

## Mut'a: Temporary Marriage

It is a woman marrying a man according to an agreed upon dower and for a pre-determined period of time stated in a marriage contract which incorporates all the conditions of a marriage regarded by the Shar'ah as sound.

Its format is that a woman says the following to the man after they both agree and accept the dower and the period of time: "I married you to myself on such-and-such a dower and for the known period of time" where this period is named exactly. The man's answer will be: "I accepted".

Representation in this contract is accepted just as it is in any other contract. According to the terms of the contract, the woman becomes the wife of the man, and the man becomes her husband till the end of the period specified in the contract. They may renew it to a different period of time or even forever if they wish.

The wife has to observe the 'idda (waiting period) after the period terminates. The duration of the 'idda will be two months if she still goes through the menstrual cycle; otherwise, it is forty-five days. The child, male or female, born out of a *mut'a* marriage belongs to his/her father.<sup>1</sup>

This type of marriage is used to scandalize the Sh'ah because the latter believe in its legality, but the questions here are:

- ❑ Where did the Sh'ahs come up with this sort of marriage?
- ❑ Is this sort of legality subject to what a *mujtahid* deems as permissible or prohibitive?
- ❑ And what are the proofs for its legality from the Glorious Book and the Purified Sunnah?

In order to answer all these questions, we say that all Muslims, in their various sects, are unanimous in their view that this sort of marriage was legislated in the dawn of Islam. Al-Bukhari, quoting [Abdullah] Ibn Abbas, cites the latter saying, "We used to participate in military campaigns with the Prophet (ﷺ), and we did not have our women with us, so we said to him, 'Could we have eunuchs [for sex]?'

But he prohibited us from doing that and later permitted any of us to marry a woman by giving her as simple [a dower] as a garment. Then he recited the following verse: ‘

**O you who believe! Do not make unlawful the good things which All h has made lawful for you...’**  
**(Qur n, 5:90).<sup>2</sup>**

The verse saying

**“... seeing that you derive benefit [mut a, enjoyment] from them, give them their prescribed dowers” (Qur n, 4:24)**

had already been revealed about this type of marriage. Most Sunni scholars of exegesis have explained “enjoyment” in this verse as the *mut a* marriage. But Ibn Abb s, Ubayy ibn Ka b and Sa d ibn Jubayr read this verse as though it says: “From whoever among them you derive a pleasure for a pre-determined period, you must give them their dowers.”<sup>3</sup>

Explaining this verse in his *Tafs r*, Ibn Kath r said the following: “It is far-fetched that these should believe in the distortion of the Qur n; therefore, it must be intended for interpretation rather than recitation...”<sup>4</sup>

But Islamic sects differed about the continuity of permitting this sort of marriage, and the problem became: Was the *mut a* marriage prohibited or did it remain as is? The following *had th* proves beyond any doubt that the Messenger of All h ( ) passed away without having prohibited the *mut a* marriage:

‘Imr n is quoted as having said, “The verse of *mut a* was revealed in the Book of All h ( ), so we acted upon it in the company of the Messenger of All h ( ), and no verse was ever revealed prohibiting it, nor did he ( ) ban it till his death. A man [apparently referring to ‘Umar ibn al-Khatt b] said according to his own personal view whatever he wanted to say.”<sup>5</sup>

It is stated in *Sharh al-B ri ‘ala Sah h al-Bukh ri* that the man referred to in the *had th* cited above is caliph ‘Umar ibn al-Khatt b.<sup>6</sup> This supports what Muslim narrates in his *Sah h* relying on the authority of Ab  Nadra who has said, “I was with J bir ibn Abdull h [al-Ans ri] when someone came to him and said, ‘[Abdull h] Ibn Abb s and [Abdull h] ibn al-Zubayr differed with each other about both types of *mut a*.’ J bir said, ‘We did them both in the company of the Messenger of All h ( ), then ‘Umar prohibited us from doing them; so, we did not return to doing them.’”<sup>7</sup>

Also in Muslim’s *Sah h*, with *isn d* traced back to ‘At ’ who has said, “J bir ibn Abdull h came to perform the ‘umra. We, therefore, went to his house. People asked him about things, then they mentioned *mut a*. He said, ‘Yes, we did perform the *mut a* during the time of the Messenger of All h ( ) and during that of Ab  Bakr and of Umar.’”<sup>8</sup>

Muslim, relying on the *isn d* of J bir ibn Abdull h, also narrated in his *Sah h* that the latter had said, “We used to contract *mut a* for a handful of dates and flour for a few days during the time of the

Messenger of Allāh (ﷺ) and that of Abū Bakr till ‘Umar banned it with regard to ‘Amr ibn Hareeth..”<sup>9</sup>

The story of ‘Amr ibn Hareeth is that a poor woman knocked at the man’s door once pleading to him to give her something to satisfy her hunger, but the man refused to give her anything unless she let him have her way with her, claiming that it was the *mut’ā* marriage. The woman accepted this condition against her will. Caliph ‘Umar came to know about it, so he was very angry. This prompted him to ban it.

Moreover, he decreed to stone anyone who practiced this type of marriage as is clear from a narrative recorded by Muslim in his *Sahīh* the *isnād* of which is traced to Abi Nadra. The latter said, “Ibn Abbās used to enjoin the *mut’ā*, and Ibn al-Zubayr used to prohibit it, so I mentioned this to Jābir who said, ‘We used to practice *mut’ā* when we were in the company of the Messenger of Allāh (ﷺ).

When ‘Umar came [to power], he said, ‘Allāh makes lawful for His Messenger whatever He wills; so, complete the *hajj* and the *‘umra* and stay away from marrying these women. If a man is brought to me who had married a woman off to a man, I will stone him.’”<sup>10</sup>

And in al-Tirmidhi’s *Sahīh*, while quoting Abdullāh ibn ‘Umar who was asked by a Syrian about the *mut’ā*. He said, ‘It is lawful.’ The man said, ‘Your father [‘Umar ibn al-Khattāb] banned it.’ [Abdullāh] Ibn ‘Umar said, ‘Do you see that my father banned it although the Messenger of Allāh (ﷺ) had permitted it, should you abandon the Sunnah [of the Messenger of Allāh (ﷺ)] and follow what my father says?’”<sup>11</sup>

The nation’s scholar, Abdullāh Ibn Abbās, was famous with regard to his view that the verse relevant to *mut’ā* was never abrogated. Al-Zamakhshari says the same in his *tafsīr* titled *Al-Kashīf* where he cites Abn Abbās saying that the verse of the *mut’ā* is among the fixed ones. In al-Bukhāri’s *Sahīh*, too, there is a testimony to this fact. Abū Jamrah says, “I heard Ibn Abbās being asked about the *mut’ā* of women; he permitted it.

Mawla said to him, ‘Such is done during a harsh circumstance and when there is a shortage of women,’ or something like that, whereupon Ibn Abbās said, ‘Yes.’”<sup>12</sup> Both al-Tabarāni and al-Tha’labi, each in his own *tafsīr* book, rely on the authority of Ali (‘a) saying, “Had ‘Umar not banned the *mut’ā*, nobody would have committed adultery except a wretch,”<sup>13</sup> that is, only few would have committed it.

Despite the clarity of all these proofs that are as clear as the midday sun regarding the continuity of the *mut’ā* marriage being *halāl*, most Sunnis nowadays see the opposite, claiming that the verse relevant to this type of marriage was abrogated. They also differed regarding what [or *who*] abrogated it. Some of them say it was abrogated by a Qur’ānic verse, while others say that the revocation came from narratives in the Sunnah. We rebut both views with the above-cited traditions the authenticity of which is already fixed and which prove that the Messenger of Allāh (ﷺ) died without prohibiting the *mut’ā*.

As regarding those who say that it was abrogated by this verse:

**“... who guard their private parts, except with those joined to them in the marriage bond” (Qur’ān,**

**23:5-6),**

this verse is Mecci (revealed in Mecca) while the *mut'a* verse is Medenite (revealed in Medina) [i.e. revealed after the Hijra].

The ruling for the legislation of the *mut'a* marriage is Medenite, and what precedes cannot abrogate what follows. As regarding those who say the abrogation came from the Sunnah which is narrated about the Messenger of Allāh (ﷺ), the “traditions” which they claim to be abrogating contradict each other. Some of them say it was abrogated in Khayber, another in Awtas, a third when Mecca was conquered, a forth in the Tabuk campaign, a fifth in the ‘umra of *qad'* and a sixth in *Hijratul-Wad'* (farewell pilgrimage)...!

The inconsistency of these narratives and their contradiction is a clear proof of their inaccuracy. Add to this the fact that such narratives are no more than transmissions each one of which was related by one single person and do not qualify to abrogate a ruling fixed in a Qur'anic verse and the legality of which is proven according to the consensus of the Muslims because abrogation cannot take place through one single person's narrative, and a Qur'anic verse cannot be abrogated except by another verse of the Qur'an by virtue of the verse saying

***“We neither abrogate any of Our revelations nor cause them to be forgotten without substituting [them with] something better or similar” (Qur'an, 2: 106).***

Besides the existence of all these clear texts which prove the legality of the *mut'a* marriage and that the Prophet (ﷺ) never banned it but stayed till caliph ‘Umar banned it during his caliphate, we cannot find a solution for this complex except that caliph ‘Umar followed his own *ijtihad* in order to achieve a [social] benefit which he, according to his own insight, saw the Muslims of his time and days required him to prohibit the *mut'a* a civil prohibition, in order to serve a temporal interest, not a religious prohibition, since caliph ‘Umar is greater and is Islamically above prohibiting what Allāh has permitted or incorporating in the religion what has nothing to do with the religion.

He knew that what Muhammad (ﷺ) deemed as *halal* remains permissible till the Day of Judgment, and what Muhammad (ﷺ) deemed as *haram* remains prohibitive till the Day of Judgment. It has, therefore, to be a civil prohibition, not a religious one. His strict stand vis-a-vis the *mut'a* marriage is not the first of its kind, for he is known to be tough and harsh in all his affairs and applies his personal *ijtihad* seeking the higher benefit, in his view, for Islam and the upholding of the Shar'ah.[14](#)

One example of ‘Umar applying his own *ijtihad* in some ruling and his strictness in their regard is when he ordered the Muslims to perform the *nafل* prayers during the month of Ramadan (what is known as “*salat al-tarweeh*”) in a congregational manner after it had been performed during the time of the Messenger of Allāh (ﷺ) and that of Abū Bakr individually. Relying on the authority of Abū Hurayra, al-Bukhāri states the following: “The Messenger of Allāh (ﷺ) said, ‘One who stands in prayers during the month of Ramadan out of a firm belief and a sincere desire for rewards, his past sins shall be forgiven.’

Ibn Shihab said, ‘The Messenger of Allāh (ﷺ) passed away and people were thus doing [praying during the month of Ramadan the *nafīl* prayers singly], and it remained so during the caliphate of Abū Bakr and the dawn of the caliphate of ‘Umar, may Allāh be pleased with them both. I went out with ‘Umar ibn al-Khattab, may Allāh be pleased with him, in a night during the month of Ramadan to the Mosque and saw the people scattered, each praying on his own, each man praying by himself. A man would pray on his own, while others see a man pray so they pray like him.

‘Umar said, ‘I am of the view that if I gather these to pray behind one *qāri*, it would be better.’ He gathered them all to pray behind Ubayy ibn Ka'b. I went out with him in another night and I saw the people following the prayer of their *qāri*. ‘Umar said, ‘How good this *bid'a* (invention in the creed) is! And the one after which they sleep is better than the one after which they stand,’ meaning the one performed at the end of the night is better, and people used to stand for the prayers at the beginning of the night.”[15](#)

Even with regard to this same *nafīl* prayer ritual, he [‘Umar] followed his personal *ijtihad*, increasing the number of its prostrations to twenty. ‘Abdullah has said, “The Messenger of Allāh (ﷺ) never increased the number of prostrations over eleven neither during the month of Ramadan nor in any other month.”[16](#)

But some of those who were contemporary to caliph ‘Umar, in addition to some naive traditionists after him, when the latter were unmindful of the reason why the caliph banned the *mut'a* marriage, found it quite serious that he should ban what Allāh had permitted, so they were forced to find a justification for it. They could not find anything other than the claim that the Prophet (ﷺ) abrogated it after permitting it, thus falling into confusion, and their statements contradicted each other so much.

Look into the following narrative so you may see the extent of such confusion and contradiction about which we are talking. More calamitous is that those who fabricated the following narrative attributed their fabrication to Ali, peace be upon him:

Al-Bukhari, in his *Sahih*, has stated the following: “Someone said the following to Ali, may Allāh be pleased with him, Ibn Abbas finds no fault with the *mut'a* of women.” Ali (‘a) said, ‘The Messenger of Allāh (ﷺ) banned it in the Battle of Khayber and banned eating the meat of domiciled donkeys.’ Some people said, ‘If one applies trickery till he has *mut'a*, his marriage is invalid.’ Some other people said, ‘The marriage is permissible, but the condition is nil.’[17](#)

Had these folks understood the reason why the caliph [‘Umar] had banned it, they would not have had to resort to such an effort and such a confusion. *Mut'a* has been looked into above from both its theological and historical aspect.

As regarding looking into it from the ethical and social standpoint, its legislation came as a mercy to people and to provide an ease to many, especially to those who travel seeking knowledge, or trade, or *jihad*, or guard a border..., situations in which a permanent marriage is not possible because of its consequences and requirements which do not agree with the conditions of travelers especially while they

are young and the desire in them is fiery.

They face one of two options: They may either remain patient and declare a *jihād* against their own self, something which brings about a great deal of hardship which may lead to malignant ailments and lethal psychological ills and other harms with which people are familiar. Or they may fall into adultery which has filled the world with corruption and harm.

These reasons are the same that prompted one of the Gulf preachers named Shaykh Ahmad al-Qattan to issue a *fatwa* to Arab students in the Philippines to practice temporary marriage under a different name which he called “marriage with the intention to divorce.” The condition in this marriage is that the husband intends to divorce his wife without anyone knowing about this intention, that is, that his marriage is in his mind temporary, while according to the knowledge and intention of the wife, it is permanent. The husband divorces his wife at the end of the period which he had in mind.

Although those who invented this sort of marriage admit that it contains lying to the wife and cheating her, and although there is no evidence for it in the Qur’ān or in the Prophetic Sunnah, they justify it in their own legislation by saying that its harm, at any rate, remains much less than the harms of adultery!

Our Shaykh named above issued such a *fatwa* when he was asked about the *mut'a* marriage and about Ibn Abbās legalizing it. He answered by saying that this kind of marriage is prohibitive and that Ibn Abbās was wrong in his verdict. He added commenting thus: “Had we followed the scholars' slips, we would have turned apostates!”

Thus became the *bid'a* of a “marriage with the intention to divorce”, according to the view of al-Qattan, a substitute for the *mut'a* marriage which was brought in the Book of Allāh and in the Sunnah:

**“Will you exchange what is better for what is worse?!” (Qur’ān, 2:61);**

so, there is no power nor might except in Allāh.

## **Mut'a Of The Hajj**

As for the *mut'a* of the *hajj*, it was practiced by the Messenger of Allāh (ﷺ) who enjoined it in accordance with the verse saying:

**“If anyone wishes to continue the ‘Umra on to the Hajj, he must make an offering, such as he can afford; he should fast three days during the Hajj and seven days on his return, making ten days in all. This is for those whose home is not in (the precincts of) the Sacred Mosque” (Qur’ān, 2:196).**

It is described as “enjoyment during the time of Hajj” due to the pleasure of permitting what the *ihrām* prohibits during the period from both *ihrāms* (the *ihrām* for the ‘Umra and the *ihrām* for the Hajj) [18](#), and

this, too, was detested by caliph ‘Umar and which he banned despite the fact that the Messenger of Allāh (ﷺ) died without having banned it. Al-Bukhāri, relying on the authority of Sa’id ibn al-Musayyab, has stated the following: “Ali (‘a) and ‘Uthmān, may Allāh be pleased with them both, differed with regard to their views about the *mut’ā*. Ali (‘a) said, ‘You only want to prohibit something which the Prophet (ﷺ) had personally done.’ When Ali (‘a) saw that, he permitted both.”<sup>19</sup>

And look into the following *hadīth* which al-Bukhāri records in his *Sahīh* and which clearly shows that there were those who followed their own *ijtihād* with regard to clear statements made by the Prophet (ﷺ):

Al-Hakam has said, “I saw both ‘Uthmān and Ali, may Allāh be pleased with them both. ‘Uthmān used to ban the *mut’ā* and ban one from combining both. Ali (‘a) permitted both saying, ‘Labbayk for an ‘umra and *hajj*!’ He said, ‘I shall never abandon the Sunnah of the Prophet (ﷺ) simply because someone said something.’”<sup>20</sup>

The “someone” to whom Ali (‘a) referred in his statement above is ‘Umar ibn al-Khattāb as we clarified in previous places. As for the excuse of ‘Uthmān with regard to his view, when allegiance was secured for him as the caliph, Abd al-Rahmān ibn ‘Awf, as ordered by caliph ‘Umar before the latter’s death, preconditioned on him to act upon the Book of Allāh (ﷻ) and the Sunnah of His Prophet (ﷺ) and the way of both *sheikhs* [Abū Bakr and ‘Umar].

Banning both types of *mut’ā* was considered as part of the way of both *sheikhs* and to which ‘Uthmān could not apply his own *ijtihād*; otherwise, he would not have become caliph if he refused to accept that condition. It is consecutively reported about caliph ‘Umar that he has said, “Two types of *mut’ā* which used to be in effect during the time of the Messenger of Allāh (ﷺ) and which I now ban,”<sup>21</sup> meaning the *mut’ā* of women and of *hajj*.

This statement by caliph ‘Umar shows that dealing with their own rulings came only from him, not from anyone else. He admits that both types of *mut’ā* were in existence during the time of the Prophet (ﷺ), and he does not indicate at all that the Prophet (ﷺ) had banned them; rather, he here is admitting banning them himself saying, “... and which I now ban.”

May Allāh have mercy on one who said the following about the previous statement by ‘Umar: “We accepted his testimony [that the Prophet (ﷺ) never banned these *mut’as*] and did not accept his prohibition thereof.”

The fact is that anyone who reviews our Islamic history subjectively and away from fanaticism will find many other rulings (besides those relevant to both *mut’as* and to the *taraweeh*) which came to exist out of the *ijtihād* of caliph ‘Umar and despite the existence of fixed statements by the Prophet (ﷺ) which oppose them. But the Sunnis accepted these *ijtihād* rulings across the centuries thinking they came from the Prophet (ﷺ)....!!!

1. Imām Sharaf ad-Dīn, Al-Fusūl al-Muhimma.

2. Al-Bukhari, Sahih, Vol. 6, p. 110 in the book of exegesis in a chapter about the verse saying, “O you who believe! Do not make unlawful the good things which Allah has made lawful for you” (Qur'an, 5:90).
3. Ibn Kathir, Tafsir; Muslim, Sahih (as explained by al-Nawawi), Vol. 3, p. 552 (Dar al-Sha'ab edition).
4. Ibn Kathir, Tafsir..
5. Al-Bukhari, Sahih, Vol. 2, p. 375 in the book of hajj.
6. Sharh al-Buri `ala Sahih al-Bukhari, vol 4, p. 177; Sharh al-Nawawi `ala Sahih al-Bukhari, Vol. 3, p. 364 (Dar al-Sha'ab edition).
7. Muslim, Sahih, Vol. 3, p. 556 in the book of nikah in a chapter about mut'a (Dar al-Sha'ab edition) as explained by al-Nawawi.
8. Ibid., Vol. 3, p. 555 in the book of nikah in a chapter about mut'a (Dar al-Sha'ab edition) as explained by al-Nawawi.
9. Ibid., Vol. 3, p. 556 in the book of nikah in a chapter about mut'a (Dar al-Sha'ab edition) as explained by al-Nawawi.
10. Ibid., Vol. 3, p. 331 in the book of hajj in a chapter about the scholars' views regarding the legitimacy of one who performs the mut'a while performing the 'umra (Dar al-Sha'ab edition).
11. Al-Tirmidhi, Sahih.
12. Al-Bukhari, Sahih, Vol. 7, p. 36 in the book of nikah.
13. Al-Tabarani, Tafsir. Al-Tha'labi, Tafsir.
14. Excerpted and edited from the book titled Asl al-Shari'a wa Usooliha [the origin and principles of Shari'a] by 'allama Muhammad ibn Khashif-al-Ghitani.
15. Al-Bukhari, Sahih, Vol. 3, p. 126 in the book of the taraweeh prayer in a chapter about the merit of one who stands for prayers during the month of Ramadan.
16. Ibid., Vol. 2, p. 137 in the book of tahajjud.
17. Ibid., Vol. 9, p. 76 in the book of ikrah (doing something forced by extreme necessity) in a chapter about the legality of a marriage.
18. Imam Sharafud-Din, Al-Fusil al-Muhimma.
19. Al-Bukhari, Sahih, Vol. 2, p. 374 in the book of hajj.
20. Ibid., Vol. 2, p. 371 in the book of hajj.
21. Al-Razi, Al-Tafsir al-Kabir, Vol. 5, p. 153 (Dar Ihya' al-Turath al-'Arabi). Al-Tabarani.

---

#### Source URL:

<https://www.al-islam.org/truth-about-shia-ithna-ashari-faith-asad-wahid-al-qasim/muta-temporary-marriage#comment-0>