلَلَا ئِلْصَ النَّبِيَّ اهْنَعَ ئِنْ

وَنَسْخُهَا تَحْرِيمُهَا :دَمْحَمَ نَبَ مَسَاقِلَابَ ؤَشَئَاعَ تَلَاقَوْ .اَهِيفَ ثَارِيَمَلَا ؤَعَتَمَلَا تَنَأَكَ إِذْ ؛ثَارِيَمَلَا ؤَيَا اهْتَخِسَنَ :الْمَسِيبَ نَبَ دِيَعَسَ لَاقَوْ

{ مَلَوْمِينَ غَيْرُ فَلَئِمَنَ أَيْمَانَهُمْ مَلَكَتْ مَا أُوْ أَرْوَاجِهِمْ عَلَى إِلَّا حَافِظُونَ لَفَرُوجِهِمْ هُمْ وَأَذْنِينَ }

يَمِينَ مَلَكَ الَّوْ نَكَاحَا ؤَعْتَمَلَا تَسَيِلَوْ .[6 - 5 :نَوْمَمَلَا]

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:

مَارَحَ ؤَعْتَمَلَا نَأَوْ ،ةَخْوَسَنَمْ ؤَيَآلَا هَذَهَ نَأَ ئِلَعَ نِيَحَلَاصَلَا فَلَسَلَابَ نِيَعَبَاتَلَابَ ةَبَاحَصَلَا نَمْ ءاَهَقَفَلَابَ ءامِلَعَلَا رَىِاسَوْ

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

من يعْبَرُ إِنْزَلَةً يَهُ لِاقْفَةً عَتَمَلَا نَعْ لَئِسَ هَنَأْ دَمْحَمَ نَبْ رَفْعَجَ نَعْ يِقْهِي بِلَالْ لَقْنَوْ

- 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.

خَيْرٌ مُوْيِ اهْمِيْرِ حَرَّتْ : عَلَيْهِ اورْ نَمْو

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:

مَلْسُوْ مَلَأْ ىَلْعَوْ هِيلَعْ مَلَلَا ىَلْصَ مَلَلَا لَوسَرْ اَنَاهَنْ هَيَاتْ لَجَرْ لَكَنْ اَنَالْفَلْ لَوْقَيْ بَلَاطْ يِبَأْ نَبْ يِلَعْ عَمَسْ

In Bukhari:

نَأْ يِلَعْ نَعْ اَمْهِيْبَأْ نَعْ يِلَعْ نَبْ دَمْحَمَ يِنْبَا مَلَلَا دَبَعَوْ نَسْحَلَا نَعْ تَأْطُرَمَلَ اوْ دِينَاسْمَلَ اوْ نَنْسَلَا بَاحَصَ اوْ مَلْسُمَوْ يِرَاخَلَا جَرَخَ رَثَكَأْ اَوْرَ ثَيَدَحَلَا اَذَهَوْ . قَيْلَهَأَلَا رَمَحَلَا مَوْحَلَ نَعَوْ رَبَيَخَ مُويْ ئَعَتَمَلَا حَالَكَنْ نَعْ يِنْ مَلْسُوْ مَلَأْ ىَلَعْ هِيلَعْ مَلَلَا ىَلْصَ يِبَنَلَا يِيَوبَنَلَا فَنَسَلَا بَتَكَ بَاحَصَأْ

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:

بَاطَحَلَا نَبْ يِأَرْ نَمْ لَاقَ وَأَبَاطَخَلَا نَبْ رَمَعْ يِأَرْ نَمْ قَبَسْ اَمْ الَّوَلْ قَفَوَكَلَابَ لَاقَ اَيَلَعْ نَأْ قَدَصَأْ نَمْ يِنْرَبَخَأْ (5) جَيَرَجَ نَبْ لَاقَ يِقَشَ الَّا (6) اَنَزَ اَمْ مَثَ ئَعَتَمَلَابَ تَرَمَأَلَ

(*sunnipath*)

Second Response to a shia claim by brother Salman

Shia claim:

The ahadith in Muslim and Bukhari that say Imam Ali believed Mut'a to be haraam all go back to a person called Muhammad ibn Shihab AlZuhri. According to most sunni ulema he is thiqah, but some like Yahya ibn Mu'een didn't regard him so.

Yahya ibn Mu'in could think Zuhri was the devil himself but the overall majority have declared him "Thiqa Thiqa" and this is enough to accept his narrations. As for your tact, it shows ignorance of ahadith science. Under your precondition Imam Abu Hanifa, Imam Ahmad and others would have to be labelled as "weak" because of the verdicts placed on them by a few people.

Imam Ibn Hajar gives his final verdict on Zuhri when he states:

يَرْهُلَ يَشْرَقُ لَا بِالْكَنْبَرَ نَبَأْ قَرْهَزَ نَبَأْ ثَرَاجَلَ نَبَأْ مَلَلَ دَبَعَ نَبَأْ بَاهَشَ نَبَأْ مَلَلَ دَبَعَ نَبَأْ مَلَسَمَ نَبَأْ دَمَحَ - 6296
سَمْخَ قَنْسَ تَامَ قَعْبَارَلَا قَقْبَطَلَا سَوْدَرَ نَمَ وَهُوَ [هَتَبَثُو] هَنَاقَتُ اَوْ هَتَلَالَجَ اَلَعَ قَفَتَمَ ظَفَاحَلَاهَيَقْفَلَاهَرَكَبَ وَبَأْ [هَتَيَنَكُو]
عَنِيَّتَنَسَ وَأَقَنْسَبَ كَلَذَ لَبَقَ لَيِقَ وَنِيَرَشَ عَوَ

- Muhammad ibn Muslim ibn....[his Kunya] Abu Bakr. the Faqih, Hafidh, (there is) an agreement on his majesty and mastery...

The fact that Muta' was forbidden was also reported by Sayyidina Ali in the following:

خَوْسَنَمَ هَنَأَ مَلَسَمَ وَهَيَلَعَ مَلَلَاهَيَلَصَ يَبَنَلَاهَنَعَ يَلَعَ هَنِيَبَرَهَهَلَلَاهَدَبَعَ وَبَأْ لَاقَ

(Sahih Bukhari, Bab Nahi An Nikah al Muta')

After citing the same hadith in his Sunan, Imam Tirmidhi goes on to state:

لَهَا دَنَعَ اَذَهَ اَلَعَ لَمَعَلَاهَوَ حَيَحَصَنَسَحَ ثَيِدَحَ يَلَعَ ثَيِدَحَ يَسِيَعَ وَبَأْ لَاقَ قَرِيَدَهَ يَبَأَوَ يَنِهَجَلَاهَقَرِبَسَ نَعَ بَابَلَا يَفَوَ لَاقَ
عَجَرَهَمَثَهَعَتَمَلَا يَفَهَصَخَرَلَا نَمَعَيَشَ سَابَعَنَبَأَ نَعَيَورَهَمَنَأَوَهَرِيَغَوَ مَلَسَمَ وَهَيَلَعَ مَلَلَاهَيَلَصَ يَبَنَلَاهَبَاحَصَأَ نَمَهَلَعَلَا
نَبَأَوَهَيَرَوَثَلَا لَوقَهَوَهَعَتَمَلَا مَيَرَحَتَهَلَعَمَلَعَلَا لَهَأَرَثَكَأَرَمَأَوَمَلَسَمَ وَهَيَلَعَ مَلَلَاهَيَلَصَ يَبَنَلَاهَنَعَرَبَخَأَثَيَحَهَلَوَقَهَنَعَ
قَحَسَأَوَهَدَحَأَوَهَيَعَفَاشَلَاهَكَرَابَمَلَا

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.

Dr. G.F. Haddad, Damascus, Syria