

Temporary Marriage in Islam Part 5

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Purpose Of The Marriage

Some Sunnis claim that based on the following verse of Qur'an

"And Allah has made for our spouses of your own nature, and from your spouses has made for you sons and grandsons ..."(Qur'an 16:72)

the purpose of marriage is reproduction. However, in the temporary marriage the above-mentioned purpose is not realized, and thus the couple can not be considered husband and wife.

To answer this assertion, we should say: It is true that temporary marriage is not primarily intended for reproduction (though the couples can do that if they want to). As a matter of fact, many temporary marriages were/are the gate for entering the permanent marriages and the establishments of lucky families. In many cases the partners will finally permanently marry after they saw a good deal of success in their temporary relation.

Even though the human race is guaranteed its survival through marriage, the Holy Qur'an did NOT authorize it exclusively for that, otherwise, it should have illegalized any marriage which does not give birth to new generation. For instance, the marriage of barren/infertile women as well as old women should have been prohibited. Also contraceptive means should not have been allowed. But the fact is that none of them are prohibited in Islam. This goes to prove that reproduction is NOT the mere goal in marriage.

Moreover, when discussing the issue, fairness requires one to bring other reasons that Qur'an mentioned for engaging in marriage. The above was just ONE reason which is usually the case of permanent marriage. But the above verse does not say that reproduction is the ONLY reason to marry. There are other goals mentioned in Qur'an for marriage, among which are the following:

1- Having pleasure and enjoying the other partner

This is clear from the verse of Mut'a itself where Allah said:

"So for those of whom you have pleasure with them (by the contract), you are required to give (them) their wages. And there is no sin for you in what you both agree after the requirement..."(Qur'an 4:24)

Pleasure and enjoying mentioned here do not necessarily restrict to physical aspects. They do cover the spiritual aspects as well.

2- Tranquillity

Allah, to whom belong Might and Majesty, said:

"And among His great Signs is that He created for you mates from among yourselves so that you get tranquillity by them and He has put love and mercy between your (hearts); verily in that are Signs for those who reflect."(Qur'an 30:21)

The goals for marriage mentioned in the above verse are: achieving spiritual stability, social and psychological tranquillity, and love and mercy to each other. These goals can be attained by both permanent and temporary marriages.

3- Providing an alternative way to avoid the sin of fornication

"Successful indeed are the believers... those who abstain from sex, except with those joined to them in the marriage bond or with the slave girls whom they rightfully possess for (in their case) they are free from blame. But those who go beyond that are transgressors."(Qur'an 23: 1-7)

The traditions of the Prophet (S) provide other reasons for marriage, one of which is:

4- Protecting one's religion

The Messenger of Allah said: "The one who gets married earns half/(one-third) of his religion, and therefore, he should fear God for the other half/(two third)."

Temporary marriage has safeguarded many good believers (both brothers and sisters), and has protected them from falling into the hands of evil and sin, and has persevered their faith and religion.

Also "spreading Islam" could be another goal for marriage. In this case, however, the temporary marriage is less risky than the permanent marriage. And there are many more reasons and goals for marriage.

Mut'a versus Alcohol

To justify the practice of Mut'a at the time of the Prophet (S), some people assert that similar to the way that Allah prohibited Alcohol gradually, Mut'a was allowed but it was forbidden gradually before the demise of the Prophet.

Other than the fact that many companions and their disciples (see part III for the list of their names) were promoting Mut'a long after the demise of the Prophet, which clearly contradicts above proposal, we should say that there is no similarity between the case of Alcohol and Mut'a. Alcohol was known before Islam for many centuries and Islam did not legislate nor legitimized it. This is while Mut'a with the Islamic regulations surrounding it was not known before Islam, and Islam legitimized it and defined its rules.

The Prophet never promoted to drink Alcohol from the beginning of his mission to its end, but he promoted Mut'a. (See the traditions quoted from Sahih Muslim in Part IV which state that the Prophet ordered his companions to practice Mut'a). Similarly, Allah never promoted or legalized drinking Alcohol in Qur'an but HE promoted and legalized both types of Mut'a in Qur'an in two different verses. As I mentioned many Sunni commentators confirmed that the verse 4:24 is revealed for the Mut'a of women. (As for the Mut'a of Pilgrimage, there is another verse which specifies that type of Mut'a).

The course that Islam took for banning Alcohol, was to order at the beginning that "Do not be drunk when you are praying". This does not imply that Islam promoted drinking at any other time, rather it kept silent on the issue while the Prophet was discouraging people not to drink at any other time. Allah never sent a verse to say "You can drink alcohol when you do not pray."

In fact the abrogated verses and the abrogating verses of Qur'an do not contradict each other, rather the abrogating verse gives a more restraint law than the abrogated verse. Moreover, there exists NO abrogating verse in Qur'an to abrogate the verse about Mut'a (temporary marriage), and there is NO declaration from the Prophet concerning the abrogation of the verse related to Mut'a.

For the case of alcohol, we can see a clear and indisputable trend in Qur'an starting from not allowing the believers to pray while they are drunk, and completing with very clear verse that getting involved in such actions is strictly prohibited. Such prohibition about temporary marriage does not exist in Qur'an, however.

Prohibition of Illegal Sex

Some people claimed that adultery was common among the companions, till close to the end of the Prophet's life time where it was prohibited by the Prophet. These people have no shame to call the companions who they adore, as fornicators. Perhaps they do it similar to what Jews attribute such shameful thing to their own prophets, mainly to justify what they themselves do. They say since our Prophets committed such grave sins, it is going to be all right for us as well, and God will forgive!

NO prophet of God ever promoted to commit adultery or established prostitution; then do these people expect that the master of all the prophets does that? Were his companions worse than the people of Lot so that they would need to do adultery for a period of time? Even Prophet Lot did not allow such shameful thing for his people.

Moreover, the Prophet never legitimized a wrong thing to achieve a goal (like spreading Islam by expedition). In other words, the Prophet never allowed fornication to keep his companions in good mood (!!) in order to fight better for Islam! The goal does not justify the means, and this is a basic teaching of Islam.

It is hilarious and rather insulting to believe that at any time the Prophet (S) had ordered his companions to get drunk, or to murder, or to rape, or to gamble, or to commit fornication because of necessity"!

These people even do not know that fornication was prohibited by the Prophet (S) in Mecca, and before his migration to Medina. For instance, let us look at the following verses:

"Successful indeed are the believers... those who abstain from sex, except with those joined to them in the marriage bond or the captives whom their right hands possess for (in their case) they are free from blame. But those who go beyond that are transgressors."(Qur'an 23: 1-7)

and also:

"And those who guard their private parts, except with their wives or the slave girls who rightfully possess for (in their case) they are free from blame. But those who go beyond that are transgressors."(Qur'an 70:29-31)

The above verses clearly state that sex is only permitted either by marriage or through bondwoman whom one may rightfully possesses. If the above verses in the Chapter of Believers (Ch 23) and the chapter of al-Ma'arij (Ch 70) would have been revealed after the verse 4:24 (which is about Mut'a), then one could say the verse 4:24 might have been abrogated by the above verses.

Surprisingly enough, all Muslims agree that the above verses in the chapter of Believers (Ch 23) and the chapter of al-Ma'arij (Ch 70) were revealed in Mecca, long before the migration of the Prophet (S).

Therefore fornication was, indeed, prohibited in Mecca in the early advent of Islam. This is while all Islamic schools agree that the verse of 4:24 (verse of temporary marriage) was revealed in Medina. Also Shi'a and Sunni unanimously acknowledge that the Prophet (S) legitimized Mut'a after migration to Medina, and the companions started practicing it.

This, in fact, proves that Mut'a is a legitimate type of marriage, and man and woman are real husband and wife, otherwise the Prophet would have gone against the Meccan-revealed-verse in the Chapter of believers which restricted sex only through marriage or bondwomen. The Prophet does not go against the previously revealed verse of Qur'an when they are not abrogated. Thus if he permitted Mut'a later in

Medina, it should comply with the previously revealed verse in Mecca including the above two verses mentioned. The conclusion is that Mut'a is a legitimate type of marriage, and was legitimized long after the prohibition of fornication and after limiting sexual relation only to marriage and bondwomen.

Again some Sunni brothers, to provide an excuse for the practice of Mut'a by the companions, said that among the companions were some who were weak in faith. The weak ones feared that they would be tempted to commit the sin of fornication, a major sin and an evil course, and thus the Prophet allowed them to practice Mut'a.

These brothers unwittingly acknowledge the fact that not all the companions were strong in their faith. This is really a step forward. Sometimes in order to justify something, people have to compromise on their beliefs. Surprisingly enough, the Shi'a also believe in the same thing.

If the Shi'a follow 'Ali (as) to the exclusion of all other companions, it does not mean that the rest were unbelievers. It rather means the rest were not as qualified as him in their knowledge and their faith. However fornication was prohibited and sex was limited to marriage before even the constitution of Mut'a, and Allah does not compromise on what He had established already no matter what the companions feel about it.

One side comment here is that, according to the Shi'a Jurisprudence, masturbation is absolutely forbidden, due to the above mentioned verses where Allah limited the sexual gratification to marriage and slave-girls. Sunnis also consider masturbation to be forbidden, but some of them say if one falls into sin of fornication, then he may resort to masturbation since it is a lesser evil. Actually, such idea has no support in Qur'an or the Sunnah of the Prophet (S).

However, this Sunni opinion that masturbation is a lesser evil than fornication, gives another proof that the above mentioned excuse for the permission of temporary marriage for the companions is absurd. If masturbation is a lesser evil, then why the Prophet didn't order his companions to masturbate instead of contracting temporary marriage?!! This action of the Prophet (S) proves that if one is in danger of fornication, he should contract temporary marriage and avoid masturbation.

Temporary marriage was one of Islam's new ideas and solutions for the problems mankind presented by the last Prophet God for all the generations to come. It aimed at purifying this nation to make it the best, cleansed from any crimes, impurities and weird behavior, and to make it strong in its social structure.

But this nation was not successful in protecting this type of marriage and respecting its rules and reviving its legality. Instead, it was treated with false traditions and ignorant complications. This consequently invited various types of sickness, corruption, and adultery in Muslim nations which can be observed today.

More Side Comments On Mut'a

A Sunni brother mentioned that Ibn Abbas permitted temporary marriage under necessity. This is true. As we pointed out before, al-Bukhari mentioned:

Narrated Abu Jamra: I heard Ibn Abbas (giving a verdict) when he was asked about the Mut'a with the women, and he permitted it (Nikah al-Mut'a). On that a freed slave of his said to him, "That is only when it is very badly needed and (qualified permanent) women are scarce, or similar cases." On that, Ibn Abbas said, "Yes."

Sunni reference: Sahih al-Bukhari, Arabic-English, v7, Hadith #51

The last sentence of the tradition is a little confusing however. The reason is: How can women be scarce and yet we find one for the temporary marriage?! If women are scarce, they are scarce for both types of marriage! On the other hand, if women are available for temporary marriage, then they are not scarce any more!

So, granted that the last phrase in the above tradition is genuine, then the freed slave of Abbas meant that if the qualified women for permanent marriage are scarce, then one may resort to temporary marriage till such time when he finds a qualified permanent partner, based on the above verdict of Ibn Abbas (and some other companions). But for the cases such as western countries where a Muslim can not easily find a qualified spouse for long term marriage, and he/she is under pressure, then the only chance for him/her is temporary marriage.

Even in Muslim countries, if a man/woman is not sure about the qualification of his proposed wife/husband, he/she may engage in temporary marriage for sometime before his/her official permanent marriage. In this period he/she will realize if the other partner is qualified for a long-term relationship. The other suitable case for temporary marriage is when a boy can not afford the expenses of a permanent wife which brings many financial responsibilities.

A Sunni contributor mentioned that Ibn Abbas probably meant when Muslim woman is scarce one may practice temporary marriage with women from the People of the Book.

Although the above tradition does not specify the religion of women, this brother believes that Mut'a marriage with the people of Book is permitted when Muslim woman are not available. I believe this is also a step forward!

Even we accept that the tradition wants to say what this brother said, then there still exists the very same contradiction. All Muslims unanimously agree that permanent marriage with the People of the Book is allowed. If it is allowed, then again in that case women are not scarce!!! If Christian girls are not scarce, then they are available for both types of marriage. And the same argument comes in again. Is the tradition saying that Sunnis can commit the sin of fornication with Christian girls when Muslim women

are scarce? Thus we ought to agree that temporary marriage is not fornication otherwise Ibn Abbas would not have dared to allow it even with the girls from the People of the Book.

Moreover, the above tradition clearly states that Ibn Abbas allowed temporary marriage under some conditions. This can be inferred without need of any interpretation. Now, my question is that do you believe what Sunnis acknowledge concerning that Ibn Abbas was a highly respected companion and the interpreter of Qur'an? If yes, then you should obey him in this issue also. Or, at least, you can not object a Muslim if he chooses to follow Ibn Abbas and other companions who had the same idea in this issue.

A Wahhabi mentioned if Shi'a really follow 'Ali, then Sahih al-Bukhari and Sahih Muslim both have a tradition from him on the prohibition of Mut'a!

We have discussed already about this tradition which has contradiction in it and the Sunni scholars have rated it Mufrad. Moreover, we do not consider Sahih al-Bukhari (or Sahih Muslim) to be all-authentic. It is the work of man, and is not revealed by God to al-Bukhari. Neither him nor those who conveyed the traditions to him were infallible, and they made some or many mistakes. (Unless Wahhabis want to claim that the companions and the narrators were infallible). Not to mention that there are many contradictions inside this book. As a result I do not consider ANY Hadith collection to be all-authentic.

I bet these Sunnis do not also believe in all the traditions inside Sahih al-Bukhari and Sahih Muslim. If they believe in all of them then they have found many controversy on this very subject among the companions. The traditions inside these two books say that some companions continued to believe that temporary Marriage is Halaal after the demise of the Prophet and issued verdicts. Then, how can they say these books are all-authentic when they do not believe in those traditions I mentioned?

We should be naive to accept what al-Bukhari attributed to Imam 'Ali (as) as genuine when other reports from Imam 'Ali inside Sunni books say totally the opposite. We only accept those traditions in Sahih al-Bukhari which does not have contradiction with other Mutawatir traditions in side that book and other books. (The common traditions between Shi'a and Sunni are Mutawatir (frequent) since they have been narrated by both rival authorities.) This is exactly what we do with the Shi'i sources as well. If we find a tradition in the Shi'i sources which contradicts Qur'an or the established Sunnah of the Prophet, we just ignore it.

In Parts 6 through 8, we will discuss the regulations of Mut'a in detail, Insha Allah.

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