

Did the Prophet Abrogate Temporary Marriages (Nikah al-Mu'tah)? - From the Sunni Hadith Literature

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Dedication:

Our aim is for the Muslim Ummah to be objective, fair and impartial in pursuit of truth and oppose the culture of sectarianism, fanaticism and blind-following. Allah has promised to preserve the Divine Revelation, not protect sects or men from misguidance. So follow the evidence of Muslim and do not imitate the inherited religion of men!

Instead our obligation is to submit to the truth and faithfully implement what Allah has ordained and legislated

اتَّخَذُوا أَحْبَارَهُمْ وَرُهْبَانَهُمْ أَرْبَابًا مِّن دُونِ اللَّهِ وَالْمَسِيحَ ابْنَ مَرْيَمَ وَمَا أُمِرُوا إِلَّا لِيَعْبُدُوا إِلَهًا وَاحِدًا ۚ لَّا إِلَهَ إِلَّا هُوَ ۚ سُبْحَانَهُ عَمَّا يُشْرِكُونَ

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They have taken their scholars and monks as lords besides Allah , and [also] the Messiah, the son of Mary. And they were not commanded except to worship one God; there is no deity except Him. Exalted is He above whatever they associate with Him. (Surah 9:31)

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Introduction

The mainstream opinion of the Muslim scholars based on the Hadith reports is that although the concept and practice of the Nikah Mut'ah, known as temporary marriage (literally pleasure marriage) was legalised during one period of the prophetic mission, later on, this temporary ruling got abrogated completely by the Messenger of God (sawa) due to a Divine verdict forbidding it. Although this is the narrative of the majority, the Twelver Imami Shi'a have strongly advocated for its permissibility. In contrast to abrogation, the majority of the Shi'a have firmly asserted that this ruling of the Shari'a was never abrogated by the Quran or the Sunnah and all the Hadiths are faulty and contradictory.

The verse that was revealed in relation to Nikah al-Mutah was 4:24, which reads:

فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً ۚ وَلَا جُنَاحَ عَلَيْكُمْ فِي مَا تَرَاضَيْتُمْ بِهِ مِنْ بَعْدِ الْفَرِيضَةِ ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا
حَكِيمًا

So for whatever you enjoy [of marriage] from them, give them their due compensation as an obligation. And there is no blame upon you for what you mutually agree to beyond the obligation. Indeed, Allah is ever Knowing and Wise. (Surah 4:24)

Even though all of the Imami Shi'a permit Mut'ah, ironically the Zaydi branch of the Shi'a strictly forbid temporary marriages (Nikah al Mut'ah) by consensus. Regarding the prohibition of Nikah al-Mut'ah, al-Hassan b. Yahyā b. al-Hussein b. Zayd b. 'Ali said:

The Progeny of the Prophet (upon him and them be peace) have reached a consensus regarding its despicable practice and the impermissibility to partake in it.

They (the Ahl al-Bayt) said: it was permissible during a particular time (of migration & war) and the Prophet then deemed it impermissible and ended its practice. (محمد بن علي بن عبدالله الحسنى 2006)

The Reference is the work, Jam'i 'uloom Ale-Muhammad, also known as Jami' al-Kafi. Despite this tall claim, we will demonstrate that this claim is exaggerated because the evidence from the texts reaches the opposite conclusion.

Likewise, a minority of Sunnis believe in the permissibility of Mut'ah marriage, such as the famous Ibn Ashour of Tunisia, or al-Azraq al-Maliki of Morocco. At the same time, many Sunni Muslims believe in the permissibility of another form of Nikah called Misyar marriage. This is another form of marriage that is not like the general, mainstream traditional marriages with the usual norms, rules and practices. Like this, many of the wife's rights are revoked based on a mutual agreement between both parties, so the rulings of Misyar differ drastically from normal Nikah and it is more similar to Mut'ah.

We are not going to get into the details of Misyar marriage and its permissibility and the evidence supporting it or negating it. In regards to the permissibility of Mut'ah, although majority of the Sunnis vehemently oppose it and all Twelver Shi'a allow it, during the early days of Islam, there were many non-Imami scholars from other denominations who advocated its permissibility such as the famous Meccan jurist from the Salaf called Ibn Jurayj. The objective of this research is that the truth needs to be sought with compelling proof and evidence, not by showing fanaticism, dogmatism, prejudice or excessive loyalty to sects, schools and denominations.

Methodology

We will analyse the evidence for the truth about the matter of the permissibility of Mut'ah marriage by delving into the Hadith literature. The objective is to use the "Sunni" literature because in truth, I do not believe that this term is really accurate because this historical tradition of Hadith reports do not belong to orthodox Sunnis, rather they are the legacy of the whole Muslim Ummah. This literature, referred to as the Sunni literature by many, is actually the documentation of Islamic history.

For instance, the Ahl al-'Adl wa al-Tawhid, known as the Mu'tazila used this literature as well because it is the transmission of the prophetic reports and early Islamic history as well. Yet at the same time, it is clear that the Mu'tazila were not Sunni in theology. In addition to the Mu'tazila, as seen in the article of Ammaar Muslim al-Dodomi, titled '*Abd al-Razzāq's Shī'ism and the Limits of Sunni Hadith Criticism*', it is impossible to categorise the important and early hadith scholar Abdul-Razzaq al-Sanai'i into orthodox Sunnism. As attested by all, al-Sanai'i's role is pivotal when it

comes to the transmission and preservation of Hadith. Thus, Sunni scholarship cannot dismiss this man despite his controversial Shi'ite inclinations.

Since this tradition is the heritage of the whole Ummah, all sects including Imamis, Zaydis, Ibadis and Mutazilis use it when building arguments in polemics, we will thus prioritise these reports to discuss the permissibility of Mut'ah marriage. (literally pleasure marriage)

Hadith used against the Shia argument

To begin the textual arguments, the main Hadith used against the Shi'a to prove the impermissibility and abrogation of the temporary marriage are these reports attributed to the Imam of guidance, Imam Ali b. Abi Talib (a.s.).

حَدَّثَنَا يَحْيَى بْنُ يَحْيَى، قَالَ قَرَأْتُ عَلَى مَالِكِ بْنِ أَنَسٍ عَنِ ابْنِ شِهَابٍ، عَنْ عَبْدِ اللَّهِ وَالْحَسَنِ ابْنَيْ مُحَمَّدٍ بْنِ عَلِيٍّ عَنْ أَبِيهِمَا، عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْ مُتْعَةِ النِّسَاءِ يَوْمَ خَيْبَرَ وَعَنْ لُحُومِ الْخُمُرِ الْإِنْسِيَّةِ

'Ali b. Abi Talib reported that Allah's Messenger (ﷺ) forbade on the Day of Khaibar temporary marriage (Muta') with women and the eating of the flesh of domestic asses. (ibn al-Hajjāj al-Qushayrī)

The Reference is Sahih Muslim 1407f, in Book 34 and Hadith 34.

حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى، حَدَّثَنَا بِشْرُ بْنُ عُمَرَ، حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عَبْدِ اللَّهِ، وَالْحَسَنِ، ابْنَيْ مُحَمَّدٍ بْنِ عَلِيٍّ عَنْ أَبِيهِمَا، عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ، أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نَهَى عَنْ مُتْعَةِ النِّسَاءِ يَوْمَ خَيْبَرَ وَعَنْ لُحُومِ الْخُمُرِ الْإِنْسِيَّةِ

It was narrated from 'Ali bin Abu Talib that:

The Messenger of Allah forbade on the Day of Khaibar, the temporary marriage of women and (he forbade) the flesh of domestic donkeys. (Ibn majah)

The reference of this narration is Sunan Ibn Majah 1961. In-book reference is Book 9, Hadith 11 and the English translation is Volume 3, Book 9, Hadith 1961.

أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ، وَالْحَارِثُ بْنُ مِسْكِينٍ، قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ، - وَاللَّفْظُ لَهُ - قَالَ أَنَبَانَا ابْنُ الْقَاسِمِ، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عَبْدِ اللَّهِ، وَالْحَسَنِ، ابْنَيْ مُحَمَّدٍ بْنِ عَلِيٍّ عَنْ أَبِيهِمَا، عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْ مُتْعَةِ النِّسَاءِ يَوْمَ خَيْبَرَ وَعَنْ لُحُومِ الْخُمُرِ الْإِنْسِيَّةِ

It was narrated from 'Abdullah and Al-Hasan, the sons of Muhammad bin 'Ali, from their father, from 'Ali bin Abi Talib, that the Messenger of Allah on the Day of Khaibar forbade temporary marriage to women, and (he also forbade) the meat of tame donkeys. (Nasā'ī, 2006)

Reference is Sunan an-Nasa'i 3366, in-book reference is Book 26, Hadith 171. The English translation of the report is Volume 4, Book 26, Hadith 3368.

أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ، قَالَ حَدَّثَنَا يَحْيَى، عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، قَالَ حَدَّثَنِي الزُّهْرِيُّ، عَنِ الْحَسَنِ، وَعَبْدِ اللَّهِ، ابْنَيْ مُحَمَّدٍ عَنْ أَبِيهِمَا، أَنَّ عَلِيًّا، بَلَغَهُ أَنَّ رَجُلًا، لَا يَرَى بِالْمُنْعَةِ بَأْسًا فَقَالَ إِنَّكَ تَأْتِيهِ إِنَّهُ نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْهَا وَعَنْ لُحُومِ الْحُمُرِ الْأَهْلِيَّةِ يَوْمَ خَيْبَرَ

It was narrated from Al-Hasan and 'Abdullah, the sons of Muhammad, from their father, that 'Ali heard that a man did not see anything wrong with Mut'ah (temporary marriage). He said:

"You are confused, the Messenger of Allah forbade it, and the meat of domestic donkeys on the day of Khaibar." (Nasā'ī, 2006)

The reference is Sunan an-Nasa'i 3365, in-book reference is Book 26, Hadith 170. The English translation is Volume 4, Book 26, Hadith 3367.

When one collects all of these reports of the Imam of guidance, Imam Ali b. Abi Talib being shown as transmitting the news of the prohibition and abrogation of temporary marriages, then how do the Shi'a attribute the legality of this practice to the Imam?

Imam Ali correcting Ibn Abbas' Fatwa on Mut'ah?

We will find the answer to this question later on to continue with the reports. There is a very strange, interesting, yet important report in regards to Imam Ali and the prohibition of Mu'tah narrated by Ibn Shihab al-Zuhri.

وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ، حَدَّثَنَا أَبِي، حَدَّثَنَا عُبَيْدُ اللَّهِ، عَنِ ابْنِ شِهَابٍ، عَنِ الْحَسَنِ، وَعَبْدِ اللَّهِ، ابْنَيْ مُحَمَّدٍ بْنِ عَلِيٍّ عَنْ أَبِيهِمَا، عَنْ عَلِيٍّ، أَنَّهُ سَمِعَ ابْنَ عَبَّاسٍ، يُلَيِّنُ فِي مُنْعَةِ النِّسَاءِ فَقَالَ مَهْلًا يَا ابْنَ عَبَّاسٍ فَإِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْهَا يَوْمَ خَيْبَرَ وَعَنْ لُحُومِ الْحُمُرِ الْإِنْسِيَّةِ

'Ali (Allah be pleased with him) heard that Ibn Abbas (Allah be pleased with them) gave some relaxation in connection with the contracting of temporary marriage, whereupon he said:

Don't be hasty (in your religious verdict), Ibn 'Abbas, for Allah's Messenger (ﷺ) on the Day of Khaibar prohibited that forever - along with the eating of flesh of domestic asses. (ibn al-Hajjāj al-Qushayrī)

The Reference for this report is Sahih Muslim 1407d and the in-book reference is Book 16, Hadith 37.

The report shows us something very intriguing yet confusing as well. We see that Ibn Abbas al-Hashimi al-Qurashi, the paternal cousin of both the Prophet Muhammad and Ali b. Abi Talib, a junior companion, who was very knowledgeable, in fact amongst the most knowledgeable of Companions, was giving the legal verdict that temporary marriages were permissible. Straight after, Imam Ali responds and corrects Ibn Abbas on this verdict according to this account. The reason for his correction was supposedly due to the abrogation of Mut'ah during the Battle of Khyber which Ibn Abbas was unaware of.

Now, a few questions naturally arise that need to be addressed. How can one of the most knowledgeable companions not know of this clear and important matter?

There are more problems, since Ibn Abbas was a junior companion, we know that he learnt the Sunnah by the Sahaba rather than directly accessing the Messenger of Allah (sawa). Ibn Abbas was mainly taught by his own cousin, amongst the earliest and most senior companions in terms of knowledge, piety and precedence and that Sahabi was none other than Imam Ali b. Abi Talib al-Hashimi al-Qurashi.

The question then arises, when Imam Ali and others were teaching the Sunnah to the junior Ibn Abbas, did they not teach him something so important such as Mu'tah being haram and abrogated?

Some might contend that Ibn Abbas was not informed of this since he did not attend the Battle of Khyber. In response to this the question will be raised, since Ibn Abbas was too young to know about the prohibition of Mu'tah, then how did he come to find out about it and believe in its permissibility in the first place?

Naturally, since supposedly it was abrogated, then this implies that he shouldn't know about the permissibility of an abrogated act. We see that the indication is that Ibn Abbas was taught the permissibility of Mu'tah marriage.

Additionally, there are later incidents and occasions after Khyber about Mutah being abrogated, we will prove the proof of this later and this is precisely why many scholars argue that there was a gradual banning of Mutah. Then, if Ibn Abbas was not informed about the ban in Khyber, then how did Ibn Abbas not know about these later incidents of Mutah's prohibition as well relayed by others? Another problem that arises is that since there are different occasions where Mutah was apparently banned, wouldn't this mean that Khyber was a temporary ban? If this was a temporary ban, why didn't Ali use the later incidents of the banning of Mutah instead of highlighting a temporary ban like Khyber? The discrepancies and the problems raised are unending and incredible. We will return back to Ibn Abbas and his verdict on Mut'ah later, now continuing with the reports in regards to the prohibition of the temporary marriage, we have another one attributed to the Companion, Salama b. al-Akwa.

When was Mut'ah Prohibited? Contradictory Accounts

وَعَنْ سَلَمَةَ بْنِ الْأَكْوَعِ قَالَ: رَخَّصَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَامَ أُوطَاسٍ فِي الْمُنْعَةِ ثَلَاثًا ثُمَّ نَهَى عَنْهَا.
رَوَاهُ مُسْلِمٌ

Salama b. al-Akwa said that in the year of Autas, God's Messenger permitted a temporary marriage for three nights, but afterwards he prohibited it. (Kaṭīb al-Tibrīzī & Robson, 1960)

This incident was after the battle of Hunain in 8 A.H and the reference is Mishkat al-Masabih 3148, In-book reference is Book 13, Hadith 68.

In this report we see another companion of the Prophet (sawa) informing the people in regards to the prohibition of Mut'ah. It is important to note that the date or period of prohibition conflates with the previous claim because in the report attributed to Ali b. Abi Talib, the use of Mu'tah was prohibited during the Battle of Khyber, but in this report we understand that it was banned after the Battle of Hunain, which is a clear discrepancy. Otherwise, it seems that Khyber's ban was a temporary ban if there

was even a ban in the first place. This is why many resort to arguing that there was supposedly a gradual ban when it came to Mubah.

Another thing to take note of is that the word haram is not used in this report. Instead, he claims that it was prohibited, which can be an indication that it was a temporary forbidding. Likewise, it can equally allude to a complete permanent ban, but the point is that this report alone is not sufficient to prove something is made Haram, especially since this matter of debate was agreed to be Halal at one point.

We would need overwhelming, compelling and decisive proofs that seals the argument. We will need more proof with clearer words to prove the ban and abrogation of something Halal like Mubah. Furthermore, if this report is actually reliable, another indication that it might have been a temporary ban is that the companion did not say it was forbidden until Judgement Day, whereas in other reports we see the wording of it being banned until Qiyamah.

وَحَدَّثَنِيهِ حَسَنُ الْحُلَوَانِيُّ، وَعَبْدُ بْنُ حُمَيْدٍ، عَنْ يَعْقُوبَ بْنِ إِبرَاهِيمَ بْنِ سَعْدٍ، حَدَّثَنَا أَبِي، عَنْ صَالِحٍ، أَخْبَرَنَا ابْنُ شَهَابٍ، عَنِ الرَّبِيعِ بْنِ سَبْرَةَ الْجُهَنِيِّ، عَنْ أَبِيهِ، أَنَّهُ أَخْبَرَهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنِ الْمُتْعَةِ زَمَانَ الْفَتْحِ مُتْعَةَ النِّسَاءِ وَأَنَّ أَبَاهُ كَانَ تَمَتَّعَ بِبُرْدَيْنِ أَحْمَرَيْنِ.

This hadith has been narrated on the authority of Rabi' b. Sabra that Allah's Messenger (ﷺ) forbade to contract temporary marriage with women at the time of Victory, and that his father had contracted the marriage for two red cloaks. (ibn al-Hajjāj al-Qushayrī)

Once again, the reference is Sahih Muslim 1406j. The in-book reference is Book 16, Hadith 31.

In this report we see that there is another companion reporting the ban of Mut'ah but once again, there is another discrepancy because this time it was banned during the Opening of Mecca. The main reports regarding the abrogation of Mubah is attributed to this Companion, Sabura al-Juhanni.

وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى، أَخْبَرَنَا عَبْدُ الْعَزِيزِ بْنُ الرَّبِيعِ بْنِ سَبْرَةَ بْنِ مَعْبُدٍ، قَالَ سَمِعْتُ أَبِي رَبِيعَ بْنَ سَبْرَةَ، يُحَدِّثُ عَنْ أَبِيهِ، سَبْرَةَ بْنَ مَعْبُدٍ أَنَّ نَبِيَّ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَامَ فَتْحِ مَكَّةَ أَمَرَ أَصْحَابَهُ بِالتَّمَتُّعِ مِنَ النِّسَاءِ - قَالَ -

فَخَرَجْتُ أَنَا وَصَاحِبُ لِي مِنْ بَنِي سُلَيْمٍ حَتَّى وَجَدْنَا جَارِيَةً مِنْ بَنِي عَامِرٍ كَانَتْهَا بَكْرَةٌ عَيْطَاءُ فَخَطَبْنَاهَا إِلَى نَفْسِهَا وَعَرَضْنَا عَلَيْهَا بُرْدَيْنَا فَجَعَلَتْ تَنْظُرُ فَنَرَانِي أَجْمَلَ مِنْ صَاحِبِي وَتَرَى بُرْدَ صَاحِبِي أَحْسَنَ مِنْ بُرْدِي فَأَمَرَتْ نَفْسَهَا سَاعَةً ثُمَّ اخْتَارَتْنِي عَلَى صَاحِبِي فَكُنَّا مَعَهَا ثَلَاثًا ثُمَّ أَمَرَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِفِرَاقِهِنَّ

Sabra b. Ma'bad reported that Allah's Apostle (ﷺ) permitted his Companions to contract temporary marriage with women in the Year of Victory. So I and a friend of mine from Banu Sulaim went out, until we found a young woman of Banu Amir who was like a young she-camel having a long neck. We proposed to her for contracting temporary marriage with us, and presented to her our cloaks (as dower). She began to look and found me more handsome than my friend, but found the cloak of my friend more beautiful than my cloak. She thought in her mind for a while, but then preferred me to my friend. **So I remained with her for three (nights), and then Allah's Messenger (ﷺ) commanded us to part with them (such women).** (ibn al-Hajjāj al-Qushayrī)

The reference of the report is Sahih Muslim 1406g, the in-book reference is Book 16, Hadith 28.

Likewise, the condition of this narration is like that of the previous report, it is not explicitly clear that there was a permanent tahreem on the practice of Mut'ah from this wording as well. It is possible to interpret these differently because it says that they were commanded to part ways, not that it was made Haram.

More importantly, the Usuli scholars emphasise on the important principle deduced from the Qur'an and Sunnah that certainty cannot be removed by doubt. In this case, the permissibility of Mutah cannot easily be rendered void, abrogated and forbidden by the use of speculative sources and vague wording.

وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ، حَدَّثَنَا جَرِيرٌ، عَنْ سُهَيْلٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " إِذَا وَجَدَ أَحَدُكُمْ فِي بَطْنِهِ شَيْئًا فَأَشْكَلَ عَلَيْهِ أَخْرَجَ مِنْهُ شَيْءٌ أَمْ لَا فَلَا يَخْرُجَنَّ مِنَ الْمَسْجِدِ حَتَّى يَسْمَعَ صَوْتًا أَوْ يَجِدَ رِيحًا " .

Abu Huraira reported:

The Messenger of Allah (ﷺ) said: If any one of you has pain in his abdomen, but is doubtful whether or not anything has issued from him, be should not leave the mosque unless he hears a sound or perceives a smell. (ibn al-Hajjāj al-Qushayrī)

Sahih Muslim 362, Book 3, Hadith 126.

A very similar report to the narration narrated by Sabura al-Juhanni in regards to Mutah needs to be taken into account to reach the full picture and this report makes it seem that it was a temporary ban instead of a permanent one

The report is as follows:

وَحَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ، حَدَّثَنَا لَيْثٌ، عَنِ الرَّبِيعِ بْنِ سَبْرَةَ الْجُهَنِيِّ، عَنْ أَبِيهِ، سَبْرَةَ أَنَّهُ قَالَ أَذِنَ لَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِالْمُنْعَةِ فَأَنْطَلَقْتُ أَنَا وَرَجُلٌ إِلَى امْرَأَةٍ مِنْ بَنِي عَامِرٍ كَانَتْهَا بَكْرَةٌ عَيْطَاءُ فَعَرَضْنَا عَلَيْهَا أَنْفُسَنَا فَقَالَتْ مَا تُعْطِي فَقُلْتُ رِدَائِي . وَقَالَ صَاحِبِي رِدَائِي . وَكَانَ رِدَاءُ صَاحِبِي أَجْوَدَ مِنْ رِدَائِي وَكُنْتُ أَشَبَّ مِنْهُ فَإِذَا نَظَرْتُ إِلَى رِدَاءِ صَاحِبِي أُعْجِبُهَا وَإِذَا نَظَرْتُ إِلَيَّ أُعْجِبُنِي ثُمَّ قَالَتْ أَنْتَ وَرِدَاؤُكَ يَكْفِينِي . فَمَكَثْتُ مَعَهَا ثَلَاثًا ثُمَّ إِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ " مَنْ كَانَ عِنْدَهُ شَيْءٌ مِنْ هَذِهِ النِّسَاءِ الَّتِي يَتَمَنَّعُ فَلْيُخَلِّ سَبِيلَهَا " .

Sabra Juhanni reported:

Allah's Messenger (ﷺ) permitted temporary marriage for us. So I and another person went out and saw a woman of Bani 'Amir, who was like a young long-necked she-camel. We presented ourselves to her (for contracting temporary marriage), whereupon she said: What dower would you give me? I said: My cloak. And my companion also said: My cloak. And the cloak of-my companion was superior to my cloak, but I was younger than he. So when she looked at the cloak of my companion she liked it, and when she cast a glance at me I looked more attractive to her. She then said: Well, you and your cloak are sufficient for me. **I remained with her for three nights, and then Allah's Messenger (ﷺ) said: He who has any such woman with whom he had contracted temporary marriage, he should let her off. (ibn al-Hajjāj al-Qushayrī)**

The reference is Sahih Muslim 1406a, Book 16, Hadith 22.

In this version of the same incident, the Prophet doesn't even use the word "forbid" (Naha/نَهَى). Instead, the Prophet apparently told them to end the marriage, leave her or separate from her, which could be for any possible

reason. The wording does not necessitate that this form of marriage was abrogated. Obviously, this case is significantly different from the Prophet (sawa) saying that the marriage of Mut'ah has been made haram.

Main Proofs for the Abrogation of Mut'ah

Nonetheless, in spite of all these versions of the incident, there is a stronger Hadith used to invalidate the use of Mut'ah attributed to the same Sahabi, Sabra al-Juhanni but the chain is different this time.

The report is as follows:

وَحَدَّثَنِي سَلَمَةُ بْنُ شَبِيبٍ، حَدَّثَنَا الْحَسَنُ بْنُ أَعْيَنَ، حَدَّثَنَا مَعْقِلٌ، عَنِ ابْنِ أَبِي عُبَلَةَ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، قَالَ حَدَّثَنَا الرَّبِيعُ بْنُ سَبْرَةَ الْجُهَنِيُّ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنِ الْمُتْعَةِ وَقَالَ " أَلَا إِنَّهَا حَرَامٌ مِنْ يَوْمِكُمْ هَذَا إِلَى يَوْمِ الْقِيَامَةِ وَمَنْ كَانَ أَعْطَى شَيْئًا فَلَا يَأْخُذْهُ "

Sabra al-Juhanni reported on the authority of his father:

Allah's Messenger (ﷺ) prohibited the contracting of temporary marriage and said: Behold, it is forbidden from this very day of yours to the Day of Resurrection, and he who has given something (as a dower) should not take it back. (ibn al-Hajjāj al-Qushayrī)

The reference is Sahih Muslim 1406I, Book 16, Hadith 33.

Evidently, this report is the strongest proof used to establish the invalidity, prohibition and complete abrogation of temporary marriages because it says that it has been made Haram until the Day of Judgement. The wording proving its abrogation is very explicit and clear.

Before we comment on these reports, we will continue to analyse the reports attributed to Sabra al-Juhanni in relation to Mut'ah marriage.

حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى بْنُ فَارِسٍ، حَدَّثَنَا عَبْدُ الرَّزَّاقِ، أَخْبَرَنَا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ رَبِيعِ بْنِ سَبْرَةَ، عَنْ أَبِيهِ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حَرَّمَ مُتْعَةَ النِّسَاءِ .

Rabi' b. Saburah reported on the authority of his father:

The Messenger of Allah (ﷺ) prohibited temporary marriage with women. (Abu Dawud, 2000)

The reference to this Hadith report is cited in Sunan Abi Dawud 2073. The in-book of the narration is Book 12, Hadith 28 and the English translation is Book 11, Hadith 2068.

The wording of this version is also very explicit because in the Arabic the word for prohibited is 'Haram' which indicates an abrogation.

حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ، أَخْبَرَنَا يَحْيَى بْنُ آدَمَ، حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ، عَنْ عَبْدِ الْمَلِكِ بْنِ الرَّبِيعِ بْنِ سَبْرَةَ الْجُهَنِيِّ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، قَالَ أَمَرَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِالْمُنْعَةِ عَامَ الْفَتْحِ حِينَ دَخَلْنَا مَكَّةَ ثُمَّ لَمْ نَخْرُجْ مِنْهَا حَتَّى نَهَانَا عَنْهَا

'Abd al-Malik b. Rabi' b. Sabra al-Juhanni reported on the authority of his father who narrated it on the authority of his father (i e. 'Abd al-Malik's grandfather, Sabura al-Juhanniy Allah's Messenger (ﷺ) permitted us to contract temporary marriage in the Year of Victory, as we entered Mecca, and we did come out of it but he forbade us to do it. (ibn al-Hajjāj al-Qushayrī)

The narration is mentioned in Sahih Muslim 1406f, Book 16, Hadith 27.

Hidden Defect in the Chain of Hadith?

Since, we presented all the main reports in relation to the prohibition or Tahreem of Nikah al-Mut'a, we will go to the root issue of all these reports and we hope, the students of truth have noticed this pattern!

What is this root problem you may ask?

All of the reports that claim that Mut'ah was abrogated and made Haram go through the infamous Hadith scholar and narrator Ibn Shihab al-Zuhri al-Qurashi!

Check all the hadiths we have provided regarding Sabura al-Juhanni and Ali b. Abi Talib and you will see the name of Ibn Shihab al-Zuhri in all of them apart from one. Before we bring an examination of some of the crimes of al-Zuhri, we want to go back to the Hadith Zuhri attributes to Imam Ali reprimanding Ibn Abbas about the prohibition of donkey meat and Mutah at Khyber, you will notice another pattern after the compilation of the same incident transmitted by other Sahaba through different narrators.

Khyber: Did the Prophet (sawa) ban only donkey meat or Mut'ah as well?

حَدَّثَنَا سَعِيدُ بْنُ سُلَيْمَانَ، حَدَّثَنَا عَبَادُ، عَنِ الشَّيْبَانِيِّ، قَالَ سَمِعْتُ ابْنَ أَبِي أَوْفَى - رَضِيَ اللَّهُ عَنْهُمَا - أَصَابَتْهُمَا مَجَاعَةٌ يَوْمَ خَيْبَرَ، فَإِنَّ الْقُدُورَ لَتَغْلِي - قَالَ وَبَعْضُهَا نَضِجَتْ - فَجَاءَ مُنَادِي النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَا تَأْكُلُوا مِنْ لُحُومِ الْحُمُرِ شَيْئًا وَأَهْرِيقُوهَا. قَالَ ابْنُ أَبِي أَوْفَى فَتَحَدَّثْنَا أَنَّهُ إِنَّمَا نَهَى عَنْهَا لِأَنَّهَا لَمْ تُخَمَسْ. وَقَالَ بَعْضُهُمْ نَهَى عَنْهَا لِئَنَّهُ كَانَتْ تَأْكُلُ الْعُذْرَةَ.

Narrated Ibn Abi `Aufa:

We where afflicted with severe hunger on the day of Khaibar. While the cooking pots were boiling and some of the food was well-cooked, the announcer of the Prophet (ﷺ) came to say, "Do not eat anything the donkey-meat and upset the cooking pots." We then thought that the Prophet (ﷺ) had prohibited such food because the Khumus had not been taken out of it. Some others said, "He prohibited the meat of donkeys from the point of view of principle, because donkeys used to eat dirty things." (بخارس، محمد بن)

اسماعيل. Muḥammad Ibn Ismā'īl Bukhārī and Muhammad Muhsin Khan, 1997)

The reference is Sahih al-Bukhari 4220, the in-book reference is Book 64, Hadith 260 and the USC-MSA web (English) reference is Volume. 5, Book 59, Hadith 531.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَبْدِ الْوَهَّابِ، حَدَّثَنَا عَبْدُ الْوَهَّابِ، حَدَّثَنَا أَيُّوبُ، عَنْ مُحَمَّدٍ، عَنْ أَنَسِ بْنِ مَالِكٍ - رَضِيَ اللَّهُ عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ جَاءَهُ جَاءَ فَقَالَ أَكَلْتِ الْحُمْرُ. فَسَكَتَ، ثُمَّ أَتَاهُ الثَّانِيَةَ فَقَالَ أَكَلْتِ الْحُمْرُ. فَسَكَتَ، ثُمَّ الثَّلَاثَةَ فَقَالَ أَكَلْتِ الْحُمْرُ. فَأَمَرَ مُنَادِيًا فَنَادَى فِي النَّاسِ إِنَّ اللَّهَ وَرَسُولَهُ يَنْهَيَاكُمْ عَنْ لُحُومِ الْحُمُرِ الْأَهْلِيَّةِ. فَأُكْفِنَتِ الْقُدُورُ، وَإِنَّهَا لَتَقُورُ بِاللَّحْمِ.

Narrated Anas bin Malik:

Someone came to Allah's Messenger (ﷺ) and said, "The donkeys have been eaten (by the Muslims)." The Prophet kept quiet. Then the man came again and said, "The donkeys have been eaten." The Prophet (ﷺ) kept quiet. The man came to him the third time and said, "The donkeys have been consumed." On that the Prophet (ﷺ) ordered an announcer to announce to the people, "Allah and His Apostle forbid you to eat the meat of donkeys." Then the cooking pots were upset while the meat was still boiling in them. (بخارس، محمد بن اسماعيل).

Muḥammad Ibn Ismā'īl Bukhārī and Muhammad Muhsin Khan, 1997)

This is referenced in Sahih al-Bukhari 4199 and the in-book reference is Book 64, Hadith 239. The USC-MSA web (English) reference is Volume. 5, Book 59, Hadith 511.

حَدَّثَنَا صَدَقَةُ، أَخْبَرَنَا عَبْدُهُ، عَنْ عَبْدِ اللَّهِ، عَنْ سَالِمٍ، وَنَافِعٍ، عَنِ ابْنِ عُمَرَ - رَضِيَ اللَّهُ عَنْهُمَا - نَهَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ لُحُومِ الْحُمُرِ الْأَهْلِيَّةِ يَوْمَ خَيْبَرَ

Narrated Ibn `Umar:

The Prophet (ﷺ) made the meat of donkeys unlawful on the day of the battle of Khaibar. (بخارس، محمد بن اسماعيل). Muḥammad Ibn Ismā'īl Bukhārī and Muhammad Muhsin Khan, 1997)

This report is found in Sahih al-Bukhari 5521. In-book reference is Book 72, Hadith 47 and the USC-MSA web (English) reference is Volume 7, Book 67, Hadith 430

أَخْبَرَنَا قُتَيْبَةُ، وَأَحْمَدُ بْنُ عَبْدِ، قَالَا حَدَّثَنَا حَمَّادٌ، عَنْ عَمْرِو، - وَهُوَ ابْنُ دِينَارٍ - عَنْ مُحَمَّدِ بْنِ عَلِيٍّ، عَنْ جَابِرٍ، قَالَ نَهَى - وَذَكَرَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَوْمَ خَيْبَرَ عَنْ لُحُومِ الْحُمُرِ وَأَذْنٍ فِي الْخَيْلِ .

It was narrated that Jabir said:

"On the Day of Khaibar, the Messenger of Allah forbade the flesh of donkeys but he permitted the flesh of horses." (Nasā'ī, 2006)

The report is cited in Sunan an-Nasa'i 432. The in-book reference is Book 42, Hadith 65. The English translation of the report is Volume 5, Book 42, Hadith 4332.

There is a crucial pattern to pay attention to in order to decipher this matter.

All of these Companions of the Prophet mention the banning of donkey meat, but they miss out the prohibition of Mubah! Yet, when Zuhri narrates from Ali, we see that Ali adds the key detail of Mubah also being banned in Khyber. This raises a serious doubt, why is Zuhri the only one narrating that Mubah and donkey meat were both banned during Khyber, but other chains through other narrators attributed to other Sahaba only mention the ban on donkey meat? This proves that this report of Zuhri is shadhdh, anomalous and certainly an invention for a certain agenda.

When the Sahaba (ra) narrate the prohibition in Khyber, it is linked to the ban on donkey meat, but when Zuhri enters the chains, he claims that Imam Ali refuted Ibn Abbas by informing him that both donkey meat and Mubah were banned during

Khyber! Why are other Sahaba not also narrating this fundamental detail then?
Surely, the ban of Muthah is graver than the ban on donkey meat?

It is also ironic that the fabrication of Zuhri is attributed to Imam Ali out of all the Companions. The probable reason for this is because the Hashemites like Ibn Abbas were known for defending the two Muthahs, so Zuhri wanted to present a case where the head of the Hashemites and the source of the Shi'a (i.e. Imam Ali) correcting the learned Hashemite Sahabi Ibn Abbas about his verdict regarding the two Muthahs (Muthah marriage and Muthah of Hajj).

The Crimes of Ibn Shihab al-Zuhri

So, you may ask, who is Muhammad b. Muslim Ibn Shihab al-Zuhri? Dr Shahzad Saleem has written a very informative article with the necessary evidence to expose the weakness of al-Zuhri due to some severe crimes committed by him in Hadith transmission.

(<http://www.monthly-renaissance.com/issue/content.aspx?id=574>)

This early Hadith narrator from the Salaf is accused of major crimes in Hadith, such as Irsāl, Tadrīs, and Idrāj. Dr Saleem defines the definitions, when revealing the characteristics of al-Zuhri. The professor explains that Irsal is to attribute statements to the Messenger without mentioning the reference or chain of transmission. Tadrīs is to hide, conceal or distort the true source of information (i.e. the chain of transmission). And the most dangerous is Idraaj which is to add or mix one's words with the words of the Prophet of God.

For instance, when al-Zuhri narrates a Hadith of the Prophet, he interpolates the content by mixing his own words with the statement of the Messenger of God! Unfortunately, as a result of this, al-Zuhri was demanded by his contemporaries to differentiate his own words from the words of the Prophet when attempting to relay and disseminate Prophetic knowledge via Hadith.

(Sakhāwī, Fathu'l-Mughīṣ, vol. 1, [Beirut: Dāru'l Kutub al-'Ilmiyyah, 1996], p. 267-8)

Moreover, Ibn Rajab records the following view of Imam Bukhārī:

Zuhrī would narrate Ahādīth and on most occasions would insert sentences from his own self. Some of these would be Mursal and some of them would be his own. (Ibn Rajab, Fathu'l-Bārī, 1st ed., vol. 5, [Jaddah: Dār Ibn al-Jawzī, 1996], p. 286)

For instance, Dr Shahzad relates an instance where Rabī'ah says to Ibn Shihāb: "My situation is different from you. Whatever I say, I say it from my own self and you say it on the authority of the Prophet (sawa) and so you must be careful, and it is not befitting for a person to waste himself". (Bukhārī, Tacrīkhu'l-Kabīr, vol. 3, [Beirut: Dāru'l-Kutub al-'Ilmiyyah], pp. 286-7)

Likewise, Imam Shāf'ī, Dāra Qutnī and others have attributed the corrupt practice of Tadrīs to Ibn al-Shihab al-Zuhrī.

(Ibn Hajar, Tābaqātu'l-Mudallisīn, [Cairo: Maktabah Kulliyyāt al-Azhar], pps. 32-3)

Imam Dhahabī has reported the following words of Yahyā Ibn Sa'īd Qattān:

The Mursalāt of Zuhrī are the worst of all since he is a Hāfiz. Whenever he wants he can disclose the name of a person, and whenever he wants he can conceal his name. (Dhahabī, Sayar A'lām al-Nubalā, 8th ed., vol. 5, [Beirut: Mu'assasah al-Risālah, 1992], p. 338)

The crimes of al-Zuhri do not end, Dr Shahzad Saleem also relays the report narrated by Zarqani: "Sometimes, a group of people would present a Hadīth to him to corroborate something. So, at times, he would narrate from the whole group and sometimes from one person of that group. This would be according to the way he felt during the narration. Sometimes, he would insert the Hadīth narrated by one into that narrated by someone else as he has done so in the Hadīth of Ifk besides others. When he would feel lazy, he would narrate Mursal Ahādīth, and when he would be feeling fresh, he would narrate Muttasil ones. It is because of this that his companions differ a lot about him". (Zarqānī, Sharah Mu'attā, vol. 3, [Beirut, Dāru'l-Fikr], p. 377)

In fact the Egyptian jurist contemporary to Malik b. Anas of Madina debates Malik about this issue of Zuhri. In a letter to Imam Mālik, Imam Layth Ibn Sa'ad writes:

When we would meet Ibn Shihāb, there would arise a difference of opinion in many issues. When any one of us would ask him in writing about some issue, he, **in spite of being so learned, would give three very different answers, and he would not even be aware of what he had already said. It is because of this that I have left him** – something which you did not like. (Ibn Qayyim, I'lāmu'l Mūwaqqi'īn, vol. 3, [Beirut: Dāru'l-Jayl], p. 85)

(The work of Shahzad Saleem is here

<http://www.monthly-renaissance.com/issue/content.aspx?id=574>)

The Imam of Egypt, Layth b. Sa'ad refutes the blunders and crimes of Zuhri without any filter, so why do students of knowledge still blindly trust this man without investigation? I thank Dr Shahzad Saleem for this informative article about the blunders of Zuhri, this way he was able to clarify why students of knowledge should be sceptical of his narrations and evidently we have seen from the content he relays, there are contradictions and discrepancies.

To conclude about Zuhri's trustworthiness and reliability in Hadith, it is safe to confidently say from the collective evidence that he is unreliable at best and a liar at worst. Yet, despite these clear crimes because the hadith sciences are man made and fallible, they managed to accept him as reliable due to his importance and high rank. They accepted him due to him being one of the main Hadith narrators from the period of the Salaf, so in spite of these crimes, people accepted his chained traditions due to how important he was amongst the elite. Moreover, his closeness to the tyrannical Umayyad dynasty is also a good indicator of his untrustworthiness.

It is very strange and suspicious that without even one exception of the reports of Imam Ali narrating the prohibition of Mut'ah during Khyber go through the infamous mudallis, mudrij al-Zuhri. Likewise, the reports attributed to Sabura al-Juhhani in relation to the abrogation or the tahreem (Haram) of Mut'ah also go through Zuhri.

Whereas the reports of al-Juhanni without Zuhri in the chain are not very clear that it is made Haram. For example, it is possible to read that Mut'ah was not prohibited or abrogated but temporarily restricted or a Companion was told to separate from his temporary partner, for whatever reason. The reports without Zuhri in the chain do not

necessitate that Mutah was banned forever. Yet, the wording about the same companion (Al-Juhanni) about the same topic of Mutah differs when Zuhri appears in the chain. Naturally, this is also suspicious because the abrogation of the legality of Mut'ah marriage is confined to this mudallis dangerous Hadith narrator, al-Zuhri.

This narration in Sunan Abi Dawud is essential to reach the subtle problems of the reports that prohibit Mutah.

حَدَّثَنَا مُسَدَّدُ بْنُ مُسْرَهْدٍ، حَدَّثَنَا عَبْدُ الْوَارِثِ، عَنْ إِسْمَاعِيلَ بْنِ أُمَيَّةَ، عَنِ الزُّهْرِيِّ، قَالَ كُنَّا عِنْدَ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ
فَتَذَاكُرْنَا مُتْعَةَ النِّسَاءِ فَقَالَ لَهُ رَجُلٌ يُقَالُ لَهُ رَبِيعُ بْنُ سَبْرَةَ أَشْهَدُ عَلَى أَبِي أَنَّهُ حَدَّثَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى
عَنْهَا فِي حَجَّةِ الْوَدَاعِ .

Al-Zuhri said **“we were with ‘Umar bin ‘Abd Al Aziz, there we discussed temporary marriage. A man called Rabi bin Saburah said “I bear witness that my father told me that the Apostle of Allah(ﷺ) had prohibited it at the Farewell Pilgrimage.”** (Abu Dawud, 2000)

The reference is in Sunan Abi Dawud 2072, the in-book reference is Book 12, Hadith 27. The English translation of the narration is Book 11, Hadith 2067.

This report is profound and I will elaborate on its relevance for this nuanced discussion. Firstly, there is another discrepancy regarding the date or event of the prohibition of Mutah. Secondly, everyone agrees that the marriage known as Mut'ah was actually permitted at one time, even those who believe in its abrogation admit this truth. Now since this is the case, it is strange that this agreed upon practice was apparently abrogated and the news of its abrogation was solely transmitted by the distorter and mudrij al-Zuhri.

We know that Ibn Shihab al-Zuhri is not reliable and he was strongly pushing for the impermissibility and abrogation of temporary marriage. Ironically, the second main narrator that informs us of the impermissibility and abrogation of Mut'ah is the son of the Sahabi Sabura al-Juhanni and his name was Rabi' b. Saburah al-Juhanni who relates from his father in the presence of Caliph Omar II and Zuhri that Nikah al-Mut'ah was prohibited by the Prophet Muhammad (sawa).

When Zuhri appears in the Chain of Hadith!

Interestingly, the reports of Rabi' b. Saburah al-Juhanni regarding Mut'ah makes it seem that it was restricted for a particular reason or that the Prophet commanded the Sahabi Saburah to leave the girl he temporarily married without mention of the abrogation of Mutah marriage. The reports of Rabi' b. Sabura without Zuhri or Omar b. Abdulaziz in the chain do not say it was made haram with clear words, nor do they state that it was forbidden until Yawm al-Qiyamah.

However, when we see Zuhri narrating from Rabi' who narrated from his father Saburah al-Juhanni the Sahabi, then we see the wording of haram for Mut'ah being forbidden until Qiyamah inserted.

So the question arises, why are all the Hadiths about Imam Ali saying donkey meat and Mut'ah being banned in Khyber solely transmitted by Ibn Shihab al-Zuhri? Why do other Sahaba relate that donkey was forbidden in Khyber, but they omit the key information about Mutah being forbidden? Why are the narrations of Sabura al-Juhanni relaying the abrogation and tahreem of Mutah solely transmitted by Zuhri, whilst the same topic, the same incident, the same narrator without Zuhri does not use the term haram or forbidden until Qiyamah when Zuhri is absent from the chain?

So, the question arises for the Usuli scholars of reason and evidence, can something established by certainty be overridden by doubtful speculative information full of discrepancies?

The reason why I argue this is because it is mass transmitted that Nikah al-Mut'ah was permitted by Allah and His Messenger but it is only Zuhri, it is a single individual who is claiming that this law of Allah is abrogated

When Allah according to Sharia law teaches us to establish a crime case of fornication, we are obliged to bring four just witnesses to prove the claim. Whereas in this case when proving the impermissibility and nullification of a ruling Allah legislated we are only confined to a single man, who is not even reliable? Reliability aside, this man has so many blunders and crimes that we cannot even trust him.

If we were to allow the opposing side to use the reports of Sabura al-Juhanni in addition to Zuhri's narrations to prove the abrogation of Mut'ah, the same dilemma arises again! Does doubt override certain definitive knowledge? How can something that is permitted by Allah, testified by mass transmission be over-ridden by one, two or three individuals? This is especially relevant since Saburah was not even from the senior Sahaba, he was not from the knowledgeable who relayed knowledge and information such as Imam Ali, Ibn Masoud, or Ibn Abbas.

To add to this, Hadith works with chains, so it is not only Rabi' or Sabura disseminating the information, but there are other men in the chain who we need to trust. How can we favour the reports of a couple of individuals who may be liars or mistaken over a matter that is mass transmitted and advocated by more knowledgeable companions like Ibn Abbas and even other prominent Sahaba who defended the permissibility of Mutah after the demise of the blessed Messenger (sawa)?

So, most likely, after Zuhri fabricated the report that Imam Ali claimed the abrogation of Mut'ah alongside the Umayyad Caliph Omar b. Abdul-Aziz, they brought the son of Sabura al-Juhanni, who is Rabi' b. Sabura al-Juhanni as secondary, subsidiary, corroborative support. Once again, the problem is that when Zuhri is absent from the chain of Hadith of Rabi' b. Saburah al-Juhanni, it seems that Mut'ah was merely restricted, stopped, or the individual Sabura al-Juhanni was merely commanded by the Prophet to separate from that particular woman he temporarily married. However, those reports without Zuhri in the chain do not explicitly show the Prophet (sawa) forbidding or abrogating the practice of Mut'ah. Once again, when Zuhri is included in the chain of the same Hadith, the wording of the content changes to a clear cut Haram and abrogation until Yawm al-Qiyamah.

This is crucial to reach the truth because the implication is that after Zuhri witnessed the testimony of Rabi' b. Saburah, he most likely added his own addition to the text, similar to how he used to add and mix his own words with the Prophetic words (Hadith).

The Relation of Omar b. Abdul-Aziz and al-Zuhri

Many will probably attempt to contend against the assertion that all the hadiths regarding the prohibition and abrogation of Mut'ah do not only go through Zuhri by bringing the main report used to prove the impermissibility of Mut'ah.

وَحَدَّثَنِي سَلَمَةُ بْنُ شَبِيبٍ، حَدَّثَنَا الْحَسَنُ بْنُ أَعْيَنَ، حَدَّثَنَا مَعْقِلٌ، عَنِ ابْنِ أَبِي عَبْلَةَ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، قَالَ حَدَّثَنَا الرَّبِيعُ بْنُ سَبْرَةَ الْجُهَنِيُّ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنِ الْمُتْعَةِ وَقَالَ " أَلَا إِنَّهَا حَرَامٌ مِنْ يَوْمِكُمْ هَذَا " إِلَى يَوْمِ الْقِيَامَةِ وَمَنْ كَانَ أَعْطَى شَيْئًا فَلَا يَأْخُذْهُ

Sabra al-Juhanni reported on the authority of his father:

Allah's Messenger (ﷺ) prohibited the contracting of temporary marriage and said: Behold, it is forbidden from this very day of yours to the Day of Resurrection, and he who has given something (as a dower) should not take it back. (ibn al-Hajjāj al-Qushayrī)

Sahih Muslim 1406I, Book 16, Hadith 33, USC-MSA web (English) reference is Book 8, Hadith 3262.

In this chain of transmission, Zuhri is not mentioned and we see that Mut'ah is apparently abrogated and forbidden until Judgement Day according to the same narrator Rabi' b. Sabura al-Juhanni. This is the main proof that they will try to use to claim that Mutah is impermissible regardless of Zuhri. However, there is a hidden defect in this chain, Zuhri is not completely absent.

The hidden defect of this chain that is missed by the advocates of the abrogation of Mut'ah is that the Umayyad ruler, Omar b. Abdul-Aziz is mentioned in the chain of transmission. This is an issue because this chain is not independent from Zuhri and this report is the indicator of this.

حَدَّثَنَا مُسَدَّدُ بْنُ مُسْرَهْدٍ، حَدَّثَنَا عَبْدُ الْوَارِثِ، عَنْ إِسْمَاعِيلَ بْنِ أُمَيَّةَ، عَنِ الزُّهْرِيِّ، قَالَ كُنَّا عِنْدَ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ فَتَذَاكُرْنَا مُتْعَةَ النِّسَاءِ فَقَالَ لَهُ رَجُلٌ يُقَالُ لَهُ رَبِيعُ بْنُ سَبْرَةَ أَشْهَدُ عَلَى أَبِي أَنَّهُ حَدَّثَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْهَا فِي حَجَّةِ الْوَدَاعِ .

Al-Zuhri said “we were with ‘Umar bin ‘Abd Al Aziz, there we discussed temporary marriage. A man called Rabi bin Saburah said “I bear witness that

my father told me that the Apostle of Allah (ﷺ) had prohibited it at the Farewell Pilgrimage.” (Abu Dawud, 2000)

The reference is Sunan Abi Dawud 2072, in-book reference is Book 12, Hadith 27 and the English translation is Book 11, Hadith 2067.

In this report we find that Rabi' was narrating from his father Sabura al-Juhani about the history of Mut'ah whilst both Zuhri and Omar b. Abdulaziz were present together!

The implication of this is that since Omar b. Abdulaziz also witnessed the account of Rabi' b. Saburah alongside Zuhri in regards to Sabura's Mut'ah incident, then the main Hadith used without Zuhri in the chain is not completely free from Zuhri because Omar II is linked to Zuhri and they were together when being informed about the report of Rabi' b. Sabura about the Mutah incident of his father.

Since this is the case, then there is a high possibility that Omar II might have omitted the name of Zuhri in the chain of the fabricated version of the report because he and Zuhri witnessed the testimony of Rabi' b. Sabura about his father Sabura al-Juhanni together. The reason why suspicion is raised is because the report of Omar b. Abdulaziz mentions an additional detail of Tahreem and abrogation similar to the other reports of Saburah transmitted by Zuhri. Yet, when Zuhri and Omar II are absent from the chains of al-Juhanni, the word Haram is not mentioned for Mut'ah.

If we add Zuhri's anomalous additions to the Khyber incident of the ban of donkey meat, this strengthens the case against the banning of Mutah even more. In truth, we did not cite the reports of other Sahaba about Mutah yet, which will clarify the situation further.

Nonetheless, even if for argument's sake, Omar b. Abdulaziz independently witnessed the testimony of Rabi' b. Saburah al-Juhanni that Mut'a was made haram by the Prophet. This would not be sufficient to prove Mut'ah marriage's abrogation because the permissibility of Mut'ah was mass transmitted and the Usuli principle is that certainty established by mass transmission cannot be removed by doubt spewed by speculative indicators.

So, how can the testimony or testimonies of Ibn Shihab al-Zuhri the mudrij, Umayyad Caliph Omar II and one or two more people be sufficient to prove the abrogation of a clear matter that is established as Halal by the Quran and the Sunnah attested by more senior Companions and scholars? This conflates with the established Usuli principle extracted by the Qur'an and Sunna that teaches us to not abandon that which is established over that which is speculative. **وَإِنْ تُطِيعُوا أَكْثَرَ مَنْ فِي الْأَرْضِ خَلَوْا عَنْ سَبِيلِ اللَّهِ ۚ إِنْ يَتَّبِعُونَ إِلَّا الظَّنَّ وَإِنْ هُمْ إِلَّا يَخْرُصُونَ**

And if you obey most of those on earth, they will misguide you from the way of Allah . They follow not except conjecture/speculation (dhann), and they are not but falsifying. (Surah 6:116)

Ibn Abbas fought for the permissibility of Mut'ah

The biggest obstacle for those arguing for the abrogation of Mutah based on these weak reports wrongfully attributed to the Prophet of God is the fact that key figures like Abdullah b. Abbas al-Hashimi and other prominent Companions defended the continuity of Mutah after the demise of the noble Prophet (sawa). In fact, these Sahaba blamed others for its ban!

By bringing detailed reports from other prominent Sahaba, we will God-willing establish this fact. There are two reasons why I began this work with the narrations pertaining to Ali b. Ali Talib's allegedly saying that Mut'ah was prohibited during Khyber. The first reason is because the main proponents of the permissibility of Mut'ah are the Imami Shi'a who narrate from the Imams of Ahlul bayt like Ja'far b. Muhammad al-Sadiq who upheld that the elders of Ahlulbayt like Imam Ali taught the permissibility of Mut'ah.

The second reason why I mentioned Imam Ali's narration about the abrogation of Mut'ah was because according to these reports Imam Ali was supposedly criticising his younger paternal cousin and student Ibn Abbas al-Hashimi about the abrogation of Mut'ah because Ibn Abbas was giving verdicts of its permissibility and continuity.

As mentioned before, this report attributed to Imam Ali doesn't make sense because how did Ibn Abbas, the learned Companion of the Messenger come to know about

Nikah al-Mut'ah without learning about its essential detail of abrogation, if it was actually abrogated? Secondly, how did Ibn Abbas' senior teacher and cousin, the great Companion of the Messenger of God, Imam Ali b. Abi Talib al-Hashimi not inform his younger cousin about the prohibition of Mut'ah before he was knowledgeable enough to give verdicts publicly?

It is intriguing to see that those who opposed Mut'ah fabricated a Hadith attributing it to Imam Ali in order to correct Ibn Abbas because historically Ibn Abbas was the main Sahabi fighting for the permissibility of Mut'ah against other prominent people. Now we will reveal these reports that are either hidden or distorted by the opponents about the cry of Ibn Abbas.

حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ، حَدَّثَنَا غُنْدَرٌ، حَدَّثَنَا شُعْبَةُ، عَنْ أَبِي جَمْرَةَ، قَالَ سَمِعْتُ ابْنَ عَبَّاسٍ، سُئِلَ عَنْ مُتْعَةِ النِّسَاءِ، فَرَخَّصَ فَقَالَ لَهُ مَوْلَى لَهُ إِنَّمَا ذَلِكَ فِي الْحَالِ الشَّدِيدِ وَفِي النِّسَاءِ قِلَّةٌ أَوْ نَحْوُهُ. فَقَالَ ابْنُ عَبَّاسٍ نَعَمْ.

Narrated Abu Jamra:

I heard Ibn `Abbas (giving a verdict) when he was asked about the Mut'a with the women, and he permitted it (Nikah-al-Mut'a). On that a freed slave of his said to him, "That is only when it is very badly needed and women are scarce." On that, Ibn `Abbas said, "Yes." (al-Bukhari)

The reference for this report is Sahih al-Bukhari 5116. The In-book reference is Book 67, Hadith 53. The USC-MSA web (English) reference is Volume 7, Book 62, Hadith 51.

The first question that is raised is, why would Mut'ah be encouraged when women are scarce? Since Ibn Abbas said Mutah is halal, it is likely that this was mentioned as an excuse to justify Ibn Abbas' unique verdict. This becomes clearer when we see the views of other Sahaba and other scholars who are the students of Ibn Abbas.

عبد الرزاق عن ابن جريج قال: أخبرني عبد الله بن عثمان بن خثيم قال: كانت بمكة امرأة عراقية تنسك جميلة، لها ابن يقال له أبو أمية، وكان سعد بن جبير يكثر الدخول عليها، قلت: يا أبا عبد الله ما أكثر ما تدخل على هذه المرأة، قال: إنا قد نكحناها ذلك النكاح – للمتعة – قال: وأخبرني أن سعيد قال له: هي أحل من شرب الماء – للمتعة.

Abdullah bin Uthman bin Khaytham said :

“There was a pious, beautiful Iraqi woman in Mecca. She had a son called Abu Umayyah; and Saeed bin Jubayr used to enter upon her a lot.

I said: O Abu 'Abd Allah! Why do you frequently enter upon this woman?

He said, "We have married her in that marriage", referring to Mutah.

He (Ibn Jurayj) said: He (Abdullah) informed me that Saeed said to him:

"IT IS MORE HALAL THAN THE DRINKING OF WATER (i.e. Mut'ah) (Ibn al-Jubayr)

The reference of this report is seen in Tafsir Saeed bin Jubayr, Collected by Dr. Ahmad AlEmrani. It is found in Volume 6, Page 100, Hadith 511 and published by Edn. Dar Salam Cairo.

Who was the man who banned Mu'tah?

Another question is raised, if Sahaba like Ibn Abbas advocated for the continuity of Mutah then why did so many people claim that it was haram? The answer is that someone else banned it and that was the Second Caliph Omar b. al-Khattab.

أَخْبَرَنَا مُحَمَّدُ بْنُ عَلِيٍّ بْنِ الْحَسَنِ بْنِ شَقِيقٍ، قَالَ أَنْبَأَنَا أَبِي قَالَ، أَنْبَأَنَا أَبُو حَمْرَةَ، عَنْ مُطَرِّفٍ، عَنْ سَلَمَةَ بْنِ كُهَيْلٍ، عَنْ طَاوُسٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ سَمِعْتُ عُمَرَ، يَقُولُ وَاللَّهِ إِنِّي لَأَنْهَأُكُمْ عَنِ الْمُتْعَةِ، وَإِنَّهَا، لَفِي كِتَابِ اللَّهِ وَلَقَدْ فَعَلَهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَغْنِي الْعُمْرَةَ فِي الْحَجِّ

It was narrated that Ibn 'Abbas said:

"I heard 'Umar say" 'By Allah, I forbid you to perform Tamattu,' but it is mentioned in the Book of Allah and the Messenger of Allah did it" meaning 'Umrah with Hajj. (Nasā'ī, 2006)

The report is in Sunan an-Nasa'i 2736, the in-book reference is Book 24, Hadith 118 and the English translation is Volume 3, Book 24, Hadith 2737.

The grading of this report is Sahih but they have interpolated with the content of the Hadith to escape from the true implication. To avoid the consequences of the text, they have written next to the actual Hadith Matn (content) that this is referring to another type of Mutah, namely the Mutah of Hajj (joining together Umrah and Hajj).

The truth is that this is actually referring to the Mutah of women (i.e. Mutah marriage), but they do not want to admit that someone knowledgeable as Ibn Abbas defended Mutah marriage against the Caliph Omar b. al-Khattab because they

accuse the Rafida of committing zina (fornication) due to the Shi'a Imami Ja'fari school affirming the use of Mutah marriage.

وَحَدَّثَنِي عَنْ مَالِكٍ، عَنْ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، أَنَّ خَوْلَةَ بِنْتَ حَكِيمٍ، دَخَلَتْ عَلَى عُمَرَ بْنِ الْخَطَّابِ فَقَالَتْ إِنَّ رَبِيعَةَ بِنَ أُمَيَّةَ اسْتَمْتَعَ بِأَمْرَأَةٍ فَحَمَلَتْ مِنْهُ . فَخَرَجَ عُمَرُ بْنُ الْخَطَّابِ فَرَعَا يَجُرُّ رِدَاءَهُ فَقَالَ هَذِهِ الْمُتْعَةُ وَلَوْ كُنْتُ تَقَدَّمْتُ فِيهَا لَرَجَمْتُ

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 is pregnant by him." Umar ibn al-Khattab went out in dismay dragging his cloak, saying, "This temporary marriage, had I come across it, I would have ordered stoning and done away with it! " (Ibn Anas, 1972) This Hadith is referenced in the Muwatta of Malik, Book 28, Hadith 42 and the Arabic reference is Book 28, Hadith 1137.

Jabir b. Abdullah al-Ansari's view on Mut'ah

حَدَّثَنِي مُحَمَّدُ بْنُ رَافِعٍ، حَدَّثَنَا عَبْدُ الرَّزَّاقِ، أَخْبَرَنَا ابْنُ جُرَيْجٍ، أَخْبَرَنِي أَبُو الزُّبَيْرِ، قَالَ سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللَّهِ، يَقُولُ كُنَّا نَسْتَمْتِعُ بِالْقُبْصَةِ مِنَ التَّمْرِ وَالذَّقِيقِ الْإِيَّامَ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَبِي بَكْرٍ حَتَّى نَهَى عَنْهُ عُمَرُ فِي شَأْنِ عُمَرُ بْنُ حُرَيْثٍ .

Jabir b. 'Abdullah reported: **We contracted temporary marriage giving a handful of (tales or flour as a dower during the lifetime of Allah's Messenger (ﷺ) and during the time of Abu Bakr until 'Umar forbade it in the case of 'Amr b.**

Huraith. (ibn al-Hajjāj al-Qushayrī)

Sahih Muslim 1405d, in-book reference Book 16, Hadith 19 and USC-MSA web (English) reference is Book 8, Hadith 3249.

In this narration, we see another prominent companion of the Prophet Muhammad (sawa) permitting Mutah marriage and that is Jabir b. Abdullah al-Ansari. It will be shocking for many to read that he openly narrated that it was Caliph Omar who forbade Mutah from being practiced and that Mutah marriage was even continued during the Caliphate of Abu Bakr. In turn, this statement unfolds that Jabir al-Ansari did not acknowledge the abrogation of Mutah by the Messenger of God which renders those reports as null and fabricated.

وَحَدَّثَنَا الْحَسَنُ الْحُلَوَانِيُّ، حَدَّثَنَا عَبْدُ الرَّزَّاقِ، أَخْبَرَنَا ابْنُ جُرَيْجٍ، قَالَ قَالَ عَطَاءٌ قَدِيمَ جَابِرُ بْنُ عَبْدِ اللَّهِ مُعْتَمِرًا فَجِئْنَاهُ فِي مَنْزِلِهِ فَسَأَلَهُ الْقَوْمُ عَنْ أَشْيَاءَ ثُمَّ ذَكَرُوا الْمُنْعَةَ فَقَالَ نَعَمْ اسْتَمْتَعْنَا عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَبِي بَكْرٍ وَعُمَرُ
Ibn Juraij 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 Prophet (ﷺ) and during the time of Abu Bakr and 'Umar. (ibn al-Ḥajjāj al-Qushayrī)

Reference is Sahih Muslim 1405c, the in-book reference is Book 16, Hadith 18 and the USC-MSA web (English) reference is Book 8, Hadith 3248.

Once again, we see that the Sahabi Jabir b. Abdullah acknowledged that Mutah was halal and that it was indeed Caliph Omar that forbade the people from practicing it. It is relevant to note that the famous Meccan jurist and scholar Ibn Jurayj who is relaying this narration is an important scholar from the school of Ibn Abbas that emphasised on the permissibility of Mut'ah marriage as well. This scholar is another proof that the majority attempted to interpolate the views of Ibn Abbas regarding Mutah but the truth is that Ibn Abbas defended it vehemently as we will demonstrate. Although they try to misinterpret the view of Ibn Abbas, he never retracted from the permissibility of Mutah. As seen, his students and scholars who came from his school of thought upheld its permissibility as well.

حَدَّثَنِي حَامِدُ بْنُ عُمَرَ الْبُكَرَاوِيُّ، حَدَّثَنَا عَبْدُ الْوَاحِدِ، عَنْ عَاصِمٍ، عَنْ أَبِي نَضْرَةَ، قَالَ كُنْتُ عِنْدَ جَابِرِ بْنِ عَبْدِ اللَّهِ فَأَتَاهُ آتٍ فَقَالَ إِنَّ ابْنَ عَبَّاسٍ وَابْنَ الزُّبَيْرِ اخْتَلَفَا فِي الْمُنْعَتَيْنِ فَقَالَ جَابِرٌ فَعَلْنَا هُمَا مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ثُمَّ نَهَانَا عَنْهُمَا عُمَرُ فَلَمْ نَعُدْ لَهُمَا .

Abd Nadra reported: **While I was in the company of Jabir, a person came and said: There is difference of opinion among Ibn Abbas and Ibn Zubair about two Mut'as (benefits, Tamattu in Hajj and temporary marriage with women), whereupon Jabir said: We have been doing this during the lifetime of Allah's Messenger (way peace be upon him), and then 'Umar forbade us to do so, and we never resorted to them. (ibn al-Ḥajjāj al-Qushayrī)**

The reference is Sahih Muslim 1249 and the in-book reference is Book 15, Hadith 233. The USC-MSA web (English) reference is Book 7, Hadith 2874.

حَدَّثَنَا بِهِزُّ، قَالَ وَحَدَّثَنَا عَفَّانُ، قَالَ حَدَّثَنَا هَمَّامٌ، حَدَّثَنَا قَتَادَةُ، عَنْ أَبِي نَضْرَةَ، قَالَ قُلْتُ لِجَابِرِ بْنِ عَبْدِ اللَّهِ إِنَّ ابْنَ الزُّبَيْرِ رَضِيَ اللَّهُ عَنْهُ يَنْهَى عَنِ الْمُتْعَةِ، وَإِنَّ ابْنَ عَبَّاسٍ يَأْمُرُ بِهَا قَالَ لِي عَلَى يَدَي جَرَى الْحَدِيثُ تَمَتُّعًا مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ عَفَّانُ وَمَعَ أَبِي بَكْرٍ فَلَمَّا وَلِيَ عُمَرُ رَضِيَ اللَّهُ عَنْهُ خَطَبَ النَّاسَ فَقَالَ إِنَّ الْقُرْآنَ هُوَ الْقُرْآنُ وَإِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ هُوَ الرَّسُولُ وَإِنَّمَا كَانَتَا مُتْعَتَانِ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِخْدَاهُمَا مُتْعَةُ الْحَجِّ وَالْأُخْرَى مُتْعَةُ النِّسَاءِ

It was narrated that Abu Nadrah said:

I said to Jabir bin ‘Abdullah: Ibn az-Zubair (رضي الله عنه) forbids tamattu` (in hajj) and Ibn `Abbas enjoins it. He said to me: I knew about this issue. We did tamattu` with the Messenger of Allah (ﷺ) - `Affan said: And with Abu Bakr - then when `Umar (رضي الله عنه) became Caliph, he addressed the people and said: The Qur`an is still the Qur`an and the Messenger of Allah (ﷺ) is the Messenger. There were two mut`ahs at the time of the Messenger of Allah (ﷺ): one of them was the mut`ah of Hajj (i.e., tannaftit`) and the other was mut`ah with women. (Ibn Hanbal & al-Arna`ut, 1999)

This is found in Musnad Ahmad 369, the in-book reference is Book 2, Hadith 271.

Once again they are misrepresenting the text by adding “in Hajj” in brackets to allude it to the Mutah of Hajj. The truth is that this was referring to both Mutahs, the Mutah of Hajj and the Mutah of marriage. As seen, it was Omar b. al-Khattab who banned the practice of both of the Mutahs.

Ibn Zubair threatens Ibn Abbas about Mut’ah

As mentioned earlier, we will return back to the difference between Abdullah b.

Abbas and Abdullah b. Zubair.

حَدَّثَنَا مُحَمَّدُ بْنُ حَاتِمٍ، حَدَّثَنَا رَوْحُ بْنُ عُبَادَةَ، حَدَّثَنَا شُعْبَةُ، عَنْ مُسْلِمِ الْقُرَّيِّ، قَالَ سَأَلْتُ ابْنَ عَبَّاسٍ - رَضِيَ اللَّهُ عَنْهُمَا - عَنْ مُتْعَةِ الْحَجِّ، فَرَخَّصَ فِيهَا وَكَانَ ابْنُ الزُّبَيْرِ يَنْهَى عَنْهَا فَقَالَ هَذِهِ أُمُّ ابْنِ الزُّبَيْرِ تُحَدِّثُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَخَّصَ فِيهَا فَأَدْخُلُوا عَلَيْهَا فَاسْأَلُوهَا قَالَ فَدَخَلْنَا عَلَيْهَا فَإِذَا امْرَأَةٌ ضَخْمَةٌ عَمِيَاءُ فَقَالَتْ قَدْ رَخَّصَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِيهَا .

Muslim al-Qurri reported:

I asked Ibn Abbas (Allah be pleased with them) about Tamattu' in Hajj and he permitted it, whereas Ibn Zubair had forbidden it. He (Ibn 'Abbas) said: This is the mother of Ibn Zubair who states that Allah's Messenger (ﷺ) had

permitted it, so you better go to her and ask her about it. He (Muslim al-Qurri said): So we went to her and she was a bulky blind lady and she said: Verily Allah's Messenger (ﷺ) permitted it. (ibn al-Hajjāj al-Qushayrī)

Reference of the report is Sahih Muslim 1238a. The in-book reference is Book 15, Hadith 213. The USC-MSA web (English) reference is Book 7, Hadith 2854.

Although this version of the debate between Ibn Abbas and Ibn Zubair is confined to the issue of Mutah of Hajj, we do know that the actual argument was about the Mutah of marriage as well and we will prove this controversial historical incident.

The proof that the main debate is about the Mut'ah of women instead of the Mut'ah of Hajj is that when they go to ask Asma bint Abi Bakr, the mother of Abdullah b. Zubair about Mutah marriage, this is the response:

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

Abu Dawood Al-Tayaalsi

“We came to Asma Bint Abu Bakr and asked her about Mut’ah of women. She said: ‘We performed this during the lifetime of Rasulullah” (ﷺ). (أبو داود الطيالسي (2004)

As seen, the controversy was about Nikah al-Mut’ah and the tension between the opposing parties was severe. The significance of this incidence is to such an extent that threats are mentioned in it due to the controversial debate of Mutah marriage between the Hashemites (i.e. Ibn Abbas) and the rest. Without a doubt, this incident is the reason why we assertively contend that Ibn Abbas was one of the biggest defenders of Mutah against those who tried to prohibit this Halal marriage.

وَحَدَّثَنِي حَرَمَلَةُ بْنُ يَحْيَى، أَخْبَرَنَا ابْنُ وَهْبٍ، أَخْبَرَنِي يُونُسُ، قَالَ ابْنُ شِهَابٍ أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ، أَنَّ عَبْدَ اللَّهِ بْنَ الزُّبَيْرِ، قَامَ بِمَكَّةَ فَقَالَ إِنَّ نَاسًا - أَعْمَى اللَّهُ قُلُوبَهُمْ كَمَا أَعْمَى أَبْصَارَهُمْ - يُفْتَنُونَ بِالْمُتْعَةِ - يُعْرِضُونَ بِرَجُلٍ - فَقَادَاهُ فَقَالَ إِنَّكَ لَجِلْفٌ جَافٍ فَلَعَمْرِي لَقَدْ كَانَتْ الْمُتْعَةُ تُفْعَلُ عَلَى عَهْدِ إِمَامِ الْمُتَّقِينَ - يُرِيدُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ لَهُ ابْنُ الزُّبَيْرِ فَجَرَّبَ بِنَفْسِكَ فَوَاللَّهِ لَئِنْ فَعَلْتَهَا لَأَرْجُمَنَّكَ بِأَحْجَارِكَ . قَالَ ابْنُ شِهَابٍ فَأَخْبَرَنِي خَالِدُ بْنُ الْمُهَاجِرِ بْنِ سَيْفٍ أَنَّ اللَّهَ أَنَّهُ بَيْنَمَا هُوَ جَالِسٌ عِنْدَ رَجُلٍ جَاءَهُ رَجُلٌ فَاسْتَفْتَاهُ فِي الْمُتْعَةِ فَأَمَرَهُ بِهَا فَقَالَ لَهُ ابْنُ أَبِي عَمْرَةَ الْأَنْصَارِيُّ مَهْلًا . قَالَ مَا هِيَ وَاللَّهِ لَقَدْ فُعِلَتْ فِي عَهْدِ إِمَامِ الْمُتَّقِينَ . قَالَ ابْنُ أَبِي عَمْرَةَ إِنَّهَا كَانَتْ رُخْصَةً فِي أَوَّلِ الْإِسْلَامِ لِمَنْ اضْطُرَّ إِلَيْهَا كَالْمَيْتَةِ وَالْدِّمِ وَلَحْمِ الْخَنْزِيرِ ثُمَّ أَحْكَمَ اللَّهُ الدِّينَ وَنَهَى عَنْهَا . قَالَ ابْنُ شِهَابٍ وَأَخْبَرَنِي رَبِيعُ بْنُ سَبْرَةَ الْجُهَنِيُّ أَنَّ أَبَاهُ قَالَ قَدْ كُنْتُ اسْتَمْتَعْتُ فِي

عَهْدَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ امْرَأَةً مِنْ بَنِي عَامِرٍ بِبُرْدَيْنِ أَحْمَرَيْنِ ثُمَّ نَهَانَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الْمُنْعَةِ . قَالَ ابْنُ شِهَابٍ وَسَمِعْتُ رَبِيعَ بْنَ سَبْرَةَ يُحَدِّثُ ذَلِكَ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ وَأَنَا جَالِسٌ .

'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.

Ibn Shihab said. Khalid b. Muhajir b. Saifullah informed me: While I was sitting in the company of a person, a person came to him and he asked for a religious verdict about Mut'a and he permitted him to do it. Ibn Abu 'Amrah al-Ansari (Allah be pleased with him) said to him: Be gentle. It was permitted in- the early days of Islam, (for one) who was driven to it under the stress of necessity just as (the eating of) carrion and the blood and flesh of swine and then Allah intensified (the commands of) His religion and prohibited it (altogether). Ibn Shihab reported: Rabi' b. Sabra told me that his father (Sabra) said: I contracted temporary marriage with a woman of Banu 'Amir for two cloaks during the lifetime of Allah's Messenger (ﷺ) ; then he forbade us to do Mut'a. **Ibn Shihab said: I heard Rabi' b. Sabra narrating it to Umar b. 'Abd al-'Aziz and I was sitting there.** (ibn al-Hajjāj al-Qushayrī)

The Reference is Sahih Muslim 1406k. In-book reference is Book 16, Hadith 32 and the USC-MSA web (English) reference is Book 8, Hadith 3261.

In this version, the true controversy is unveiled and that is the fact that Ibn Abbas was opposing the prohibition of Omar and those who blind followed him in relation to Mutah.

It is essential to distinguish the two different reports with two different chains in this same source, otherwise there will be confusion. In the first case, we see how severe the argument and disagreement of Ibn Abbas and Ibn Zubair is. It is severe to such an extent that they insult each other and Ibn Zubair the one who holds power threatens to stone Ibn Abbas due to his views of Mutah marriage. There is an

allusion to fornication when Ibn Zubair threatens to stone Ibn Abbas because there is a link between stoning and adultery and obviously Ibn Zubair perceives Mutah to be a sort of fornication, hence why he mentions stoning as a threat.

**“I am saying Allah and His Messenger said, you are saying
Abu Bakr and Omar said!”**

There is another layer to the argument about Mutah, to the extent that Ibn Abbas condemns his opponent by arguing “you are saying Abu Bakr and Omar said, when I am arguing that the Messenger of Allah said”. This is profound because as seen, Ibn Zubair is not arguing clearly that it was abrogated by the Prophet, whereas Ibn Abbas is proving from the Prophet (sawa) that Mutah was permitted and continued without any prohibition.

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”**. (Ibn Hanbal & al-Arna’ūt, 1999)

The Reference is Musnad Ahmad Ibn Hanbal, in Volume 5, Page 228.

As shown, we understand that Ibn Abbas completely permitted Mutah marriage and this bothered the majority who rejected Mutah like the Zubairids to such an extent that the Sunni majority forced to justify Ibn Abbas’ controversial stance on Mutah by falsely claiming that Ibn Abbas only allowed its practice in dire need and necessity like how carrion and swine are allowed during necessity but the truth is that the made analogy is ridiculous. This would render Mutah null, void and forbidden in essence and that Ibn Abbas only allowed it in extreme times. Yet, the question arises, why did Ibn Abbas defend it so strongly if Mutah was only to be used like carrion or swine?

The consumption of pork, blood and carrion are only allowed due to life and death and very severe circumstances, but Mutah is sexual intimacy, so how can sexual enjoyment be compared to an exceptional case of consuming swine due to fear of

death? To add to this, those who claim that Ibn Abbas only allowed it due to severe circumstances are the likes of Zuhri as we see from the narration above and we have proven the blunders and crimes of this narrator.

As mentioned before, it is relevant to note that when Omar b. Abdulziz was receiving the reports of Rabi' b. Sabura al-Juhanni, Ibn Shihab al-Zuhri was present in the gathering as well. Consequently, the Hadith that claims that Mutah was prohibited (Haram) forever by Saburah al-Juhanni includes Omar b. Abdulaziz in the chain of transmission. Although al-Zuhri is absent from this chain, he is still not completely excluded because this is not a chain completely independent from Zuhri due to Zuhri being present in the same gathering when the report of Rabi' was taught.

In addition to all of this, we can now see why Zuhri fabricated the report of Imam Ali supposedly correcting Ibn Abbas on the permissibility of Mut'ah because Zuhri and others couldn't deny the amount of historical reports of Ibn Abbas defending the permissibility of Mut'ah.

As a result, Zuhri responded to this historical reality by fabricating other narrations by other senior Sahaba like Imam Ali or he tried to distort Ibn Abbas' conception of Mut'ah by claiming that he only allowed its use during dire necessities like how carrion, blood and swine are permitted due to exceptional circumstances. The analogy given is flawed and the truth is clear from falsehood, the contradictions and discrepancies of what is attributed to the imams of guidance can easily be detected for those who pay attention to the details.

Other Sahaba (RA) allowed Mut'ah

Moreover, the other Sahaba like Jabir b. Abdullah al-Ansari and Imran b. Husain also unrestrictedly permitted the use of Mutah and acknowledged that it is completely halal.

حَدَّثَنَا مُسَدَّدٌ، حَدَّثَنَا يَحْيَى، عَنْ عِمْرَانَ أَبِي بَكْرٍ، حَدَّثَنَا أَبُو رَجَاءٍ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ - رَضِيَ اللَّهُ عَنْهُمَا - قَالَ أَنْزِلَتْ آيَةُ الْمُنْعَةِ فِي كِتَابِ اللَّهِ فَفَعَلْنَاهَا مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَلَمْ يُنْزَلْ قُرْآنٌ يُحَرِّمُهَا، وَلَمْ يَنْهَ عَنْهَا حَتَّى مَاتَ قَالَ رَجُلٌ بِرَأْيِهِ مَا شَاءَ.

Narrated `Imran bin Husain: **The Verse of Hajj-at-Tamatu was revealed in Allah's Book, so we performed it with Allah's Messenger (ﷺ), and nothing was revealed in Qur'an to make it illegal, nor did the Prophet (ﷺ) prohibit it till he died. But the man (who regarded it illegal) just expressed what his own mind suggested.** (al-Bukhari)

This is found in Sahih al-Bukhari 4518, the in-book reference is Book 65, Hadith 43. The USC-MSA web (English) reference of this narration is in Volume 6, Book 60, Hadith 43.

We bring another significant report which clarifies that Ibn Abbas was not alone and that other Sahaba like Imran b. Husain defended the permissibility of Mutah marriage. In fact, without explicitly mentioning the name of Caliph Omar, he indicates that someone else apart from Allah and His Messenger forbid the use of this Nikah. That is why he emphasises that the Book of Allah allowed it and nothing abrogated it apart from Omar forbidding it.

Distortions in the translations of Hadith!

However, the opponents of Mutah are so desperate to hide the truth that they distort the translations of the texts like how Zuhri interpolated texts. They translated the part of Imran b. Husain as “**the verse of Tamattu’ of Hajj**” but the truth is that the Arabic only says Mut’ah without using the word ‘Hajj’, which implies that the Mutah being referred to here is the Mutah of marriage. Even if this report is referring to the Mutah of Hajj, in actuality Omar b. al-Khattab banned both of the Mutahs which has led many Sahaba to argue against those who accepted the ban of the two Mutahs.

We will present the reports of the two noble Hashemite imams, Ali and Ibn Abbas arguing against Caliphs Omar and Uthman about the banning of the Mutah of Hajj.

أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ بْنُ عَبْدِ الرَّحْمَنِ، قَالَ حَدَّثَنَا سُفْيَانُ، عَنْ هِشَامِ بْنِ حُجَيْرٍ، عَنْ طَاوُسٍ، قَالَ قَالَ مُعَاوِيَةُ لِابْنِ عَبَّاسٍ أَعْلِمْتَ أَنِّي قَصَّرْتُ مِنْ رَأْسِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عِنْدَ الْمَرْوَةِ قَالَ لَا . يَقُولُ ابْنُ عَبَّاسٍ هَذَا مُعَاوِيَةُ يَنْهَى النَّاسَ عَنِ الْمُتْعَةِ وَقَدْ تَمَتَّعَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

It was narrated that Tawus said: "**Mu'awiyah said to Ibn 'Abbas: "do you know that I cut the hair of the Messenger of Allah at Al-Marwah?" He said: "No." Ibn**

'Abbas said: "This Mu'awiyah forbids the people to perform Tamattu' but the Prophet performed Tamattu'." (Nasā'ī, 2006)

This is found in Sunan an-Nasa'i 2737, the in-book reference is in Book 24, Hadith 119 and the English translation is found in Volume 3, Book 24, Hadith 2738.

In this report, Ibn Abbas is arguing with Mu'awiyah about the Mubah of Hajj because it is said that Muawiyah did not oppose the Mubah of marriage, so it is probably referring to the Mubah of Hajj also banned by Omar and continued by Uthman, Muawiyah and Abdullah b. Zubair.

Imam Ali arguing against Uthman about the Mut'ah of Hajj

حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ، حَدَّثَنَا غُنْدَرٌ، حَدَّثَنَا شُعْبَةُ، عَنِ الْحَكَمِ، عَنْ عَلِيِّ بْنِ حُسَيْنٍ، عَنْ مَرْوَانَ بْنِ الْحَكَمِ، قَالَ شَهِدْتُ عُثْمَانَ وَعَلِيًّا - رَضِيَ اللَّهُ عَنْهُمَا - وَعُثْمَانُ يُنْهَى عَنِ الْمُتْعَةِ وَأَنْ يُجْمَعَ بَيْنَهُمَا. فَلَمَّا رَأَى عَلِيٌّ، أَهْلًا بِهِمَا لَتَبِيكَ بِعُمْرَةٍ وَحَجَّةٍ قَالَ مَا كُنْتُ لِأَدْعَ سُنَّةَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لِقَوْلِ أَحَدٍ

Narrated Marwan bin Al-Hakam: **I saw `Uthman and `Ali. `Uthman used to forbid people to perform Hajj-at-Tamattu` and Hajj-al- Qiran (Hajj and `Umra together), and when `Ali saw (this act of `Uthman), he assumed Ihram for Hajj and `Umra together saying, "Labbaik for `Umra and Hajj," and said, "I will not leave the tradition of the Prophet (ﷺ) on the saying of somebody."** (al-Bukhari)

This report is found in Sahih al-Bukhari 1563 and the in-book reference is Book 25, Hadith 49 and the USC-MSA web (English) reference is Volume 2, Book 26, Hadith 634.

This is another great example of Imam Ali opposing Caliph Uthman for prohibiting the people from performing the Mubah of Hajj. In response, Ali rebels by asserting that this was forbidden by men, not by Allah and His Messenger. What this shows is that the banning of the two Mubahs (i.e. the Mubah of Hajj and marriage) are linked together and that the Hashemites fought for the permissibility of both of the Mubahs regardless of what Omar, Uthman and the Zubairids did or claimed.

Hence why they have falsely attributed a narration to the Sahabi Abu Dharr al-Ghifari about this subject

وَحَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ، حَدَّثَنَا جَرِيرٌ، عَنْ فَضِيلٍ، عَنْ زُبَيْدٍ، عَنْ إِبْرَاهِيمَ النَّيْمِيِّ، عَنْ أَبِيهِ، قَالَ قَالَ أَبُو ذَرٍّ رَضِيَ اللَّهُ عَنْهُ لَا تَصْلُحُ الْمُنْعَتَانِ إِلَّا لَنَا خَاصَّةً . يَعْنِي مُنْعَةَ النِّسَاءِ وَمُنْعَةَ الْحَجِّ .

Abu Dharr (Allah be pleased with him) said:

Two are the Mut'as which were not permissible but only for us, i. e. temporary marriage with women and Tamattu' in Hajj. (ibn al-Hajjāj al-Qushayrī)

The reference is Sahih Muslim 1224c, in-book reference is Book 15, Hadith 176. The USC-MSA web (English) reference of the narration is Book 7, Hadith 2819.

The Truth in contrast to this report was that both Mutahs were permissible for the whole Ummah as shown by the reports of Jabir, Ali and Ibn Abbas. More reports on Ali correcting Uthman b. Affan are as follows:

حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ، حَدَّثَنَا حَجَّاجُ بْنُ مُحَمَّدٍ الْأَعْمُورُ، عَنْ شُعْبَةَ، عَنْ عَمْرِو بْنِ مُرَّةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ اخْتَلَفَ عَلِيٌّ وَعُثْمَانُ - رَضِيَ اللَّهُ عَنْهُمَا - وَهُمَا بِعُسْفَانَ فِي الْمُنْعَةِ، فَقَالَ عَلِيٌّ مَا تُرِيدُ إِلَّا أَنْ تَنْهَى عَنْ أَمْرِ فَعَلَهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ. فَلَمَّا رَأَى ذَلِكَ عَلِيٌّ أَهَلَ بِهِمَا جَمِيعًا

Narrated Sa'id bin Al-Musaiyab: **`Ali and `Uthman differed regarding Hajj-at-Tamattu` while they were at 'Usfan (a familiar place near Mecca). `Ali said, "I see you want to forbid people to do a thing that the Prophet (ﷺ) did?" When `Ali saw that, he assumed Ihram for both Hajj and `Umra.**

(al-Bukhari)

The report is in Sahih al-Bukhari 1569, the In-book reference is Book 25, Hadith 55.

The USC-MSA web (English) reference is Volume 2, Book 26, Hadith 640.

حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ، حَدَّثَنَا شُعْبَةُ، عَنْ قَتَادَةَ، قَالَ قَالَ عَبْدُ اللَّهِ بْنُ شَقِيقٍ كَانَ عُثْمَانُ رَضِيَ اللَّهُ عَنْهُ يَنْهَى عَنِ الْمُنْعَةِ وَعَلِيٌّ رَضِيَ اللَّهُ عَنْهُ يَأْمُرُ بِهَا فَقَالَ عُثْمَانُ رَضِيَ اللَّهُ عَنْهُ لِعَلِيٍّ قَوْلًا ثُمَّ قَالَ عَلِيٌّ رَضِيَ اللَّهُ عَنْهُ لَقَدْ عَلِمْتَ أَنَا قَدْ تَمَنَّعْنَا مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ أَجَلٌ وَلَكِنَّا كُنَّا خَائِفِينَ

It was narrated that Qatadah said. `Abdullah bin Shaqeeq said:

`Uthman used to forbid mut'ah (of Hajj, i.e., tamattu`) and `Ali used to enjoin it. `Uthman said something to `Ali, then `Ali said: You know that we did tamattu` with the Messenger of Allah (ﷺ) . He said: Yes, but we were in a state of fear then. (Ibn Hanbal & al-Arna'ut, 1999)

The reference of this narration is found in Musnad Ahmad 432, the in-book reference is in Book 4, Hadith 30.

The Two Mut'ahs: Why was the Mut'ah of Hajj forbidden?

Since it is proven that Abdullah b. Zubair, Uthman b. Affan and Muawiya b. Abi Sufyan continued the prohibition of Omar b. al-Khattab regarding the Mutah of Hajj, then why did Omar prohibit what Allah has permitted?

حَدَّثَنَا أَبُو عَبْدِ اللَّهِ، مُحَمَّدُ بْنُ جَعْفَرٍ حَدَّثَنَا شُعْبَةُ، عَنِ الْحَكَمِ، عَنْ عُمَارَةَ بْنِ عُمَيْرٍ، عَنْ إِبْرَاهِيمَ بْنِ أَبِي مُوسَى، عَنْ أَبِي مُوسَى، أَنَّهُ كَانَ يُفْتِي بِالْمُتْعَةِ فَقَالَ لَهُ رَجُلٌ رُوِيَكَ بِبَعْضِ فُتْيَاكَ فَإِنَّكَ لَا تَذَرِي مَا أَحَدَّثَ أَمِيرُ الْمُؤْمِنِينَ فِي النَّسْكِ بَعْدَكَ حَتَّى لَقِيَهُ بَعْدُ فَسَأَلَهُ فَقَالَ عُمَرُ رَضِيَ اللَّهُ عَنْهُ قَدْ عَلِمْتُ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَدْ فَعَلَهُ وَأَصْحَابُهُ وَلَكِنِّي كَرِهْتُ أَنْ يَطْلُؤُوا بِهِنَّ مُعَرَّسِينَ فِي الْأَرَاكِ وَيَرْوَحُوا لِلْحَجِّ تَقْطُرُ رُءُوسُهُمْ.

It was narrated from Abu Moosa that he used to advise people to do Tamattu` (in Hajj). A man said to him:

Do not rush in giving fatwas, for you do not know what Ameer al-Mu`mineen has decided with regard to Haji. When he met him later on, he asked him and 'Umar said: I know that the Prophet (ﷺ) did it and his Companions did it, but I do not like [the people] to have intercourse with [their wives] beneath the arak trees and go out to Hajj with their heads dripping(from ghusl). (Ibn Hanbal & al-Arna'ut, 1999)

The reference of this narration is found in Musnad Ahmad 351. The in-book reference is found in Book 2, Hadith 256.

Likewise, Abu Musa al-Ash'ari realised that Omar prohibited the Mutah of Hajj and his reasoning was that he believed it led to the harm of people getting intimate with their partners before Hajj.

So, what was the reason why Omar b. al-Khattab prohibited the use of Mutah marriage despite its permissibility?

حَدَّثَنِي مُحَمَّدُ بْنُ رَافِعٍ، حَدَّثَنَا عَبْدُ الرَّزَّاقِ، أَخْبَرَنَا ابْنُ جُرَيْجٍ، أَخْبَرَنِي أَبُو الزُّبَيْرِ، قَالَ سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللَّهِ، يَقُولُ كُنَّا نَسْتَمْتِعُ بِالْفُبْضَةِ مِنَ التَّمْرِ وَالذَّقِيقِ الْإِيَّامَ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَبِي بَكْرٍ حَتَّى نَهَى عَنْهُ عُمَرُ فِي شَأْنِ عَمْرٍو بْنِ حُرَيْثٍ .

Jabir b. 'Abdullah reported: **We contracted temporary marriage giving a handful of (tales or flour as a dower during the lifetime of Allah's Messenger (ﷺ) and during the time of Abu Bakr until 'Umar forbade it in the case of 'Amr b.**

Huraith. (ibn al-Hajjāj al-Qushayrī)

The reference is Sahih Muslim 1405d, in-book reference is Book 16, Hadith 19 and the USC-MSA web (English) reference is Book 8, Hadith 3249.

فَأَنْكَرْتُ ذَلِكَ عَلَيْهِ، فَدَخَلْنَا عَلَى ابْنِ عَبَّاسٍ، فَذَكَرَ لَهُ بَعْضُنَا *، فَقَالَ لَهُ: نَعَمْ، فَلَمْ يَقِرَّ فِي نَفْسِي حَتَّى قَدِمَ جَابِرُ بْنُ عَبْدِ اللَّهِ، فَجِئْنَاهُ فِي مَنْزِلِهِ، فَسَأَلَهُ الْقَوْمُ عَنْ أَشْيَاءَ، ثُمَّ ذَكَرُوا لَهُ الْمُتْعَةَ، فَقَالَ: نَعَمْ اسْتَمْتَعْنَا عَلَى عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -، وَأَبِي بَكْرٍ وَعُمَرُ، حَتَّى إِذَا كَانَ فِي آخِرِ (١) خِلَافَةِ عُمَرَ، اسْتَمْتَعَ عُمَرُ بْنُ حُرَيْثٍ بِامْرَأَةٍ سَمَّاها جَابِرٌ، وَنَسِيتُ اسْمَهَا (٢)، فَحَمَلَتِ الْمَرْأَةُ، فَبَلَغَ ذَلِكَ عُمَرَ، فَدَعَاها فَسَأَلَهَا، فَقَالَتْ: نَعَمْ، قَالَ: مَنْ أَشْهَدُ؟ قَالَ عَطَاءٌ: لَا أَدْرِي، قَالَتْ: أُمِّي أَمْ وَلِيِّهَا، قَالَ: فَهَلَّا غَيْرُهُمَا، قَالَ: خَشِيَ أَنْ يَكُونَ دَغْلًا (٣) لِلْآخِرِ، قَالَ عَطَاءٌ: وَسَمِعْتُ ابْنَ عَبَّاسٍ، يَقُولُ: يَرْحِمُ اللَّهُ عُمَرَ، مَا كَانَتِ الْمُتْعَةُ إِلَّا رَحْمَةً (٤) مِنَ اللَّهِ - عَزَّ وَجَلَّ -، رَجِمَ بِهَا أُمَّةٌ مُحَمِّدٍ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -، فَلَوْلَا نَهْيُهُ عَنْهَا مَا احْتَجَّ إِلَى الزَّوْنِ إِلَّا شَقِيٌّ، قَالَ: كَأَنِّي وَاللَّهِ أَسْمَعُ قَوْلَهُ: إِلَّا شَقِيٌّ، عَطَاءُ الْقَائِلُ، قَالَ عَطَاءٌ: فَهِيَ الَّتِي فِي سُورَةِ النَّسَاءِ {فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ} [النساء: ٢٤]، إِلَى كَذَا وَكَذَا مِنَ الْأَجْلِ عَلَى كَذَا وَكَذَا، لَيْسَ بِتَشَاوُرٍ، فَإِنْ (٥) بَدَأَ لهُمَا أَنْ يَتَرَاضِيَا بَعْدَ الْأَجْلِ، وَأَنْ يَتَفَرَّقَا (٦) فَنَعَمْ، وَلَيْسَ بِنِكَاحٍ.

[١٤٩٥٤] عبد الرزاق، عَنِ ابْنِ جُرَيْجٍ، قَالَ: أَخْبَرَنِي عَطَاءٌ، أَنَّهُ سَمِعَ ابْنَ عَبَّاسٍ يَرَاهَا الْآنَ حَلَالًا، وَأَخْبَرَنِي أَنَّهُ كَانَ [يَقْرَأُ: فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ إِلَى أَجَلٍ فَأَتَوْهُنَّ أُجُورَهُنَّ، وَقَالَ ابْنُ عَبَّاسٍ: فِي حَرْفِ أُبَيٍّ: إِلَى أَجَلٍ مُسَمًّى (٧)].

"I rejected (denied) that [view] from him, so we entered upon Ibn 'Abbās, and one of us mentioned it to him. So he (Ibn 'Abbās) said to him: 'Yes (it is as you said).' But it still did not settle in my heart, until Jābir ibn 'Abdillāh arrived, so we went to him at his home.

The people asked him about various things, then they mentioned to him mut'ah (temporary marriage). He said: 'Yes, we practiced mut'ah during the lifetime of the Messenger of Allah ﷺ, and during the time of Abū Bakr and 'Umar — until the last part of 'Umar's rule.'

At that time, 'Amr ibn Hurayth engaged in mut'ah with a woman — Jābir mentioned her name but I forgot it. The woman became pregnant. This news reached 'Umar, so he summoned her and questioned her.

She said: 'Yes (we did mut'ah).'

He asked: 'Who witnessed this?'

'Aṭā' (the narrator) said: 'I don't know.'

She said: 'My mother or my guardian.'

He said: 'Why not someone else (i.e., more valid witnesses)?'

‘Umar feared that it might lead to confusion or deceit regarding parentage.

‘Aṭā’ said: I heard Ibn ‘Abbās saying: ‘May Allah have mercy on ‘Umar — Mut‘ah was only a mercy from Allah, by which He showed mercy to the Ummah of Muhammad ﷺ. If he had not forbidden it, none would have needed to resort to fornication except a wretched person.’

‘Aṭā’ said: ‘It’s as if — by Allah — I hear him saying: “Except a wretched person.”’ (It was ‘Aṭā’ who said that.) ‘Aṭā’ said: It is this [mut‘ah] which is mentioned in Sūrat al-Nisā’: {So for whatever you have enjoyed [istamta‘tum] from them, give them their due compensation} (Surah al-Nisā’, 4:24)

[Adding:] "...for such-and-such a term, with such-and-such a condition."

Not based on mutual consultation (i.e., it's a set term).

[14954] ‘Abd al-Razzāq narrated from Ibn Jurayj who said: ‘Aṭā’ informed me that Ibn ‘Abbās still considered it (mut‘ah) to be ḥalāl.

And he informed me that **Ibn ‘Abbās used to recite: {So for whatever you have enjoyed from them — until a specified term — give them their due compensation.}**

And he said: In the Qirā’ah of Ubayy ibn Ka’b, it was recited: ‘...until a specified term (ilā ajalin musamman).’ (al-Sana’i)

The Reference for this report is Kitāb Musannaf Abdul-Razzaq al-Sanani 17, in the Book of Divorce (406), in the Chapter on Mut‘ah (Temporary Marriage) and the Hadith Number is 4954.

It seems that there were cases where Mutah was misused or caused a lot of problems which resulted in Caliph Omar prohibiting Mutah marriage. In order to prevent problems of paternity and parentage, Omar took the measure to ban this type of marriage and Sahaba like Ibn Abbas criticised him for this because he could have taken other measures instead. Similarly, Omar also prohibited the Mutah of Hajj due to similar issues, which is the problem of people being intimate with their partners under arak trees. The truth that is hard to accept is that rulers cannot forbid what Allah has permitted. As a result, many would give the benefit of the doubt and want to argue that Omar only restricted it as a ruler, hence why it cannot be said that he claimed or made it Haram in the same way Allah and His Messenger prohibit things

Conclusion

The conclusion of all this research is that after Omar b. al-Khattab's banning of the two Mutahs (Mutah of Hajj and Mutah of women), many like the Zubairids enforced its complete impermissibility against those who opposed its ban. The Zubairids went so far as to fabricate reports to try to prove its abrogation to shut the opposition down. A key defect of the narrations of the abrogation of Mut'ah is that the reports are confined to problematic narrators like Ibn Shihab al-Zuhri and we have demonstrated that the narrations of Mut'ah attributed to Imam Ali and Sabura al-Juhanni being banned go through this mudrij named Zuhri, which render it problematic in of itself and even more complicated due to the reports contradicting other reports that do not include the infamous Zuhri in the chain of transmission.

More importantly, we have other Sahaba like Ibn Abbas and Jabir b. Abdullah al-Ansari fighting for its permissibility. Further to this, these reports actually demonstrate that Mut'ah was banned by Caliph Omar and when one brings the reports regarding Omar banning the Mut'ah of Hajj in addition to him forbidding the Mutah of marriage, then this clarifies this debate matter even more.

The historical truth is that prominent Sahaba like the Hashemite Imams, Jabir b. Abdullah al-Ansar, Imran b. Husain etc argued for its continuation alongside their students continuing up until prominent scholars like Ibn Jurayj and Jafar al-Sadiq, whereas the other camp argued for its complete ban like the Zubairids and Zuhri, which later on became Sunni orthodoxy. Regardless of what the people say, as Ibn Abbas argued against Ibn Zubair, what Allah and His Messenger say will prevail and the Quran and Sunnah is explicitly clear in establishing the permissibility of the two Mutahs of marriage and Hajj against those who falsely try to argue against his abrogation.

The evidence is very overwhelming for those who want to see the truth about this matter. When attributing the permissibility of Mut'ah to the Imams of Ahlulbayt like Muhammad al-Baqir and Jafar al-Sadiq, the Imamiyya were correct. Certainly, it was not only the Shia and their Imams who defended this marriage, as seen the likes of Ibn Jurayj and the school of Mecca continued this regardless of what the authorities said or did.

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