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The Twenty-Second Spurious Argument: Temporary Marriage

Some people spuriously criticize the Shias for permitting temporary marriage while they think that it is a ruling that has been repealed.

The Answer

The Holy Qur'an has permitted temporary marriage. Allah says,

... then as to such wives as you enjoy thereby, give them their dowries as appropriate.
(Qur'an 4:24)

No Qur'anic verse has repealed this form of marriage. Apart from this, it has not been proven that the Prophet (s) had ever repealed it.

The author of Jami'ul-Usul vol. 12 p. 135 (tradition No. 8953) quotes Jabir bin Abdullah from the Sahih of Muslim as saying, We practised temporary marriage for a handful of dates and flour during the time of the Prophet and the time of Abu Bakr until Umar forbade it because of the problem of Amr bin Hurayth."

He also recorded in vol. 3 p. 465 (tradition No. 1406):

In the Sahih of Muslim and the Sahih of an-Nassa'i, there was another tradition that relates Abu Dharr as saying, "The two pleasures (mut'atan) are not applicable except for us.'

He meant that of the temporary marriage and that of hajj.

Ar-Razi mentioned, in his Tafsir vol. 10 p. 25:

The third evidence on permitting temporary marriage is based upon that which Umar (may Allah be pleased with him) said from atop the minbar (pulpit) "Two pleasures were permissible at the time of the

Prophet but now I forbid them; the pleasure of hajj and the temporary marriage.'

This confirms that temporary marriage was permissible in the time of the Prophet (s). Umar's saying 'I forbid them' indicates that it was not the Prophet but Umar who repealed them. Thus proven, we can say that this is a proof of the fact that temporary marriage had been permissible during the time of the Prophet and that he (s) did not repeal it, but Umar did. Therefore, Umar's repeal is invalid. This was the evidence that Imran bin Husayn cited with when he said, Allah revealed a Qur'anic verse about temporary marriage and He had not repealed it by any other verse. The Prophet (s) ordered us to practise temporary marriage and he did not forbid it. But someone gave his opinion as he liked –he meant that Umar forbade it–.

These have been some ways of proving the legality of the temporary marriage.

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