

## **Mut'a Marriage in Islam**

**By**

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Mut'a or temporary marriage was allowed in Islam for simply preventing Muslim men from committing adultery and fornication with other women when they used to travel for months at distances of 100s and even 1000s of miles away from home to fight the enemy in battle fields. Mut'a or Temporary marriage was allowed for this purpose only. Once the Prophet established the Islamic State in Makkah, he forbade this kind of marriage completely.

Mut'a Marriage in Islam is a contract between a man and a woman, much in the same way the long-term conventional marriage is. The same vows are exchanged by the partners or their authorized representatives in both cases, including stating the dowry. If a fixed time is not specified (one year, two years, etc...) then the marriage reverts to a long-term marriage and separation can only happen by death or by divorce. In this case, all the rules of the regular marriage apply.

If a period is specified, then after the expiration date, they must either extend it to another specified time or they will automatically separate without divorce, and the woman must count the 'Iddah' (three months) before which she cannot marry anyone else.

In Islam iddah (period of waiting) is the period a woman must observe after the death of her spouse or after a divorce, during which she may not marry another man. The period, three months after a divorce and four months and ten days after the death of a spouse, is calculated on the number of menses that a woman has.

Qur'an prohibits widows to engage themselves for four lunar months and ten days after the death of their husbands. Islamic scholars consider this directive to be a balance between mourning of husband's death and protecting the widow from criticism that she might be

subjected to from re-marrying too quickly after her husband's death. This is also to ascertain whether a woman is pregnant or not, since four and a half months is half the length of a normal pregnancy.

The scholars who authorize mut'a marriage base their opinion on the Koranic verse 4: 24.

Also (forbidden are) wedded women, save what your right hands own (slaves). So Allah prescribes for you. Lawful for you, beyond all that, is that you may seek, using your wealth, in wedlock and not in licence. Such wives as you enjoy thereby, give them their wages apportionate; it is no fault in you in your agreeing together, after the due apportionate. Allah is All-knowing, All-Wise (Al-Nisa', 24).

1- Ahadith (sayings of the Prophet) permitting Mut'a marriage

Bukhari, Vol. 6, Book 60. No. 139:

Narrated Abdullah: "We used to participate in the holy wars carried out by the Prophet and we had no women (wives) with us. So we said (to the Prophet), 'Shall we castrate ourselves?' But the prophet forbade us to do that and thenceforth he allowed us to marry a woman (temporarily) by giving her even a garment, and then he recited: "O you who believe! Do not make unlawful the good things which Allah has made lawful for you."

Muslim, Book 008, No. 3243:

Abdullah ibn Mas'ud reported: "We were on an expedition with Allah's Messenger and we had no women with us. We said: Should we not have ourselves castrated? He (the Prophet) forbade us to do so, he then granted us permission that we should contract temporary marriage for a stipulated period giving her a garment, and Abdullah then recited this verse: 'Those who believe do not make unlawful the good things which Allah has made lawful for you, and do not transgress. Allah does not like transgressors' (Koran, v. 87).

Muslim, Book 008, No. 3246:

Jabir ibn Abdullah and Salama ibn Al-Akwa' said: "There came to us the announcer of Allah's Messenger and said: 'Allah's Messenger has granted you permission to benefit yourselves, i.e., to contract temporary marriage with women.

Ibn Uraij reported: Jibir ibn Abdullah came to perform Umra and we came to his abode, and the people asked him about different things, and then they made a mention of temporary marriage, whereupon he said: "Yes, we had been benefitting ourselves by this temporary marriage during the lifetime of the holy Prophet and during the time of Abu Bakr and Umar."

2- Ahadith proving that mut'a marriage was prohibited by the Prophet

Muslim, Book 007, No. 2817:

Abu Dhar said that Mut'a marriage was a special concession for the companions of Muhammad.

Muslim, Book 007, No. 2819

Abu Dhar said: Two are the Mut'as which were not permissible but only for us; temporary marriage with women and Tamattu' in Hajj.

3- Ahadith proving that the Prophet prohibited mut'a marriage for everyone.

Bukahari, Vol. 5, Book 59, No. 527

Narrated Ali ibn Abi Taleb: "On the day of Khaibar, Allah's Apostle forbade the Mut'a marriage and the eating of donkey meat."

Abu Dawood, Book 11, No. 2068

Narrated Saburah ibn Ma'bad al-Juhani: "The Apostle of Allah prohibited temporary marriage with women."

Muslim, Book 008, No. 3251

Iyas b. Salama reported on the authority of his father that Allah's Messenger gave sanction for contracting temporary marriage for three nights in the year of Autas and then forbade it.

Muslim, Book 008, No. 3253

Rabi' b. Sabra reported that his father went on an expedition with Allah's Messenger during the victory of Makkah, and we stayed there for fifteen days, and Allah's Messenger permitted us to contract temporary marriage with women. So I and another person of my tribe went out, and I was more handsome than he, whereas he was almost ugly. Each one of us had a cloak. My cloak was worn out, whereas the cloak of my cousin was quite new. As we reached the lower or the upper side of Makkah, we came across a young woman like a young smart long-she-camel. We said: "Is it possible that one of us may contract temporary marriage with you?" She said: "What will you give me as a dower?" Each one of us spread his cloak. She began to cast a glance on both the persons. My companion also looked at her when she was casting a glance at her side and he said: "This cloak of his is worn out, whereas my cloak is quite new."

She, however, said twice or thrice: "There is no harm in (accepting) the cloak (the old one). So I contracted temporary marriage with her, and I did not come out (of this) until Allah's Messenger declared it forbidden.

Muslim, Book 008, No. 3262

Sabra al- Juhanni reported on the authority of his father that Allah's Messenger prohibited the contracting of temporary marriage and said, "Behold, it is forbidden from this very day of yours to the Day of Resurrection, and he who has given something (as a dower) should not

take it back.”

4- Omar the second Caliph prohibited mut'a marriage

Muslim, Book 007, No. 2874

Abd Nadra reported: while I was in the company of Jibir, a person came and said: 'There is difference in opinion between Ibn Abbas and Ibn Zubair about two mut'as (mut'a of hajj and temporary marriage with women) whereupon Jibir said: "We have been doing this during the lifetime of Allah's Messenger, and then Omar forbade us to do so, and we never resorted to them."

It is reported in Sunni commentary that Omar while on the pulpit said: "O folk! Three were allowed during the time of the Messenger of Allah, and I forbid them, and made them haram (unlawful), and punish on them. They were "mut'a of women, mut'a of hajj (pilgrimage), and saying 'hayya Ala Khair al-Amal.'" (Hasten for the best deed), a sentence which was said in the call for prayer at the time of the Prophet. Omar replaced it by the sentence: 'prayer is better than sleep'.

Omar was one of the closest companions of the prophet. He wouldn't dare forbidding Mut'a marriage if he wasn't sure that the prophet prohibited it.

It is important to denote that the Prophet used to listen to the counsel of his close companions like Abu Bakr and Omar. In several instances the Koranic verses came to conform to Omar's view.

The Prophet doesn't speak out of a whim or impulse, but from a direct inspiration from Allah:

By the Star when it plunges, your comrade (Muhammad) is not astray; neither errs, nor speaks he out of caprice. This is naught but a revelation revealed, taught him by one (angel Gabriel) terrible in power (Al-Najm 1-5).

Allah in the Koran ordered Muslims to follow the prophet's commands. It is not fitting for a believer, men or women, when a matter had been decided by Allah and His messenger to have any option about their decision. Muslims must accept it loyally, and do their best to carry it out.

Allah says in the Koran:

It is not for any believer, man or woman, when Allah and His Messenger have decreed a matter, to have a choice in the affair. Whosoever disobeys Allah and His Messenger has gone astray into a manifest error (Al-Ahzab, 36).

O believers obey Allah, and obey the Messenger and those in authority among you. If you should quarrel on anything refer it to Allah and the Messenger, if you believe in Allah and the Last Day; that is better, and fairer in the issue (Al-Nisa, 59).

Conclusion

The Mut'a marriage was first permitted by the Prophet for his companions engaged in battles with the enemy. When the need for this kind of temporary marriage ended, the Prophet prohibited it.

Unfortunately, however, some Muslims still insist that mut'a marriage has not been prohibited by the Prophet and ignore his rule regarding this issue. They misuse the koranic verse (4: 24) in order to enjoy other women besides their wives when they are in travel or expedition. Moreover, some poor families permit such kind of marriage and marry their daughters to rich old people for a time appointed. This unlawful behavior has nothing to do with Islam.

Accountability on the Day of Judgment will also be according to man's intention, whether good or bad.

