

## Temporary Marriage in Islam Part 4: Some Contradicting Reports

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

There are few traditions which claim that the Prophet forbade Mut'a. There are however many contradictions among these reports. Let us look at the following traditions which alleged that the temporary marriage was forbidden FOREVER in the battle of Khaibar (1/7 AH). We will discuss what types of problems these traditions have shortly.

Muhammad Ibn 'Ali narrated on the authority of his father 'Ali that Allah's Apostle (may peace be upon him) on the Day of Khaibar prohibited for ever the contracting of temporary marriage and eating of the flesh of the domestic asses.

- Sunni reference: Sahih Muslim, English version, v2, chapter DXLI (titled: Temporary Marriage), Tradition #3265

also:

'Ali (may peace be upon him) heard that Ibn Abbas (Allah be pleased with him) gave some relaxation in connection of temporary marriage, whereupon he said: Don't be hasty (in your religious verdict), Ibn Abbas, for Allah's Messenger (may peace be upon him) on the day of Khaibar prohibited for ever the doing of it and eating of the flesh of domestic asses.

- Sunni reference: Sahih Muslim, English version, v2, chapter DXLI (titled: Temporary Marriage), Tradition #3266

Surprisingly, the following traditions claim that, long after the battle of Khaibar, the Prophet ordered to do Mut'a when he Captured Mecca (9/8 AH) but he allegedly forbade it when they left Mecca:

Sabra al-Juhanni narrated: Allah's Messenger (may peace be upon him) ordered us to contract temporary marriage in the Year of Victory, as we entered Mecca, and we did not come out of it (Mecca) till he forbade us.

(Note: The Saudi-paid translator has used "permitted" instead of "ordered". This while the Arabic text of the Hadith uses "ordered". This shows that the Prophet not only allowed Mut'a, but also promoted it in Mecca.)

Sunni references:

- Sahih Muslim, English version, v2, chapter DXLI (titled: Temporary Marriage), Tradition #3257
- Sahih Muslim, Arabic version, 1980 Edition Pub. in Saudi Arabia, v2, p1025, Tradition #22, "Kitab al-Nikah, Bab Nikah al-Mut'a"

also:

Sabra narrated: Allah's Messenger (may peace be upon him) ordered his companions to contract temporary marriage in the Year of Victory... (then I made Mut'a) and I remained with her for three (nights), and then Allah's Messenger (may peace be upon him) commanded us to part with them.

(Note: Again the Saudi-paid translator has used "permitted" instead of "ordered" while the Arabic text of the Hadith uses "ordered":)

إِنَّ نَبِيَّ اللَّهِ عَامَ فَتْحِ مَكَّةَ أَمَرَ أَصْحَابَهُ بِالْتِمَتِ بِالنِّسَاءِ...

Sunni references:

- Sahih Muslim, English version, v2, chapter DXLI (titled: Temporary Marriage), Tradition #3258
- Sahih Muslim, Arabic version, 1980 Edition Pub. in Saudi Arabia, v2, p1025, Tradition #23, "Kitab al-Nikah, Bab Nikah al-Mut'a"

Now, let us look at the following traditions which claims that the Temporary marriage was forbidden forever in Mecca when the Prophet (S) was speaking beside Ka'ba. We will shortly see why these traditions do not seem to be correct.

Sabra al-Juhanni reported on the authority of his father that while he was with Allah's Messenger (may peace be upon him), he said: O' people, I had permitted you to contract temporary marriage with women, but Allah has forbidden it (now) until the Day of Resurrection. So he who has any (woman with this type of marriage contract) he should let her off, and do not take back anything you have given to

them (as dower).

إِنِّي قَدْ كُنْتُ أَزْنَيْتُ لَكُمْ فِي الْأَسْتِمْتَاعِ مِنَ النِّسَاءِ وَ أَنَّ اللَّهَ قَدْ حَرَّمَ ذَلِكَ إِلَيَّ يَوْمَ الْقِيَامَةِ

Sunni references:

- Sahih Muslim, English version, v2, chapter DXLI (titled: Temporary Marriage), Tradition #3255
- Sahih Muslim, Arabic version, 1980 Edition Pub. in Saudi Arabia, v2, p1025, Tradition #21, "Kitab al-Nikah, Bab Nikah al-Mut'a"

A side comment here is that again the word "Istimta'a" has been used in this tradition for temporary marriage which is exactly what Qur'an has used.

In the next tradition after the above tradition in Sahih Muslim, the same narrator (Sabra) has narrated the same tradition with addition that:

"I saw Allah's Messenger standing between the pillar and gate of Ka'ba when speaking the Hadith."

Sunni references:

- Sahih Muslim, English version, v2, chapter DXLI (titled: Temporary Marriage), Tradition #3256
- Sahih Muslim, Arabic version, 1980 Edition Pub. in Saudi Arabia, v2, p1025, Tradition #21, "Kitab al-Nikah, Bab Nikah al-Mut'a"

The following tradition, however, indicates that the Prophet allowed Temporary marriage after the battle of Hunain (after 10/8 AH) which was after the conquest of Mecca:

Narrated Iyas Ibn Salama on the authority of his father that Allah's Messenger (may peace be upon him) gave sanction for contracting temporary marriage for three nights in the year of Autas (this was after the Battle of Hunain in 8H), and then forbade it.

{Note: The sentence inside parentheses is the Saudi translator's footnote, and is NOT mine.}

Sunni references:

Sahih Muslim, English version, v2, chapter DXLI (titled: Temporary Marriage), Tradition #3251

Sahih Muslim, Arabic version, 1980 Edition Pub. in Saudi Arabia, v2, p1023, Tradition #18, "Kitab al-Nikah, Bab Nikah al-Mut'a"

Now, let us see what the problems are:

1. Some Sunni scholars have rated these traditions as single (Mufrad), i.e., they are single reports. Ibn Asakir has mentioned the above tradition attributed to 'Ali, in whose chain of authority is Ibn Saa'ed. Then he wrote: "Ibn Saa'ed is a liar". Also other Sunni Scholars such as Darqunti mentioned that these traditions are single. (See Ifraad, by Darqunti).
2. If the Prophet has forbidden the temporary marriage in the Day forever of Khaibar (1/7 AH), why it was practiced even after the battle of Hunain (after 10/8 AH) with the direct order of the Prophet? (See the reference above) In other words:
3. How is that possible that one is forbidden forever and in two different points of time, in the Day of Khaibar (1/7 AH) and on the victory Mecca (9/8 AH) forever, and people were practicing it between these two instants of time and after these two instances with the order of the Prophet? In the mentioned tradition about the battle of Hunain, it is said that the messenger of Allah allowed to do Mut'a for after the battle of Hunain. So we can not say people did it because they did not know it was forbidden forever.

The traditions confirms that Mut'a was done with the direct order of the Prophet. So how can we justify these few alleged traditions that the Prophet forbade it forever before that? This contradiction itself supports the fact that all these few narrations were made up to cover up and to justify what Umar enforced during his rule based on his idea. How nice is the verse 4:82 of Qur'an describes that one can find many contradictions in something that is not from Allah.

4. Two Sunni scholars: al-Qurtubi (in his commentary of Qur'an) and al-Nawawi (in his commentary of Sahih Muslim) are in the opinion that different traditions concerning the ban of Mut'a specify seven different dates!!!
5. How is that possible that people after the demise of the Prophet were practicing it? To answer this, some claim that although the Messenger of Allah had forbidden it, but it had not been given wide publicity, and thus some continued to practice it till Umar reinforced that law during his rule.
6. If this allegation is true, then it implies that all the companions except Umar were ignorant of the Sunnah of the Prophet, and ignorant of the fact that Mut'a was forbidden forever, and they continued practicing it after the demise of the Prophet, and quarreled amongst each other in this issue. They committed the sin of fornication and encouraged others to do that, and no body said to them not to do that BEFORE the rule of Umar. All of a sudden, some of them started saying it after the rule of Umar.
7. Then how can we conclude that they all carried the Sunnah of the Prophet and if we follow anyone among them we will go to paradise, because any single one of them is a star of guidance (no matter if it came out to be Muawiyah). What will be wrong if we follow Jabir who said Umar forbade it? What about Imran Ibn Husayn who believed that Umar said what he wished, and neither Allah nor His Prophet prohibited it? What will be wrong if we take the opinion of Imam 'Ali (as), the most knowledgeable one

among the companions who said:

The Mut'a is a mercy from Allah to his servants. If it were not for Umar forbidding it, no one would commit (the sin) of fornication except the wretched (Shaqi).”(See above for two set of references given before, one set from books on Tafsir and one set from books on history and misc. in Parts I & III respectively.)

Imam 'Ali (as), Abu Dharr, Jabir Ibn Abdillah, Abdullah Ibn Abbas, Abdullah Ibn Masud, Zubair Ibn al-Awwam, Imran Ibn Husayn, and Abdullah Ibn Umar, Ubay Ibn Ka'ab, Abu Sa'id al-Khudri, Salama Ibn Umayyah, Awka' Ibn Abdillah, Salama Ibn al-Awka', Khalid Ibn Muhajir, 'Amr Ibn Huraith, Rabi'a Ibn Umayya, Suhair, Sa'id Ibn Jubair Tawoos, Qotadah, Mujahid, Ataa al-Madani al-Suddy, and Imam al-Hasan (as), ... are also the stars of guidance if that Sunni tradition is true. So if we follow them with regard to permissibility of Mut'a, are we not guided then?

Also if the claim that the Messenger of Allah (S) allowed it for a single instance is true, then he would have told them at the same time that they can do it only for this certain period of time, and it will be forbidden after that for ever. In other words, he should have mentioned its prohibition at the time that he prescribed it. In this way there would be no confusion, and we can say the Prophet (S) delivered the Message in this regard. Now the question is: Did the Prophet mentioned its prohibition at the time when he allowed it momentarily?

If yes, then why did prominent companions such as Jabir Ibn Abdillah al-Ansari, Ibn Abbas, Abdullah Ibn Masud, Imran bin Husayn, and Abdullah Ibn Umar, practiced (and some even promoted) Mut'a long after the demise of the Prophet?

If no (i.e., the Prophet did not mention its prohibition at the time he allowed it momentarily), then the Prophet intentionally confused some of his own companions such as those I mentioned above, because as a result of their "ignorance", some of them even practiced and promoted Temporary Marriage even after the rule of Umar!

Moreover if the prohibition of Mut'a was not given wide publicity by the Prophet, then it would contradict the following verse of Qur'an:

"He (Allah) has explained to you in detail what is forbidden to you”(Qur'an 6: 119)

Is it possible that the Messenger of Allah does not publicize what has been prohibited by Allah, which led the companions commit adultery till near the end of the rule of Umar, until it was finally decided that it is time to publicize this fact and stop the Muslims and companions from committing adultery!! How can we justify the above verse of Qur'an if the Prophet did not inform his companions the prohibition of Mut'a so that they do not quarrel amongst each other because of their ignorance of such important subject?

Also, do Sunnis think that the above mentioned companions did not have any fear of Allah? If they had

any fear of Allah, and if they did not have strong proof that Mut'a is allowed forever, they would quit promoting Mut'a after Umar. Ibn Abbas did not accept what Umar said and he continued to promote Mut'a even after the battle of Camel when he argued with Ibn Zubair.

Was Ibn Abbas suspicious to Umar? Why didn't he believe in him? The reason simply is the fact that Umar did not attribute this prohibition to the Prophet. Umar said: "The Prophet allowed it and I prohibit it." Then if I were Ibn Abbas, I would do the same. Reviving the Sunnah of the Prophet which has been forsaken is a duty and has a lot of reward, and this was the concern of Ibn Abbas.

This goes for other companions who supported Mut'a even after the death of Umar, because they were sure that this is a man-made prohibition, and is not issued by Allah, nor by His Prophet (S). Otherwise, if these companions were unsure then they would at least keep silent for the fear of Allah. But the fact is that they knew what they were doing.

8. The speeches of the Prophet in Mecca was narrated through different narrators. Why only one narrator, named as Sabra al-Juhanni, had heard these words from the Prophet, and this part of the speech of the Prophet was not narrated by others? It is hardly conceivable that the Prophet could have stood before the Ka'ba in front of a large group of Muslims and ban something until the Day of Resurrection, and that then only one person Sabra should have heard him or related his words.

9. Moreover, there are discrepancies in the various versions of Sabra's in different Sunni collections of Hadith. In some versions the prohibition is said to have occurred in the year of the victory of Mecca (8 AH), in others in the year of the Farewell Pilgrimage (10 AH). This discrepancy makes the Hadith even more untrustworthy.

The version of the Hadith of Sabra which states that the Prophet momentarily permitted Mut'a at the Farewell Pilgrimage in Mecca in the year 10/632, shows another fact. People could not have complained from the separation of their wives during the Farewell Pilgrimage, since all of the wives were present, and the single men could have taken permanent wives in Mecca.

This is another proof for absurdity of the allegation that temporary marriage was in the case of battles! This is beside many traditions mentioned above that the companions never mentioned practicing Mut'a was limited to battles, and acknowledged that it was a usual practice up to the end of Umar's rule.

10. Another contradiction with the narration of Prohibition of Mut'a in Mecca, is that the Prophet is alleged to have said:

I had permitted you to contract temporary marriage, and Allah has forbidden?

The problem is that the sentence is in reverse order based on the alleged narration attributed to 'Ali that the Prophet have forbidden it. Based on the one of the early references of this article, the Prophet did not allow the temporary marriage when there was no command from Allah. Then the verse was revealed and Allah made it lawful and the Prophet permitted it, then. Based on what was attributed to 'Ali

(mentioned above from Sahih Muslim), it was the Prophet who had forbidden the temporary marriage. So, the sentence, must have been:

Allah had permitted you and I have forbidden you.

While this is in reverse order for the narration of Sabra. Why? Does any of them make sense?! How can the Prophet's word and Allah's word contradict each other. It is reported that:

"The Messenger of Allah (S) said: "I did not make anything Halaal except what Allah made Halaal, and I did not make anything Haraam except what Allah made Haraam."

- Sunni reference: Tabaqat, by Ibn Sa'd, v4, p72

Then, how can the Prophet's word and Allah's word contradict each other?

11. The other problem with the tradition by Sabra al-Juhanni is that, if Allah has forbidden an Islamic law, he must have revealed some verse(s), or He must have whispered in the ears of the Prophet that the verse of Mut'a is abrogated. Since there is no record that Allah has whispered such important order in the ears of the Prophet, Allah must have revealed a verse about abolishing temporary marriage. Where is the abrogating verse(s)? Also, is it possible that Allah has whispered in the ears of his Prophet privately that the verse is abrogated, and the Prophet did NOT tell people when there was no new verse revealed in this regard?

12. The traditions can not abrogate the existing verses of Qur'an. Qur'an is always in higher authority. The traditions are always subject to check with Qur'an, and if they are found to be in contradiction with Qur'an, those contradicting traditions are rejected.

13. More over, the abrogated verse is either deleted from Qur'an by the Prophet, or if it is present in Qur'an, there should be another verse revealed at a later time to abrogate the previous one. In other words, the only way to establish that a verse which is present in Qur'an is abrogated, is to have an abrogating verse which should have been revealed after that verse, since the traditions alone can not abrogate an existing verse of Qur'an. Since there is no verse revealed after 4:24 abrogating it, it is still in effect.

14. And there are more problems with these three traditions on forbidding the temporary marriage which will be discussed later. Our humble suggestion is what the Prophet recited when he allowed the Temporary marriage:

O' those who believe, do not make unlawful the good things which Allah has made lawful for you, and do not transgress. Allah does not like transgressors. (Qur'an 5:87)

This was the verse mentioned in the tradition of Abdullah Ibn Masud about temporary marriage (see the previously-mentioned tradition from Sahih al-Bukhari and Sahih Muslim). What do Sunnis think of the

Prophet's intention for mentioning this verse to people? How come temporary marriage is a bad thing for the Sunnis while the above verse of Qur'an refers it as a "good thing"? Do Sunnis want to listen to this verse about something like temporary marriage?:-)

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