

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

"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 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]

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]

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 aborgate.

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 mut`a 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.

قمايقلل موي لىل كلذ مرح دق هلالل نأو , ءاسنللا نم عاتمئسالل يف مكل تنذأ تنك دق ينل سانللا اهيا اي

and in the Sunan of Abu dawud:

هيبأ نع ءربس نب عيبر نع يرهلل نع رمعم انربخأ قازلل دب ع انئدح سراف نب ييحي نب دمحم انئدح ءاسنللا ءعتم مرح ملسو هيلع هلالل لىص يبنللا نأ

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 ءعتمللا تنك انك! " نصح دانساب رذ يبا ئئيدح 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*:

ملمسو هيلع هللا ىلص هللا لوسر صخر " لاق هيبأ نع عوكألا نب ةلمس نب سايا نع سيمعلا يبا قيرط نم لمسم دنع نكل
" اهنع ىهن مئ 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 شدح يظرقلا بعك نب دمحم تعمس ةديبع نب ىسوم انشدح ةدابع نب حور انشدح : هيوهار نب قاحس لاقو
مضيو هئيش هيلع ظفحي نم هل سيل , دلبلال هتعلسلب مدقي لجرلا نالكف , ءاسنلا ةعتم , مالسلا لولأ يف ةعتملا تنالك " :
ىمسم لجال لىل نه نم هب متعتمتسا امف { أرقنت تنالك دقو , هتجاج يضحقي هنأ ىري ام ردق لىل ءأرملل جوزتيف , هعاتم هيلل
نالكو ةعتملا تكرفتف { نيحفاسم ريغ نينصحم } - هلوق لىل - { مكناهمل مكيلع تمرح } تلزن ىتح { نهروج نهوتآف
" ءيش رمالا نم امهل سيلو , ناشرابتو , كسم ءاش اذو , قلط ءاش اذو , ناصح لىل

(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":

ح.الكنل: { مِنْهُنَّ بِهٖ اسْتَمْتَعْتُمْ فَمَا } :دهاجم ن ع ،حيجن يبأ نبا ن ع ،لبش انث :لاق ،ةفبيذح وبأ انث :لاق ،ينثمل ينثدح

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

ح.الكنل ينعي :لاق { مِنْهُنَّ بِهٖ اسْتَمْتَعْتُمْ فَمَا } :دهاجم ن ع ،حيجن يبأ نبا ن ع ،يسيع ن ع ،مصاع وبأ انث :لاق ،ورم ن ب دمحم ينثدح ةعتمل.

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 هتداع ن ع ينغأ امب انبتك نم عضوملا اذه ريغ يف مارح حيحصلا ح.الكنل ريغ يلع ةعتمل نأ يلع انللدقو فحاصم هب تءاج ام فالخب ةءارقف «مسمى لجا لىل مِنْهُنَّ بِهٖ اسْتَمْتَعْتُمْ فَمَا» :امهتءارق نم سابع نباو بعك نب أبى ن ع روي اماو .هفالخ يجوز ال نم رذعل عطاول ربخل هب تءاي مل شينأ لىل اع لىل باتك يف قحلي نأ دحل زئاج ريغو ،نيملسملا

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:

ح.الكنلاب ءاسنلا نم عامجلاب وتلذذتم متعتنا امف ينعمل :امهر ريغو دهاجمو نسحل لاقف ؛ةيال ينعم يف ءاملعل فلتخاو حيحصلا

- 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 ح.الكنل ن ع ين ملسو هيلع لىل لىل لوسر نال المتعة؛ زواج ةيال لمح نأ زوجي الو :خويزمذاد نبا لاق :لاق تعالى لىل نالو

{ أَهْلِهِنَّ بِلَدْنِ فَأَتِكِحُوهُنَّ }

دارملا :روهمجل لاقو .لكلذك سيل ةعتمل ونكاح ،نيدءاشو بولي يعرشلا ح.الكنل اوه نيلاهال نذاب ح.الكنل نأ مولعمو [25 :ءاسنلا] مث { أَجُورَهُنَّ وَهُنَّ فَاذَّ مَسْمَى أَجَلٍ إِلَى مِنْهُنَّ بِهٖ اسْتَمْتَعْتُمْ فَمَا } :جبير نباو وأبى سابع نبا أرقو .مالسإل رص يف ناك يذلا ةعتمل ح.الكنل ملسو هيلع لىل لىل النبي اهن ع ين

ونسخها تحريمها :دمحم نب مساقلاو ةشئاع تلاقو .اهيف ثاري م ال ةعتمل تنالك إذ ؛ثاري ملاءي ءاهتخنن :المسيب نب دي عس لاقو :تعالى هلوق يف كلذو ؛نأرقلا يف

{ مَلُومِينَ غَيْرُ فَإِنَّهُمْ أَيَّمَانُهُمْ مَلَكَتْ مَا أَوْ أَرْوَاحَهُمْ عَلَىٰ إِلَّا حَافِظُونَ لِفُرُوجِهِمْ هُمْ وَالَّذِينَ }

يَمِينِ مَلِكِ الْوَالِدِ نَكَاحًا عَتَمًا تَسِيْلًا. [6 - 5 : نون مؤملا]

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 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.

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

مارح عتَمًا نًا، ةخوسنم ةيآلآ هذه نأ ىلع نىحلصلال فلسلالو نىعباتللو ةباصللا نم ءاهقفلالو ءاملعلل رىاسو.

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

منىعب انزلال ىه لاقف ةعتَمًا نىع لىس نأ دمحم نب رفعج نىع ىقههبلال لقنو.

- 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.

خَبَّرَ مَوِي اءمىرحت : على ةىاور نمو.

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:

ملسو هلا ىلعو هلىع هلالل ىلص هلالل لوسر انهن ءئات لجر لىن نالفل لوقى بلالط ىبأ نب ىلع عمس

In Bukhari:

نأ يلع نع امهيبأ نع يلع نب دمحم ينبا هللا دبغو نسحل نع ... تأطومل او ديناسملاو نسنل باحصأ أو ملسمو يراخبالا جرخأ
رثكأ هاور ثيدحلا اذهو . ةيلهألا رمحل موحل نعو ربيخ موي ةعتملا حاكن نع ىهن ملسو هلأ ىلعو هيلع هللا ىلص يبنللا
ةيوبنلا ةنسللا بتك باحصأ

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 agaisnt the Mass Transmitted hadith:

باطخلال نب يار نم لاق وأ باطخلال نب رمع يار نم قبس ام الاول ةفوكلاب لاق ايلع نأ قيصراً نم ينربخأو (5) ج يرح نب لاق
يقش ال (6) انز ام مة ةعتملاب ترمأل

(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 perosn 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 ahdith 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:

يرهزلا يشررقال بالك نبا ةرهز نبا شرالال نبا هللا دبغ نبا باهش نبا هللا دبغ نبا هللا دبغ نبا ملسم نبا دمحم -6296
سمخ قنس تام ةعبارلا ةقبطلا سوؤر نم وهو [هتبتشو] هناقتاو هتلالاج ىلع قفتتم ظفاحلا هيقفالا ركب وبأ [هتينيكو]
ع نيبتنس وأ ةنسب كلذ لبق ليقو نيرشعو

- 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:

خوسنم هنا ملسو هيلع هللا ىلص يبنلنا نع يلع هنيبو هللا دبوع وبأ لاق

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

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

لهأ دنع اذع ىلع لمعل او حيحص نسح شي دح يلع شي دح ىسي ع وبأ لاق قريه يباو ينهجالا قريس نع بابلا يفو لاق
عجر مة عتملما يف فصخرلا نم عيش سابع نبا نع يور امن او مهريغو ملسو هيلع هللا ىلص يبنلنا باحصأ نم ملعل
نباو يروثلا لوق وهو عتملما ميرحت ىلع ملعل لهأ رثكأ رمأو ملسو هيلع هللا ىلص يبنلنا نع ربخأ شيح هلق نع
قحس او دمأو يعفاشلاو كرابملا

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