

Temporary Marriage in Islam Part 2: Evidences From the Sunni Hadith Collections

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

After a brief overview of books of Tafsir in Part I, let us now look at some of the Sunni collections of traditions. It is narrated in Sahih Muslim that:

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."

إِنَّ رَسُولَ اللَّهِ قَدْ أذنَ لَكُمْ أَنْ تَسْتَمْتَعُوا. يَعْنِي مَتْعَةَ النِّسَاءِ.

Sunni references:

- Sahih Muslim, English version, v2, chapter DXLI (titled: Temporary Marriage), Tradition #3246
- Sahih Muslim, Arabic version, 1980 Edition Pub. in Saudi Arabia, v2, p1022, Tradition #13, "Kitab al-Nikah, Bab Nikah al-Mut'a"

In the above tradition the verb Istamta'a (to enjoy; to have pleasure) has been used which is the exact form of the verb used in Qur'an in the verse of Mut'a 4:24, and moreover, Jabir said in the above tradition that Istamta'a means performing Mut'a of women (temporary marriage). Similarly it is narrated that:

Salama Ibn al-Akwa' and Jabir Ibn Abdullah reported: Allah's Messenger (May peace be upon him) came to us and permitted us to contract temporary marriage.

Sunni references:

- Sahih Muslim, English version, v2, chapter DXLI (titled: Temporary Marriage), Tradition #3247
- Sahih Muslim, Arabic version, 1980 Edition Pub. in Saudi Arabia, v2, p1022, Tradition #14, "Kitab al-Nikah, Bab Nikah al-Mut'a"

Moreover al-Bukhari narrated from another companion of the Prophet (S) the following tradition:

Narrated 'Imran bin Husayn:

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

(Note: For the above Hadith, the Saudi translator of Sahih al-Bukhari (Muhammad Muhsin Khan) has changed the word "Mut'a" to "Hajj-at-Tamatu". This is while in the Arabic text of the Hadith of al-Bukhari which is beside the English text, the word "Mut'a" has been used alone:)

نزلت آية المتعة في كتاب الله

Sunni references:

- Sahih al-Bukhari, Arabic-English, v6, Hadith #43
- Sahih al-Bukhari, Arabic, v2, p375, v6, p34
- Musnad Ahmad Ibn Hanbal, v4, p436 on the authority of 'Imran Ibn al-Qasir

As we pointed out, Mut'a can be of two kinds: Mut'a of women (temporary marriage) and Mut'a of Hajj (Hajj-at-Tamatu). Both were practiced at the time of the Prophet and Abu Bakr and the early days of Umar's rule. But they were abolished by Umar.

Thus basically, the above tradition refers to both types of Mut'a which were prohibited by Umar.

Moreover, as we gave evidences in Part I, many Sunni commentators have put this very same tradition of Imran Ibn Husayn under the commentary of verse of Mut'a marriage (4:24) showing that this Mut'a refers to Mut'a marriage.

It is interesting to know that in Sahih Muslim as well as in the commentaries of Sahih al-Bukhari and Sahih Muslim it is mentioned that the "man" mentioned in the above tradition ("But a man expressed what he wished") is Umar:

"A person said according to his personal opinion, and it was Umar."

Sunni references:

- Sahih Muslim, English version, v2, chapter CDXLII, Tradition #2825
- Sahih Muslim, Arabic version, 1980 Edition Pub. in Saudi Arabia, v2, p898, Tradition #166.

Also:

"The man intended here is the Caliph Umar Ibn al-Khattab."

Sunni references:

- Fat'h al-Bari fi Sharh Sahih al-Bukhari, by Ibn Hajar Asqalani, v4, p177
- Sharh al-Nawawi on Sahih Muslim, v3, p364, Dar al-Sha'ab print

The reason that in the original tradition, Imran Ibn Husayn did not mention the name of Umar is that he was mindful of the bad temper of Umar, and because Umar said he will stone anyone who does that.

It is also narrated in Sahih Muslim that:

Abu Nadhra said: Ibn Abbas commanded to do Mut'a while Ibn Zubair forbade to do it. I mentioned this to Jabir Ibn Abdillah and he said: It is through me that this Hadith has been circulated. We did Mut'a (of Hajj and women) at the time of the Messenger of Allah. When Umar was installed as Caliph, he said:

Verily Allah made permissible for his Messenger whatever He like and as He liked. And its command was revealed in Qur'an. Thus accomplish Hajj and Umra for Allah as Allah has commanded you, and confirm (by reverting to permanent marriage) the marriages of those women (with whom you have performed Mut'a). And any person would come to me with a marriage of appointed duration (i.e. Mut'a) I would stone him.

Sunni references:

- Sahih Muslim, English version, v2, chapter CDXLII, Tradition #2801
- Sahih Muslim, Arabic version, 1980 Edition Pub. in Saudi Arabia, v2, p885, Tradition #145.

Again the above tradition has references to both Mut'a, and Umar said that Allah made permissible what he wished at the time of the Prophet and its corresponding command was revealed in Qur'an, yet he will stone any one who contracts the fixed-term marriage.

Also, both al-Bukhari and Muslim narrated the following tradition from Abdullah Ibn Masud who was another companion of the Prophet:

Narrated 'Abdullah Ibn Masud:

We used to participate in the holy battles led by Allah's Apostle and we had nothing (no wives) with us. So we said, "Shall we get ourselves castrated?" He forbade us (to castrate ourselves) and then allowed us to marry women with a temporary contract (Mut'a) and recited to us:

***'O you who believe! Make not unlawful the good things which Allah has made lawful for you, but commit no transgression.'* (Qur'an 5:87)**

Sunni references:

- Sahih al-Bukhari, Arabic-English version, v7, Tradition #13a
- Sahih al-Bukhari, Arabic, v6, p11, under Tafsir of verse 5:87 of Qur'an
- Sahih Muslim, Arabic version, 1980 Edition Pub. in Saudi Arabia, v2, p1022, Tradition #11, "Kitab al-Nikah, Bab Nikah al-Mut'a"
- Sahih Muslim, English version, v2, chapter DXLI (titled: Temporary Marriage), Tradition #3243

Following the above tradition in Sahih Muslim, it is narrated that:

This Hadith has been narrated on the authority of Isma'il with the same chain of transmitters (but the words are): "We were young so we said: "O Allah's Apostle! should we not have ourselves castrated? But he (the narrator) did NOT say we were on an expedition."

Sunni references:

- Sahih Muslim, English version, v2, chapter DXLI (titled: Temporary Marriage), Tradition #3245
- Sahih Muslim, Arabic version, 1980 Edition Pub. in Saudi Arabia, v2, p1022, Tradition #12, "Kitab al-Nikah, Bab Nikah al-Mut'a"

One side comment here is that, based on the above authentic traditions, masturbation is forbidden, otherwise the Prophet (S) would have ordered his companions to masturbate instead of contracting temporary marriage!

The above action of the Prophet (S) proves that if one is in danger of fornication, he should contract temporary marriage and avoid masturbation. The prohibition of masturbation is also supported by the verses of Qur'an, as we will discuss in Part V.

Some claim that the Prophet used to allow temporary marriage in a particular expedition and then prohibited it on the day of victory. This allegation falls apart when we see that some of the famous companions said that Mut'a was widely practiced from the time of the Prophet till the time of Umar, and was continued to be promoted by some companions even after the death of Umar.

Moreover, if Mut'a was just for an expedition, the Prophet would have mentioned it at the time he allowed it. They, of course, did Mut'a in the expeditions as well, but certainly it was not limited to that. Moreover, the verse of Qur'an does not have any limitation of this kind. This leads us to believe such allegation is just a mere excuse to justify the present situation. As we will witness in the following traditions, the companions supported Mut'a without mentioning the battle. They did not mention that we only did it during the expeditions.

Beside what was quoted at the beginning, Sahih Muslim has more traditions with reference to the prominent companion, Jabir Ibn Abdillah al-Ansari (ra), which are as follows:

Narrated Abu Nadhra:

While I was in the company of Jabir Ibn Abdullah (ra), a person came to him and said that Ibn Abbas (ra) and Ibn Zubair differed on the two types of Mut'a (Mut'a of Hajj and Mut'a of women), whereupon Jabir said: We used to do these two during the life time of Allah's Messenger (S). Umar then forbade us to do them, and so we did not revert to them.

Sunni references:

- Sahih Muslim, English version, v2, chapter DXLI (titled: Temporary Marriage), Tradition #3250.
- Sahih Muslim, Arabic version, 1980 Edition Pub. in Saudi Arabia, v2, p1023, Tradition #17, also v2, p914, Tradition #1249.

Again the above tradition emphasizes that both Mut'a were abolished by Umar, and some people did not return to it at least publicly, because Umar threatened people that he will stone any one who does it.

Below is a more straight forward tradition:

Jabir Ibn Abdullah reported: "We contracted temporary marriage giving a handful of the dates or flour as a dower during the life time of Allah's Messenger (may peace be upon him) and during the time of Abu Bakr until Umar forbade it because of Amr Ibn Huraith.

كنا نستمتع

Sunni references:

- Sahih Muslim, English version, v2, chapter DXLI (titled: Temporary Marriage), Tradition #3249
- Sahih Muslim, Arabic version, 1980 Edition Pub. in Saudi Arabia, v2, p1023, Tradition #16, "Kitab al-Nikah, Bab Nikah al-Mut'a"

Again, in the Arabic text of the above tradition, the verb "Istamta'a" has been used for the temporary

marriage which exactly what Qur'an has used. Also as we see, there is no mention of its restriction to battle. It was being widely practiced at the time of the Prophet and the rulers who came after him. Also:

Ibn Juraih reported: Ata' reported that Jabir Ibn 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 life time of the Holy Prophet (may peace be upon him) and during the time of Abu Bakr, and Umar.**

استمتعنا على عهد رسول الله و أبي بكر و عمر

Sunni references:

- Sahih Muslim, English version, v2, chapter DXLI (titled: Temporary Marriage), Tradition #3248
- Sahih Muslim, Arabic version, 1980 Edition Pub. in Saudi Arabia, v2, p1023, Tradition #15, "Kitab al-Nikah, Bab Nikah al-Mut'a"

As we witness here again, the verb "Istamta'a" has been used in the above tradition for the temporary marriage which in conformity with the verse of Qur'an.

Another person who opposed Umar's idea in this regard, was Abdullah Ibn Abbas (ra) who was one of the great companions of the Prophet (S). Al-Bukhari wrote in his Sahih:

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 (qualified permanent) women are scarce, or similar cases." On that, Ibn Abbas said, "Yes."

Sunni reference: Sahih al-Bukhari, Arabic-English, v7, Hadith #51

Do you see anything about battle as a condition here? Moreover, if Ibn Abbas relied to what others alleged that the Prophet later prohibited it, he would not allow himself to give Fatwa in this regard. He did that since he knew these allegations are false and are solely to justify Umar's opinion. Also Muslim narrated in his Sahih that:

Urwa Ibn Zubair reported that Abdullah Ibn Zubair stood up (and delivered an address) in Mecca saying: Allah has made blind the hearts of some people as he has deprived them of eyesight that they give religious verdict in favor of temporary marriage, while he was alluding to a person (Ibn Abbas). Ibn Abbas called him and said: You are a rude person and devoid of sense. By my life, Mut'a was Practiced during the life time of the leader of pious (he meant Allah's Messenger, may peace be upon him), and Ibn Zubair said to him: Just do it yourself, and by Allah, if you do that I will stone you with your stones.

Sunni references:

- Sahih Muslim, English version, v2, chapter DXLI (titled: Temporary Marriage), Tradition #3261
- Sahih Muslim, Arabic version, 1980 Edition Pub. in Saudi Arabia, v2, p1026, Tradition #27, "Kitab al-Nikah, Bab Nikah al-Mut'a"

Did Ibn Abbas say, just during a battle? certainly not. This is what some Sunni scholars invented simply to justify the action of Umar. In the above tradition Abdullah Ibn Zubair insults Ibn Abbas (ra) by saying that his heart is blind, simply because he believed that Mut'a should be promoted since it was the Sunnah of the Prophet (S). Ibn Zubair forgot that he himself was born out of Mut'a! (See Sahih Muslim, v1, p354; al-Iqd al-Fareed, v2, p139). Then Ibn Zubair threatened that he will stone Ibn Abbas (ra). This is while Ibn Abbas (ra) was one of the outstanding companions of the Prophet (S), and Abdullah Ibn Zubair wanted to teach him his religion, after he fought both Imam 'Ali and Ibn Abbas in the battle of Camel, and shedding the blood of innocent Muslims.

Also in Sahih Muslim it narrated that:

"Muslim al-Qurri said: I asked Ibn Abbas about Mut'a and he permitted it, where as Ibn Zubair had forbidden it. So Ibn Abbas said: "This is the mother of Ibn Zubair who states that Allah's Messenger 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. She said: Verily Allah's Messenger permitted it.

- Sunni reference: Sahih Muslim, Arabic version, 1980 Edition Pub. in Saudi Arabia, v2, p909, Traditions #194-195. In Tradition #195 the subnarrator said: "The narrator used the word Mut'a alone, and I do not know if it was Mut'a of Hajj or Mut'a of women." However it is known that what Ibn Zubair used to forbid was Mut'a of women as is clear from the traditions mentioned earlier.

Even after the death of Umar, and even after Uthman, many companions did not accept the order of Umar and insisted that temporary marriage is lawful. These advocates of Mut'a never mentioned that it was restricted to a battle.

Some people believe that a certain individual did Mut'a with one of the daughters of Umar during the Umar's rule, and when Umar got to know of it, he decided to prohibit Mut'a.

Let me clear the fact that we do not have hatred toward Umar. We believe that he was one of the companions of the Prophet, but we do not put him in a high position since, as you witnessed partially, there are strong proofs that he did some innovations based on his own Ijtihad which were terribly wrong.

We strongly believe that Fatwa does not work when there is explicit text of Qur'an or authentic Hadith to the contrary. Abolishing Temporary Marriage is just one example of such innovations. Even according to Sahih al-Bukhari Umar himself straightforwardly confessed that he did some innovations in prayers and said: "What a nice innovation"!!! (See Sahih al-Bukhari, Arabic English version, v3, p227). He also did

change the regulations on Tayammum and many other rules of Islam.

Another companion who opposed this innovation of Umar, was his own son!! His name was Abdullah Ibn Umar. He was in favor of both Mut'a of Hajj and Mut'a of women. I give two traditions expressing each Mut'a. It is narrated in Sahih al-Tirmidhi that:

"some one asked Abdullah Ibn Umar about Mut'a (of Hajj), he said: It is permitted (Halaal). So he was asked: your father forbade it. He said: Do you think that my father can forbid what the Prophet did? Should I follow what my father said, or should I follow what the Prophet ordered? The man said: Of course the orders of the Prophet (S)."

Sunni references:

- Sahih al-Tirmidhi, v1, p157
- Tafsir al-Qurtubi, v2, p365, reported from al-Darqunti

Another report in the above source:

"When a man from Syria asked Abdullah Ibn Umar about the Mut'a of women, he said it is Halaal. The man said: Your father had made it forbidden! Ibn Umar said: Do you think that if my father was forbidding it and the Messenger of Allah used to (allow) its practice, then you should leave the Sunnah and follow what my father said?"

Sunni reference: Sahih al-Tirmidhi

What I provided here was just some traditions, out of many, available in the six Sunni collections of Hadith in support of Mut'a. There are much more available. In the next parts, Insha Allah, we shall briefly review the Sunni History/Fiqh/Misc. books, and then we will study and analyze the few traditions which allege that the Prophet banned Mut'a towards the end of his life.

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