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Temporary Marriage in Islam Part 8: Some Frequently Asked Questions on Mut'a

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

After reading the earlier parts of this discussion, some people corresponded with me asked me some hypothetical questions, and also some good questions. I present their questions in the following format.

Q1: Can Someone Contract Mut'a Marriage for 1 hour?

I would say theoretically yes! Much in the same way that it is possible for some one to marry a woman permanently and then divorce her in one hour or even less. Logically, since the possibility of this action does not invalidate the regular marriage, therefore, it should not be applied in the case of Mut'a either!

Q2: What could be the difference between temporary marriage and prostitution?

In the previous sections, we explained the difference between the Mut'a and the long-term marriage (conventional), and one can see that there is not much differences between them. Also as I mentioned, one may marry permanently and then divorces his wife after one day. So what will be the difference?

Moreover, Allah (SWT) did not consider it prostitution when He revealed the verse, but you do!? All Muslims agree that the Prophet (S) has legislated Mut'a at some point, and we as Muslims believe that the Prophet does not speak from his own desires (La Yantiqu Anil Hawa), so God has permitted it at some point of time. This very fact differentiates between temporary marriage and adultery, because God and His Prophet do not legitimize adultery. No prophet of God ever did that.

A simple answer for your question is that one is legal and the other one is illegal. Let me give you an example:

Suppose a foreigner who may be very experienced in driving car back home, when going to another country he may need to apply for a driver license to be able to drive. Now if he drives without driver license, then what is the difference between him and a person who drives with license but may not be as experienced as the former? The answer simply is that the act of the former is illegal while the latter is legal.

The partners may have sex in the three cases of prostitution, temporary marriage, and permanent marriage. Qur'an declares the first one illegal but has made the latter two legal. The other difference, of course, is that the prostitute has another contract one hour later, but in both temporary and permanent marriage it is the duty of woman to wait for a couple of months before entering another contract.

As I mentioned according to all of the Shi'a scholars the "Iddah" for the Mut'a is two menstrual cycles (or at least 45 days if the woman is of menstruating age but for some reason does not menstruate). This would provide less than 8 customers a year for a prostitute!!!

I think any prostitution agency would go bankrupt in the first year if it wants to follow the regulations of Mut'a. And there are many more differences between prostitution and temporary marriage. May Allah guide those who unknowingly ridicule His religion and His Prophet.

Q3: Would someone give the hand of his own daughter in temporary marriage?

I would say yes! Other than because they already do in a normal marriage, there are good reasons to do that in temporary marriage. Let's say a father has a daughter who if not married will commit the sin of fornication, but no one has come forward to ask her hand in long term marriage – whatever the reasons maybe.

Would he give her to some known pious person who ask in temporary (if it is proved to be the Sunnah of the Prophet), or would he risk her committing fornication. I am sure many can think of other circumstances. This does not even address the issue from the man's perspective – students in foreign countries who do not wish to marry permanently from People of the Book (Ahlul Kitab); the possibility of turning the foreign wife to a Muslim and Da'wa (call to Islam) to her family, etc. Do you think "Christian" parents mind? I think not!

Even about Muslim countries I should say: Although Islam intends to revolve the culture of people, as a result of tendencies and ignorance in many countries dominated by Muslims, the culture affected the Islamic teachings, while it is supposed to be the other way around. One should be able to discriminate between the true teachings of a divine religion like Islam, and a culture.

About marriage in general, many Muslim families still have major "traditional" and cultural problems in marrying their daughters, for all kinds of seemingly stupid reasons. Yet, we do not blame the religion for such old tribal mentality and the shortcomings of the followers of Islam.

Such feelings are all as a result of our cruel cultural traditions and not the true sense of normal feeling and pure instinct. Is trying to safeguard the boys and girls by putting laws to a relationship of pleasure a corruption? What is the standard with which we determine what is corruption and what is not? Shouldn't we only depend on the proven legal Islamic ruling? If that is the case, then we have already proven that temporary marriage is authorized and should not be prevented.

My feeling is that the average Muslims today are more tolerant of friends and family whom they know or have heard that they have committed fornication; but less tolerant on accepting that the idea of Temporary Marriage could solve many social problems and prevent the majority of adultery in many communities, if it were allowed and promoted as it was the case before the rule of Umar.

Q4: Does any brother accept that her sister contracts Mut'a marriage?

This question is fairly similar to the previous one. Is the standard what brother accepts or rejects? Isn't it first satisfaction of Almighty God? Or may be the religion of God should submit to the desires of brother and his jealousy.

Also why would a brother in many cases allow himself to do things which he prevents his sister from doing? Since when did our desires become the standards of what is wrong?

Sex is a natural desire that Allah created within the human nature. What difference does it make if a husband had pleasure with someone's sister in a temporary or a permanent marriage that is followed with a fast divorce? By such standard, permanent marriage is even more wicked because it is having continuous pleasure with the sister.

Why do we suppose that the husband is having pleasure and the wife is not? Why don't we accept that the right of pleasure is for both of them, as it is in reality? Why don't we accept that temporary marriage is not just a physical relationship, but it involves love, emotions, and sensational feelings even if it is for one month?

I guess what we should really avoid is to distort Islam based on the darkness of our complications and our unjust traditional problems.

Q5: Why can't we use the permanent marriage for the purpose of familiarization between husband and wife?

Permanent marriage can not be used for familiarization period because:

1. After the contract of permanent marriage woman can not divorce her husband if she finds that her man is not so great! Thus in the case that man likes his wife, but his wife does not like him very much, the divorce will not happen. In other words, the proposal of using the first few months of permanent marriage as familiarization) is only good for men!!! In contrary, temporary marriage will end after its period, and BOTH man and woman can decide again (to convert it to a permanent one or not).

However, as I mentioned before, under some circumstances, a Muslim scholar/Judge can divorce her, but this would be a risky way for woman since the Judge's decision might be different than her wishes and certainly a period of familiarization does not worth for all these headaches.

2. In permanent marriage contract, one can not make the condition that marriage is to be unconsummated. In other words, sex is an indispensable part of permanent marriage. Then how can a woman enter into permanent marriage contract for familiarization only? On the other hand, such necessities do not exist in temporary marriage.

3. Although one can divorce her permanent wife, this is considered the most hateful permitted act in Islam. The reason is that the couple have some moral obligations/expectations that they intend to live together for good. If a man divorces his wife after a couple of month being with her and after removing her virginity, by saying that he did not like her too much in this period of familiarization(!!) then it will be a very bitter experience for that Muslim woman. Remember if a man does this shameful act, no body can punish him because he has just used his divorce right. But this action is morally detestable. This in fact shows that permanent marriage is not a good choice for familiarization period. Remember that your proposal should be practical, and not imaginary based on the ideal case where the unfamiliar couple have full trust to each other before the marriage.

In contrary, Temporary marriage is risk free. First of all, both man and woman are aware that they will separate after the specified period and so there will be no surprises. Non of them has any moral obligation to extend the marriage beyond that period nor do s/he has any such expectation from the other side. Also, as mentioned, they can set a condition that marriage is not to be consummated.

Q6: If the husband leaves the town after the expiration of Mut'a marriage, is it incumbent upon him to later inquire whether the union was fruitful, and take the custody of his child?

When a man goes to a journey and temporarily marries, it is incumbent upon him to provide some information to that woman about his original place and how he can be reached, so that in the case of pregnancy, the father is informed, and he should provide all the financial means for his child. This goes for permanent marriage too. If a man divorces his wife, and immediately leaves the town for another place, it is incumbent upon him to provide information to his ex-wife as how he can be reached in the case of pregnancy. In both cases, the child is the legal heir of his father and his mother.

Q7: Can a man engage in temporary marriage even if he already has four temporary/permanent wives?

Yes. The case of the temporarily married girl in this regard (as well as other issues such as waiting period) is similar to the case of the bondwomen in Islam. All Muslims do agree that one can marry an unlimited number of slave-girls. Islam did not limit it as it did with the permanent marriage.

The reason that Islam strictly limited the number of permanent wives into four, is that in permanent marriage there are obligations which do not exist in the other types of marriage, and these obligations

can not be fulfilled if one goes more than four permanent marriages. For instance, the permanent couples are necessary to be sexually active, and man should sleep with his wife once each four nights; so how can he go further than four permanent wives?

Also necessity of support of wife financially is no easy! These obligations do not apply to temporary marriage, and thus one may go further than that, yet it is not recommended at all. As I quoted some traditions earlier, it is also discouraged for a person who has permanent wife available, to engage in temporary marriage (even one) because it may cause complications for his family.

Q8: Is there any witness required for Mut'a, or the persons can say the sentences of marriage alone?

The above question has the same answer for both permanent marriage and temporary marriage. In both cases, religiously speaking, there is no witness necessary. They themselves can pronounce the sentences of marriage. However if the girl is virgin, then the boy needs the permission of her guardian beforehand. But her guardian does not have to be present as witness when they are pronouncing the marriage sentences.

Please note that I am only talking about the religious law. However, if the couple want to register their marriage by the secular government (which is not religiously necessary), they may have to do many other things, including the witness (if the secular government requires).

However those who choose to temporarily marry in western countries, do not need to register since they know they will separate from each other soon. This is a temporary relation only, without many legal responsibilities that a permanent marriage bears (like the necessity financial support, inheritance and so on). In the view of a western government, such relationship is nothing worse than boyfriend-girlfriend relationship which is commonly practiced in the West without any barrier. However, religiously speaking, the couple who would like to temporarily marry, are required to satisfy all the religious obligations when entering such contract and when separating from each other.

Also, for the same reason, in the western countries, there is no need for witness because no body cares about the relation of a boy and a girl. However in Muslim countries where people may accuse the boy and the girl of committing adultery, it might be necessary to have some witnesses just for the protection of the couple. But this is not a condition for the validation of marriage.

Also in the case of temporary marriage, the couple do not have to announce the marriage publicly, specially when the public opinion is not in favor of Mut'a. Public announcement is not necessary for the permanent marriage either, though it is encouraged.

Q9: The sentences of Mut'a as I have seen, are in Arabic, is it necessary to say them in Arabic?

Again, the above question has the same answer for both permanent marriage and temporary marriage. Scholars do not have the same idea as to whether the marriage sentences (for both types) are

necessary to be in Arabic or not. The majority of scholars require it to be in Arabic. Others state that it should be in Arabic if one of them knows Arabic, otherwise they can pronounce its equivalent in their mother language. Please note that the marriage sentences are very short. So learning its Arabic equivalent is not so difficult. Also it is not necessary that both boy and girl know it. If the boy knows it, it is enough. The girl can authorize the boy to pronounce the marriage sentence in her behalf, much the same as a third party usually does. In the case that neither boy nor girl know the Arabic sentences of marriage, and if there exists a third party who will do it in Arabic, they can authorize him to pronounce it on their behalves.

Q10: In your opinion (which I do not consider as a Fatwa) how is it to follow some of the things that one feels logical in Shi'a Fiqh while keeping his Sunni faith? Is it Haraam?

My personal answer is that you can. In fact, I know some Sunni brothers who believe that although they know more about the specific school that they have been raised with, they do not bound themselves to that specific school. If some thing is proven to us by Qur'an and authentic Hadith, then they follow it. For instance, I personally know a few of knowledgeable Hanafi friends who believe they can join Duhr and Asr prayer like what the followers of Ahlul-Bayt do.

When I asked them why, they said we found in Sahih al-Bukhari some traditions which state that the Messenger of Allah (S) joint Duhr and Asr prayer while he was not in travel and while he did not have any emergency. So since there exists at least one Islamic school which allows joining the prayers (referring to Shi'a Imamiyyah), and at the same time there exists authentic traditions in support of it, then we feel free to do that even though we are raised as Hanafi.

Below I have included the Fatwa of Shaikh Mahmood Shaltoot, the head of al-Azhar University which clearly removes the barrier between the Sunni and the Shi'a, and allows the Sunnis to follow the Fatwa of any of them. I just give a part of his Fatwa here:

Head Office of al-Azhar University:

In the name of Allah, the Beneficent, the Merciful
Text of the Verdict (Fatwa) Issued by His Excellency

Shaikh al-Akbar Mahmood Shaltoot,

Head of the Al-Azhar University on Permissibility of Following "Al-Shi'a Al-Imamiyyah" School of Thought

His Excellency was asked:

Some believe that, for a Muslim to have religiously correct worship and dealing, it is necessary to follow one of the four known schools of thought, whereas, "al-Shi'a al-Imamiyyah" school of thought is not one

of them nor "al-Shi'a al-Zaidiyah." Do your Excellency agree with this opinion, and prohibit following "al-Shi'a al-Imamiyyah al-Ithna Ashariyyah" school of thought, for example?

His Excellency replied:

1) Islam does not require a Muslim to follow a particular madh'hab (school of thought). Rather, we say: every Muslim has the right to follow one of the schools of thought which has been correctly narrated and its verdicts have been compiled in its books. And, everyone who is following such madhahib (schools of thought) can transfer to another school, and there shall be no crime on him for doing so.

2) The Ja'fari school of thought, which is also known as "al-Shi'a al-Imamiyyah al-Ithna Ashariyyah" (i.e., The Twelver Imami Shi'ites) is a school of thought that is religiously correct to follow in worship as are other Sunni schools of thought.

Muslims must know this, and ought to refrain from unjust prejudice to any particular school of thought, since the religion of Allah and His Divine Law (Shari'a) was never restricted to a particular school of thought. Their jurists (Mujtahidoon) are accepted by Almighty Allah, and it is permissible to the "non-Mujtahid" to follow them and to accord with their teaching whether in worship (Ibaadat) or transactions (Mu'aamilaat).

Signed,

Mahmood Shaloot.

The above Fatwa was announced on July 6, 1959 from the Head of al-Azhar University, and was subsequently published in many publications in the middle east which include, but are not limited to:

1. Al-Sha'ab newspaper (Egypt), issue of July 7, 1959.
2. Al-Kifah newspaper (Lebanon), issue of July 8, 1959.

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