

## Discourse Eight: Short Term Marriage

In Bahman of 1342 (January/February, 1964), following the opinion of Dr. Russell Lee that humans are part of the group of creatures that naturally cannot content themselves with a single wife, the Keyh<sup>en</sup> Newspaper devoted a column for free debate regarding the issue. It also proclaimed that it would print both favorable and conflicting views.

Naturally, the discussion led to the issue of short-term marriage [mut'ah]. Following this, in issue 6169 dated Bahman 24, 1342 AHS, Keyh<sup>en</sup> printed an article written by Mr. Mard<sup>kh</sup>—who is a Kurdish Sunn<sup>ah</sup> scholar. In a section of this article the Sh<sup>ah</sup> creed was attacked for permitting mut'ah marriage. The present article was written in answer to Mard<sup>kh</sup>'s article but for various reasons it was not printed in the newspaper.

Mr. Mard<sup>kh</sup> has cast his words in the form of dialectic. However, unfortunately in a controversy that has continued among scholars of the two great creeds of Sh<sup>ah</sup> and Sunn<sup>ah</sup> for approximately fourteen centuries, he has based his reasoning on material that Sunn<sup>ah</sup> scholars posited at the start of the controversy which have been proved wrong hundreds of times—the proceedings of which have been inscribed in the jurisprudential and dialectic books of both creeds.

The only way I found to justify this performance is to say that this respectable scholar did not adequately research this extensive debate and due to religious zeal he wanted to bestow a gift upon the honorable readers of the newspaper with the few words that he had heard and accepted on this topic, thinking that Sh<sup>ah</sup> scholars are ignorant of these matters.

The witness to this is a laughable narration that he cited at the start of his discussion:

متعتان، كانتا على عهد رسول الله حلالاً، وأنا احرمهما وأعاقب عليهما، المتعة، ولحم الحمر الانسية.

He took the first part of the narration from an oration by 'Umar, the second caliph, and the second part from a narration by Am<sup>ir</sup> al-Mu'min<sup>in</sup> 'Al<sup>ah</sup> ('a) regarding the prohibition of mut'ah cited in "Sah<sup>ih</sup> Bukh<sup>ari</sup>" and several other books and attributed the comical mixture to Sh<sup>ah</sup> scholars!

Translation of the original piece from the second caliph's oration is as follows: "There are two types of mut'ah that were permissible [halal] at the time of the Prophet of Allah and I make them forbidden [haram] and will punish their perpetrators. These two mut'ahs are the mut'ah of hajj (hajj-e tamattu') and the mut'ah of women."

Translation of the original piece that is attributed to Imam 'Ali ('a) states: "The Prophet of Allah forbade mut'ah of women and the meat of domestic donkeys on the day of Khaybar."

Translation of the oration cited by Mr. Mardikh—the Arabic recorded above—is: the second caliph stated, "There are two types of mut'ah that were halal at the time of the Prophet of Allah and I make them haram and will punish their perpetrators. These two mut'ahs are mut'ah and the meat of domestic donkeys."

The end result of entering into discussion with a person with such logic is quite clear. For the information of those who have not adequately studied this topic, I will succinctly point out several issues in regard to the statements of His Eminence. If anyone has anything to say in this regard or any objections I will welcome their statements with open arms and I am ready for debate and expatiation.

Mr. Mardikh maintains, "If the act of mut'ah were not prohibited, the community of Muslims would act in accordance with it and it would not be specific to the Sh'ah branch."

Indeed, before the interdiction of the Second Caliph, the community of Muslims including the sahabah—i.e. Companions of the Prophet—observed mut'ah. For example, the first caliph gave his daughter Asm' in short term marriage to Zubayr who was a sahabah and 'Abd Allih ibn Zubayr who was also a sahabah was the product of this mut'ah.

However, after the prohibition of the Second Caliph, his partisans renounced mut'ah while the Sh'ahs did not accept the ban.

All the same, after 'Umar's prohibition some sahabahs such as Imam 'Ali ('a); Ibn 'Abbas, Ibn Mas'ud, Jabir, and 'Amr ibn Harith, and also some Tabi'in<sup>1</sup> scholars such as Mujahid; Suddiq; Sa'ad ibn Jubayr; and Ibn Jurayh regarded mut'ah permissible.

Mr. Mardikh asserts, "It seems that this is also one of the influences of the Jew, 'Abd Allih ibn Saba'..."

It must be noted that this 'Abd Allih ibn Saba' is an imaginary person that the Umayyads and their contemporary scholars created to explain away the discord [fitnah] at the dawn of Islam which led to the death of the third caliph, 'Uthman. They made this fictional person the hero of these tales and the founder of the Sh'ah creed.

However, recently some scholars—even Sunnī scholars such as the late lamented renowned scholar Tah Husayn—have historically proved the fictitiousness of the character of Ibn Saba'.<sup>2</sup>

Mr. Mardakhi asks, “How could ‘Umar make a halāl, harām or a harām, halāl without license?”

As various recent scholars admit, the Second Caliph had changed religious precepts where he saw fit—even against the clear wording of Allah and the Prophet, as maintained by Ahmad Amīn, author of “Fajr al-Islām”, and author of “Tafsīr al-Manār”, and as is demonstrated in many historical cases.

The context of the Second Caliph’s oration, which Shāh scholars cite from the books of Sunnī scholars, clearly shows that the interdiction of mut‘ah was not an enjoinder against wickedness, but a decision that he made by himself in accordance with situational politics.

In his oration, the Second Caliph states, “There are two types of mut‘ah that were halāl at the time of the Prophet of Allah and I [my emphasis] make them harām and will punish their perpetrators. These two mut‘ahs are the mut‘ah of hajj and mut‘ah of women.”

Any person who understands Arabic realizes that this means: these acts were legitimate [mashrū‘] at the time of the Prophet and I now ban them. It does not mean, they were harām and the people performed these acts in spite of this while the Prophet and sahabah stood by and watched and now, in the name of enjoinder against evil, I announce their illegitimacy.

In addition to this, in many citations by the Sunnīs, the Second Caliph established stoning to death [rajm] as the penalty for offence<sup>3</sup> (in the case of mut‘ah) and he swore to execute this penalty, even though there were no grounds for the penalty of rajm. Even Sunnī scholars have not dared to proclaim stoning as the penalty for mut‘ah. They say, “The Second Caliph said this as a superficial threat, not in earnest.”

Also, that Mr. Mardakhi wrote, “At the pulpit the Second Caliph said: I will feel grateful to anyone who notifies me of my slips and errors”, does nothing in proving his speculations because the Caliph never claimed that he would accept what others say.

Mr. Mardakhi says, “In ‘Sahīh Bukhārī’, which is no less than a book of history, it is written that the narrator of the hadīth banning mut‘ah is ‘Alī himself.” First, “Sahīh Bukhārī” is a book of hadīth and in order to use hadīth, one must first determine whether they are authentic or not. One cannot cursorily and unquestionably accept hadīths.

This same “Sahīh Bukhārī” asserts, “The Temple of Jerusalem [Bayt al-Muqaddas] was built four years after the Ka‘bah.” whereas it is known that Abraham was the builder of the Ka‘bah and David and Solomon were the builders of Bayt al-Muqaddas and there are thousands of years difference between them.

He cites that ‘A‘shah said, “On the Night of the Ascension [laylah al-mi‘rāj] the Prophet slept in bed next to me the whole night.” whereas it is irrefutable that the mi‘rāj occurred before the hijrah and ‘A‘shah came into the Prophet’s house after the hijrah. In contrast to what is written in “Sahīh

Bukhārī”, “Sahīh Muslim” cites this famous saying from ‘Alī (‘a):

«لولا ان عمر نهى عن المتعة ما زنى الا شقي»

“If ‘Umar had not banned mut‘ah, no one would commit adultery except the wretched.”

Mr. Mardākh says, “According to the Shā‘ahs, the verse “... and those of whom ye seek content...”<sup>4</sup> does not address mut‘ah of women, rather it means that if the marriage was consummated, her marriage portion [mahr] must be paid in full.”

This matter is related to Arabic syntax and morphology. I have fully vindicated the matter in the fourth volume of “Tafsīr al-Māzīn” under Sīrat al-Nisī’. I will refrain from a detailed account of the issue. For more details refer to the book.

In short, exegetes from the advent of Islam, such as Ibn ‘Abbās, Ibn Mas‘ūd, and Ubay who were sahbāh, and Mujāhid, Qatādah, Suddī, and Ibn Jubayr who were tūbi‘īn all of whom lived at the time of the Prophet and revelation of the Qur’an, were Arab, and they knew Arabic much better than Mr. Mardākh who was Kurdish and was born fourteen centuries later. The former personalities understood this verse as referring to normal mut‘ah not intercourse.

This is why contemporary advocates of the Second Caliph never claim that the verse does not refer to mut‘ah; rather, they allege that it has been abrogated.

In addition, Mr. Mardākh holds, “Istimtī‘ and tamattu‘<sup>5</sup> mean taking pleasure and they signify sexual intercourse.” which is an incorrect definition. These two words have different formations and thus two different meanings. Istimtī‘ means seeking pleasure and tamattu‘ means taking pleasure. Therefore, istimtī‘ would never be used to refer to intercourse, which is taking pleasure.

Mr. Mardākh claims, “In Islam, marriage has specific effects, none of which exist in mut‘ah, such as inheritance, nafaqah<sup>6</sup>, ‘iddah<sup>7</sup>, the four wife restriction, etc.

Therefore, mut‘ah is not marriage and because it is not and is also not ‘property of the right hand’, according to the holy verse “Save from their wives or (slaves) that their right hands possess, for then they are not blameworthy.”<sup>8</sup> which limits legitimate sexual intercourse to marriage and property of the right hand, it is unlawful and an act of adultery.”

This rationale is one of their oldest sophistries. It was concocted around fourteen centuries ago and has probably been answered by the Shā‘ahs fourteen hundred times but these gentleman still do not relent and keep on repeating it.

First of all, according to the religious law [shar‘], the effects Mr. Mardākh enumerates for marriage are for lifelong marriage not marriage itself. He himself accedes that, in the time of the Prophet, before the

Prophet banned mut'ah—so Mr. Mardakhi says—and it was permitted, it did not have these effects and the citations of the Sunnah testify also to this fact.

Secondly, the verse that he makes use of indicates that the act of mut'ah is a type of marriage; thus, if mut'ah were indeed forbidden in Islam, it surely happened after the hijrah.

Their own varying accounts from the battles of Khaybar, 'Umrah al-Qadim', and Awtas, the conquest of Mecca and the Farewell Hajj [hajjat al-wida'] testify to this. Also, because Surah al-Mu'minun was revealed in Mecca before the hijrah, when mut'ah was permissible, it was definitely considered a type of marriage.

Mr. Mardakhi maintains, "The act of mut'ah was adultery and due to the force of circumstance the Holy Prophet temporarily gave permission for it and after the need was obviated he proclaimed it haram."

They brazenly accuse the Prophet of such an act to correct the mistake the Sunnah made on day one! However, from the first days of the advent of Islam, in Meccan surahs such as al-Mu'minun, al-Isr', al-Furqan, and al-Ma'arij, God, the Almighty, introduces adultery as an obscene act and has strictly prohibited it.

Furthermore, in some parts of the Qur'an such as Surah Isr' and al-M'idah, God sharply forbids the Prophet (S) from even the least bit of alteration in Qur'anic precepts. No Muslim should dare to say that the Prophet issued permission for adultery and that the Prophet's own sahabah including Ab Bakr, Zubayr, J'bir, and Ibn Mas'ud were ahead of everyone else in performing this evil deed! One sahabah gave a daughter, one took the daughter, and one came into being by the taking!

For instance, the sahabah, 'Abd Allah ibn Zubayr was born of Asm' daughter of Ab Bakr in her mut'ah with Zubayr. Certainly, no Sh'ah would ever cause such disgrace by attributing such law-breaking and disobedience to the Holy Prophet (S).

Apart from what I mentioned until now, if we look at the human world in a general perspective, we will precisely see that sexual relations cannot be restricted to permanent marriage, considering all other relations unlawful. Permanent marriage can never fully satisfy the carnal instinct.

Even though permanent marriage is prevalent all over the world and public opinion condemns adultery and fornication, official governments of civilized and semi-civilized worlds have not been able to prevent the outbreak of short-term sexual relations and in all cities of the world, great and small, there are public or concealed centers for obscene acts.

In this situation, a religion such as Islam, which is global and eternal and wants to restrict intercourse to legitimate marriage and completely prevent fornication and adultery, must incorporate short-term marriage with specific conditions that obviate the evil of fornication—for instance, the woman must not be mahram to the person she intends to marry, she must not be married, and the duration and mihr

must be determined prior to the union—in order to adequately answer the needs of this universal human instinct.

In the “Tafsīr Tabarī” and Shā‘ah narrations, it is quoted from ‘Alī (‘a) that, “If the Second Caliph had not prohibited short-term marriage, the only persons who committed adultery and fornication would be those who were on the verge of destruction due to the extent they had gone astray.”

In conclusion, in answer to Mr. Mardākh’s mandatory decree that Shā‘ah scholars must reconsider their opinion on this and other controversial issues, we say that, contrary to Sunnī scholars, the Shā‘ahs consider ijtihād legitimate and without waiting for their mandate, we continually reconsider our opinions. However, unfortunately, we cannot change our opinion regarding an issue that is as clear as day.

Reciprocally, we entreat Mr. Mardākh to observe decency and politeness in his writings. In a very short article, he accuses the Shā‘ahs of unbelief, corrupt lineage, and illegitimacy. He has extended his foul language to the daughters, sisters, and family of Shā‘ah authorities and in no way restrained himself in his adventurism.

If he truly supports the cause of unifying Muslims and resolving internal conflict, he must refrain from such profane and unjust language because, firstly, such unjust statements are aspersions cast upon the holy character of the Prophet of Allah and his eminent saḥābah who were the initial legislators and executors of this matter and, secondly, such words are the main cause of all this rancor and spite between these two creeds.

When the public learns of them, such words overturn worlds; otherwise, a difference of opinion in a few minor issues would not start such uproar.

A few days after writing the foregoing article, I received a postal package from one of my friends containing a short booklet by Mr. Mardākh. This booklet was written regarding the interdiction of mut‘ah and to some extent to accentuate and reaffirm the article he published in the Keyhān Newspaper.

This booklet—as is clear to those who read both article and booklet—contains no significant addition to the published article which would require investigation and debate.

However, due to the fact that said author wanted to take the issue from the temporary form of a newspaper article to the permanent form of a book, he altered the appearance of the debate.

Even so, he reused the same groundless logic he had used at the beginning of his article and in no way did he refrain from his bullying, perjury, and calumny of religious authorities—even Sunnī ‘ulamā’ and saḥābah. Therefore, I deemed it necessary to indicate several parts of this booklet which are the products of said individual’s characteristic logic. I will leave the final judgment to my respected readers.

In this booklet, Mr. Mardākh says, “All precepts may be abrogated when necessary.”

If he had reviewed books of jurisprudence or the discussions of exegetes regarding abrogated verses, he would realize that abrogation of a precept means removal of a precept in accordance with the time not in accordance with conditions.

A precept's persistence in normal circumstances and its lapse in special circumstances have both been taken into consideration in the sharī'ah and this has nothing to do with abrogation. For example, in one verse God, the Almighty, states that eating the dead meat of an animal is harām; however, in times of need the unlawfulness of this act is removed—the latter part of the verse does not abrogate the former part.

In the first years of Islam, the marriage of an adulteress with a believing non-adulterer and the marriage of an adulterer with a believer who was not an adulteress was unlawful. After a while, this precept was eternally abrogated and this was not due to necessity or abnormal circumstances. All abrogated precepts in Islam are thus.

Mr. Mardīkh says, "In the terminology of jurists, mut'ah has two meanings: short-term marriage and mut'ah of divorce."

It seems that he has purposefully forgotten that there is also a third meaning and that is mut'ah al-hajj—the same hajj that, according to the Qur'an, had been legislated into the sharī'ah near the end of the Holy Prophet's life.

The Muslims performed it until the reign of the Second Caliph. Halfway into his caliphate, he banned the mut'ah of hajj and mut'ah of marriage at the same time.

Mr. Mardīkh holds, "None of the Sunnī or Shī'ah books consider a mut'ah woman a wife." This is an accusation against the Shī'ahs. In the view of the Shī'ah and jurisprudence of the Ahl al-Bayt, there are two types of wives: First, there is lifelong marriage, which has specific effects. Second, there is temporary marriage, which also has specific effects.

These effects consist of the fact that a wife may only have a single husband, must observe 'iddah after separation, and the offspring resulting from the marriage are attributed to both parents. By way of illustration, at the time of the Prophet of Allah, 'Abd Allāh ibn Zubayr, who was brought into the world as a result of the mut'ah between the daughter of the First Caliph and Zubayr, was attributed to Zubayr and was not introduced as fatherless.

Mr. Mardīkh contends, "In Sūrat al-Ahzāb, which was revealed in Medina, God, the Almighty, says to His Prophet, 'We have made halāl for you, your wife and the property of your right hand.' If mut'ah was halāl at that time, it was necessary that He enumerate that also."

As I have mentioned, wifeness encompasses both permanent and temporary marriages. In addition, according to the general consensus of all Muslim creeds, understanding and specifying Qur'anic

precepts through sunnah is permissible and effectuated.

For example in the Qur'an, the Exalted God only names pigs as essentially unclean [najis al-'ayn] and through sunnah dogs have also been annexed to pigs. No one has ever said that if it is true that dogs are essentially unclean God must mention it! Besides this example, there are many similar cases.

Mr. Mardakhi says, "In the eighth year of the hijrah, when the army of Islam was stationed in Mecca, young women and widows adorned themselves and exhibited themselves before the soldiers of Islam. The fires of their lusts flared due to the length of their stay and their extended celibacy. Therefore, by force of circumstance and in line with the rule of eating dead meat, the Holy Prophet issued permission for temporary marriage."

One must ask him: Had Zubayr temporarily married the daughter of the Caliph in that period? And was 'Abd Allah ibn Zubayr, who was born from this marriage and considered one of the sahabah of the Prophet of Allah, supposedly one year old when the Holy Prophet passed away in the tenth year of the hijrah?

Apart from this, was the answer to removing the mentioned danger that the Holy Prophet should give permission for [in Mr. Mardakhi's words] adultery and fornication or should he have prevented the ostentation of adorned woman and their unrestrained socialization, which the Qur'an clearly states to be forbidden, and in this way carry out a mandatory precept of the Qur'an?

﴿... وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا لِبُعُولَتِهِنَّ ...﴾

***"Women must not reveal their adornments to men, except their husbands and mahram..."*** [10](#)

Even besides this, how many years did the conquest of Mecca take that the army of Islam was faced with such arduous celibacy and were thus bound by necessity? Whereas, considering other troubles of the Prophet of Islam (S) on this journey, such as the battle of Hunayn, the numerous sieges of Tā'if, and additional reformations around Tihmah, the army of Islam was not in Mecca for more than a few days!

If indeed this short stay brought about necessity and, according to Mr. Mardakhi, sanctioned the permissibility of fornication, must not mut'ah, fornication, adultery with married women and mahram—such as mothers and sisters—and even homosexuality be permissible in the modern world which is—in his words—enveloped in bewitching and aphrodisiacal sights, where hundreds of fully adorned women and throngs of half bare girls are seen in the vista of every street and corner and where various strata of impecunious youths, workers or students, exist who are not able to marry and afford the costs of a family?

Could such Islamic precepts as said author maintains still subsist and not be obsolete in such asphyxiating conditions? Also, what is the difference (according to said author who believes that mut'ah

is a form of adultery or fornication) between mut'ah and non-mut'ah whereby one is permissible and the other remains forbidden?

Mr. Mardukh says, "When honorable 'Umar saw that there is no longer any need for the act of mut'ah and uninformed persons still practiced it, he notified the people that the meat of domestic donkeys and mut'ah are harām, and what is the difference whether the Prophet announced them harām or his Caliph?"

First of all, why would an Islamic precept that was legislated so clearly in several Qur'anic sūrah, such as al-Mu'minīn and al-Ahzāb, at the start of the Prophet's appointment and after the hijrah—according to the said author—and continually read by Muslims throughout time remain obscure in the twenty-three years of the Prophet's life when he engaged in extraordinary promotional activity of religious precepts and after his passing throughout the caliphate of the First Caliph and half that of the second until it was clarified by the announcement of the Second Caliph?

Secondly, the Second Caliph's statement that said author holds to be an announcement of God's and the Prophet's decree is, "There are two types of mut'ah that were halāl at the time of the Prophet of Allah and I make them harām<sup>11</sup> and will punish their perpetrators. These two mut'ahs are the mut'ah of hajj and mut'ah of women." Dear readers, you judge whether this statement is the announcement of God and the Prophet's decree or an original interdiction by the Second Caliph himself.

Thirdly, those 'uninformed' persons that he is talking about are incidentally the saḥābah themselves; especially the most prominent of them such as 'Alī ('a), Ibn Mas'ūd, Ibn 'Abbās, Zubayr, and the First Caliph whose daughter was the mut'ah of Zubayr.

Fourthly, the two mut'ahs that the Second Caliph named are "mut'ah of women and mut'ah of hajj" not "mut'ah of women and the meat of domestic donkeys". The Second Caliph's dignity is much higher than not knowing his own Arabic language and naming donkey meat mut'ah. Of course, this from Mr. Mardukh is probably a subtle and intentional mistake!

Mr. Mardukh states, "None of the precepts regarding marriage, such as lineage and 'iddah, pertains to mut'ah."

This is a blatant misrepresentation of the Shā'ahs. Regardless, he must be asked whose son 'Abd Allāh ibn Zubayr was.

Mr. Mardukh declares, "The meaning of the verse of mut'ah<sup>12</sup> is that if 'you take pleasure of your wife and enter her', you must pay her mihr in full, and this holy verse has nothing to do with the meaning Shā'ah 'ulamā' interpret from it."

I must advise him to refer to narrations in books of hadīth and exegesis from eminent saḥābah regarding this verse so that he realizes that before Shā'ah 'ulamā', the saḥābah themselves, who were

Arabs and spoke the language of the Qur'an, interpreted this verse the same.

When Mr. Mardakhi makes snide remarks, they are actually directed at them. Also, he should refrain from giving Shā'ah 'ulam lessons in Arabic, saying in contradiction to Arabs and Arabic lexis that "Istimtā' and tamattu'—i.e. the Arabic verbal mode of istifā' and tafa'ul—mean the same thing in Arabic lexicology." For more information it would be good if my dear readers referred to "Tafsīr Tabarī", "Durr al-Manthar", and various books of hadīth.

Mr. Mardakhi notes, "Some Shā'ah leaders say: even though the word istimtā' means enjoyment and taking pleasure, in the terminology of religious law it refers to the mut'ah marriage contract." I say that even though in books of jurisprudence or lexis the word istimtā' is not defined as the mut'ah marriage contract, even so, if istimtā' meant that, then the following verse means that, "Whoever does not marry pure and good things and mut'ahs them instead will be an inhabitant of Hell!"

وَيَوْمَ يُعْرَضُ الَّذِينَ كَفَرُوا عَلَى النَّارِ أَلْهَبْتُمْ طَيِّبَاتِكُمْ فِي حَيَاتِكُمُ الدُّنْيَا وَاسْتَمْتَعْتُمْ بِهَا فَالْيَوْمَ تُجْزَوْنَ عَذَابَ الْهُونِ ﴿150﴾ ...

Bravo to this miraculous logic and reasoning that eliminates all relationship between rationale and conclusion! Apparently, in his logic if a word means one thing in a certain place, it should mean the same everywhere. For instance, if the word ajr means mihr in the verse of mut'ah, then in the following verse it should mean the same thing and so the meaning of the verse would be, "To the patient, mihr will be given without reckoning!"

إِنَّمَا يُؤَفِّي الصَّابِرُونَ أَجْرَهُمْ بِغَيْرِ حِسَابٍ ﴿151﴾ ...

Also, zawj and zawjān sometimes mean wife and husband. If zawjān in the following verse means husband and wife, it would mean that even angels have males and females and wives and husbands!

وَمِنْ كُلِّ شَيْءٍ خَلَقْنَا زَوْجَيْنِ لَعَلَّكُمْ تَذَكَّرُونَ ﴿152﴾

Apart from this, no one has said that istimtā' means mut'ah marriage contract; rather, it means temporary marriage and there is a great difference between the two.

Mr. Mardakhi holds, "It is even more strange that the Shā'ahs believe in performing mut'ah; however, they eschew letting the women of their family take part in mut'ah."

I must say that this is for the same reason that you believe in permanent marriage but would never give your daughter's hand to a person who you know wants her only for a night's pleasure and will then divorce her or for the same reason that you would not marry your young daughter to an old man who

has only a short time to live.

Essentially, what does liking or disliking a precept have to do with its ordainment or lack thereof? God, the Almighty, declares:

﴿...وَعَسَىٰ أَنْ تَكْرَهُوا شَيْئًا وَهُوَ خَيْرٌ لَّكُمْ وَعَسَىٰ أَنْ تُحِبُّوا شَيْئًا وَهُوَ شَرٌّ لَّكُمْ ...﴾

***“And how oft you hate something which is good for you and how oft you love something that is bad for you...”*** [13](#)

﴿...كُتِبَ عَلَيْكُمُ الْقِتَالُ وَهُوَ كُرْهٌ لَّكُمْ﴾

***“You have been commanded to jihad which is loathsome to you...”*** [14](#)

﴿...وَلَوْ اتَّبَعَ الْحَقُّ أَهْوَاءَهُمْ لَفَسَدَتِ السَّمَاوَاتُ وَالْأَرْضُ وَمَنْ فِيهِنَّ﴾

***“And if Truth had followed their caprices, the heavens and the earth and all in them would surely have been thrown into confusion and corruption...”*** [15](#)

Even a person who cursorily consults the Holy Qur’an would have no doubt that the basis of Islamic precepts is observance of genuine interests and adherence to truth, whether or not this is in accordance with the desires of the people.

Mr. Mardikh states, “The majority of Muslims believe that mut’ah is harām and opposing the opinion of the religious and legal majority is forbidden.”

One must ask him: which religion that considers the opinion of the majority to be proof is rightful? In His divine book, God, the Exalted, considers obedience to the truth, exclusively, to be sine qua non and berates the majority’s opposition to it.

﴿لَقَدْ جِئْنَاكُمْ بِالْحَقِّ وَلَكِنَّ أَكْثَرَكُمْ لِلْحَقِّ كَارِهُونَ﴾

***“Verily We have brought you the truth; however, most of you are adverse to the truth.”*** [16](#)

If it is required to follow the inclinations of the majority, then the Muslim minority should have accepted idolatry and also the pious who consist of a very small minority in relation to the wicked and wrongdoers should through aside their piety.

Besides, what does a religious discussion have to do with state law? Also, what influence do the

legislated laws of a country have in the enactment or annulment of religious issues? It seems that Mr. Mardīkh thinks that the domain of theology and religious law is that of the senate or parliament!

Mr. Mardīkh says, “Because the authorization of mut‘ah is against the Qur’an, it necessitates unbelief and heresy. Therefore, those who believe in it are unbelievers.” (!)

It is extremely unfortunate for a person to spend his life in religious debates and still not understand that there is no cause for unbelief in the issue of the permissibility or illicitness of mut‘ah where one side of the controversy, Shā‘ah or Sunnā, is surely wrong, or that he does not understand the two things that necessitate unbelief and apostasy which are renunciation of one of the three principles of religion [usūl al-dīn]: tawhīd (monotheism), prophethood, and resurrection; or basic repudiation of one of the requisites of religion [darīriyyāt-e dīn] such as prayer, fasting, and that the Ka‘bah must be faced in prayer because denying these necessitates denial of God and the Prophet.

On top of that, the issues in dispute among the Sunnīs and Shā‘ahs, one of which is mut‘ah, are not among the principles or the requisites of religion, rather they are religious ancillaries [furū‘-e dīn] and are as such theoretical not axiomatic and necessary. Even so, it is highly unlikely that he never heard that a Muslim that refutes a theoretical religious issue is not considered an unbeliever.

However, it is evident from his present work that he has no motive but to provoke naïve persons and inflame the fires of fitnah which have been burning for centuries—fires which were being extinguished through the cooperation of a number of scholars. For instance, in his very short treatise he repeatedly claims that in this matter the Shā‘ahs have no purpose but enmity towards ‘Umar.

Mr. Mardīkh heaps up ten so-called “evils entailed by mut‘ah” including assertions that the Qur’an explicitly prohibits mut‘ah, the permissibility of mut‘ah was caused by necessity, mut‘ah is against the rules of lineage, honorable women would never submit to mut‘ah, a woman who is made a mut‘ah becomes hated, and so on.

Dear readers, put the title “evils entailed by mut‘ah” side by side with professed evils and enmity towards ‘Umar and judge yourselves.

Mr. Mardīkh says, “If you do not intend to oppose ‘Umar, for the sake of precaution, why do you not instead pronounce the formula of marriage and whenever you decide to separate, do so by divorce?”

It would be well if one asked him, “Keeping in mind the evils you enumerated as results of the temporariness of the marriage, where the marriage might last for no longer than an hour, a night, or a week, what is the difference between the two forms of marriage by which you authorize one and forbid the other? Is not such prohibition of mut‘ah in truth a mockery of the law of divorce?”

At the conclusion of his treatise, Mr. Mardīkh attacks a scholar who has recently written a book on mut‘ah, saying that he has altered the quotation cited from ‘Umar in “Tafsīr Kabīr”:

«متعتان، كانتا على عهد رسول الله حلالاً، وأنا احرمهما، وأعاقب عليهما»

And he has reproduced it thus:

متعتان، محللتان على عهد رسول الله، وأنا احرمهما، وأعاقب عليهما.

It would be well if he had taken note of the said hadith which he cited in his article in the Keyh Newspaper:

متعتان، كانتا على عهد رسول الله حلالاً، وأنا احرمهما، وأعاقب عليهما لحم الحمر الانسية، ومتمعة النساء

He did not even suffice with this and he repeated his mistake in his treatise.

﴿...وَاللَّهُ الْمُسْتَعَانُ...﴾

***“...And Allah is He whose help is sought...”<sup>17</sup>***

1. Those who did not meet with the Prophet but met with Sahābah and cited narrations through them. [trans.]
2. Refer to Tāhā Husayn, “Al-Fitnah al-Kubrā”; Dr. Ward, “Wu‘uz al-Salātīn”; Askarī, “Abd Allāh Saba”; and the yearbook of “Maktab-e Tashayyu”, issue 3—later republished as “Shāh”.
3. For more information, refer to “Tafsīr Al-Mīzān”, vol. 4.
4. Sūrat al-Nisā’ 4:24.  
﴿...فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ...﴾
5. These words are derived from the same root as the infinitive, mut‘ah. [trans.]
6. Nafaqah is the financial support of a wife as necessitated by Islam. [trans.]
7. ‘Iddah is the minimum interval a woman is required to observe between the end of her previous marriage (e.g. death of husband, divorce) and remarriage to another man. [trans.]
8. Sūrat al-Mu‘minīn 23:6.  
﴿...إِلَّا عَلَىٰ أَزْوَاجِهِمْ أَوْ مَا مَلَكَتْ أَيْمَانُهُمْ﴾
9. Persons who are mahram (plural mahārim) to you are those who are close family such that you may not marry them (e.g. one’s parents and siblings). [trans.]
10. Sūrat al-Nūr 24:31. As previously mentioned, mahārim are predetermined close family members such as parents, siblings, and siblings of one’s parents who one may not marry one another. [trans.]
11. Emphasis added.
12. Sūrat al-Nisā’ 4:24.  
﴿...فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ...﴾
13. Sūrat al-Baqarah 2:216.
14. Sūrat al-Baqarah 2:216.
15. Sūrat al-Mu‘minīn 23:71.
16. Sūrat al-Zukhruf 43:78.
17. Sūrat Yūsuf 12:18. This article was reproduced from the yearbook, “Maktab-e Tashayyu”.

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