

Mutah (Temporary) Marriage

Mutah is a kind of marriage (Nikah). The only difference is that one is periodic and the other is permanent. Its detail is given in the Holy Quran. Mutah is not compulsory or obligatory but the Holy Quran considers it lawful. Since no verse of Mutah is found to be abrogated, Shias believe that it is lawful and they practice it. Non-Shias regard it unlawful, because Umar Ibn Khattab has decreed it to be illegal.

In his own words: "I prohibit both." How the statement of the Prophet or Caliph can abrogate a verse of Quran is beyond the understanding of this writer.

According to non-Shias, some tradition of the Prophet abrogated the command of Mutah and that is why the Caliph also instructed thus. The writer says that it is the same, whether there is some saying of the Prophet abrogating Mutah or not, neither the statement of the Prophet can abrogate a verse of Quran nor the saying of Umar. According to Shias belief, only Allah can abrogate His own command.

Even the Prophet or a descendent of a Prophet cannot abrogate a divine command. But the same cannot be expected from Ahlul Sunnat according to whose belief, Umar had the right to abrogate any command of Allah, since according to Ahlul Sunnat faith most verses were revealed because of Umar; so if after the passing away of the Prophet, the Caliph abrogates a command of Allah, what is wrong in it?

By following this faith, it becomes easy to accept the abrogation of the verse of Mutah, otherwise, apparently the command of Umar for abrogation of Mutah seems to be absolutely opposed to Islamic texts. This argument is not acceptable to the writer, because to say that Quranic verses were revealed according to Umar's opinion is meaningless. In the view of intelligent people, Quranic verses were not revealed according to Umar's opinion and Umar's command cannot abrogate the command of Allah.

Ahlul Sunnat believe that Allah sent revelation according to the Caliph's wish and this shows that Umar had a share in prophethood, which means that he was superior to the Prophet. Thus, when the Caliph disliked something, Allah's command come down according to his wish and there was no interference of the Prophet or anyone else. We also come to know that Muhammad (S) and even Allah felt it necessary

to bear in mind Umar's likes or dislikes. If it was not so, how can they say that revelation was sent according to his wish?

Muhammad (S) was a channel to convey divine revelation and preaching of verses that whatever communications were sent by Allah, he was to bring them to the believers and without interfering, whether he liked it or not. It is clear that this is the function of the Messenger of Allah (S). But revelation was according to Umar's opinion; and Allah had to ask Umar about his opinion before sending it, which means that Umar did not only have a share in prophethood, he also was a partner in godhood.

This belief seems to exceed the faith of Bahrul Uloom Maulavi Abdul Alaa, which regards Umar only to be the tutor of the Holy Prophet (S). Bahrul Uloom says that sometime the Prophet was in a position where even angels could not tread and sometimes he came down to the earthly level and it was in one of those moments that in the last days, the Messenger of Allah (S) said:

“Give me pen and paper, so that I may write for you something that you would never go astray after me.”

Umar understood that it was the moment of his earthliness and therefore he corrected him. Upon which the Messenger of Allah (S) continued to repeat: “I seek the refuge of Allah.”

The writer says: When Umar had a share in Quranic revelation, then how could the personal reformation of Prophet Muhammad (S) be difficult for the Caliph? But the writer cannot share the Maulavi's faith, because the saying of the Holy Prophet (S) does not show that when he said: “Give me pen and paper...” he had fallen to the level of earthliness, because if it had been so, he would not have said: “So that you will not go astray after me.”

It is a statement, which shows that what he was saying was very important. That is, he wanted to write something, which would save his followers from going astray. It is clear that such a document cannot be concerned with his terminal condition. Certainly his thoughts were on Allah, but Umar could not understand the Prophet's style and his demand of intelligence and wisdom, otherwise, he never would have tried to correct his thinking.

When at last the Prophet said, “I seek the refuge of Allah,” also it was not due to low thoughts. Rather, it seems that the Prophet was very much displeased of the people's disobedience. No doubt, to say, “I seek the refuge of Allah,” was a demand of nature as his followers and all Muslims had always obeyed him, but now the condition was such that when he was in his terminal illness and asking for pen and paper, they were not prepared to obey him. On the contrary, Umar was also claiming that the Prophet was talking nonsense, as clear from his statement that: “The disease has overcome him...”

If the Prophet had not said, “I seek the refuge of Allah,” what else could he have said? Maulavi Abdul Alaa has, in his justifications, praised priesthood a lot, but it is regretful that his justifications have no relation to Nature. Now the people of justice can decide whether Umar had any share in divine revelation

or not? The fact is that Ahlul Sunnat love the three Caliphs to such an extent that they do not care for the respect and honor of the Prophet. Allah and the Prophet have only minor value for them. We are horrified on seeing people like Bahrul Uloom and other learned Ahlul Sunnat. Although there are many strange things in the world, but the religion of Ahlul Sunnat is the strangest of all.

Thus, we should know that Mutah is sanctioned by Quran and it cannot be abrogated by a statement of the Prophet or a saying of Umar. Research shows that Mutah is lawful in religion and it was lawful during the time of the Prophet till the end of Bakr's tenure. It was only Umar who decreed it unlawful and from then onwards, Ahlul Sunnat regarded Mutah unlawful.

There is no doubt that during the time of the Prophet and Abu Bakr, Mutah was lawful, as Jabir Ibn Abdullah Ansari says that, "I performed Mutah during the time of the Messenger of Allah (S) and in the time of Abu Bakr," and also in Tirmidhi¹ it is mentioned that a Syrian asked Abdullah Ibn Umar that, "Mutah of Hajj was lawful with Umrah, but your father made it unlawful," Abdullah replied, "My father made it unlawful but the Messenger of Allah (S) has made it lawful. Shall I leave the Sunnah (practice) of the Prophet and obey the commands of my father?"

Now, let us see what Mutah is?

We should know that permanent marriage (Nikah) is a civil contract in Islam, in the same way, Mutah (Temporary marriage) is also a civil contract. The difference in temporary or permanent marriage is that there is no divorce in Mutah and in Nikah, divorce is possible. It means that Mutah cannot be cancelled within the fixed period of time, as opposed to Nikah, which can be terminated anytime through divorce.

Since, according to the dictates of reason, Mutah is an unblemished contract, educated people of the world cannot deny its excellence. For example an Englishman, who was also a famous jurist of India, complied with this contract. He was among the friends of the writer. He married a respectable woman of his own community on contract for thirty years and his spouse participated in society with other married women.

Since he was not bound by Christian faith and discriminated between the merits and demerits of a thing, he did not consider such a contract to be defective. Now the excellence of Mutah is unfolded even among the people of America and it would not be a surprise if Mutah becomes customary in the whole world. We should know that both, Mutah and Nikah are based on the same principle and having the same aim. Both are means to protect against fornication. Islam has endeavored much to save the Muslims from fornication.

Islam has allowed four marriages at the same time and also fixed rational prohibitory limits. By making Mutah lawful, in addition to permanent marriage, Allah has made marital relations so easy for the believers, which cannot be obtained by those who deny Mutah. Lack of facility in lawful sexual contact is due to the prohibition of Mutah. And this lack of facility results in fornication.

Rather, it can cause even worse consequences as seen during the time of Umar. From that time onwards, nothing could replace Mutah as a channel to save the people from fornication. When the order for prohibition of Mutah was announced in the Islamic lands, within a very short time, complaints arrived from Syria that soldiers were indulging in many inappropriate misdeeds² due to the prohibition of Mutah, which was not surprising, considering the hot temperament of Arabs! Allah forbid! That is why, His Eminence, Ali (a.s.) Amirul Mo-mineen (a.s.) stated that if Ibn Khattab had not prohibited Mutah, only the most wretched ones would have indulged in fornication.³

We should know that four marriages are permissible in Islam. This order is not obligatory nor compulsory; a man can marry one, two, three or four, or due to some helplessness, he cannot even marry one. Those who advocate monogamy, should know that if Allah had made it obligatory, the religion of Islam would have advanced in other countries, but it had no chance in the land of Arabs.

A community whose males were not at all worried of hunger and thirst during fasts and who considered the best way to end the fast through sexual intercourse with the wife, to think that they would be content with one wife is only madness! Such a community cannot be saved from fornication through limited sex.

Therefore, the permission of four marriages was not without exigency. Those who have accepted monogamy and are proud of it, they have no reason to be proud of as whatever is seen in Paris and London is beyond imagination. They advocate one wife even she were leprous or sterile! Indecency is not unexpected from one who is bound like this.

Experience shows that the slogan of one wife is only used to conceal obscenity. Islam has removed the system of one wife very intelligently and allowed four wives and to be safe from fornication, has also shown the easy way of Mutah.

If Mutah is adopted, there would be no need to keep prostitutes on contract in the army and that wherever the army moves the prostitutes go along with them! Government is not concerned whether the army personnel do this lawfully or unlawfully. While the government must assure that the army should not create disturbance.

It is clear that if the government would not supply prostitutes, disturbance could be created in the army such as the disturbance created in the army of Syria when Umar prohibited Mutah. According to the writer's view, limited polygamy and Mutah, both are the best ways and Quran has considered both lawful. Certainly, if one does not consider fornication wrong, he cannot value these facilities!

One who knows the worth of polygamy and is aware of their necessity and he knows that fornication is appalling. I am not writing this against non-Muslims, otherwise, my writing would be in a different style.

Being a Muslim, I am not against Mutah. After it was made unlawful, what difficulties the Muslims had to bear! Imam Abu Hanifah had to derive the order that if a man pays an amount of money to fornicate with a woman, the amount would be lawful for that woman and that man would not be penalized for adultery.

It is clear that if Mutah had not been made unlawful, Abu Hanifah would not have to formulate this point of law. Anyhow, whatever the Hanafites may think about this interpretation, according to the writer, Mutah is much better.

This order may be acceptable to whoremongers but the fact is that it is very abominable and it destroys the communal and personal respect of Muslims. In the eyes of the people of justice, such judgment can never have a religious sanction and a wise man could never follow it. Below, the writer presents his research about Mutah. Allah, the Almighty says in Quran:

“Then as to those whom you profit by, give them their dowries as appointed.”⁴

Baidhawi states that this verse was revealed for Mutah and this order continued till after three days after the conquest of Mecca and then it was abrogated but no other verse can be seen that has abrogated this verse. Hence Noodi⁵ states that Imran bin Husayn says that the Holy Prophet (S) did not prohibit Mutah as long as he lived and Quran has not abrogated it.

On the same page, Imran bin Husayn says that “the verse of Mutah was revealed in Quran and the Prophet allowed Mutah for us, then the verse was never abrogated and the Prophet also did not prohibit it. But Umar did whatever he liked.”

It is worth considering that Baidhawi writes about abrogation of this verse, but he has not mentioned the verse, which has abrogated this verse of Mutah. If any verse had abrogated the verse of Mutah, he would have surely pointed it out. The fact is that there is no such verse that has abrogated the command of Mutah, as clear from the research of Imam Noodi. Another argument for the abrogation of Mutah is that in the chapter of ‘Fi-Nasikh and Al Mansukh’ of Tafseer Itqan⁶ we do not see the abrogated verse of Mutah.

In the same way, Mulla Jeevan Jaunpuri has included the verse of Mutah among the verses of legislation in his exegesis of Quran. The greatest argument of non-abrogation of Mutah is that according to Tarikh Ibn Khallikan⁷, the command of Mutah continued during the time of the Holy Prophet (S) and the first Caliph. If any verse of Mutah had been revealed to abrogate Mutah, it would not have remained concealed from the Prophet. How surprising that Umar was aware of it and the Prophet and the first Caliph were not. In short, it is confirmed that the verse of Mutah was not abrogated by any verse.

Some learned Ahlul Sunnat who try to abrogate Mutah through the verses of Surah Momin and Surah Maarij do not realize that these verses are Meccan, while the verse of Mutah is from Surah Nisa and it is Medinite. How can verses of abrogation be revealed before verses of legislation?

Umar had announced from the pulpit that, “Mutah of women and Mutah of Hajj, both were lawful during the time of the Prophet, but now I prohibit them.”⁸ According to Tarikhul Khulafa⁹, in the Chapter of innovations of Umar, it can be seen that it was he that made Mutah unlawful. Abul Fida has also

mentioned it in his history and Muwattah¹⁰ also states the same.

Now let us see whether Umar had the right to cancel the command of Mutah or not, because the Prophet and first Caliph had no right and if they had this right, surely the Prophet and the Caliph would have ordered as Umar did. From where did Umar get this discretion? Umar must have secured this right in the capacity of a jurist.

Thus, Allamah Qaushiji writes in Sharh Tajrid¹¹ that Umar went to the pulpit and made Mutah of women and Mutah of Hajj unlawful and also cancelled the statement of “Hayya A’laa Khairil A’mal” (Rush to the best of deeds). He says that it is allowed for the jurist to give a verdict. Now the question is whether Umar, Abu Bakr or the Prophet had any right to abrogate a divine command or not?

Certainly, the Holy Prophet (S) had no right to abrogate even a small verse of Quran. Only Allah had the right to abrogate His command from Quran as some abrogated commands are seen in the Holy Quran. It is not possible for any tradition of Prophet to abrogate a verse of Quran, as clear from the statement of the Prophet that “If our tradition conforms to Quran, accept it and whatever is opposed to Quran, reject it.”¹²

When such is the position of a saying of the Prophet, then what is the value of the words of Abu Bakr and Umar?

No doubt, this jurisprudence of Umar is against the command of Allah and is not worthy to be followed by Muslims. Now let us see which followers of the Prophet followed Umar’s command and who were against it? Followers who accepted the command of Allah about Mutah, that is those who were against Umar were:

- 1) Abdullah Ibn Abbas
- 2) Abdullah Ibn Masood
- 3) Jabir bin Abdullah Ansari
- 4) Salma bin Al-Akwa
- 5) Abu Saeed Al-Khudri
- 6) Saeed bin Jubair
- 7) Mujahid
- 8) Abdullah Ibn Umar
- 9) Imran Ibn Al-Husayn
- 10) Akrama, slave of Ibn Abbas and
- 11) Abu Moosa Ashari.

We should know that the purified Imams of the family of the Prophet were also aloof from Umar’s jurisprudence and followed the command of Mutah.¹³ From the distinguished companions, only Uthman bin Affan and Abdullah Ibn Zubair are seen as supporters of Umar’s verdict. Now the writer states a few more points related to Mutah which are found in reliable books.

According to Noodi¹⁴, Ibn Abbas used to certify the legality of Mutah and Ibn Zubair considered it unlawful. When Abu Nasrah, the narrator mentioned this before Jabir Ansari, Jabir said: “I did Mutah for a short period, along with the Prophet’s companions, but Umar became angry and said: ‘Allah has allowed Mutah in Quran, but if anyone does so, we would stone him to death.’”

The writer says: “O Umar! Who are you? You were ready to stone to death a follower of Allah? You are not the Lord of the world that you can abrogate the verse of Holy Quran. Even the Prophet could not do so. How can the believers of Allah and Prophet interfere in the command of Allah and His Prophet (S)?” Really, we cannot understand Umar, because he had a special type of temperament and was very stubborn all the time. He didn’t like the peace treaty of Hudaibiya, due to which he doubted the prophethood of the Messenger of Allah (S) and could not hide it.

Obviously, if the treaty had not been signed and there had been fighting with the infidels of Mecca, they would not have helped the Prophet. Did the Prophet get his help in the war that he would give his help today? Well, the abrogation of the command of Mutah informs us of the hot temperament of Umar.

If it would be that he possessed knowledge of Quran and tradition and for this reason and had the capability to exercise the judgment there would have no need to establish committee of jurists whose member was Zaid Ibn Thabit etc. The biggest argument is that he had no intrinsic capability like Imam Ali. He was making mistakes in juridical matters and he could not understand such things even till the end of his life. With such useless ability, to issue the order of Mutah is a very surprising matter.

Imam Noodi says that Abu Moosa Ashari used to certify the legality of Mutah and he supported his view by a tradition of the Prophet. From Tafseer Nishapuri, one comes to know that even an illegal wife has a right like a legally married wife. Hence according to this explanation, the lawfulness of Mutah is proved.

From the Book of Nikah, Pg. 293, we come to know that according to Hanafite faith, Mutah is invalid but Imam Malik says it is lawful and Imam Zomur says Mutah is right because due an invalid condition the marriage does not become invalid. From Tafseer Kashaf it appears that Ibn Abbas was always convinced of the lawfulness of Mutah and didn’t revert to its unlawfulness. Noodi¹⁵ has recorded that Jabir bin Abdullah Ansari says: “I did Mutah during the time of the Holy Prophet (S) and in the time of Abu Bakr.”

Tirmidhi¹⁶ records that a Syrian asked Abdullah Ibn Umar about the Mutah during Hajj. Ibn Umar replied that Mutah was lawful. The man raised an objection and said: “Your father made it unlawful.” Ibn Umar replied: “If my father made it unlawful, the Holy Prophet (S) made it lawful. Shall I give up the practice of the Prophet and follow my father’s sayings?”

It is stated in Noodi¹⁷ that Imran bin Husayn says that “the verse of Mutah was revealed in the Holy Quran and the Prophet ordered me for Mutah and no other verse is revealed to abrogate this verse of Mutah and the Holy Prophet (S) has not made the Mutah unlawful, but Umar declared it unlawful.” From the research of Qastalani¹⁸, it seems that Ibn Abbas made Mutah lawful and said that Mutah was lawful

in times of need. It is also mentioned that Salma bin Al- Akwa says: “We were in the army and the Holy Prophet (S) came and said: ‘You are allowed to do Mutah’, therefore all did it.”

Noodi¹⁹ has recorded that Qadi bin Qalami says that even if time is not fixed verbally and it is only in mind, then also this marriage is lawful.

It is also written in the same book that Abu Moosa Ashari used to consider it lawful. One day a man asked: “Don’t you know that Umar has made it unlawful in Hajj rites?” Abu Moosa asked about it when he met Umar and he said: “No doubt, the Holy Prophet (S) and his companions did Mutah, but I disapproved such a thing in Hajj rites that people enjoy during the Hajj and bath water should drip from their heads.”

O Allah, be praised, Umar has mentioned this reason for the unlawfulness of Mutah! Allah provides facilities to believers and Umar regards them unlawful! Here, Umar himself had taken Allah’s place by force, after tutoring the Prophet! There is no limit to bad temperament! Even if the 16th part of this temperament had given you bravery, Islam would have been safe from different kinds of adversities. Bad times arrived for Islam due to Umar’s temperament. The destruction of the Prophet’s family, their troubles and dissension in Islamic Ummah etc. All this came to light only because of Umar.

Whether the bigots believe it or not, Umar is responsible for all the evils that inflict Islam. The family of the Prophet continued to shed tears of blood because of Umar and the religion of Muhammad today is not in fact the religion of Muhammad. Islam seems to be the religion of Umar or Zaid Ibn Thabit, but it is not the religion of Muhammad.

The religion of Muhammad was limited to Ahlul Bayt but now it is not an easy task to separate the religion of Muhammad from the religion of Umar. In the end, I quote a tradition related by Saeed bin Musayyab from the book of Noodi²⁰ that says: Once His Eminence, Ali (a.s.) and Uthman met in the district of Affan. Ali (a.s.) was asserting that Mutah was lawful and Uthman claimed that it was unlawful. Ali (a.s.) asked: “What do you want? Do you want to prohibit something that the Messenger of Allah (S) had made lawful?”

In the same book, a tradition on this topic is recorded from Abdullah bin Shafiq, that Uthman considered Mutah unlawful as Umar had prohibited it and Uthman himself had no power to take a decision on Quranic verses. It is possible that Marwan or someone else had told him about the unlawfulness of Mutah; but Imam Ali’s view about the lawfulness of Mutah is worthy of attention, because none in the Islamic lands was more perfect in knowledge than His Eminence, Ali (a.s.).

Thus, after investigating all explanations and traditions of Ahlul Sunnat, we come to know that the unlawfulness of Mutah was only Umar’s creation and his command was totally against Allah and His Prophet. People of insight, who are aloof from prejudice, cannot say that Mutah is unlawful, because the Prophet, Ali (a.s.) and all family members of the Prophet conform to the command of Allah with regard to Mutah. Wisdom also dictates that whatever the Prophet and Ali (a.s.) agree upon, must be the truth; and

it is the religion of Allah and all that is against it, is false.

- [1.](#) Vol. 1, Pg. 107
- [2.](#) Sodomy, perhaps.
- [3.](#) Ref. Tafseer Tabari
- [4.](#) Surah Nisa 4:24
- [5.](#) Vol. 1, Pg. 293
- [6.](#) Vol. 47, Pg. 310
- [7.](#) Pg. 358
- [8.](#) Ref. Tafseer Kabir, Vol. 3, Pg. 289.
- [9.](#) Chapter of Awaliyate Umar, Pg. 136.
- [10.](#) Pg. 196
- [11.](#) Pg. 385
- [12.](#) Ref. Tafseer Kabir, Vol. 3, Pg. 537.
- [13.](#) Ref. Sharhe Ibn Abil Hadid, Vol. 2, Pg. 90.
- [14.](#) Pg. 393
- [15.](#) Vol. 1, Pg. 451
- [16.](#) Vol. 1, Pg. 107
- [17.](#) Vol. 1, Pg. 292
- [18.](#) Vol. 8, Pg. 53
- [19.](#) Vol. 1, Pg. 54
- [20.](#) Pg. 104

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