



مَجْمُوعَةُ طَالِبِ الْعِلْمِ لِلدِّرَاسَاتِ الْإِسْلَامِيَّةِ

A new concept for Temporary Marriage



Gathered and written by:

Sayed: IBN YAHYA

A new Concept of Temporary Marriage

Allah the Exalted said:

"O you who have believed, do not prohibit the good things which Allah has made lawful to you and do not transgress. Indeed, Allah does not like transgressors."
(5:87)

Straight concepts will not contradict each other, goodness cannot be mate to badness, night cannot be gathered with day; Mind is the material to recognize the goodness within the things, and their badness. the goodness is like building a society, helping the people, respecting the freedom of thinking, encouraging to marry.... etc., beside knowing that hurting people and their affairs is not allowed by mind. However, many things that cannot be recognize by mind should be cleared by our creator Allah the Exalted, these things like not to eat the swine, not to marry two sisters, or not to marry more than four women.

So, when Allah the Almighty legislates, then it couldn't be halal and harm for one thing, and we could not say this is halal and haram at the same time. It is not a nature of Allah to get people confused by contradicted instructions.

As long as we talking about the homogeneous instructions, the temporary marriage pushes itself to the surface in debates.

Here, I want to discuss the subject of Muta'a " temporary marriage" from a perspective of the reason and time clang on this type of marriage.

Muta'a is known for some schools of thoughts and figh as a taboo marriage, and for some it is a legal marriage. and as we know that Allah will ever initiate only discernible guidance, and never put contradicted statutes.

For comprehending this matter properly, I will go through four points, which are:

- Quran and Muta'a
- Sunnah and Muta'a
- People and Muta'a
- Causality and Muta'a

First: Quran and Muta'a:

Believing that Quran is complete and divinely well-preserved, makes us return to it in case of dissimilarity. We should track the words that hold the meaning of Muta'a (Indulging) in Quran to know better. Many verses mention it many times in context of bad or with legislation.

* the ones of bad are like:

- "And they have attributed to Allah equals to mislead [people] from His way. Say, "Enjoy yourselves, for indeed, your destination is the Fire." (14:30)
- "[O disbelievers], eat and enjoy yourselves a little; indeed, you are criminals." (77:46)

* the ones of legislation are like:

- "So for whatever you enjoy [of marriage] from them, give them their due compensation as an obligation. And there is no blame upon you for what you mutually agree to beyond the obligation. Indeed, Allah is ever Knowing and Wise." (4:24)
- "then whoever (TAMATA'A) performs 'umrah [during the Hajj months] followed by Hajj [offers] what can be obtained with ease of sacrificial animals. And whoever cannot find [or afford such an animal] - then a fast of three days during Hajj and of seven when you have returned [home]. Those are ten complete [days]. This is for those whose family is not in the area of al-Masjid al-Haram. And fear Allah and know that Allah is severe in penalty." (2:106)

Allah the preserver for HIS book, connected Tamatu' (Istimta'a) with time in the verses of the bad context like "enjoy a little";

but what does that mean?!

is mentioning little indicating for temporary? or is it for the lifetime?

the answer is the lifetime because this worldly life is so short even we reach 100 years of age or more.

and when Allah connect Tamatu' of performing umrah for days, it is because Umrah and Hajj only last for days.

So, we find that Tamatu' (Muta'ah) has two type of time, one is so short in accordance with the religious matter itself like umrah and Hajj, and one is for lifetime like postponing the divine punishment till the day of justice.

With this, we cannot say that Muta'a is only with certain time from point to point especially with marriage based on many points like:

- Muta'a is a general definition for marriage, even it is short or long, even it is from time's point to another specific time point. Which means that Muta' is not a monopolized definition for temporary marriage.
- the verse is a part from the Quran, which is preserved by Allah "Indeed, it is We who sent down the Qur'an and indeed, We will be its guardian." and the verse talking about Muta'a is not mentioning any timing.
- if the verse is describing marriage, then it should be only the long-termed marriage, or temporary marriage. and it is with no timing which defines it long-termed.
- Allah has spoken, and no one in the world can change that with any addition that it is not really from the preserved Quran.
- Marriage needs like other issues (fight, fast, ...etc) to go through all related verses, to reach a verdict Koranically, by studying the purpose of marriage and comparing the purpose with both kind of marriage

But we all forgot to find the real meaning of Marriage from Quran; interpreting Quran with Quran may lead us to the real conception of marriage, so Allah the Almighty says describing Marriage:

Allah the Almighty said:

- " And [also prohibited to you are all] married women except those your right hands possess. [This is] the decree of Allah upon you. And lawful to you are [all others] beyond these, [provided] that you seek them [in marriage] with [gifts from]

your property, desiring chastity, not unlawful sexual intercourse. So for whatever you enjoy [of marriage] from them, give them their due compensation as an obligation. And there is no blame upon you for what you mutually agree to beyond the obligation. Indeed, Allah is ever Knowing and Wise." (4:24)

* Note:

in the beginning of the verse, the married women and right hands possessed women are mentioned, and then at the end of the verse, there is compensation for enjoying with them in a relation which is a marriage as the verse after this verse explains further:

- "And whoever among you cannot [find] the means to marry free, believing women, then [he may marry] from those whom your right hands possess of believing slave girls. (4: 25)

* Allah Ta'ala described being in relationship with slave girls is like marriage, and this verse which explains the verse before it in the same surah An-Nisa'a, which shows that there are only two ways to have legally relationships according to Quran (whether normal marriage or Milk Alyameen, right hands possess) and not to forget that Allah the Almighty said:

- " And they who guard their private parts;.. Except from their wives or those their right hands possess, for indeed, they will not be blamed" (23:5-6)

Note:

these two verses strengthen the point that the marriage is always permanent, and wives and right hand possessed girls are mentioned in the verse of Muta'a and with connecting all verses, we can find out that Allah treated the sexual desire of human kind by marriage to women (wives or right possessed), and being righteous and patient until being able to get married.

There is a question:

if this verse: "So for whatever you enjoy of marriage from them, give them their due compensation as an obligation. (4, 24)"

means that the temporary marriage is the one meant, and not the right life-lasting marriage?!

That means that there is no marriage but temporary marriage, but that cannot be; so as I said earlier that Quran will explain itself:

Allah the Almighty says:

- "But let them who find not [the means for] marriage abstain [from sexual relations] until Allah enriches them from His bounty.. (An-Nur, 33)

❖ From this verse we see that Allah commanded us to be virtuous by not having sex until being rich and able to get married ..

Why did Allah not tell us there is a temporary marriage which is so easy and not expensive?! but Allah commanded us to abstain of sexual relations until being able to marry?!

- "So marry them with the permission of their people and give them their due compensation according to what is acceptable. (An-Nisa', 25)

* Allah puts here a condition which is the permission of people of the women ..

Notice: Temporary marriage needs no permission from their people...

- "And marry the unmarried among you and the righteous among your male slaves and female slaves. If they should be poor, Allah will enrich them from His bounty, and Allah is all-Encompassing and Knowing. (An-Nur, 32)

❖ There is an advice to help our unmarried women and the righteous male/female slaves to get married. That is a proof of the illegality of the temporary marriage because there are conditions: (our permission and helping them to marry) .

So, If temporary marriage is legal, this verse would not be founded for making permission, and temporary marriage is so simple needing no permission from parents and family.

- " And abide in your houses and do not display yourselves as [was] the display of the former times of ignorance. (Alahzab, 33)

❖ This verse is specially for wives of the prophet (pbuh) and general for all Muslim women..

All Muslim women should stay at their houses in order not to be seen and recognized. This contradicts the temporary marriage, which gives the right to the women to know men liberally anywhere without a permission from parents .

So, if it is legal, women are free to go out to have fun and enjoy the temporary marriage and to make it easier for men to admire them and ask them to marry for while and then split up.

- "Perhaps his Lord, if he divorced you [all], would substitute for him wives better than you - submitting [to Allah], believing, devoutly obedient, repentant, worshipping, and traveling - [ones] previously married and virgins. (Al-Tahrim, 5)

❖ There are two things I want to stress on:

A- Why?? Why did Allah the Almighty speak about substitution for RasullAllah (pbuh) wives with such descriptions?

Is that for short-termed marriage?? Is it to frighten Prophet's wives to be obedientss

Then, did the Prophet (pbuh) divorced any of them... No... so, it was not a temporary marriage that the prophet (pbuh) had.

B- Are the descriptions, that Allah the Almighty mentioned in the verse, for men who seek for short-termed marriage?! Having one women so morally and spiritually beautiful just for many days?!

The man does not have any benefit from such women, unless he thinks to have her as life-wife and to get children raised by this woman....

Finally, Quran organizes our marriage in life and explains the importance of it. The verses that I mentioned are some verses which confirm that the aim of marriage is to create a family finding tranquility, affection and mercy which leads to strong family and strong nation.

The importance of Marriage:

Allah the Almighty said:

- And of His signs is that He created for you from yourselves mates that you may find tranquility in them; and He placed between you affection and mercy. Indeed, in that are signs for a people who give thought. (Ar-Rum 21)

So, Marriage according this verse is peace and inner quietness which lead to affection and mercy.

The question is how come some people see marriage as short target just to get satisfied sexually for little time. That is contradiction to affection and mercy and the main purpose that Allah (the Almighty) wants us to have mates finding tranquility in them. Marriage is therefore for building a FAMILY and then an Islamic NATION (NATION of Mohammed, pbuh)

And that is clear in this verse which explains that one of the main purposes of getting married four times to:

- subsist the orphans and women.

- not harm the women.... (That is more suitable that you may not incline to injustice)

- "And if you fear that you will not deal justly with the orphan girls, then marry those that please you of [other] women, two or three or four. But if you fear that you will not be just, then [marry only] one or those your right hand possesses. That is more suitable that you may not incline [to injustice]. (Alnisa', 3)

* Here are some verse which meanings have tendency to the long-term marriage, and not to the temporary marriage"

- "So for whatever you enjoy of marriage from them, give them their due compensation as an obligation. (An-Nisa', 24)

*This verse explains the duty of man towards woman to give her a compensation for being satisfied. It is a general meaning of marriage, there is no deadline for this married at all.

So, the temporary marriage is not found any where as a Quranic solution

Important notice:

I will discuss the narration that claimed the verse (4:24) is about temporary marriage in the third part (People and Muta'a)

Second: Sunnah and Muta'a:

This part will mention the two kinds of narrations (approving & prohibiting temporary marriage known as Muta'a):

A: narrations of approving Muta'a:

- Jabir bin AbdullAllah and Salamah bin Al-Aku'a narrated:

" a caller from RasullAllah –pbuh- went out to us and said: RasullAllah –pbuh- has approved to do Muta'a, it means Muta'at Al-Nissa'a"

Sahih Muslim, 1405.

- Abdullah Ibn Masud narrated:

"We used to participate in the holy battles led by Allah's Apostle and **we had nothing (no wives) with us.** So we said, "Shall we get ourselves castrated (for fear of making sin)?" He forbade us (to castrate ourselves) and then allowed us to marry women with a contract for certain time, **while having the dress on,** and recited to us: 'O you who believe! Make not unlawful the good things, which Allah has made lawful for you, but commit no transgression.' (5.87)

Sahih Muslim, 1404.

- Abdullah Ibn Masud narrated:

" We used to participate in the holy battles led by Allah's Apostle and **we had nothing (no wives) with us.** So we said, "Shall we get ourselves castrated (for fear of making sin)?" He forbade us (to castrate ourselves) and then allowed us to marry women **while having the dress on** and recited to us: 'O you who believe! Make not unlawful the good things, which Allah has made lawful for you, but commit no transgression.' (5.87)"

Sahih Al-Bukhari, 5075.

Sahih bin Haban, 4142

Note:

these narrations that approved Muta'a have three important points, only for one reason which is (not to get oneself castrated), and they are:

- 1- it is in the battled field, and the men are fighting
- 2- it is for fighters who are married.
- 3- it should be conducted while having the dress on

So, the possibility to do Muta'a is conditioned with the three points (in war, being married and not having the wife with, and having it with dress on).

This means Muta'a is not absolute permissible. and the essential key for Muta'a that it is not permissible, and after some while it is prohibited.

We can know as well that Muta'a is only for necessity and we should think that if there is any prohibition will make the issue clear that Muta'a is not basically halal, and when we go back to the groups of the verses in part one, we reach the half difficult way to understand that Muta'a as temporary marriage is not having a Quranic indication.

More importantly, we have to ask ourselves a question:

" Is this type of marriage doable and applicable after RasullAllah's time?!"

then we have to see the narrations of its prohibition in the time of RasullAllah – pbuh-.

B: narrations of prohibiting Muta'a:

the narrations for prohibiting Muta'a are mentioned in almost all books of Ummah (Shia'a and Sunnis). And as we know that Zaidism has unanimous verdict that Muta'a as temporary marriage is prohibited.

** the narrations are:

- "O people, I had permitted you Mutah before, [but now] whoever of you has any part in it currently must part with her, and do not take back anything which you may have given them, as Allah Exalted and Majestic has forbidden it until the day of resurrection." [Muslim, Abu Dawood, Ibn Majah, Nasa`i, and Darimi]
- Imam Ali –pbuh- said: "The Messenger of Allah had forbidden Mutah on the day of Khaybar and had forbidden the eating of the meat of domestic camels." [Bukhari, Muslim, Tirmizy, Ibn Majah, Nasa`i, Tahawy, Shafi'i, Bayhaqy, and Hazimy]
- Imam Ali –pbuh- said to a man who was engaging in Mutah: "You are a straying person, the Messenger of Allah has forbidden temporary marriage and the meat of domestic camels on the day of Khaybar." [Muslim and Bayhaqy]
- RasullAllah –pbuh- said: "O people, I had permitted you Mutah before, [but now] whoever of you has any part in it currently must part with her, and do not take back anything which you may have given them, as Allah Exalted and Majestic has forbidden it until the day of resurrection." [Muslim, Abu Dawood, Ibn Majah, Nasa`i, and Darimi]
- Ali (رضى الله عنه) said: "The Messenger of Allah had forbidden Mutah on the day of Khaybar and had forbidden the eating of the meat of domestic donkeys." [Bukhari, Muslim, Tirmizy, Ibn Majah, Nasa`i, Tahawy, Shafi'i, Bayhaqy, and Hazimy]
- Ali (رضى الله عنه) said to a man who was engaging in Mutah: "You are a straying person, the Messenger of Allah has forbidden temporary marriage and the meat of domestic donkeys on the day of Khaybar." [Muslim and Bayhaqy]
- A man called Rabee' Bin Sabra said to Umar bin Abdul Aziz: "I testify that according to my father that it happened that the Messenger of Allah had forbidden it [Mutah] on the farewell pilgrimage." [Abu Dawood and Imam Ahmad]

- According to Abu Huraira: The Messenger of Allah had forbidden or abolished temporary marriage, its marriage and its divorce, its waiting period, and its inheritance. [DarQutny, Ishaq Bin Rahwiya, and Ibn Habban]
- When Ali (رضي الله عنه) was given the Caliphate, he thanked Allah Most High and praised Him and said: “O people, the Messenger of Allah had permitted Mutah three times then forbade it. I swear by Allah, ready to fulfil my oath, that if I find any person who engages in temporary marriage without having ratified this with a proper marriage, I will have him lashed 100 stripes unless he can bring two witnesses to prove that the Messenger had permitted it after forbidding it.” [Ibn Majah]
- Imam Muslim has narrated that according to Mohammad Bin Abdullah Bin Numayr who said: “My father had narrated to us according to Ubaidullah according to Ibn shahab according to Alhassan and Abdullah the sons of Mohammad bin Ali according to their father according to Ali that he heard Ibn Abbas being lenient towards temporary marriage, so he said, ‘wait Ibn Abbas, the Messenger of Allah had forbidden it on the day of Khaybar when he also prohibited the meat of domestic donkeys.’” [Sahih Muslim]
- Narrated Salama bin Al-Akwa: “In the year of Autas, Allah’s Messenger permitted a temporary marriage for three nights, but he prohibited it afterwards.” [Sahih Muslim]
- Narrated Ali (رضي الله عنه): “Allah’s Messenger forbade the temporary marriage in the year of Khaybar.” [Sahih Muslim and Sahih Bukhari]
- Narrated Ali (رضي الله عنه): “At the battle of Khaybar, the Prophet forbade the temporary marriage (i.e Mutah) of women, and the eating of the flesh of domestic asses.” [Sahih Bukhari, Sahih Muslim, Ahmad, An-Nasa’i, At-Termidhi and Ibn Majah have all collected it]
- It was narrated from Ali (رضي الله عنه) that: "The Messenger of Allah forbade Mutah marriage and the meat of domestic donkeys at the time of Khaybar. According to another report, he forbade Mutah marriage at the time of Khaybar and he forbade the meat of tame donkeys. [Narrated by Bukhari, 3979; Muslim, 1407.]
- It was narrated from al-Rabee’ ibn Sabrah al-Juhanithat his father told him that he was with the Messenger of Allah who said: “O people, I used to allow you to engage in Mutah marriages, but now Allah has forbidden that until the Day of

Resurrection, so whoever has any wives in a Mutah marriage, he should let her go and do not take anything of the (money) you have given them.” [Narrated by Muslim, 1406.]

- Sabrah bin Ma' bad al-Jihani reported: “I went forth with the Prophet for the conquest of Mecca, and he allowed us Mutah with women. But we had not even left the city [yet] when it was prohibited by the Messenger of Allah.”

- It was reported by Zaid bin Ali from his fathers, that Ali bin Abi Talib –pbuh- said: " The Messenger of Allah, on the day of Khaybar, had forbidden the eating of the meat of domestic donkeys and Muta' marriage " (Tahdhib Al-Ahkam- by Al-Shaykh Al-Tosi- 7\251.

* Note:

The evidence of prohibiting Muta'a (temporary marriage) is found in the whole ummah's books, and RasullAllah –pbuh is the one who prohibited.

And as we know that the words of RasullAllah –pbuh- is Sunnah and the words of other people are only sayings and not Sunnah. So, the sayings of other people cannot refute or reject the sayings of RasullAllah –pbuh-, in other words no human can reject the Sunnah with his sayings or opinions.

Third: People and Muta'a:

We here discuss what the sahabah and their sons said in this regard, because there is a difference between Sunnah and sayings of people, and we should not be confused by considering the sayings of people like Sahabah as not Sunnah.

However, the Ahadith books call these sayings as narrations. and we start with some of them:

- Mahmood bin Qailan Al-Marozzi reported that Abo Dawud said that sho'ba said that Muslim Al-Quri said: "we visited Asma'a bin Abi Bakr, and we asked her about MUTA OF WOMEN, so she said : We did it during the time of RasullAllah –pbuh- (Al-Sunnan Al-Kubra, 1\233)

* note:

this hadith makes it clear that the time of performing Muta'h was in the era of RasullAllah –pbuh-

- Yunos narrated about abu dawud about sho'ba from muslim al-qurashi he said : we visited asma bint abi bakr and we asked her about MUTA OF WOMEN so she said : WE did it during the time of rasool Allah. (musnad tayalissi volume 1 page 227)

* note:

It is like the former one.

- It was narrated: "Ibn Abas was ordering us to marry Muta'a, and Ibn Al-Zubair prohibited it, and I mentioned this to Jaber who said to me: "I am aware of this, and we performed Muta'a with RasullAllah –pbuh-, and when it was the time of Umar bin Al-Khatib he said: " Verily Allah made permissible for His Messenger (may peace be upon him) whatever He liked and as He liked. And (every command) of the Holy Qur'an has been revealed for every occasion. So accomplish Hajj and Umra for

Allah as Allah has commanded you; and confirm by (proper conditions) the marriage of those women (with whom you have performed Mut'a). And any person would come to me with a marriage of appointed duration (Mut'a), I would stone him (to death)." (Sahih ibn Haban, 3940)

* note:

We see the narrations for prohibiting the temporary marriage by RasullAllah –pbuh-, and see the narrations of its approval for certain conditions, and then the prohibition happened. This means it is generally prohibited by RasullAllah –pbuh-, and it does not matter if someone agrees or disagrees; because it is a matter of legalization, and it is up to Allah and his messenger.

- Jaber bin AbdullAllah narrated: " we performed Muta'a with RasullAllah –pubh-. (Nokhab Al-Afkar, 9\185)

* note:

Jabir said: we perform Muta'ah with RasullAllah –pbuh. This word (With) indicates to an action done together by RasullAllah –pbuh- and His people which might indicate to performing Muta' of Hijj, however, if it is not about muta'a in hajj, then the word (with) explains the happening of the performance in the era of RasullAllah –pbuh, who prohibited afterward.

- Ibn Abas said "Mutah was permissible in the initial days of Islam, and people were reciting the verse (of Muta'a) (4:24), and when a man visited the town and had no relatives then he could perform it. but when this verse 'And those who preserve their private parts except with their spouses or what their right hands posses' was revealed, it became impermissible, and Quran verified this " Except from their wives or those their right hands possess, for indeed, they will not be blamed " (23:6)... { Al-Muhadhib by Al-Dhahabi, 6\2778}

* Note:

this is an important point, just see the contradictions in the sayings of ibn Abbas, he sometimes said that Muta'a is halal, and at other times he said it is abrogated

- Al-Tabari in his Tafseer: Abi Nadhirah said: we recited (So for whatever you enjoy [of marriage] from them, 4:24), in front of Ibn Abbas, he said: (So for whatever you enjoy [of marriage] from them to certain time). Ibn Nadhirah said: we did not recite it like that!, then Ibn Abbas said: "by Allah, it is descended so"

* note:

Recitation of Ibn Abass for Quran, is not a famous Qira'ah and we mention in the top of this research that Quran is so preserved and can neither be controlled nor changed by a saying, and if we add that his saying is contradicted with his other sayings, so time he said that the words (to a specified time), and other time he said it is abrogated?! so, he had contradicted his words. and more important to know is that he said that Muta'a is permitted for necessity

Narrations about a controversy happened between Imam Ali –pbuh- and Ibn Abbas:

- There had been a talk between them both about Muta'ah of Nissa'a, Imam Ali said to him: " You are an errant person; RasullAllah –pbuh- prohibited Mut'a of Nissa'a in Hajat Alwada'a. (Mojama'a Alzoa'id, 4\268)

- Imam Ali –pbuh- heard that Ibn Abbas is flexible towards muta' of nissa'a, and he then said: " hey, Ibn Abbas!, RasullAllah –pbuh- prohibited in the day of Khaibar. (Sahih Muslim, 1407)

Narrations about a controversy happened between Ibn Al-Zubair and Ibn Abbas:

- Ibn Abbas said to Ibn Al-Zubair that his mother (Asma'a bin Abi Bakr) performed Muta'a, but there is a report when Ibn Abbas was asked about Mut'ah of Hajj, the narration is:

- It was narrated that Ibn Abbas was asked about Mut'a of Hajj? he approved it. While Ibn Al-Zubair prohibited it. Ibn Abbas said that Um Al-Zubair (mother of Al-Zubair) told that RasullAllah –pbuh- approved it. Then people went to her and ask her, and she said: "RasullAllah –pbuh- has approved it. (Sahih Muslim, 1238)

Note:

we talked earlier that the word (with) means an action done by RasullAllah –pbuh- and his people, and this could be Hajj = (pilgrimage with RasullAllah).

Narration about Ibn Abbas confessing that Muta'a is for necessity:

- It was narrated that Ibn 'Abbas was asked regarding temporary marriage with women so he allowed it. On this one of his slaves said, "It is only in harsh condition, when there is lack of women?" or something of that sort. So Ibn 'Abbas said, "Yes.". (Sahih Al-Bukhari, 5116)

- Narrated Abu Jamra: I heard Ibn Abbas (giving a verdict) when he was asked about the Mut'ah with the women, and he permitted it (Nikah al-Mut'ah). 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.”

- Ibn ‘Abbas responded to the criticism of Sa’eed bin Jubair on his view on Mut’ah by saying, “I did not intend that, neither did I give such ruling regarding Mut’ah. Mut’ah is not permitted except in case of necessity. Indeed it is like the dead meat, blood and the flesh of swine.” (As-Sunan Al-Kabeer (14166) by Al-Bayhaqi)

Note:

Ibn Abbas’s words here explain he believed that Muta’a was for necessity.

So, if he approved it, he did approve it in case of necessity. However, it was reported that he retreated from this belief (that Muta’a was still approved) to the belief that it is abrogated), and here are some reports:□

- “Yunus said that Ibn Shihab said: I heard Al-Rabi’ bin Sabrah talking to Umar bin AbdulAzziz, and I was there,: “Ibn Abbass did not die before he retreated from this verdict” (Al-Bihaqi in his Sahih 3/22)

- “regarding what is reported from Ibn Abbass, he approved it for people in need with long time of bachelor, and he stopped about that, and held back his verdict, and the reason could be the argument of Ali bin Abi talib” (Al-I’tibar fi Al-Nasikh wa Al-Mansookh min Al-Athar, 335, by Al-Hazmi, Atif library in Cairo)

Fourth: Causality and Muta'a:

It is known that Marriage has its evidences from Quran, and the Quran (preserved divinely) does not mention any timing for Marriage even when it is talking about talaq (divorce) because divorce has no time setup, and happens according to circumstances, and maybe it does not happen, but it is not arranged at the beginning of marriage.

Quran, as well, does not give alternatives for people who cannot married, except for calling upon those to be patient and righteous.

Evidences for such issues should be solid, because it is about relations within a society, and Quran is strict on that.

So, the matter of Muta'a as temporary marriage should not be shaking between two contradicted things, between being Halal or haram!, it is whether halal or haram. The narrations of it being halal are strictly about the era of the prophet and for certain reasons and conditions. and then it was prohibited in many occasions (Hajjat Al-Wada', Day of Khaybar), it was never approved by RasullAllah –pbuh-.

If it is asked that why there is a contradiction in the times of prohibiting Muta'a?! the answer is that prohibiting it for many times is a proof of confirmation that it is so prohibited, as we know that Quran prohibited many things and kept repeating the same prohibition in many verses for many situations. So, there is no contradiction.

Conclusion:

- After we read this research, we can know that there is no contradiction between approving and prohibiting Muta'a, because Muta'a is not halal or approved generally in the first place, but it comes in a way of necessity for only **certain time** (time of RasullAllah) – However, it is really for necessity but we cannot use this verse "**what He has forbidden you, excepting that to which you are compelled**" (6:119), because RasullAllah, according to this rule, should not need an approval or permission from Allah the Exalted because the rules is there, and he could do it by himself in case of necessity. So, it is different from any necessity because RasullAllah approved this particularly, and needed to clear that it is fine to do it under circumstances and conditions (married men, in a battle, no wives at the battle, conduct marriage with having the dress on), and then he prohibited.

- When the prohibition happened after the conditional approval, then the matter returns to its first form, which is there is no Muta'a.

- After prohibiting it, there is no possibility to get it approved, because the person who has approved it for certain time and conditions, is RasullAllah -pbuh- and he is dead; and we keep seeing the narrations of Muta'a like this one: "Asma'a bint Abi bakr said: we did it in **TIME** of RasullAllah –pbuh-", and as long as the conditional approval was done by RasullAllah, and then the prohibition was done by him, then there is no possibility for anyone to legalize it.

* It is worthy to mention that Zaidi School of Thought believe in unanimity of Ahlulbayt -pbuh- that Muta'a is totally haram (not approved at all)

Written by:

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