

2. Reign Of The Verse Of Al-Mut'ah

It is absolutely beyond doubt that Allah decreed *mut'ah* with women for the *Ummah* during the mission of His last Prophet, *sallallahu 'alaihi wa alihi*. There are authentic *ahadith* in both Sunni and Shi'i sources confirming this. So, naturally, the next question is – has the Verse of *al-Mut'ah* been abrogated? This question stands at the heart of a huge dispute between the Ahl al-Sunnah and the Shi'ah over the legitimacy of *mut'ah* after the Messenger's death. The Sunnis argue that *mut'ah* was abrogated by the Prophet, and that it has thereby become a form of *zina* (fornication). On the other hand, Shi'is maintain that the Verse of *al-Mut'ah* was never abrogated, and that *mut'ah* remains a command of Allah and the valid *Sunnah* of His Messenger till the Day of *al-Qiyamah*.

The Shi'i position is well-captured in this *hadith* of al-Kulayni (d. 329 H):

علي، عن أبيه، عن ابن أبي عمير، عن عمر بن أذينة، عن زرارة قال: جاء عبد الله بن عمير الليثي إلى أبي جعفر عليه السلام فقال له: ما تقول في متعة النساء؟ فقال: أحلها الله في كتابه وعلى لسان نبيه صلى الله عليه وآله فهي حلال إلى يوم القيامة فقال: يا أبا جعفر مثلك يقول هذا وقد حرمها عمر ونهى عنها؟! فقال: وإن كان فعل، قال: إني أعيذك بالله من ذلك أن تحل شيئاً حرمه عمر، قال: فقال له: فأنت على قول صاحبك وأنا على قول رسول الله صلى الله عليه وآله فهلم ألعنك أن القول ما قال رسول الله صلى الله عليه وآله وأن الباطل ما قال صاحبك، قال: فأقبل عبد الله ابن عمير فقال: يسرك أن نساءك وبناتك وأخواتك وبنات عمك يفعلن، قال: فأعرض عنه أبو جعفر عليه السلام حين ذكر نساءه وبنات عمه.

'Ali – his father – Ibn Abi 'Umayr – 'Umar b. Uzaynah – Zurarah:

'Abd Allah b. 'Umayr al-Laythi went to Abu Ja'far, peace be upon him, and said to him, "What is your opinion of *mut'ah* with women?" So, he (Abu Ja'far) said, "**Allah made it *halal* in His Book and upon the tongue of His Prophet, peace be upon him and his family. Therefore, it is *halal* till the Day of *al-Qiyamah*.**"

Then he (al-Laythi) said, "O Abu Ja'far! Someone of your calibre saying this, despite that **'Umar had made it *haram* and had forbidden it?!**" He (Abu Ja'far) said, "Even if he did so." He (al-Laythi) said, "I seek refuge for you with Allah from that, from making *halal* something that 'Umar made *haram*." He (Abu

Ja'far) said to him, “**Your follow the teaching of your companion and I follow the teaching of the Messenger of Allah, peace be upon him and his family.** So, invoke the curse of Allah (upon the wrong party between us) – (I say) that the truth is what the Messenger of Allah, peace be upon him and his family, said, and that the falsehood is what your companion said.”

‘Abd Allah b. ‘Umayr then advanced and said, “Would it make you happy if your wives, daughters, sisters and the daughters of your uncle do (*mu'tah*)?” So, Abu Ja'far, peace be upon him, turned away from him when he mentioned his wives and the daughters of his uncle. [1](#)

‘Allamah al-Majlisi (d. 1111 H) says:

حسن

[Hasan.2](#)

Al-Laythi was apparently a Sunni, who held ‘Umar in extremely high esteem. He did not believe in the legitimacy of *mut'ah*, solely on the premise that ‘Umar forbade it. The Ahl al-Bayt of the Prophet, *‘alaihim al-salam*, by contrast, follow his *Sunnah*, and uphold its legality. So, the official position of the chosen ones from the Messenger's offspring is that *mut'ah* is decreed in the Qur'an and its verse had never been abrogated. As such, temporary marriage remains *halal* till the Last Hour. The Ahl al-Bayt also believe that it is a *bid'ah* to consider *mut'ah* to be *haram*, and that whosoever does so has opposed the Prophet of Allah. Al-Laythi insulted Imam al-Baqir, *‘alaihi al-salam*, by asking if it would please him if his wives and the daughters of his uncle did *mut'ah*. Of course, *mut'ah* is *haram* for married women. A woman in Islam can only have one husband at a time. It is also very likely that the daughters of the Imam's uncle were also already married at that time. Thus, due to al-Laythi's mocking (or perhaps ignorant) insult, the noble Imam turned away from him.

Interestingly, there are some authentic Sunni *riwayat* which also confirm this Shi'i *hadith*. Imam Muslim (d. 261 H) has this surprising one:

حدثنا حامد بن عمرو البكرابي حدثنا عبدالواحد (يعني ابن زياد) عن عاصم عن أبي نضرة قال كنت عند جابر بن عبدالله فأتاه آت فقال ابن عباس وابن الزبير اختلفا في المتعتين فقال جابر فعلناهما مع رسول الله صلى الله عليه وسلم ثم نهانا عنهما عمر فلم نعد لهما

Hamid b. ‘Amr al-Bakrawi – ‘Abd al-Wahid b. Ziyad – ‘Asim – Abu Na'rah:

I was with Jabir b. ‘Abd Allah, a person came and said, “Ibn ‘Abbas and Ibn al-Zubayr disagree concerning the two types of *mut'ah*.” So, Jabir said, “**We practised BOTH of them *along with the Messenger of Allah*, peace be upon him. Then, ‘Umar forbade us from them both, and we have not reverted to them.**”[3](#)

This *hadith* is significant in many ways. Among them, it establishes that the Prophet himself was practising both types of *mut'ah* – including that with women – *along with* his Sahabah. Moreover, Jabir explicitly stated that it was ‘Umar who first banned both of them.

The same fact is reiterated in this *hadith* of Imam Ahmad (d. 241 H):

حدثنا عبد الله حدثني أبي ثنا إسحاق ثنا عبد الملك عن عطاء عن جابر بن عبد الله قال كنا نتمتع على عهد رسول الله صلى الله عليه و سلم وأبي بكر وعمر رضي الله عنهم حتى نهانا عمر رضي الله عنه أخيراً يعني النساء

‘Abd Allah (b. Ahmad) – my father (Ahmad b. Hanbal) – Ishaq – ‘Abd al-Malik – ‘Aṣḥa – Jabir b. ‘Abd Allah:

We used to do *mut'ah* during the time of the Messenger of Allah, peace be upon him, Abu Bakr and ‘Umar, may Allah be pleased with them, **until ‘Umar, may Allah be pleased with him, later forbade it**, that is (*mut'ah* with) women.[4](#)

Shaykh al-Arnauṣ says:

إسناده صحيح على شرط مسلم

Its chain is *sahih* upon the standard of (Imam) Muslim.[5](#)

So, ‘Umar himself initially allowed it. Abu Bakr, on the other hand, had no problem with it throughout his rule.

Imam Muslim equally reports:

حدثني محمد بن رافع حدثنا عبدالرزاق أخبرنا ابن جريج أخبرني أبو الزبير قال سمعت جابر بن عبدالله يقول كنا نستمع بالقبضة من التمر والدقيق الأيام على عهد رسول الله صلى الله عليه و سلم وأبي بكر حتى نهى عنه عمر في شأن عمرو بن حريث

Muhammad b. Rafi’ – ‘Abd al-Razzaq – Ibn Jurayj – Abu al-Zubayr:

I heard Jabir b. ‘Abd Allah saying, “**We used to contract *mut'ah*** by giving a handful of dates and flour (as the dowry) during the time of the Messenger of Allah and Abu Bakr **UNTIL ‘Umar forbade it** in the case of ‘Amr b. Hurayth.[6](#)

This one repeats emphatically that the practice of *mut'ah* continued unimpeded and uninterrupted from the time of the Prophet till ‘Umar forbade it.

It is indeed of great interest that the Sahabah generally were engaging in *mut'ah* with women – and this naturally included sexual intercourse with them – and the Prophet never rebuked or punished a single one of them! This occurred till his death, and also during the rule of Abu Bakr. If *mut'ah* were *haram*, then the intercourse within it would have been *zina* (fornication or adultery), and it would have been obligatory upon the Messenger to investigate the cases and punish the *mut'ah* practitioners. After all, they were not doing it in secret. This was how Jabir knew that it was a general practice, in the first place. So, was the Prophet failing in his duties? Or, was he condoning disobedience and illegal sex? Or, was it that he never forbade it – as the Ahl al-Bayt and Jabir b. 'Abd Allah claimed – and therefore had nothing to probe or penalize in it? What about Abu Bakr? Why would he allow *zina* to flourish in his domains?

Imam Ahmad still has more reports for us:

حدثنا عبد الله حدثني أبي حدثنا يونس ثنا حماد يعني بن سلمة عن علي بن زيد وعاصم الأحول عن أبي نضرة عن جابر بن عبد الله قال تمتعنا متعتين على عهد النبي صلى الله عليه و سلم الحج والنساء فنهانا عمر عنهما فانتهينا

'Abd Allah (b. Ahmad) – my father (Ahmad b. Hanbal) – Yunus – Hamad b. Salamah – 'Ali b. Zayd AND 'Asim al-Ahwal – Abu Na'rah – Jabir b. 'Abd Allah:

We practised two forms of *mut'ah* during the time of the Prophet, peace be upon him: *Hajj* and woman.

But, 'Umar forbade us from them both. So, we desisted.[7](#)

Shaykh al-Arnau comments:

إسناده صحيح على شرط مسلم

Its chain is *sahih* upon the standard of (Imam) Muslim.[8](#)

He also records:

حدثنا عبد الله حدثني أبي ثنا عفان ثنا حماد أنا علي بن زيد وعاصم الأحول عن أبي نضرة عن جابر بن عبد الله قال تمتعنا على عهد رسول الله صلى الله عليه و سلم متعتين الحج والنساء وقد قال حماد أيضا متعة الحج ومتعة النساء فلما كان عمر نهانا عنهما فانتهينا

'Abd Allah (b. Ahmad) – my father (Ahmad b. Hanbal) – 'Affan – Hamad – 'Ali b. Zayd AND 'Asim al-Ahwal – Abu Na'rah – Jabir b. 'Abd Allah:

We practised *mut'ah* during the time of the Messenger of Allah, peace be upon him, two types of *mut'ah*: the *mut'ah* of *Hajj* (i.e. *Hajj al-Tamattu'*) and *mut'ah* with women. **But, when 'Umar forbade us from them both, we desisted.**[9](#)

Al-Arnau⁹ again says:

إسناده صحيح

Its chain is *sahih*¹⁰

Then, Imam Ahmad tops them with this:

حدثنا عبد الله حدثني أبي ثنا عبد الصمد ثنا حماد عن عاصم عن أبي نضرة عن جابر قال متعتان كانتا على عهد النبي صلى الله عليه و سلم فنهانا عنهما عمر رضي الله تعالى عنه فانتهينا

‘Abd Allah (b. Ahmad) – my father (Ahmad b. Hanbal) – ‘Abd al-Samad – Hamad – ‘Asim – Abu Na⁹rah – Jabir:

There used to be two types of *mut’ah* during the time of the Prophet, peace be upon him. **But, ‘Umar, may Allah be pleased with him, forbade us from them both. So, we desisted.**¹¹

Al-Arnau⁹ declares:

إسناده صحيح على شرط مسلم

Its chain is *sahih* upon the standard of (Imam) Muslim.¹²

So, the Sahabah were heavily into *mut’ah* with women till the deaths of both the Prophet and Abu Bakr, and also for a long time during ‘Umar’s rule. They freely practised it, even after the Messenger’s demise, and they freely allowed it.

Meanwhile, when ‘Umar banned *mut’ah*, his action naturally attracted opposition from some Sahabah. One of them was ‘Abd Allah b. Mas’ud, about whom Imam Muslim reports:

حدثنا محمد بن عبد الله بن نمير الهمداني حدثنا أبي ووكيع وابن بشر عن إسماعيل عن قيس قال سمعت عبد الله يقول كنا نغزو مع رسول الله صلى الله عليه و سلم ليس لنا نساء فقلنا ألا نستخصي ؟ فنهانا عن ذلك ثم رخص لنا أن ننكح المرأة بالثوب إلى أجل ثم قرأ عبدالله { يا أيها الذين آمنوا لا تحرموا طيبات ما أحل الله لكم ولا تعتدوا إن } الله لا يحب المعتدين

Muhammad b. ‘Abd Allah b. Numayr al-Hamdani – my father, Waki’ and Ibn Bishr – Isma’il – Qays:

I heard ‘Abd Allah saying, “We were on an expedition with the Messenger of Allah, peace be upon him, and we had no women with us. So, we said “Should we castrate ourselves?” But, he forbade us to do

that. Then, **he permitted us to do *nikah* (marriage) with the woman for a stipulated period**, giving her a garment (as the dowry).” Then, ‘Abd Allah recited, {O you who believe! **Do not make *haram* the good things which Allah has made *halal* for you**; and do not exceed the limits; surely Allah does not love those who exceed the limits} [5:87].[13](#)

Ahmad has documented it too:

حدثنا عبد الله حدثني أبي ثنا وكيع عن بن أبي خالد عن قيس عن عبد الله قال كنا مع النبي صلى الله عليه و سلم ونحن شباب فقلنا يا رسول الله ألا نستخصي فنهاننا ثم رخص لنا في ان ننكح المرأة بالثوب إلى الأجل ثم قرأ عبد الله { لا تحرموا طيبات ما أحل الله لكم }

‘Abd Allah (b. Ahmad) – my father (Ahmad b. Hanbal) – Waki’ – Ibn Abi Khalid – Qays – ‘Abd Allah:

“We were with the Prophet, peace be upon him, and we were youths. So, we said to the Messenger of Allah, “Should we castrate ourselves?” But, he forbade us (to do that). **Then, he permitted us to do *nikah* (marriage) with the woman for a stipulated period**, giving her a garment (as the dowry).” Then, ‘Abd Allah recited, {**Do not make *haram* the good things which Allah has made *halal* for you**} [5:87].[14](#)

Shaykh al-Arnau[®] comments:

إسناده صحيح على شرط الشيخين

Its chain is *sahih* upon the standard of the two Shaykhs[15](#)

Apparently, Ibn Mas’ud issued this statement in response someone’s declaration of *mut’ah* as *haram*. No doubt, this was ‘Umar. It is indeed of great interest that *mut’ah* was considered by Ibn Mas’ud to be one of the “good things” mentioned by Allah in His Book. This was clearly why he quoted the *ayah* in connection with it. Al-Hafi[®] Ibn Hajar al-‘Asqalani (d. 852 H) has this commentary of that *hadith*:

وظاهر استشهاد ابن مسعود بهذه الآية هنا يشعر بأنه كان يرى بجواز المتعة

Apparently, Ibn Mas’ud’s use of this verse here as evidence shows that **he considered *mut’ah* to be permissible**.[16](#)

Imam al-Nawawi (d. 676 H) has the same opinion:

ثم قرأ عبد الله يا أيها الذين آمنوا لا تحرموا طيبات ما أحل الله لكم (فيه إشارة إلى أنه كان يعتقد بإباحتها كقول ابن عباس وأنه لم يبلغه نسخها

(Then, ‘Abd Allah recited, {O you who believe! Do not make *haram* the good things which Allah has made *halal* for you} [5:87]) **there is an indication in it that he considered it permissible**, as Ibn ‘Abbas also did, and that information concerning its abrogation did not reach him. [17](#)

The last part of al-Nawawi’s submission is only a desperate excuse. As Jabir b. ‘Abd Allah, *raḍiyallahu ‘anhu*, claimed, the generality of the Sahabah freely practised *mut’ah* – unimpeded and interrupted – from the time of the Prophet till the rule of ‘Umar! Is it then possible that the information of its alleged abrogation also did not reach any of them – until suddenly, after ‘Umar banned it?

Meanwhile, there are a number of *fawaid* from the *hadith* of Ibn Mas’ud:

1. It establishes that *mut’ah* was NOT practised amongst the Muslims initially. This was why no Muslim did it until after the Messenger “permitted” them. This refutes the claim that the Muslims only carried on the practice of *mut’ah* from the *Jahili* era.
2. It also shows that *mut’ah* is one of the “good things” mentioned by Allah, and made *halal* by Him, in His Book. We will explain, in the next chapter, how Ibn Mas’ud concluded that Qur’an 5:87 is also about *mut’ah*, among others.
3. It further confirms that *mut’ah* is *truly* a form of *nikah* (marriage). So, the parties in it are legally husband and wife.

[1.](#) Abu Ja’far Muhammad b. Ya’qub b. Ishaq al-Kulayni al-Razi, *al-Furu’ min al-Kafi* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: ‘Ali Akbar al-Ghiffari], vol. 5, p. 449, # 4

[2.](#) Muhammad Baqir al-Majlisi, *Mir-at al-Uqul fi Sharh Akhbar Al al-Rasul* (Tehran: Dar al-Kutub al-Islamiyyah) [annotator: Sayyid Muhsin al-Husayni al-Amini], vol. 20, p. 229

[3.](#) Abu al-Husayn Muslim b. al-Hajjaj al-Qushayri al-Naysaburi, *Ṣahih Muslim* (Beirut: Dar Ihya al-Turath al-‘Arabi) [annotator: Muhammad Fuad ‘Abd al-Baqi], vol. 2, p. 1022, # 1405 (17)

[4.](#) Abu ‘Abd Allah Ahmad b. Hanbal al-Shaybani, *Musnad* (Cairo: Muasassat Qur’ubah) [annotator: Shu’ayb al-Arnaut], vol. 3, p. 304, # 14307

[5.](#) Ibid

[6.](#) Abu al-Husayn Muslim b. al-Hajjaj al-Qushayri al-Naysaburi, *Ṣahih Muslim* (Beirut: Dar Ihya al-Turath al-‘Arabi) [annotator: Muhammad Fuad ‘Abd al-Baqi], vol. 2, p. 1022, # 1405 (16)

[7.](#) Abu ‘Abd Allah Ahmad b. Hanbal al-Shaybani, *Musnad* (Cairo: Muasassat Qur’ubah) [annotator: Shu’ayb al-Arnaut], vol. 3, p. 356, # 14877

[8.](#) Ibid

[9.](#) Ibid, vol. 3, p. 363, # 14959

[10.](#) Ibid

[11.](#) Ibid, vol. 3, p. 325, # 14519

[12.](#) Ibid

[13.](#) Abu al-Husayn Muslim b. al-Hajjaj al-Qushayri al-Naysaburi, *Ṣahih Muslim* (Beirut: Dar Ihya al-Turath al-‘Arabi) [annotator: Muhammad Fuad ‘Abd al-Baqi], vol. 2, p. 1022, # 1404 (11)

[14.](#) Abu ‘Abd Allah Ahmad b. Hanbal al-Shaybani, *Musnad* (Cairo: Muasassat Qur’ubah) [annotator: Shu’ayb al-Arnaut], vol. 1, p. 432, # 4113

[15.](#) Ibid

[16.](#) Shihab al-Din Ibn Hajar al-‘Asqalani, *Fath al-Bari Sharh Ṣahih al-Bukhari* (Beirut: Dar al-Ma’rifah li al-‘Aba’ah wa al-

Nashr; 2nd edition), vol. 9, p. 102

[17.](#) Abu Zakariyyah Yahya b. Sharaf al-Nawawi, Sharh Ṣaḥih Muslim (Beirut: Dar al-Kitab al-‘Arabi; 1st edition, 1407 H) vol. 9, p. 182

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