

Marriage – An Extract Of Tafsir Al-Mizan

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This text presents an examination of marriage from an Islamic perspective, covering topics such as its alignment with natural goals and historical male dominance. It discusses polygamy and objections against it, followed by rebuttals. Additionally, it explores the Prophet's multiple marriages and the concept of temporary marriage within Islamic tradition. Through academic discourse, it navigates traditions and exegetical claims, offering insights into the Islamic viewpoint on different forms of marriage.

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An Academic Essay About Marriage

1. Marriage Is One Of The Goals Of Nature

The basic reality of sexual relation between man and woman is most clearly established by human – nay, even animal – nature; Islam being the religion of nature, confirms it without any doubt. Procreation – the goal nature wants to achieve with this union – is the basic factor and the only reason which has transformed cohabitation into marriage, and raised it from mere carnal relation to a durable union.

That is why we see that the species of animals in which both parents jointly bring up their offspring – like the birds in their guarding the eggs and feeding and bringing up the chicks, and those animals who need a den or lair for giving birth to and bringing up their offspring and for preparation and protection of which the female needs cooperation of the male – have opted for a constant attachment and exclusive relationship between the male and the female. In this manner they come together, and share the tasks of guarding and hatching the eggs, and this cooperation continues till the chicks grow up and go their own way; then the parents separate (if they separate at all), then a new cycle begins.

It shows that the real cause of marriage and the rationale for matrimony is the instinct of procreation and bringing up the children. As for the satisfaction of sexual urge or joining hands in struggle of life, like earning and saving money, preparation of food and drink, obtaining household effects and, in short, managing the domestic life – these things are not a part of the goal of nature; they are mere preliminaries of, or benefits accruing from, marriage.

It is clear from the above that:

Freedom and licentiousness shown by the couples – husband or wife cohabiting with other than his or her spouse without any restraint whenever and wherever he/she desires, like animal world where male mounts female wherever he gets the chance – as is the norm of the day in “civilized” countries; likewise, fornication and particularly adultery;

Treating the marriage as a permanent union; and prohibition of divorce and separation, not allowing either party to dissolve the marriage and marrying another spouse – as long as the couple is alive;

Elimination of procreation and refusal to rear children; laying the foundation of marriage-tie on sharing the domestic life, as is prevalent in “advanced” countries; and consequently, sending the newborn children to public nurseries established for their nursing and bringing up;

All this goes against the laws of nature. The nature has equipped human being with instincts and organs which totally oppose these “modern” habits, as we have mentioned above.

Of course, there are animals in whose birth and rearing male’s continued presence is not needed. Once the female becomes pregnant, she takes on herself all the duties of pregnancy, and of nursing and rearing the offspring. In such cases there is no natural need of durable union between male and female. Such animals are free to cohabit as and when they feel the urge, to the extent that does not disturb the nature’s aim of preserving the species.

It would be a folly to think that it won’t harm man to disturb the system ordained by creation, to go against the dictates of nature, provided one compensated for the resulting defects with thought and deliberation; and that in this way he would freely enjoy the life and its blessings.

But such thought is nothing short of madness. These natural structures – including the human personality – are composites made of innumerable parts. When each part is kept in its proper place, following the laid down conditions, it creates an overall effect agreeable to the goal of nature, the aim of creation. This effect leads the species to its perfection. It is not unlike the medical mixtures and compounds, which require particular ingredients with especial qualities and prescribed measure and weights, and are dispensed with laid down process; and if changes are made even slightly in its weight or quality it will lose its effects.

Man is a being, naturally created of various parts compounded in a particular way; this especial process

results in some inner qualities and psychological characteristics, which in their turn produce various actions and activities. If some of these actions are changed from their natural position, it will badly disturb the alignment of those qualities and characteristics, which in its turn will dislocate all the intrinsic characteristics and qualities from their natural position, will deviate the whole being from the path of nature; this would sever man's link with his natural perfection, and turn him from the destination the nature was urging him to reach.

If we look at the general calamities mankind is submerged in nowadays, which render people's endeavours to achieve comfortable and happy life null and void, and which are threatening the humanity with downfall and ruination, we shall find that it has been caused, in the main part, by the total absence of piety, and by the mastery that stupidity and cruelty, violence and greed, have got over human psyche; and the biggest factor in this mastery is this licentiousness and permissiveness, this discarding of natural laws concerning marital responsibilities and rearing of children.

The system adopted nowadays for domestic life and for bringing up the children, kills the instincts of mercy and kindness and erases the traits of chastity, modesty and humility from man's psyche, from the first moment of his awareness to his last breath. Can't we compensate for these deficiencies through our reason and contemplation? Forget it.

Reason and understanding, like other faculties of life, is a tool acquired by nature as a means to bring the deviating factors back to the natural path. It is not meant to negate the endeavours of creation and dictates of nature; otherwise, it would be tantamount to killing the nature by the very sword it had given in man's hand to defend himself. Moreover, if the reason (a tool of nature) is used to support the depravity and decay of other natural faculties, this tool also would be damaged and misaligned like those others.

We are witnessing today that whenever man tries to remove, through his thinking, one of the catastrophes threatening the society, he opens the gate of a greater and more disastrous calamity; and sufferings and travails extend their tentacles some more.

Someone among these people might say: The psychological traits like chastity, generosity, modesty, kindness and truthfulness, which are called spiritual virtues, are relics of the era of superstition and barbarity; they are not good for the modern advanced man. Chastity puts fetters on man's many desires. Generosity negates man's endeavours for gathering money, and disregards all the troubles he had undergone in earning it; moreover, it encourages the poor to remain idle and degrade himself by begging here and there. Modesty is a bridle that prevents man from freely expressing his ideas or demanding his rights. Kindness weakens the heart; and truth does not agree with demands of today's life.

Comment: This talk in itself is an example of the deviated thinking which we have mentioned above. This man is oblivious of the fact that these virtues are essential for a human society; if they are removed, the society cannot remain alive as society even for an hour.

What will happen if these characteristics were removed from the society? Everyone will exceed his limits to snatch others' rights, properties and honour; nobody will offer any help to meet dire needs of society; nobody will feel any shame in breaking the laws of the land; no one will show any mercy to weaker groups – who cannot be held responsible for their weakness – like children and others; everyone will lie to everyone else, giving him wrong information and false promises. The society will disintegrate at once.

This man should understand that these virtues have not gone, nor will they ever go, away from this world. Human nature adheres to them and it will keep them alive as long as it is calling the mankind to live in society. The most important thing is to arrange and moderate these traits, so that they conform with the goal of nature, which invites man to a happy life. If the attitudes reigning nowadays over the advanced societies were really virtuous or truly well-balanced, they would not have pushed the society to such depravity and disaster; instead, they would have led mankind to safety and peace, comfort and happiness.

To come back to our original topic: Islam has put the institution of matrimony in its natural place – as we have mentioned earlier. It has allowed marriage and forbidden fornication and illicit sexual relations. It has established the marriage tie, putting up with possibility of its dissolution, that is, divorce; and made this bond exclusive to a certain extent, as we shall explain below. The foundation of this bond was laid on procreation and bringing up the children; there is a well-known saying of the Prophet (S): 'Marry, procreate, increase your number ... "

2. Domination Of Males Over Females

Observation of animals' sexual behaviour shows that the males have a sort of domination and authority over the females in this matter. It is as though the male considers himself to be the master of the female, possessing the right to mount her. That is why we see the males fighting each other for the females, but not vice versa; the female does not stand up to fight another female if the male goes to the latter.

Likewise, love- rites, the equivalent of proposals in our society, are initiated in animal kingdom by the males, not the females. It only means that the female is by nature aware that in this respect the male is the active and dominant agent, while she is only a passive receiver. Do not be mislead by occasional ingratiating behaviour of the male with the female when he fawns on her by doing whatever would please her; it is but a part of love-play, which he does to heighten the desire and increase the pleasure. But as far as the domination and mastery is concerned, it springs from his virility and its natural function.

The idea that strength and power are inseparable concomitants of the males, and softness and submissiveness, the characteristics of the females, is found more or less in all nations, and has filtered into various linguistic idioms and expressions. They call a tough unbendable thing as "male", and a tender pliable item as "female"; e.g., [in Arabic] they say: Male iron, male sword, male grass, male place, and so on.

This idea is generally common to the whole human species, prevalent in different societies and various nations – although there might be some difference in degrees.

Islam has kept this reality in view in its legislation. Allah says:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ ۚ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۚ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعَظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ ۖ فَإِنْ أَطْعَنْكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۚ إِنَّ اللَّهَ كَانَ عَلَيْهِ كَبِيرًا

“Men are the maintainers of women because Allah has made some of them to excel others and because they spend out of their property; the good women are therefore obedient, guarding the unseen as Allah has guarded; and [as to] those on whose part you fear desertion, admonish them, and leave them alone in the sleeping-places and beat them; then if they obey you, do not seek a way against them; surely Allah is High, Great” (4:34).

Islam has made it obligatory for a wife to submit to her husband if he wants to cohabit with her – whenever possible.

3. Polygamy

As far as we have observed, the question of “monogamy or polygamy” in the animal world is not definitely settled. In cases where the male and the female have to live together (because the male remains busy whole time in helping his mate in “domestic” affairs, raising the children and looking after them) “monogamy” is the rule, i.e., the female remains exclusively attached to the male. Yet sometimes the system may be changed through skill, planning and guarantee of security, i.e., by domestication and training, as is seen between cock and hens and even pigeons, etc.

Coming to our own species, polygamy was a custom prevalent in most of the ancient nations like Egypt, India, China and Persia; and even Rome and Greece, who supplemented the wife with concubines who lived with her in the same house. Some nations, like the Jews and the Arabs, observed no limit; some married ten, twenty or even more wives; reportedly the king Solomon had married hundreds of women.

Mostly, polygamy was prevalent in tribal and other similar communities, like villagers and highlanders. A head of family in such societies always felt a pressing need for a large coterie of followers.

Polygamy was his way of achieving this goal; increased births gave him a large number of sons, who in some years became a force for defending his interests – a necessary part of life in those communities – and raising him to the leadership of the community. Also, the increased number of marriages increased the circle of relatives through affinity.

Some scholars have said that the main factor leading tribesmen or villagers to polygamy was their

preoccupation with a lot of back-breaking jobs, like carrying and transporting loads; shepherding and cattle grazing; farming and irrigation; hunting, cooking and weaving; and things like that.

This theory is correct to a certain extent; but contemplation of their psychological traits proves that these factors had a secondary importance in their eyes. What we have mentioned earlier was the primary and basic concern of a nomad. Also, it was this factor which led them to gather adopted sons around themselves.

There was one more basic reason which increased the number of wives in those societies, and that was the presence of women in much greater number than men. In those tribal societies battle and war was a never-ending phenomenon, as was assassination and murder. Such killings continued to decrease the male population, and women's number increased to a level where the only way to fulfil their natural needs was through polygamy. Think over it.

Islam has ordained marriage with one wife, and allowed marrying up to four, provided the man is able to treat them equitably; it has at the same time taken steps to remove the difficulties and shortcomings found in polygamy, as we shall mention later. Allah says:

...وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ...

“And they [women] have rights similar to those upon them [men] in a just manner” (2:228).

4. Objections Against Polygamy

First Objection

It creates evil effects in society. It hurts the feelings of women, frustrates their hopes and stops the fountain-head of love in their hearts. The love is transformed into a desire for revenge. They neglect the household, do not look after children's welfare, and pay their men in their own coin. Thus, they indulge in adultery, embezzle their property, and tarnish their honour. The society immediately sinks to the lowest level possible.

Second Objection

Polygamy goes against the system which the nature has obviously established. Census figures, obtained from various communities, generation after generation, show that the male and female populations are almost equal. It means that nature provides only one woman for one man. To disturb this balance goes against the nature's programme.

Third Objection

Allowing polygamy encourages men to lust and avidity, and gives boost to such tendencies in society.

Fourth Objection

Polygamy degrades women in society, as it counts four women as equal to one man; and it is an unjust assessment, even from Islamic point of view which treats two women as equal to one man, e.g., in inheritance and evidence, etc. On that basis too, marriage with only two women should have been allowed – not with four. Marriage with four is deviation from justice, however we look at it.

These objections have been written by Christians or by those sociologists who advocate equal rights for both sexes in society.

Reply to the First Objection

We have repeatedly explained that Islam has laid the foundation of human society on rational, not emotional, life. In sociological field, it follows what is good for the society in reason, not what is desired by emotions or feelings.

It does not mean that Islam kills the emotions and feelings, or negates the divine gift of natural instincts. It is accepted in the Psychology that difference in education and training creates difference quantitatively and qualitatively in psychological traits and inner feelings and emotions. For example, many rites and customs that are highly appreciated by the Orientals are looked down upon by the Occidentals, and vice versa. Every community differs from the others in one way or the other.

Religious education and training in Islam raise the woman to a level where her feelings are not injured with such things. Of course, the Western woman has become accustomed since many centuries to being the only wife, and has been taught this idea generation after generation. This has created in her a psychological aversion against polygamy. Proof of this may be found in the shocking licentiousness and promiscuity of men and women prevalent in the “advanced” nations nowadays.

Do not their men satisfy their lust with anyone they like and who responds favourably to their advances – no matter whether she is within prohibited degree or outside, is virgin or deflowered, is married or unmarried. It has reached a stage where one cannot find among them a single man or woman in a thousand who has not indulged in illicit sexual relations. Not only that; now they have plunged into sodomy to the extent that no one seems clean of it. The debauchery has become a norm of the day, so much so that just last year it was proposed in the British parliament to legalize the sodomy – after it had spread among them “illegally”. As for the women, and especially virgins and spinsters, their affairs are even more amazing and more shocking.

Would that I knew why the women in those countries are not sorry for this state of affairs? Why are they

not embarrassed by it? Why are their hearts not broken by it? Why are their feelings not injured when they see all this debauchery from their men? Also, why is the man not annoyed when he marries a girl and finds her deflowered and comes to know that she had already been bedded not only by one or two men? Why does he start boasting in the morning that her bride had been so popular with men that tens, rather hundreds, had vied with each other to win her favours? Why this insensitivity? Is there any reason except that this wantonness and immorality has been going on for so long, and this licentiousness and lasciviousness has so captured their minds, that now it has become a second nature to them; now it neither hurts their feelings nor looks strange or objectionable to them. It is as we had mentioned earlier that the prevalent customs mould the feelings and emotions in their own mould, and do not let them take any other shape.

As for the claim that polygamy makes the women neglect their house, ignore the children's education and incline towards illicit sexual relations and embezzlement, experience shows hollowness of such talks. This law was ordained and enforced in the early days of Islam, and no scholar of history can claim that it had caused any disturbance in the social order. The reality was poles apart from such claims.

Moreover, the women who marry a man as his second, third or fourth wife – in Islamic or other polygamous societies – enter into marriage contract willingly, with their open eyes. They belong to the same society, they are not captured from other countries, nor have they been brought here for this purpose from outer space. Yet they willingly agree to such marriage for one or the other sociological reason. It follows that woman by nature is not against polygamous marriage; nor are her feelings injured by it.

If there is any resentment it should be shown by the first wife; when a woman has remained alone with her husband, she would not like intrusion of another woman in her house, lest her husband show more attachment to the new wife, or the new wife acquire more authority, or differences raise their heads between the two wives' children, or things like that. It shows that unhappiness and resentment, if there be any, springs not from natural disposition, but from an incidental situation, that is, remaining for some time alone with the husband.

Reply to the Second Objection

The argument by the equality that nature supposedly maintains between numbers of males and females is untenable for many reasons:

1. Marriage does not depend on equal rates of birth alone; there are many other factors and conditions that control it. First of all, maturity of mind and capability of marriage appears sooner in girls than in boys. Girls, and especially in hot climates, are ready for marriage as soon as they reach the age of nine; while boys do not attain puberty before the age of sixteen (and this is what Islam has kept in view for deciding the age of marriage).

Its evidence may be found in the behaviour prevalent among the girls in the “civilized” countries: Rarely does a girl remain virgin up to the age of the “legal adulthood”; and the only reason is that nature makes her ready for marriage long before bestowing that ability on boys.

Now, let us look at a group of boys and girls born during the last sixteen years – and supposedly both sexes are equal in number. How many marriageable boys will be there in the group? Only those who are sixteen years old, that is, those born in the first year of the period under study. But how many girls of marriageable age will be there in the group? All those who were born from the first to the seventh year of this period [i.e., the marriageable girls will be seven times more than the marriageable boys]. Increase the period under study to twenty-five years (the age when men usually reach their full maturity and strength). How many men and women of marriageable age you get in this group? The men who were born during the first ten years, and the women who were born during the first fifteen years. It gives us an average of two women for each man, by natural law.

2. Census reportedly shows that expectancy of life is greater in woman than in man. In other words, men die earlier, leaving some women who would remain alone, with no man to marry them if monogamy is to be the rule.¹

3. The ability to procreate continues longer in men than in women. Usually, women reach menopause at the age of fifty, while men’s virility continues for years and years after that. Sometimes his ability to procreate continues to the end of his natural age, i.e., a hundred years. Accordingly, a man’s reproductive period, about 80 years, would be double of that of a woman (which is about 40 years). This premises in conjunction with the preceding one proves that the creative nature allows the man to marry more than one wife. How can nature bestow the ability to reproduce and then prohibit the use of receptacles suitable for that reproduction? Such contrariness is not the way natural causality works.

4. The carnages like battles and wars liquidate mainly the male population, compared to which women remain almost unaffected. As mentioned above, it was a strong factor in the spread of polygamy in the tribal societies. If those widows and spinsters are not cared for through polygamous marriages, then what are the alternatives available to them? Either fornication or negation and nullification of their natural faculties!

This problem had raised its head in West Germany a few months before writing these lines. There the spinster women spoke about the hardships and difficulties they were facing because they could not find any man free to marry them; they demanded from the government to allow them to contract polygamous marriage – in Islamic manner. The idea was to permit the men to marry more than one wife in order that those spinsters should not be deprived of their natural rights. But the government rejected the demand, and the Church refused to agree – although tacitly they agreed to the spreading of adultery and fornication and to the ruining of would-be generation.

5. Even if we close our eyes from all the above factors, the argument of equality of the numbers of both

sexes would stand only if we suppose that every man in the society marries polygamously – up to four wives. But nature has not prepared every man for it; only a few, and not all, can marry more than one wife. Islam has not made it compulsory for every man to enter into many marriages; it has only made it lawful – for him who is able to treat all wives equitably.

This permission does not create any difficulty or disturbance; and its clearest proof may be found in the Muslim and other polygamous societies where it has not created any shortage of women and no man fails to find a wife for him. In contrast with that, we find in the monogamous societies thousands of women who are left in the lurch as they cannot find anyone to marry them and provide them a chance to settle in life; their only outlet is fornication.

6. Apart from that, this objection could only be advanced if Islam had not had provided this rule with checks and balances for keeping it safe from those imaginary defects. Islam has made it compulsory for a man who wants to marry more than one wife to behave with them with justice and equity, to live with them in fairness, and divide the nights between them; it has obliged him to maintain them and their children equitably. Obviously, not every man can easily spend on, let us say, four wives and their offspring, keeping within the circle of justice and fairness in his dealings with them; it may be done only by some of the well-to-do people.

Moreover, there are some lawful Islamic ways which may be used by a woman to encourage and oblige her man not to marry another wife after her.

Reply to the Third Objection

This objection springs from not looking attentively at the Islamic way of education and training or at the goals of this Shari'ah. The education given to women in an Islamic society – as approved by religion – trains them to keep themselves covered, makes chastity and modesty their second nature, and protects them from breach of decency. Consequently, a Muslim woman grows up with far less sexual desire than is found in a man. This is in spite of common belief that sexual desire in a woman is stronger and greater.

Why has this idea spread? Just because by nature a woman seems more concerned with her adornment and beauty. But the fact is otherwise; and no Muslim man (who has married women grown up in Islamic atmosphere) can have an iota of doubt about it. In reality, an average man's sexual desire far exceeds that of a single woman – even of two or three of them.

Let us look at it from another angle. Islam is very concerned that none should be deprived of necessary natural desires or essential biological demands. From religious point of view, it is not good for a man to dam up his sexual desire and remain frustrated, as it would lead him to indecency and immorality. But a woman remains justifiably incapable of sexual relations for about a third of her married life, e.g., during monthly periods, advanced stages of pregnancy, delivery, breast- feeding and for similar other reasons.

But it is necessary to provide for prompt satisfaction of the husband's desire. It is the necessary conclusion of the repeatedly mentioned principle that Islam has laid the society's foundation on rational, not emotional, basis. It is therefore a great danger from Islam's point of view to leave the man unmarried or in his above- mentioned sexual frustration, as it would lead him to lustful thoughts and immoral activities.

Apart from that, the Law-giver of Islam considers it very important that the Muslims should have lots of offspring, in order that the Earth should flourish with goodly prosperity at the hands of a Muslim society, erasing polytheism and mischief from the World.

It is these and similar other considerations which have led the Islam to legalize the institution of polygamy; it was not for spreading lustful ways or encouraging lecherous behaviour. Had our detractors followed the dictates of justice, their own social customs – popular among them who have built their society on the foundation of material enjoyment – more deserving to be accused of spreading immorality and encouraging licentiousness, than the Islam which has based its social order on the foundation of religious bliss and felicity.

Furthermore, just the fact, that man has the permission to marry other wives, pacifies and calms down the avidity, which a sense of deprivation could have agitated. Every deprived one is greedy; when one is forbidden a thing, his mind remains continually busy in devising plans to 'get that thing. Every Muslim – even if he has only one wife – is satisfied and contended that he is not prevented from satisfying his sexual desires if a need arose in future to do so. This in a way calms down his such desires, and protects him from inclining towards indecency and tarnishing other's honours.

A Western scholar has rightly said that the strongest factor that has contributed in spreading adultery and immorality in the Christian nations is the Church's prohibition of polygamy².

Reply to the Fourth Objection

This allegation is totally unacceptable. We have described in a previous discourse, when writing on the rights of women in Islam³, that no social system whatsoever – be it religious or secular, ancient or modern – has ever honoured the women as much, and cared for their rights so comprehensively and perfectly, as the Islam has done; and we shall further explain it somewhere else. As for allowing a man to marry more than one woman, it is not intended to be a negation of women's social prestige, nullification of their rights or degradation of their status in life; it is founded on several underlying benefits, some of which have been mentioned above.

A lot of the Western scholars – both men and women – have admitted the goodness and perfectness of this Islamic law, and the social disorder and dangers inherent in prohibition of polygamy. Interested readers should look for their comments in their books.

The strongest argument used by the Western detractors of polygamy, which they offer before their

audience with much embellishment, is the condition found in those Muslim families where there are two or more wives. Such houses are devoid of happy life and good living. No sooner do the two rival wives enter the house than they start envying each other. (People call envy, the disease of rival wives.)

Thereafter all the kind of feelings and noble characteristics which are ingrained in woman's nature, love and tender-heartedness, kindness and gentleness, compassion and affection, good advice and looking after husband's honour in his absence, faithfulness and devotion, mercy and sincerity for husband and his children from other women, and care for the house and household – are changed to their opposites.

The home – the place intended for man's comfort, where he expects to rest and relax after his daily toils and troubles, when he is dead tired in body and mind after the drudgery of earning his livelihood – is transformed into a battlefield where life and honour, wealth and prestige are freely attacked and violated; nothing is safe from any side; horizon of life becomes cloudy, pleasant existence, a thing of the past. In place of bliss and happiness, appear hitting and slapping, abuse, invective and curse, backbiting and tale-bearing, spying, intrigue and trickery. Children quarrel and dispute with one another. Things sometimes reach a stage where the wife plans to kill the husband, and some children kill the others or even their father. Kinship is metamorphosed into a never-ending feud that for generations causes bloodshed, genocide and downfall of the house.

Add to it the effects it brings to the society: unhappiness, moral corruption, cruelty, injustice, transgression, indecency and lack of security and trust. [There is also another dimension to this problem,] when you add legality of divorce to the permission of polygamy.

These two factors, combined together, create in the society connoisseurs, who live luxurious lives and whose interest is centred on satisfaction of their lust and avidity; their passion revolves around getting this woman and discarding that one, raising one's status and lowering the other's. It is nothing less than thwarting and frustrating a half of the mankind, i.e., the females, and submerging them into sorrow and grief. Their degradation results in depravity of the other half [and the whole society is demoralized].

Comment: This was the gist of what they have said, and the objection is true – but its targets are the Muslims, not the Islam or its teachings. When have the Muslims truly followed the Islamic teachings, that Islam could be held responsible for the consequences of their misdeeds? Centuries have passed that there is no good government which could train them with noble teachings of the Shari'ah. On the contrary, the first people to rip apart the curtain put up by the religion, to break the laws of the Shari'ah and to violate its limits were the very Muslim rulers and people in power – and people follow the customs of their rulers.

It is not possible to narrate here even a small portion of the life style in the "Muslims" Kings' palaces, or the scandals indulged into by the sultans and governors, since the days the religious government turned into monarchy and sultanate; otherwise, we will have to write a complete book on this subject. In short, the objection, if valid, can be laid against the Muslims: that they adopted a way of life which could not bring any happiness in their homes, and followed a policy which they could not prevent from deviating

from the straight path. The whole blame lies on the men, not on their women or children – although every soul is responsible for what it has earned of sin.

Why? Because it was these men's behaviour – they thought nothing of sacrificing their own happiness, and that of their families and children together with the clean environment of the society, on the altar of their greed, lust and ignorance that was the root cause of all these disasters and fountain-head of all these destructive troubles.

As for the Islam, it has not legislated polygamy as a compulsory and obligatory duty of every man. It looked at the people's nature and at the difficulties some of them faced now and again, and so it concluded that polygamy contained definite goodness [for solving those problems], as was described above in detail. Then it looked minutely at the negative effects of polygamy and its dangers.

Consequently, it allowed polygamy for the underlying benefit of humanity, but at the same time imposed such a restriction on it as to remove the chances of all those disgraceful depravities – that the man should be confident that he would live with them in equity and treat them justly and fairly. Islam allows plurality of wives only to him who is sure of himself in this respect.

As for those who do not care for their own or their families' and children's happiness and felicity, whose only mark of honour is satisfaction of their stomachs and genitals, and in whose eyes, woman is only a means to satisfy man's lust and to give pleasure to him, Islam is not concerned with them, nor does it allow them to marry more than one – if we say that they are allowed to marry even the one, with that mentality of theirs!

Moreover, there is a mix-up in this objection between two completely separate aspects of religion, i.e., the legislation and the governmental authority. It may be explained as follows:

According to modern scholars the criterion to judge about a laid down law or prevalent tradition whether it is a good law and tradition or bad, is to look at the acceptable or unacceptable effects and results obtained from enforcement of that law in the societies, and whether or not the societies in the prevalent condition accept the law faithfully. I do not think they are oblivious of the fact that society sometimes is fettered by some customs, traditions or accidents that do not agree with the law under study; in such a condition, the society should be reformed in a manner as not to hamper or negate the said law or tradition, in order that it may be seen how the law works, and what effect it brings in its wake – whether it is good or bad, beneficial or harmful. The only difference is that their criterion for a laid down law is the currently prevailing desire and demand of the society – whatever that demand may be. Thus, what agrees with their current wishes and demands is considered a good law, and what goes against it, is bad.

That is why when those Westerners saw the Muslims wandering in the valley of error, steeped in immorality in this life and wickedness in the next, they attributed to the Islamic Shari'ah (which the Muslims supposedly followed) all the evils found among the Muslims, e.g., falsehood and

embezzlement, indecency and usurpation of rights, prevalent transgression and ruined homes, and in short the whole spectrum of corrupted social order. They thought that the Islamic tradition and system is like other social systems in its implementation and effects. The other systems conform with their members' desires and demands.

So, those scholars thought that Islam too has the same quality, and that all these social disorders have been generated by Islam; that it is this religion that gives rise to depravity and corruption (and among them are found the most depraved and the most immoral persons; as they say, there are all kinds of game in the belly of the wild ass). Had it been a real religion, and it's laid down laws really good and containing people's welfare and felicity, it would have produced good and beautiful effects in the society, instead of becoming a curse for it.

But these people have confused the nature of a good and beneficial law with the nature of a corrupt and harmful people. Islam is a composite unit of spiritual knowledge, moral teachings and practical laws – all of which are interrelated. If one part is damaged or tampered with, the whole is damaged, and its effects are changed. It is not unlike the medical compounds and mixtures which require, for their health-restoring effects, their proper ingredients and a proper place to prepare them. If some ingredients are spoiled or adulterated, or if the directions for its use are not properly followed, it will not bring the desired effect; rather it may produce opposite result [and harm the patient].

At this juncture let us admit, for the sake of argument, that the Islamic system could not reform the people, and could not erase common social vices and depravities – because its legislative base was unsound. But why is it that the democratic system has not succeeded in our eastern countries as it has in Europe? Why is it that the more we try to go ahead on this path the farther back we fall? No one has any doubt that the vices and depravities have taken deeper roots in our society today (when we have become civilized and enlightened) than it was fifty years ago (when we were uncivilized barbarians!). Today our society is devoid of social justice; we trample on human rights; we do not give higher education to our masses; and we lack all the social benefits and blessings – for us these are merely names without substance, words without meaning.

Ask them the reason, and they will say: This good system has not worked among you because you have not really put it into practice, have not tried to implement it properly. Well, why this excuse is acceptable in case of democracy, but not in case of Islam?

Let us suppose that Islam, because of the weakness of its foundation (God forbid!), could not capture the people's hearts and could not take deep roots in the society; and consequently, its rule could not continue, it lost its vitality in the Muslims' social order and was discarded at the first opportunity. But why did the democratic system – the universally appreciated system – go away, after the World War I, from Russia? Why were its traces lost there? Why was it replaced by the communist system? Again, why did it give way, after the World War II, to the communist system in China, Lithuania, Estonia, Albania, Rumania, Hungary, Yugoslavia, etc.? Why does it pose a danger to other countries, after having

established considerable influence in them?

Now let us look at the communist system. It flourished for about forty years; and spread to, and ruled over, nearly half of the mankind. Its rulers and champions are never tired of boasting of its excellence and superiority. According to them it is the only clean stream that is unpolluted by dictatorial tendencies and democracy's exploitation; the countries where it has taken roots have turned into Utopia. If this claim is correct, then why did the same rulers and champions, some two years back, stand up to condemn the rule of its matchless leader, Stalin, who had led and governed Russia for thirty years? Why did they announce that his rule was despotic and dictatorial, and that it was nothing but enslavement in the guise of communism?

Everyone agrees that Stalin had great influence in legislation of the laid down laws and their enforcement and all that follows. In other words, all this was produced by the will of an enslaving dictator; it was a one man's rule, which revived thousands and killed thousands; made some people happy and kept others oppressed, deprived and unhappy. Only Allah knows who will come after these [present rulers] to condemn them as they had done with their predecessors⁴.

Look into history books and you will find mention of a lot of systems, civilizations and cultures that governed the societies for some time; some were good, others bad; then they passed away because of various factors – the strongest being the treachery of the leaders and feeble will of the masses.

Would that I knew what is the difference between Islam (as a social system) and those other transformed and changed systems, that the excuse [of leaders' treachery and followers' weak-willedness] is accepted in their case and rejected in the case of Islam? Yes, today the word of truth has fallen between a formidable western might and an imitative eastern ignorance; neither any sky shelters over it nor any earth raises it up. However, it should be clear from what we have mentioned above that whether a system is effective or not, and whether its hold on the people remains strong or it loosened, depends not so much on its correctness or incorrectness – so that this aspect could be used to prove its truth or falsity. It is rather affected by so many other causes and reasons. There was not a single system in the long human history but it produced results for sometimes and then became barren; it ruled over the society for a stretch of time and then passed away – all this for some factors acting for or against it:

وَتِلْكَ الْأَيَّامُ نُدَاوِلُهَا بَيْنَ النَّاسِ وَلِيَعْلَمَ اللَّهُ الَّذِينَ آمَنُوا وَيَتَّخِذَ مِنْكُمْ شُهَدَاءَ

"And We bring these days to men by turns, and that Allah may know those who believe and takes witnesses from among you" (3: 140).

In short, the Islamic Shari'ah and its laws differ in their fundamental philosophy from all other social orders prevalent in various human societies. These [man-made] social systems go on changing with change of times and policies, but not so the Islamic laws. The Islamic laws – consisting of obligatory,

prohibited, like, disliked and permissible – never change. Of course, those actions which a person has the choice to do or not to do, and every disposition which he has right to enact or leave, the Islamic ruler has got authority to order the people to do it or forbid them doing it; he can dispose such matters as if the society were a single body and the ruler its thinking mind and soul.

Had there been an Islamic ruler there, he could have prevented the people from the inequities and injustices they commit in the name of polygamy or for other pretexts, without affecting any change in the divinely given permission. It would have been a general executive order based on an underlying benefit, just as a man might decide for his personal reasons not to marry more than one wife – not because the rule had changed but because it was only a permission which he had full right not to avail himself of.

[1.](#) It is supported by a report published recently in a newspaper (Ittila'at, Tehran, 11th Dey, 1335 A.H. Solar [= 1st January, 1957]), quoting the Census report of France as follows: The census shows that in France 105 boys are born for every 100 girls. Yet the women have a plurality of 1,765,000 over men in a population of about 40 million. The reason for this disparity lies in the fact that the boys have less resistance to diseases than the girls, and consequently by the age of nineteen boys' number decreases by 5 per cent. Then their number continues to decrease up to the age of 25 – 30, and by the time they reach 60 – 65 years of age, only 750,000 males remain alive vis-a-vis 1,500,000 females. (Author's Note)

[2.](#) Vide John Davenport, An Apology for Mohammed and the Koran, Which has been translated into Persian by the scholar, Sa'idi. (Author's Note)

Mr. Sa'idi has translated the title of the said work of Davenport as: – عذرخواهی قرآن و محمد بارگاه به which if retranslated into English would mean 'Offering Apology to Muhammad and the Qur'an'. He seems unaware of the difference between 'apology for' and 'apology to', and of the fact that the word 'apology' as used in this title, means, explanation or defence of belief', etc. The title, therefore, means 'In Defence of Muhammad and the Qur'an'. (tr.)

[3.](#) Vide al-Mizan [Eng. transl.], vol. 4, pp. 61 – 83. (tr.)

[4.](#) Khrushchev, who had denounced Stalin in February, 1956, was himself forced by Leonid Brezhnev and Alexey Kosygin to resign in disgrace in October, 1964. (tr.)

[1] [1]

SHARES

Academic Discourse On The Many Marriages Of The Prophet (S)

Another target of their objection is the many marriages of the Prophet (S). They say: Plurality of marriage in itself points to avidity and to yielding to lust and desire; and the Prophet was not content with four wives which he had allowed to his ummah, but exceeded even that limit and married nine women.

This question is related to many different verses of the Qur'an, and detailed discussion of its every

aspect should be given under those verses. Therefore, we are leaving the details for the relevant places, restricting ourselves to a short description here in a general way.

It is necessary to point out that the plurality of the Prophet's marriages is not such a simple matter as to be dismissed in a sentence that 'he was inordinately fond of women, so much so that he married nine wives.' The fact is that he had married each one of his wives for some particular reason in particular circumstances during his long life.

His first marriage was with Khadijah (may Allah be pleased with her), and he lived with her alone for more than twenty¹ years, and it constitutes two-thirds of his married life – and covered [almost] the whole Meccan period of the prophethood. Then he emigrated to Medina and began spreading the Call and raising the words of religion. Thereafter he married several women – virgin and widows, young, old and middle-aged. This continued for about ten years, then the women were prohibited to him other than those who were already in his marriage.

Obviously, these happenings with these peculiarities cannot be explained just by love of women or desire and passion for them, because his early life and the later period both contradict this assumption.

Just look at a man with a passion for women who is infatuated with carnal desire, and enamoured of female companionship, with a sensual lust for them. You will find him attracted to their adornment, spending his time in pursuit of beauty, infatuated with coquetry and flirtation, and craving for youth, tender age and fresh complexion.

But these peculiarities were diametrically opposite of the Prophet's character. He married widows after virgin, old-aged women after young girls. He married Umm Salamah (an aged woman) and Zaynab Bint Jahsh (who was more than fifty years of age) after marrying 'A'ishah and Umm Habibah, and so on.

Then he offered his wives a choice that he should give them a provision and allow them to depart gracefully (i.e., divorce them) if they desire this world and its adornment, or they should renounce the world and abstain from adornments and embellishments if they desired Allah and His Messenger and the latter abode. It may be seen in the following words of Allah:

يَا أَيُّهَا النَّبِيُّ قُلْ لِأَزْوَاجِكَ إِنْ كُنْتُمْ تُرِدُنَ الْحَيَاةَ الدُّنْيَا وَزِينَتُهَا فَتَعَالَيْنَ أَمْتَعْكُنَ وَأُسْرِحْكُنَ سَرَاحًا جَمِيلًا

"O Prophet! say to your wives: 'if you desire this world's life and its adornment, then come, I will give you a provision and allow you to depart a goodly departing'" (33:28).

وَإِنْ كُنْتُمْ تُرِدُنَ اللَّهَ وَرَسُولَهُ وَالدَّارَ الْآخِرَةَ فَإِنَّ اللَّهَ أَعْدَ لِلْمُحْسِنَاتِ مِنْكُنَ أَجْرًا عَظِيمًا

"And if you desire Allah and His Messenger and the latter abode, then surely Allah has prepared

for the doers of good among you a mighty reward” (33:29).

As you see this is not the attitude of a man who is enamoured of women’s love and infatuated with carnal desire.

If a scholar, after deeply studying this matter, follows the dictates of justice, he will have to look for some reasons, other than avidity and lust, for his plurality of wives, beginning with his early life to the latter days.

In fact, he (S) had married some of them to add to his strength by increasing relationships and helping hands; some of them were taken into marriage to win the enemies’ hearts and as a protection from some of their evils. He married some others to maintain and protect them, in order that it might become a regular practice among the believers for the protection of widows and aged women against poverty and degradation.

Some marriages were performed to practically affirm and enforce a lawful order, for abolition of evil traditions and false innovations which were prevalent in the society. This was the case of his marriage with Zaynab Bint Jahsh; she was first married to Zayd Ibn Harithah, then Zayd divorced her; this Zayd was called “son of the Messenger of Allah” by the [pre-Islamic] custom of adoption; the pagans considered wife of an adopted son like the wife of an actual son and the “father-in-law” could not marry her. Therefore, the Prophet (S) married her (to confirm abrogation of adoption and the related customs), and several verses were revealed on this subject.

The first woman to be married to the Prophet after the death of Khadijah, was Sawdah Bint Zam’ah, whose husband had expired after returning from the second migration of Abyssinia. Sawdah was a believing lady who had migrated [for her faith]. If she were left to return to her own family who at that time were unbelievers, they would have tortured and tormented her as they were doing with other believing men and women using suppression and killings and forcing them to renounce their faith.

He married Zaynab Bint Khuzaymah after her husband, ‘Abdullah Ibn Jahsh, was martyred in Uhud. She was one of the most generous ladies even in the era of ignorance, and was called “Mother of the poor”, in recognition of her generosity and kindness towards needy people. The Prophet, with this marriage, preserved her prestige and dignity.

He also married Umm Salamah, whose actual name was Hind. Before that, she was married to ‘Abdullah Abu Salamah, who was a cousin of the Prophet (son of his paternal aunt) and his foster brother; Abu Salamah [and his wife] were among the first to emigrate to Abyssinia.

She had renounced the worldly pleasure and was highly distinguished in piety and wisdom. When her husband died, she was very advanced in age and had many orphan children. That is why the Prophet married her.

Safiyyah was daughter of Huyayy Ibn Akhtab, the chief of Banu 'n- Nadir. Her husband was killed in the battle of Khaybar, and her father with Banu Qurayzah, and she was among the captives of Khaybar. The Prophet chose her for himself and married her after emancipating her. With this marriage he protected her from humiliation and established affinity with the Children of Israel.

The marriage with Juwayriyyah, i.e., Barrah, daughter of al-Harith, the chief of Banu al-Mustaliq, was performed after the battle of Banu al-Mustaliq. The Muslims had arrested two hundred of their families together with women and children. The Prophet married Juwayriyyah; so, the Muslims said: "These are the relatives of the Messenger of Allah (S) by marriage; they should not be held captives." So, they freed all of them. Impressed by this nobility, the whole tribe of Banu al-Mustaliq entered into the fold of Islam. It was a very large tribe, and this [generosity of the Muslims as well as the Islam of that tribe] created a good impression throughout Arabia.

One of his wives was Maymunah, whose name was Barrah Bint al- Harith al-Hilaliyyah. She was the one who gifted herself to the Prophet after the death of her second husband, Abu Ruhm Ibn 'Abdi al-'Uzza (al-'Amiri). The Prophet then married her, and a verse was revealed regarding her marriage.

Also, he married Umm Habibah, i.e., Ramlah daughter of Abu Sufyan. She was married to 'Ubaydullah Ibn Jahsh and had emigrated with him to Abyssinia in the second Migration. While there, 'Ubaydullah was converted to Christianity, but she remained steadfastly on Islam; while her father, Abu Sufyan, in those days, was gathering army after army to annihilate the Muslims. Therefore, the Prophet married her and afforded protection to her.

Hafsa Bint 'Umar was married to him after her husband, Khunays Ibn Hudhafah, was killed in Badr, and she was left a widow.

And he married 'Aishah Bint Abu Bakr, and she was a virgin.

When one looks at these details, and ponders on what we have mentioned above regarding the Prophet's life from his early days to the end, and on his self-denial and rejection of worldly embellishments, and his exhortation to his wives to do the same, one can have no doubt that the marriages which he had contracted with these women were not like those done by other people. And to it the benevolence with which he treated the womanhood, revived their rights which the centuries of ignorance and barbarism had put to sleep, and restored their prestige and honour in the society. [He was so much concerned with women's welfare that] reportedly the last words he uttered were addressed to the men about their women. He had said: "(Be careful about) prayer, (be careful about) prayer; and (about) what your right hands possess, do not impose on them what they have no strength for; (fear) Allah, (fear) Allah about the women, because they are helpless in your hands ..."

His behaviour was matchless in dealing equitably with his wives, living with them gracefully and paying regard to their feelings and wishes (as we shall describe some aspects of it when writing on his characteristics in the coming discourses, God willing.) As for the permission to marry more than four, it

was, like the fasting continuously for two days without any break at night, an order exclusively reserved for the Prophet – the ummah was prohibited it. It was these especial characteristics – and the fact that all people were clearly aware of them – that did not have any room for objection to his enemies, although they were always on the lookout for some openings to attack him.

1. Twenty-five years, to be exact. (tr.)

[1] [1]

SHARES

Muta'ah – Temporary Marriage

فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً

“Then as to such of them with whom you have muta'ah [you seek to enjoy] give them their dowries as appointed...” (4:24).

Probably, the word, ma (ما = translated here as ‘such’) is relative pronoun; the verb, ”you have muta'ah” is its antecedent; the pronoun in bihi (بِهِ = with whom) refers to the relative pronoun, and the words, “of them” to the antecedent. Meaning: Then as to Such of the women with whom you have muta'ah.

Another possible grammatical explanation: The pronoun in bihi (with which) refers to cohabitation (which was implied in the clause: and lawful for you is (all) besides that; ‘ma’ then would denote time and mean ‘whenever’; and the words, ‘of them’, would be connected to the verb, istamta‘tum (استمتعتم) which may literally be translated as, ‘you seek to enjoy’. In this case, the translation would be as follows: Then whenever you seek to enjoy (sexually) with any of them, give them their dowries as appointed.

This sentence, **“Then as to such of them ...”**, undoubtedly branches out from the preceding talk – as the letter, fa (ف = then) shows – as a component is described after the whole, or a particular is explained after the general. As was explained, the preceding sentence: **“that you seek (them) by means of your wealth ...”**, is certainly a branching of a component or particular from a whole or general concept. Such branching is very common in the divine book. For example:

“For a counted Number of days; then whoever among you is sick or on a journey ...” (2: 184).

“... When you are secure, then whosoever enjoys by the ‘umrah until the hajj ...” (2: 196).

“There is no compulsion in religion; truly the right way has become clearly distinct from error; therefore, whoever disbelieves in the rebels (false deities) and believes in Allah ...” (2:256).

There are many such examples.

There is no doubt whatsoever that the word, al-istimta‘ (الْإِسْتِمْتَاعُ = lit., to enjoy) used in this verse means muta‘ah marriage. The verse is Medinite, and a part of the chapter of ‘The Women’, that was revealed in the first half of the Prophet’s life at Medina, as the majority of its verses indicate; and in that period this type of marriage, i.e., muta‘ah, was, without any doubt, a common practice, a prevalent custom among the Muslims – and the traditions unanimously accept this fact. It makes no difference whether or not it was Islam which had originated this system; what is important is the fact that this marriage was in vogue within the sight and hearing of the Prophet; and it had this very name, muta‘ah; no other word was used to denote this type of marriage. Accordingly, there is no escape from applying the clause, fa-masta‘tum bihi minhunna (استعمل به منهن فما) to the muta‘ah marriage.

There were so many customs, practices and cohabits prevalent among the Arabs at the period of the revelation, which had their own well-known and well-understood names; and whenever a verse was revealed concerning them using their names whether it was confirmation or rejection, order or prohibition – there was no other way but to apply that nomenclature to their usual meanings i.e., to the customs concerned; nobody ever thought of interpreting those names in their literal sense.

For example, Qur'an has used the words, hajj, trade, interest, profit, booty, and many similar names, but no one could ever think that, for instance, hajj of the House meant planning to go to the Ka‘bah; nor were other such names ever explained in their literal meanings. Likewise, the Prophet (S) brought many items of the Shari‘ah, and they spread with their given religious names, like salat, sawm (fast), zakat, hajj at-tamattu‘, etc. After the establishment of these names, nobody would think of applying these words, when they appear in the Qur'an, to their original literal meanings – once the words have been established for their terminological meanings – in the usage of the religion or the people of religion.

Therefore, the only possible way is to apply the word, al-istimta‘, of this verse, on the muta‘ah marriage, because it was known with this very name when this verse was revealed. It is quite irrelevant whether or not the muta‘ah marriage was later abrogated by the Qur'an or tradition.

In short, the verse speaks about an aspect of the muta‘ah marriage; and it is the explanation which is narrated from the ancient exegetes among the Companions and their disciples, like Ibn ‘Abbas, Ibn Mas‘ud, Ubayy Ibn Ka‘b, Qatadah, Mujahid, as-Suddi, Ibn Jubayr, al-Hasan and others. The same is the madhhab of the Imams of the Ahlu al-Bayt ('a).

This shows the incorrectness of the following two interpretations: Some exegetes have written that al-istimta‘ (lit., to seek enjoyment) means marriage, because marriage-tie is established in order to get enjoyment from it.

Someone else has said that istamta‘tum (سْتَمْتَعْتُمْ) actually means tamatta‘tum (تَمَتَّعْتُمْ = you enjoy); and ‘s’ and ‘t’ (س، ت) have been added only for emphasis [not to indicate seeking of something]. But both opinions are wrong, because prevalence and currency of muta‘ah marriage (with this very name) among them does not leave any room to its literal meaning to enter the hearers’ minds.

Moreover, if we accept [for the sake of argument] that the verse means seeking enjoyment, or enjoying, then this conditional clause would not agree with the resulting clause. It will be wrong to say that when you enjoy (sexually with) or seek to enjoy with, a woman, then give her dowry to her. The wife becomes entitled to dowry just on recitation of the formula of marriage; it does not depend on sexual relation, nor on the pursuit of the same (a term which may apply even to proposal of marriage, recitation of marriage formula, foreplay and sexual intercourse, etc.). Of course, half of the dowry is payable on recitation of the formula and the balance on coition.

Apart from that, many verses, which were revealed before it, had fully established the obligatoriness of paying dowry, with all its various propositions. Accordingly, there was no reason to repeat the order of its obligatoriness here. Vide, for example:

“And give women their dowries as a free gift” (4:4).

“And if you wish to have [one] wife in place of another and you have given one of them a heap of gold, then take not from it anything ...” (4:20).

“There is no blame on you if you divorce women while yet you have not touched them or appointed for them a dowry, and make provision for them, on the wealthy according to his means and on the straitened in circumstances according to his means” (2:236).

“... And if you divorce them before you have touched them and you have appointed for them a dowry, then (pay to them) half of what you have appointed, unless they remit or he remits in whose hand is the marriage-tie; and it is nearer to piety that you should remit ...” (2:237).

Someone has proposed that this sentence may be aiming at putting emphasis on the law of dowry. But the above-mentioned verses, and especially the ending clauses of the verses: **“And if you wish to have (one) wife in place of another ...”**, are much more forceful and stronger than the verse under discussion. Therefore, how can this verse be supposed to put emphasis on those verses?

Now, a look at the question of abrogation:

It has been said that this verse was abrogated by the following verses of the chapter of ‘The Believers’:

“And who guard their private parts” (23:5).

“Except before their mates or those whom their right hands possess, for they surely are not blameable” (23:6).

“But whoever seeks to go beyond that, these are they that exceed the limits” (23:7).

Another suggestion: It was abrogated by the verse of al-‘iddah (الْعِدَّةُ = waiting period after divorce or death of husband):

“O Prophet! when you divorce women, divorce them for their prescribed time, and calculate the number of the days prescribed” (65:1).

“And the divorced women should keep themselves in waiting for three monthly courses ...” (2:228).

Their argument: The marriage is dissolved by means of divorce and waiting period, but muta‘ah marriage has neither.

A third suggestion: It was abrogated by the verse of inheritance:

“And you shall have half of what your wives leave ...” (4:12).

There is no inheritance in muta‘ah marriage.

Fourth suggestion: It is abrogated by the verse of prohibition:

“Forbidden to you are your mothers and your daughters ...” (4:23).

As this verse is about marriage.

Fifth: It is abrogated by the verse of number:

“... Then marry such [other] women as seem good to you, two and three and four ...” (4:3).

Others have said that the verse of muta‘ah is abrogated by tradition. [But they seem unable to agree on its details:]

It is said that the Messenger of Allah (S) abrogated the muta‘ah marriage in the year of Khaybar [i.e., 7 A H].

Others say: It was abrogated in the year of the Conquest [of Mecca, i.e., 8 AH].

Third claim: It was abolished in the Last Hajj [i.e., 10 A H].

A fourth claim is that muta‘ah was allowed, then forbidden; and this alternate permission and prohibition happened twice or thrice, and the last order was of prohibition.

Let us look at the claims of abrogation by the Qur'an:

1. As for the verse of the chapter of ‘The Believers’, first of all it cannot abrogate the verse of muta‘ah,

because it is of Meccan period while the verse of muta'ah is of Medinite period, and a Meccan verse cannot abrogate a Medinite one.

Second: The claim that muta'ah is not a marriage, or a woman married in muta'ah is not a wife, is totally unacceptable. You will see the truth if you just look at the sayings of the Prophet and wordings of the early Muslims, including the Companions and their disciples, who always called it muta'ah marriage¹.

2. As for the claim of abrogation by the verses of inheritance, divorce or number, the relation between these and the verse of muta'ah is not that of abrogator and abrogated. It is the relation that exists between general and particular, or between unrestricted and restricted. Let us look, for example, at the verse of inheritance; it is general and covers all wives whether married in permanent marriage or temporary one; and then the tradition particularizes it by removing some groups from its jurisdiction, i.e., it excludes wives of muta'ah marriage from inheritance².

The same is obviously the case with the verses of divorce and number. Probably those who claimed abrogation could not distinguish the two relations.

Of course, some scholars of the Fundamentals of Jurisprudence have said that if a particular order is given then a contradictory general order follows, it abrogates the previous particular one. But apart from weakness of this view (as has been explained in its place), it cannot be applied to this case, because:

The verse of divorce (the general order) is in the chapter of 'The Cow', which is the first Medinite chapter revealed before the chapter of 'The Women' which contains the verse of muta'ah.

Likewise, the verse of number, a part of the same chapter of 'The Women', precedes [and is not preceded by] the verse of muta'ah; the same is the case with the verse of inheritance, which comes before the verse of muta'ah in one uninterrupted sequence and context in the same chapter. The particular order, therefore, was given later than the general one, in any case.

3. The claim, that this verse was abrogated by this very verse of prohibition is most astonishing of all. First, because the whole verse containing details of prohibited women and permission of muta'ah is one single speech, having one context; its sentences are interlinked, its parts interconnected. How could it be imagined that one of its clauses would legalize the muta'ah marriage and the preceding sentences would revoke this subsequent order?

Second: This whole verse says nothing, explicitly or implicitly, about prohibition of temporary marriage. It only aims at describing the categories of the women who are prohibited to man, and then at declaring that all other women are lawful to them, either with marriage or possession; and as we have explained, muta'ah is a marriage. The two things are not contradictory to each other, so that it could lead to abrogation or revocation.

Objection: The clauses: and lawful for you is (all) besides that – that you seek (them) by means of your

wealth, taking (them) with chastity, not committing fornication, makes it difficult to interpret this verse in terms of muta‘ah. The former has made lawfulness of women conditional on dowry and on marriage without fornication; and there is no marriage in muta‘ah; that is why if a man (who has a muta‘ah wife) commits adultery, he is not stoned, because he is not considered as married.

Reply: First, this argument is not based on solid grounds. We have already described (while explaining the phrase, taking [them] with chastity, not committing fornication) that al-ihsan in this context means chastity, not marriage, because the phrase covers union with one’s slave girls as well.

Second: There will be no difficulty even if we agree, for the sake of argument, that al-ihsan refers here to marriage. It would only mean that the law of stoning an adulterer was not applicable to a man who had a wife of muta‘ah, and that this exclusion was based on the tradition, not on the Qur’ān. After all, the law of stoning itself is not mentioned anywhere in the Qur’ān.

4. As for the claim of abrogation by tradition, we shall discuss it in detail under the “Traditions”. At this juncture, it is enough to point out that such abrogation is invalid ab initio, as it goes against the mutawatir traditions ordering the Muslims to judge the traditions with the help of the Qur’ān and reject what does not agree with it.

A Review Of Traditions About Muta‘ah. Marriage

Abu Basir says: “I asked Abu Ja‘far (‘a) about the muta‘ah. He said: ‘It has been revealed in the Qur’ān: Then as to such of them with whom you have muta‘ah, give them their dowries as appointed; and there is no blame on you about what you mutually agree after what is appointed.’”(al-Kafi)

Ibn Abi ‘Umayr narrates through his narrator from Abu ‘Abdillah (‘a) that he said: “It was revealed (as follows): Then as to such of them with whom you have muta‘ah – for a fixed period – give them their dowries as appointed.” (al-Kafi)

The author says: This recital has been narrated by al-‘Ayyashi from Abu Ja‘far (‘a); also the Sunnis have narrated it by various chains from Ubayy Ibn Ka‘b and ‘Abdullah Ibn ‘Abbas, as will be described below. Probably, such traditions aim at describing the intended meaning of the verse, rather than asserting that the actual revelation contained these words.

Zurarah said: “Abdullah Ibn ‘Umayr al-Laythi came to Abu Ja‘far (‘a) and asked: ‘What do you say about muta‘ah with women?’ He replied: ‘Allah has made it lawful in His Book and on the tongue of His Prophet; therefore, it is lawful up to the Day of Resurrection.’ He said: ‘O Abu Ja‘far! (a person) like you says this while ‘Umar had prohibited and made it unlawful?’ He said: ‘Even if he did so.’ Then (al-Laythi) said: ‘I seek Allah’s protection for you that you should consider a thing lawful which ‘Umar had made unlawful.’”

Zurarah says: “Then the Imam said to him: ‘Well, you adhere to the word of your companion, while I am

on the word of the Messenger of Allah (S). Well, come on, let me utter imprecations against you that the (right) word is that which the Messenger of Allah (S) had said, and that false is that which your companion had uttered.' Thereupon 'Abdullah ibn 'Umayr turned to him and said: 'Would you like it if your women, and your daughters, and your sisters, and your cousins did it?' "Zurarah says: "Then Abu Ja'far ('a) turned away from him when he mentioned his women and cousins." (al-Kafi)

Abu Maryam narrates that Abu 'Abdillah ('a) said: "As for the muta'ah, the Qur'an was revealed for it (i.e., the Qur'an allowed it), and the tradition of the Messenger of Allah (S) put it in force." (al-Kafi)

'Abd ar-Rahman ibn Abi 'Abdillah said: "I heard Abu Hanifah asking Abu 'Abdillah ('a) about muta'ah. (The Imam, ['a]) said: 'About which muta'ah you are asking?' He said: 'I have already asked you about the muta'ah of hajj [i.e., hajju 't-tamattu']; now tell me about the muta'ah of women, is it right?' Then (the Imam, ['a]) said: 'Allah be praised! Have you not read the Book of Allah: Then as to such of them with whom you have muta'ah, give them their dowries as appointed?' He said: "By Allah! (It seemed as if) it was a verse I had never read.'" (al-Kafi)

Muhammad ibn Muslim narrates from Abu Ja'far ('a) that he said: "Jabir ibn 'Abdillah has narrated from the Messenger of Allah (S) that they [i.e., the Muslims] went on an expedition with him [the Holy Prophet], and he made muta'ah lawful for them and (then) did not prohibit it; and 'Ali used to say: 'Had not the son of Khattab (i.e., 'Umar) gone ahead of me in this matter [i.e., had he not forbidden it before I came to power], none would have committed fornication except a scoundrel'³; and Ibn 'Abbas used to say: 'Then as to such of them with whom you have muta'ah – for a fixed period – give them their dowries as appointed; and these people deny it, while the Messenger of Allah (S) had allowed it and not forbidden it.'" (at-Tafsir al-'Ayyashi)

Abu Basir narrates from Abu Ja'far ('a) that he said about muta'ah: "The verse was revealed; then as to such of them with whom you have muta'ah, give them their dowries as appointed; and there is no blame on you about what you mutually agree after what is appointed." Then he said: "There is no blame if you increase her (dowry) and she increases your (period), when the period (fixed) between you two expires. You may say, with her consent, 'I make you lawful for me for another (fixed) period.' But she is not lawful for other than you until her waiting period expires; and her waiting period is two monthly courses." (at-Tafsir al-'Ayyashi)

Ash-Shaybani narrates from Abu Ja'far and Abu 'Abdillah ('a) that they said regarding the verse, and there is no blame on you about what you mutually agree after what is appointed: "It means that he increases her dowry or she increases his (fixed) period."

The author says: There are mutawatir or nearly mutawatir traditions narrated from the Imams of Ahl al-Bayt ('a) on the above themes; but we have quoted only a few of them. Anyone wanting to study the lot, should refer to the collections of traditions.

Traditions On The Recitation: “For A Fixed Period”

Ibn Abi Hatim has narrated from Ibn ‘Abbas, that he said: “The muta‘ah of women was in the beginning of Islam. A man used to arrive at a town; there was none with him to mend his things or to look after his property. Therefore, he married a woman for as long as he thought his work (there) would last; and she looked after his property and mended his things.” And he [Ibn ‘Abbas] used to recite: “Then as to such of them with whom you have muta‘ah – for a fixed period.” “It was abrogated by the words: with chastity, not committing fornication⁴. And marriage-tie was in the hand of man, he kept (her) as long as he wished, and let (her) go when he wished.” (ad-Durr al-Manthur)

al-Hakim narrates through his chains from Abu Nadrah, that he said: “I recited before Ibn ‘Abbas, Then as to such of them with whom you have muta‘ah, give them their dowries as appointed; Ibn ‘Abbas said: ‘Then as to such of them with whom you have muta‘ah – for a fixed period.’ I said: “We do not read it like that.’ Ibn ‘Abbas said: ‘By Allah! Allah had revealed it like that.’” (al-Mustadrak)

The author says: This tradition has also been narrated in ad-Durru al-manthur from al-Hakim, ‘Abd Ibn Hamid, Ibn Jarir and Ibn al-Anbari (in al-Masahif).

‘Abd Ibn Hamid and Ibn Jarir have narrated from Qatadah that he said: “Ubayy Ibn Ka‘b used to recite: Then as to such of them with whom you have muta‘ah – for a fixed period.” (ad-Durr al-Manthur)

Muhammad Ibn Ka‘b narrates from Ibn ‘Abbas that he said: “The muta‘ah was in the beginning of Islam. A man used to arrive at a town which he did not know. So, he married a woman for as long as he thought he would stay there; so, she looked after his property and mended his things. (It continued) until the verse was revealed: “... **except before their mates or those whom their right hands possess**” (23:6); Ibn ‘Abbas said: “Now every woman except these two (categories) is unlawful.”” (as- Sahih at-Tirmidhi)

The author says: It implies that the muta‘ah was abrogated in Mecca [before hijrah], because the purportedly abrogating verse is of Meccan period!

‘Abdullah Ibn Abi Malikah says: “I asked ‘A’ishah (r.a.) about the muta‘ah of women. She said: ‘The Book of Allah is between me and you.’ Then she recited: “**And who guard their private parts**” (23:5); “**Except before their mates or those whom their right hands possess, for they surely are not blameable**” (23:6); but whoever seeks to go beyond what Allah has given in his marriage or in his possession, he surely exceeds the limit.”⁵

Some Traditions Showing That The Muta‘ah Was Abrogated By

The Qur'an

Abu Dawud (in his an-Nasikh), Ibnu al-Mundhir and an-Nahhas have narrated from Ibn 'Abbas that the verses, Then as to such of them with whom you have muta'ah, give them their dowries as appointed, was abrogated by the verses: "**O Prophet! when you divorce them for their prescribed time**" (65: 1); "**And the divorced women should keep themselves in waiting for three monthly courses**" (2:228); "**And (as for) those of your women who have despaired of menstruation, if you have a doubt, their prescribed time shall be three months**" (65:4). (ad-Durr al-Manthur)

Abu Dawud (in his an-Nasikh), Ibnu al-Mundhir, an-Nahhas and al- Bayhaqi have narrated from Sa'id Ibn al-Musayyab that he said: "The verse of inheritance has abrogated the muta'ah." (ad-Durr al-Manthur)

'Abd ar-Razzaq and Ibnu 'I-Mundhir have narrated from 'Ali, that he said: "Ramadan abrogated every (other) fast; and az-zakat abrogated every (other) alms; and muta'ah was abrogated by divorce, waiting period and inheritance; and the sacrifice (of hajj) abrogated every (other) slaughter." (ad-Durr al-Manthur)

Some Traditions Showing That The Muta'ah Was Abrogated By The Sunnah

'Abd ar-Razzaq, Ahmad and Muslim have narrated from Sabrah al- Juhani that he said: "The Messenger of Allah (S) allowed us, in the year of the Conquest of Mecca, to marry women in muta'ah. So I went out with a man of my tribe; I was his better in beauty while he was almost ugly. Each of us had a garment; my garment was worn and shabby, while my cousin's was brand new and fresh. When we reached upper region of Mecca, a girl came before us – like a beautiful young she-camel. We said (to her): 'Do you agree that one of us should marry you in muta'ah?' She said: 'And what will you pay?' So each of us spread his garment. She kept looking at two of us. When my companion saw her (hesitation), he said: 'Surely, his garment is old and worn; and my garment is new and fresh.' She kept replying: 'Even his garment is not bad.' So, I did muta'ah with her. We had not even departed from Mecca when the Messenger of Allah (S) prohibited it." (ad-Durr al-Manthur)

Malik, 'Abd ar-Razzaq, Ibn Abi Shaybah, al-Bukhari, Muslim, at- Tirmidhi, an-Nasa'i and Ibn Majah have narrated from 'Ali Ibn Abi Talib: "Verily, the Messenger of Allah (S) forbade the muta'ah of women on the day of Khaybar; and (the same day, prohibited) eating the flesh of domesticated donkeys." (ad-Durr al-Manthur)

Ibn Abi Shaybah, Ahmad and Muslim have narrated from Salamah Ibn al-Akwa' that he said: "The Messenger of Allah (S) allowed us to do muta'ah with women, in the year of Awtas for three days, then he forbade it." (ad-Durr al-Manthur)

Ibn al-‘Arabi writes in his Commentary of Sahih at-Tirmidhi: “Isma‘il narrates from his father, from az-Zuhri, that Sabrah said that the Prophet (S) prohibited it in the Last Pilgrimage. It has been narrated by Abu Dawud, ... and it has been narrated by ‘Abd al-‘Aziz Ibn ‘Umar Ibn ‘Abdi al-‘Aziz from ar-Rabi‘ Ibn Sabrah from his father, in which he says that it was in the Last Pilgrimage, after it was allowed, and that it was [marriage] for a fixed period; and al-Hasan has said that it was (forbidden) in the ‘Umrah of al-Qada’.”

The same book narrates from az-Zuhri that the Prophet (S) forbade muta‘ah in the expedition of Tabuk.

The author says: As you see, the traditions contradict each other in identifying the time when the Prophet (S) prohibited the muta‘ah. Some say it was prior to hijrah others that it was after hijrah. A group says it was abrogated by the verses of marriage, divorce, waiting period and inheritance, while others claim that it was prohibited by the Prophet (S) in the battle of Khaybar [Rajab, 7 AH], or at the ‘Umrah of al-Qada’ [end of 7 AH], or in the year of Awtas or the Conquest of Mecca [8 AH], or the year of Tabuk [9 AH], or after the Last Pilgrimage [end of 10 AH]. That is why the Sunni scholars say that it was prohibited several times, and each of the above traditions describes one or the other of the occasions. But some of the narrators, like ‘Ali, Jabir and Ibn Mas‘ud, were too great to remain unaware of the Prophet’s orders – especially when we remember that they were constantly with him (S) and knew every big and small matter of his life⁶.

al-Bayhaqi narrates from ‘Ali (‘a) that he said: “The Messenger of Allah (S) forbade muta‘ah. It was only for him who did not get [means for permanent marriage]; but when (verses of) marriage, divorce, waiting period and mutual inheritance (rights) of husband and wife were revealed, it was abrogated.” (ad-Durr al-Manthur)

an-Nahhas has narrated that ‘Ali Ibn Abi Talib said to Ibn ‘Abbas: “Surely, you are a straying man; verily, the Messenger of Allah (S) had forbidden muta‘ah.” (ad-Durr al-Manthur)

al-Bayhaqi narrates from Abu Dharr that he said: “The muta‘ah was allowed for the companions of the Messenger of Allah (S) only for three days; then the Messenger of Allah (S) forbade it.” (ad-Durr al-Manthur)

Abu Jamrah says that Ibn ‘Abbas was asked about muta‘ah, and he allowed it. Thereupon a slave of his said to him: “Surely it was (allowed) when the number of women was small and the condition was hard.” Ibn ‘Abbas said: “Yes.” (as-Sahih al-Bukhari)

al-Bayhaqi has narrated that ‘Umar delivered a lecture in which he said: “How is it that some men marry (in) this muta‘ah form, and the Messenger of Allah (S) had forbidden it? None will be brought before me who had married (in) this (form) but I shall stone him.” (ad-Durr al-Manthur)

Ibn Abi Shaybah, Ahmad and Muslim have narrated from Sabrah that he said: “I saw the Messenger of Allah (S) standing between the Rukn and the door [of the Ka‘bah], and he was saying: ‘O people! I had

allowed you to marry in muta‘ah form; well, Allah has prohibited it up to the Day of Resurrection. Now, if anyone has got any (woman) from them, he should let her go, but do not take back anything from what you have given them.” (ad-Durr al-Manthur)

Ibn Abi Shaybah narrates from al-Hasan that he said: “By Allah! Muta‘ah was not but only three days, the Messenger of Allah (S) had permitted them in that (period); it was not before that, nor after that.” (ad-Durr al-Manthur)

Some Traditions Of Some Companions And Their Disciples

About Lawfulness Of The Muta‘ah

Mujahid has said about (the verse), Then as to such of them with whom you have muta‘ah: “It is the muta‘ah marriage.” (at-Tafsir at- Tabari)

as-Suddi said about this verse: “It is muta‘ah; a man marries a woman on the condition of a fixed period; and when the term expires, he has no authority on her and she is free of him; but she is obliged [to observe the waiting period] to be sure of what is in her womb; and there is no inheritance between them, neither will inherit the other.” (at-Tafsir at- Tabari)

It is narrated in as-Sahih, al-Bukhari and as-Sahih, Muslim, and reported in ad-Durr al-Manthur from ‘Abd ar-Razzaq and Ibn Abi Shaybah, from Ibn Mas‘ud that he said: “We used to go on expeditions with the Messenger of Allah (S), and our women were not with us. So we said: ‘Should not we castrate ourselves?’ But (the Prophet) forbade us to do so; and allowed us to marry a woman on (dowry of) a garment for a (fixed) period.” Then ‘Abdullah recited: ***O you who believe! do not forbid (yourselves) the good things which Allah has made lawful for you*** (5:87).

Ibn Abi Shaybah narrates from Nafi‘ that Ibn ‘Umar was asked about muta‘ah, and he said that it was unlawful. It was said to him: “Verily, Ibn ‘Abbas declares it as lawful.” He said: “Why did not he open his mouth in the reign of ‘Umar?” (ad-Durr al-Manthur)

Ibn al-Mundhir, at-Tabarani and al-Bayhaqi have narrated from Sa‘id Ibn Jubayr that he said: “I said to Ibn ‘Abbas: ‘What have you done? Travellers have carried your ruling (far and wide), and poets have composed poems about it.’ He said: ‘And what have they said?’ I said: ‘They have said:

“I say to the old man, as he has stayed a long time,

O my companion! Are you interested in the ruling of

Ibn ‘Abbas?

Would you like to have a chubby unmarried girl?

Who would be your resting place, until the people depart

[from here].”

(Ibn ‘Abbas) said: ‘Surely, we are Allah’s, and to Him we shall surely return. No, By Allah! I have not given this ruling, nor is this which I have meant. I have not allowed it but to one who is hard-pressed; and I have not allowed of it except what Allah has allowed of dead body, blood and flesh of swine.’ (ad-Durr al-Manthur)

Ibnu al-Mundhir narrates from ‘Ammar (slave of ash-Sharid) that he said: “I asked Ibn ‘Abbas regarding the muta‘ah, whether it is marriage or fornication. He said: ‘Neither marriage nor fornication.’ I said: ‘Then what is it?’ He said: ‘It is muta‘ah, as Allah has said.’ I said: ‘Does it have a waiting period?’ He said: ‘Its waiting period is one monthly course.’ I said: ‘Do they inherit each other?’ He said: ‘No.’” (ad-Durr al-Manthur)

‘Abd ar-Razzaq and Ibnu al-Mundhir have narrated through ‘Ata’ from Ibn ‘Abbas that he said: “May Allah have mercy on ‘Umar. Muta‘ah was but a mercy from Allah, which He had bestowed on the ummah of Muhammad. If he (‘Umar) had not forbidden it, none but the most wicked would have needed fornication.” Also he said: “It is that which is in the chapter of ‘The Women’: Then as to such of them with whom you have muta‘ah to such and such a period on such and such a dowry.” Again, he said: “There is no inheritance between them. If they decide to agree after the term [to extend it], then, yes; and if they separate, then, yes; and there is no [permanent] marriage between them.” ‘Ata’ said that he heard from Ibn ‘Abbas that in his opinion it was lawful (even) now. (ad-Durr al-Manthur)

It is narrated in at-Tafsir, at-Tabari and also in ad-Durr al-Manthur from ‘Abd ar-Razzaq and Abu Dawud (in his an Nasikh) from al-Hakam that he was asked about this verse [of muta‘ah] whether it was abrogated. He said: “No.” Also ‘Ali (‘a) has said: “If ‘Umar had not forbidden muta‘ah, none but a scoundrel would have committed fornication.”

Some Traditions Showing That It Was ‘Umar Who Had Forbidden The Muta‘ah

Jabir Ibn ‘Abdillah said: “We used to do muta‘ah on a handful of date and flour, for fixed days, in the time of the Messenger of Allah (S) and Abu Bakr – until ‘Umar disallowed it in the affair of ‘Amr Ibn Hurayth.” (as-Sahih, Muslim)

The author says: This tradition has also been quoted in Jami‘u al-usul (of Ibnu al-Athir), Zadu al-ma‘ad (of Ibn al-Qayyim), Fath al-bari (of Ibn Hajar) and Kanz al-‘Ummal.

Malik and ‘Abd ar-Razzaq have narrated from ‘Urwah Ibn az- Zubayr that Khawlah Bint Hakim came to ‘Umar Ibn al-Khattab and said: “Rabi‘ah Ibn Umayyah had done muta‘ah with a woman of not pure Arab

blood, and she had become pregnant from him.” [Hearing this] ‘Umar Ibn al-Khattab came out, trailing his robe in dismay, and said: “This is muta‘ah! Had I gone ahead about it [i.e., Had I forbidden it before], I would have stoned (the person concerned).” (ad-Durr al-Manthur)

The author says: It has also been reported from ash-Shafi‘i (in his *Kitab al-umm*) and from al-Bayhaqi (in his *as-Sunan*).

Sulayman Ibn Yasar narrates from Umm ‘Abdillah, daughter of Abu Khaythamah, that a man came from Syria and stayed with her. Then he said: “Verily, bachelorhood has become hard for me to bear; therefore, find for me a woman with whom I should do muta‘ah.” She says: “So, I led him to a woman and he made conditions with her, and got men of probity as witnesses for it. He remained with her as long as Allah wished him to; and then he went away. Then ‘Umar was informed of it. He called for me and asked: ‘Is it correct what I have been told?’ I said: ‘Yes.’ He said: ‘If he comes (back), let me know.’ When he came back, I informed ‘Umar; and he called for him and asked: ‘What made you to do what you did?’ He said: ‘I did so in the days of the Messenger of Allah (S) and he did not forbid us to do so until Allah took him (to Himself); then (we did it) in the days of Abu Bakr, and he too did not forbid us to do so, until Allah took him away; then (we did so) during your days and you did not issue to us any prohibition against it.’ Then ‘Umar said: ‘Well, by Him in Whose hand my soul is, if I had gone ahead with its prohibition, I would have stoned you; announce it, in order that marriage might be distinguished from fornication’” (Kanz al-‘Ummal)

‘Ata’ has said: “Jabir Ibn ‘Abdillah came for ‘umrah; so we went to him at his staying place, and people asked him regarding various things, then they mentioned muta‘ah. He said: ‘We did muta‘ah in the time of the Messenger of Allah (S) and Abu Bakr and ‘Umar.’” Ahmad’s narration adds: “until it was the last period of ‘Umar’s (r.a.) caliphate.” (as-Sahih, Muslim; Musnad, Ahmad)

Nafi‘ reports that ‘Abdullah Ibn ‘Umar was asked about muta‘ah and he said: “(It is) forbidden. Why, look, if ‘Umar Ibn al-Khattab had caught anyone doing it, he would have stoned him.” (as-Sunan, al-Bayhaqi)

Ibnu al-Jawzi says: “‘Umar (r.a.) used to say: ‘By Allah! Nobody will be brought before me, (accused of) practising muta‘ah, but I shall stone him.’” (Mir’at az-Zaman)

Ibn Rushd narrates from Jabir Ibn ‘Abdillah that he said: “We did muta‘ah in the days of the Messenger of Allah (S), and Abu Bakr, and during half the reign of ‘Umar; then ‘Umar forbade people to do so.” (Bidayatu al-Mujtahid)

Ibn al-Kalbi has said: “Verily, Salamah Ibn Umayyah Ibn Khalaf al- Jumahi did muta‘ah with Salma, slave girl of Hakim Ibn Umayyah Ibn al- Awqas al-Aslami, and she bore from him a child, but he denied (paternity of) her child. This news reached ‘Umar; therefore he forbade muta‘ah.” (al-Isabah)

Ayyub says: “Urwah said to Ibn ‘Abbas: ‘Do you not fear Allah, that you allow muta‘ah?’ Ibn ‘Abbas

said: 'Ask your mother, O 'Urwah!' Then 'Urwah said: 'But Abu Bakr and 'Umar did not do it!' Thereupon, Ibn 'Abbas said: 'By Allah! I do not think you will stop (in your arrogance) until Allah chastises you. We talk to you from the Prophet (S), and you talk to us from Abu Bakr and 'Umar.'" (Zadu al-Ma'ad)

The author says: The mother of 'Urwah [mentioned in the above tradition] was Asma', daughter of Abu Bakr, who was married in muta'ah form by az-Zubayr Ibn al-'Awwam, from whom she bore 'Abdullah Ibn az-Zubayr and 'Urwah.

ar-Raghib writes: "Abdullah Ibn az-Zubayr reproached 'Abdullah Ibn 'Abbas because the latter considered muta'ah as lawful. 'Abdullah Ibn 'Abbas told him: 'Ask your mother how the censers glowed between her and your father?' So he asked her and she replied: 'I did not give birth to you but in muta'ah'" (al-Muhadarat)

Muslim al-Quriyy says: "I asked Ibn 'Abbas about muta'ah; and he allowed it; but Ibn az-Zubayr used to reject it. So (Ibn 'Abbas) said: 'This is the mother of Ibn az-Zubayr, who narrates that the Messenger of Allah had allowed it; so go to her and ask her.'" Muslim says: "So we went to her and, lo! she was a stout blind woman. She said: 'The Messenger of Allah has allowed it.'" (as-Sahih, Muslim)

The author says: The context shows that the question was about the muta'ah of women; and other traditions too give the same meaning.

Abu Nadrah said: "I was with Jabir Ibn 'Abdillah when someone came to him and said: 'Ibn 'Abbas and Ibn az-Zubayr have differed about the two muta'ahs [i.e., mut'atu al-hajj and muta'ah of women].' Jabir said: 'We did both with the Messenger of Allah (S), then 'Umar forbade us both, but we did not deviate from them.'" (as-Sahih, Muslim)

The author says: Reportedly al-Bayhaqi too has narrated it in his as-Sunan; and the same theme has been narrated in as-Sahih of Muslim, in three places with different wordings, one of which reports Jabir as saying: "But when 'Umar stood up [i.e., came to power], he said: 'Surely Allah used to allow for His Messenger whatever He wished in any way He wished. Therefore, you complete the hajj and the 'umrah, as Allah has ordered, and stop marrying these women. No man shall be brought to me who would have married a woman for a [fixed] period but I shall stone him.'

Also this theme has been narrated by al-Bayhaqi in his as-Sunan and al-Jassas in his Ahkam al-Qur'an; also it is reported in Kanzu al-'Ummal and ad-Durr al-Manthur, as well as in at-Tafsir of ar-Razi and Musnad of at-Tayalisi.

al-Qurtubi has narrated, in his at-Tafsir, from 'Umar that he said in his lecture: "Two muta'ahs were [practised] in the time of the Messenger of Allah (S); but I forbid them and shall inflict punishment on them; the muta'ah of hajj and the muta'ah of women."

The author says: This lecture of his is among the things unanimously accepted by all narrators; and they

have reported it as an undisputed fact. Vide, for example, at-Tafsir of ar-Razi, al-Bayan wa at-tab'in, Zad al-ma'ad, Ahkamu al-Qur'an, [at-Tarikh of] at-Tabari and of Ibn 'Asakir among other references.

at-Tabari has narrated from 'Umar that he said: "There were three things in the time of the Messenger of Allah (S); but I am forbidding them; and shall give punishment on them: muta'ah of hajj, and muta'ah of women, and hayya 'ala khayri al-'amal in the adhan (call for prayer)." (al-Mustabin)

'Imran Ibn Sawadah says: "I prayed dawn (prayer) with 'Umar; he recited (the chapter of) Subhan and another one with it; then he returned and I stood with him. He said: '(Do you have) any work (with me)?' I said: '(Yes,) there is (some) work.' He said: 'Then join (me).' I joined him. When he entered (his house), he gave permission to me. I found him on a bare bed-stead which had nothing on it. I said: '(I have come with) a sincere advice.' He said: 'Welcome to the adviser, day and night.' I said: 'Your people blame (you) for four things.' (Hearing this) he put the handle of his whip under his chin and its tip on his thigh, and said: 'Let me hear it.' I said: 'They say that you have prohibited 'umrah during the months of hajj, while neither the Messenger of Allah (S) nor Abu Bakr (r.a.) had done so, and it is lawful (in Shari'ah).' He said: 'Is it lawful? If they do 'umrah during the months of hajj, they will think it suffices them from hajj; and will go out at once like a chick from its shell; and the hajj (days) will be empty (of people), while it is a splendour from Allah's splendours; and I have done right.'

"I said: 'Also they say that you have prohibited the muta'ah of women, while it was a permission from Allah. We used to do muta'ah on a handful [of date, etc.] and separate after three (days).' He said: 'Surely, the Messenger of Allah (S) had allowed it at a time when there was need (of it), then the people did get affluence; thereafter, I do not know any Muslim who did it or resorted to it. Now let anyone who so wishes marry [permanently] on a handful [of date] and separate the third day by divorce; and I have done right.'

"Then I said: 'You have granted freedom to a slave girl if she delivers a child, even without being emancipated by her master.' He said: 'I have joined honour with honour; and I did not mean but good; and I ask pardon of Allah.'

"I said: 'And they complain against your reviling the public and your harsh demeanour.' (Hearing this,) he drew the whip and wiped it until he came to its end, then said: 'I am a travelling-companion of Muhammad and was his travelling-companion in the expedition of Qarqaratu al-Kidr. By Allah! I put (animals) to pasture until I satiate, and I give (them) drink until I quench their thirst; I hit the unruly camel and restrain the untamed one; and I defend my cooking-pot and drive my steps; and gather obdurate ones, and join slow ones; and I often admonish but seldom strike; and make a show of whip but repulse by hand. (Even) if it had not been so, I would have had an excuse"

('Imran) said: "This narrative reached Mu'awiyah, and he said: 'He was, by Allah, knowledgeable of his subjects.'" (at-Tarikh, at-Tabari)

The author says: Ibn Abu al-Hadid has narrated it in his Sharh Nahj al-Balaghah from Ibn Qutaybah.

These are some of the traditions regarding the topic of muta‘ah of women.

A discerning scholar, looking at them, cannot fail to see:

First: The contradictions and irreconcilability so glaringly found in them. The scholar cannot reach at any conclusion from them except that it was ‘Umar Ibn al-Khattab who, during his reign, forbade and prohibited it because of his personal opinion, which he formed after hearing the stories of ‘Amr Ibn Hurayth and Rabi‘ah Ibn Umayyah Ibn Khalaf al-Jumahi. As for the claim of its abrogation by the Qur‘an or tradition, you have already seen that it has no leg to stand on. It is quite apart from the fact that whatever stand one takes, some traditions contradict the others. The only point of agreement is that it was ‘Umar Ibn al-Khattab who prohibited it and enforced his prohibition, who decided that the action was forbidden and laid down the punishment of stoning for him who did it.

Second: That it was a custom that was prevalent in the time of the Prophet (S) by his permission; it makes no difference whether he had established that custom, or had let an old custom continue. Also that it was practised by such of his companions who cannot be accused of fornication, by any stretch of imagination. For instance, Jabir Ibn ‘Abdillah, ‘Abdullah Ibn Mas‘ud, az-Zubayr Ibn al-‘Awwam and Asma’, daughter of Abu Bakr, who had given birth to ‘Abdullah, son of az-Zubayr through this very muta‘ah marriage.

Third: That there were among the companions and their disciples, people who continued to believe and declare that muta‘ah was lawful, like Ibn Mas‘ud, Jabir, ‘Amr Ibn Hurayth and others (among the companions); and Mujahid, as-Suddi, Sa‘id Ibn Jubayr and others [among the disciples].

This open and clear conflict among the traditions has led the Sunni scholars, first to disagree among themselves whether muta‘ah was lawful or unlawful, and then compelled the protagonists of prohibition to opt for diverse opinions as to how it was prohibited. In all, they have adopted not less than fifteen views – each different from the others and all amazing.

One may discuss this topic from many angles, but we are concerned here with some of them only. There is a sectarian polemic going on between the Sunnis and the Shi‘ahs. There is a jurisprudential aspect, whether muta‘ah is lawful or not. Lastly, there is the exegetical angle, dealing with the exegesis of the verse: “***Then as to such of them with whom you have muta‘ah ...:***” (4:24). Does it ordain the lawfulness of the muta‘ah? If yes, then was it abrogated by any other verse, like that of the chapter 23 (The Believers) or those of marriage, prohibition, divorce, waiting period or inheritance? Or was it abrogated by the sunnah of the Prophet (S)? Also, if it was legalized, had Islam initiated a new system? Or had it just confirmed an old custom? And so on and so forth.

It is this third aspect, i.e., exegetical, that we shall discuss in this book. We have already explained these matters in the Commentary; but here we shall give some more details, by drawing the readers’ attention to what has been said [by some non-Shi‘ahs] against the verse’s implication regarding the muta‘ah marriage and its legislation.

An Exegete's Claims And Our Comments

A writer, after insisting that the verse only implies that one should pay dowry in full in permanent marriage, expresses his views as follows:

“The Shi‘ahs say that the verse refers to the muta‘ah marriage, i.e., marrying a woman for a fixed term, e.g., one day, one week or one month. They argue by an irregular recital of the Qur‘an which is narrated from Ubayy, Ibn Mas‘ud and Ibn ‘Abbas (may Allah be pleased with them), and by the reports and traditions that have been narrated about muta‘ah.

“As for the recital, it is irregular, which is not proved to be [a part of] the Qur‘an. It has been explained earlier that if there are correct traditions as *khabaru al-wahid* in such matters, then the added words are treated as explanation; and it shows what the man concerned had understood [from the verse]; but understanding of a companion is not a proof in matters of religion, especially when the sequence and context [of the verse] rejects it – as it does here. Because the man who marries in muta‘ah for a fixed term does not intend chastity instead of fornication; rather his first intention is sexual satisfaction. Therefore, even if there is a sort of chastity for man (as it prevents him from free indulgence in fornication), there is surely nothing of chastity for the woman who hires out her body every now and then to a new man; she becomes, as has been said:

A ball that is struck by bats

And is dealt with by man after man.”

Comment: He claims that the Shi‘ahs argue by a recital of Ibn Mas‘ud and others. But anyone who refers to the Shi‘i books and arguments will see that, when they mention that recital, they do not do so because they think it to be a reliable and independent proof in itself. How can they do so when they do not accept the authoritativeness of irregular recitals, even if they are attributed to their own Imams? How can they argue by something they do not accept as authoritative against someone who does not accept its authority? Such an idea is nothing but a joke.

The Shi‘ahs’ actual argument is this: Those companions of the Prophet (S) used to recite the verse in that way. It means that they believed it to be the verse’s connotation. It is irrelevant whether they recited it as a part of the Qur‘an, or just as its explanation which showed that they had understood this meaning from the wordings of the verse.

This argument is useful to the Shi‘ahs in two ways:

First: It shows that a number of the companions believed as the Shi‘ahs do. As the reports show, a number of the companions and their disciples believed in the lawfulness of the muta‘ah, and if one wants to verify it, one is free to consult the relevant books.

Second: It proves that the verse means exactly what the Shi'ahs say, and the recital of those companions supports it. Not only that. Even the claim that the verse was later abrogated, clearly shows that the claimants accepted that the verse proved the lawfulness of the muta'ah marriage; otherwise, there was no need for them to say that it was abrogated or to narrate traditions of its abrogation. There are a lot of such traditions, a number of which was quoted above. The Shi'ahs make use even of the traditions of abrogation in the same way as they do with the above- mentioned irregular recital. It does not mean that they accept authority of irregular recitals, as it does not mean that they accept the verse's abrogation. What they want to prove is that those reciters and narrators believed that the verse spoke about the lawfulness of the muta'ah marriage.

As for the claim that the context of the verse does not agree with this meaning, his whole argument seems to be based on the assumption that the verb, al-musafahah (المسافحة = fornication) has been used in this verse in its literal sense, i.e., ejaculation of semen, and then he links this meaning with its intention. Thus, he claims that the temporary marriage for satisfaction of sexual desire is as-sifah (السُّفَاحُ = fornication), and not an-nikah (النكاح = marriage). He seems unaware of the fact that even an- nikah literally means sexual intercourse. It is written in Lisan al-'Arab: "al-Azhari says: 'The basic meaning of an-nikah in Arabic is to have sexual intercourse.'" Therefore, it will be necessary for him to say that even an-nikah was fornication! Thus, his supposed contraposition between an-nikah and as-sifah loses its bearing.

Moreover, if the intention of satisfying sexual urge turns the temporary marriage into. fornication, then what if someone marries permanently with the same intention? Surely that permanent marriage too must turn into fornication. But is there any Muslim prepared to say so?

May be someone will say: There is a difference between permanent and temporary marriages. The permanent marriage by its very nature is meant to maintain chastity, procreate children and establish a household. But it is not so in a temporary marriage.

But it is just superciliousness. All the benefits attributed to the permanent marriage are obtainable from the temporary one; protects from fornication, saves the genealogy from mix-up; children may be born and cared for, and a house-hold may be established. That is apart from the added benefit which this ummah could derive from it because it is much easier to do; and even he who because of various reasons (poverty, inability to maintain a wife permanently, being on a journey or other such reasons) is unable to marry permanently, may utilize this permission and save himself from sin.

On the other hand, all presumed defects of the temporary marriage – which have led him to say that muta'ah was fornication – may be found in the permanent marriage too, like the intention of satisfying sexual desire by ejaculating semen in the woman. Therefore, the claim that permanent marriage was made in its very nature for the claimed benefits, while temporary marriage was made in its very nature for the supposed defects, is just a claim that is not supported by any evidence and whose incorrectness is crystal clear.

Another claim: Muta'ah marriage is as-sifah (ejaculation); therefore it is fornication that is opposite of marriage. But when you interpret as- sifah as ejaculation of semen, then it will cover not only fornication but permanent marriage also – especially if the latter was done for satisfaction of sexual desire.

It is really amazing to read his claim that even if there is a sort of chastity for the man, there is no chastity for the woman. Would that I knew what was the difference between man and woman in this respect. How is it that a man can preserve his chastity and protect himself from fornication through the muta'ah, but a woman cannot? Is it anything except foolhardiness?

Now we come to the poetry lines quoted by him. The discourse is on a serious subject, by which we are trying to discover a religious reality which has very important bearing on the life of this world and the next – no matter whether at the end muta'ah is proved lawful or unlawful. What is the use of poetry in such a discourse? Poetry is just an imaginary composition; it recognizes falsehood more than it does truth; and has more affinity with error than with guidance.

One wonders why did he not recite these lines when discussing the above-mentioned traditions, and especially after the words of 'Umar (in the tradition of at-Tabari quoted above): "Now let anyone who so wishes marry [permanently] on a handful [of date] and separate the third day by divorce."

And who is the real target of his calumny except Allah and His Messenger who had legalized this type of marriage, either as a new institution or by endorsement of an established custom? After all, it was undeniably a system prevalent among Muslims in the early Islam within the sight and hearing of the Prophet.

Question: The Prophet (S) had allowed it in exigency, because in those days the Muslims were poor, and poverty overwhelmed the ummah; also, they had to participate in expeditions, as some of the above- quoted traditions imply.

Reply: Once you admit that muta'ah was prevalent among the people in the early days of Islam, and that it was known by the names of muta'ah marriage, or istimta', there is no escape from admitting that the verse shows its lawfulness; that it is an unconditional verse and no other verse or tradition has capability of abrogating it. In this background, the claim that it was somehow abrogated is nothing but a willful misinterpretation without any proof.

Let us accept [for the sake of argument] that it was allowed by the Prophet (S) as a matter of exigency. Now let us ask ourselves: Was the need during the time of the Prophet (S) greater and more pressing than in the post-Prophetic era? Especially during the reigns of the 'rightly-guided' caliphs, when the armies of the Muslims in their thousands were always on the move to the east and the west? What was the difference between the first and the second halves of the caliphate of 'Umar in this respect? How had the exigency vanished? Were there no poor Muslims in those days? Or had they stopped going to wars or journeys, etc.? Why one type of need had justified its legislation, but other types could not?

Compare the situation of the Muslim societies today with that of the time of the Prophet (S) and the first half of the “rightly-guided caliphs”. Is not the need that justified its legislation greater and more pressing now than it was in those days? Backbreaking poverty reigns over the Muslim countries, and the colonial governments and imperial powers as well as the Pharaohs who rule these places are sucking the blood of the masses, and usurping all green and dry produce of their labour.

Today licentiousness manifests itself everywhere; libertinism appears in ever-more attractive and eye-catching garb; there is ever more effective exhortation to indulge in carnality and debauchery. This trend is spreading its tentacles wider and wider; the trouble is reaching every corner of the world and infecting more and more people. Immorality, illicit sexual behaviour, is engulfing all the youths – be they students, soldiers or factory workers – and this group constitutes the majority of the human population.

Nobody can ever be in doubt about the basic needs which push these youths to fornication, homosexuality and all types of sexual aberrations. They are unable to establish and run a household; they are engaged in temporary occupations, or posted to a base for a fixed term, and it does not allow them to establish a home and marry permanently – no matter whether they are in service or studies or journey, etc. Now, how is it that these necessities could legalize muta‘ah marriage in the early days of Islam – when they were comparatively less prevalent and much easier to bear, but cannot make it lawful in other times even when the calamity has overwhelmed the mankind, and mischief has greatly increased?

The said writer has further written: “Furthermore, the muta‘ah goes against what has been established in the Qur'an about this subject [of marriage]. Allah, the Mighty, the Great, says praising the believers:

“And who guard their private parts” (23:5).

“Except before their mates or those whom their right hands possess, for they surely are not blameable” (23:6).

“But whoever seeks to go beyond that, these are they that exceed the limits” (23:7).

That is, they exceed the limit of what Allah has made lawful for them, and go into what He has forbidden. These verses are not in conflict with the verse under discussion, i.e.: ***“Then as to such of them with whom you have muta‘ah ...”*** [which he takes to mean, with whom you have cohabited]; they are rather of the same connotation, and there is therefore no abrogation. The woman in muta‘ah is not a wife, who could have rights on man similar to man's rights on her, as Allah has said. It has been reported from the Shi'ahs that they themselves do not apply the rules of marriage on her, nor do they give her the concomitants of matrimony.

They do not count her among the four wives a man is allowed to have together in marriage (if there is no danger of injustice); they rather allow him to marry in muta‘ah a lot of women. Likewise, they do not prescribe the punishment of stoning for a fornicator when he has a muta‘ah wife – because they do not

count him as married; it shows their conviction that the words of Allah about those married in muta'ah, taking them with chastity, not committing fornication [which he interprets as, 'in marriage, not committing fornication'] is not applicable to him – and it is a clear contradiction in term. Also some exegetes have narrated from them that a woman of muta'ah is not entitled to inheritance or maintenance; and that there is no divorce or waiting period for her. In short, the Qur'an is far away from this opinion, and there is certainly no proof, or even a quasi-proof, for it in this verse."

Comment: His claim, that the muta'ah goes against what has been established in the Qur'an, boils down to this: First, the verses of the chapter of 'The Believers': And who guard their private parts ..., confine the lawfulness to the wives, and a woman in muta'ah is not a wife; therefore, the verses refute the lawfulness of the muta'ah. Second, these verses do not permit the verse: ***Then as to such of them with whom ...***, to be interpreted as speaking about muta'ah.

As for the claim that the verses of the chapter 'The Believers' prohibit the muta'ah, he has ignored the fact that these are Meccan verses, while muta'ah was prevalent even after hijrah. The question arises: When the Messenger of Allah (S) allowed the muta'ah [after hijrah], was he allowing what the Qur'an had prohibited? But the Qur'an itself declares that the Prophet's words were final authority of religion, so there seems to be a contradiction in terms in the Qur'an itself. Or, had his legalization abrogated the verses of [presumed] abrogation (***And who guard their private parts ...***), and then the muta'ah was forbidden again (either by the Qur'an or the Prophet (S), thus reviving the prohibiting verses after their death? Did this verse (of The Believers) become decisive after its abrogation? It is such an alternative which no Muslim would ever agree to, nor anyone has ever said so; nor is it ever possible to say.

This analysis is in itself a good proof that the woman of muta'ah is a wife, that the muta'ah is a marriage, and that these verses, of the chapter of 'The Believers', prove that muta'ah marriage is a proper matrimonial state: Otherwise, it will follow that the said verses were abrogated by the permission the Prophet (S) gave for muta'ah, [but nobody would admit it]. Therefore, the said verses actually prove the lawfulness, not prohibition, of the muta'ah.

Let us explain it in another way:

The verses of the chapters, 'The Believers' (23:5 – 7) and 'The Stairway' (70:29 – 31), i.e.: And those who guard their private parts, except before their mates ..., are the strongest of all the verses to prove the lawfulness of the muta'ah. It is agreed by all that these verses are decisive and unabrogated; and that they are of the Meccan period. Also, it is crystal clear from history and traditions that the Prophet (S) had allowed muta'ah. If the woman of muta'ah was not a wife, then obviously the Prophet's permission would abrogate the said verses – but they are not abrogated. The only conclusion is that the muta'ah was a lawful marriage. Now that it is clear from the above that the said verses prove lawfulness of the muta'ah, then the claim, that the Prophet (S) [subsequently] prohibited it, is also proved wrong, because such claim goes contrary to the Qur'anic verses and would entail the verses' abrogation; but, as you know, all are agreed that these are decisive ones and were never abrogated.

In any case, the woman married in muta‘ah is a wife, and muta‘ah is a nikah (marriage), contrary to what its detractors claim. It is enough, in this respect, to draw your attention to the traditions quoted above, in which the companions of the Prophet (S) and their disciples have used the name, ‘muta‘ah marriage’, for this union. Even ‘Umar Ibn al- Khattab has used the same name in the traditions which describe his prohibition; for example, see the report of al-Bayhaqi narrated from ‘Umar (quoting his lecture), and the tradition of Muslim narrated from Abu Nadrah. Not only that. Even ‘Umar’s words (quoted in the tradition of Kanz al-‘Ummal from Sulayman Ibn Yasar), “announce it, in order that marriage may be distinguished from fornication”, are based on the same nomenclature; as it implies that the muta‘ah is a marriage but is not distinguished from fornication; therefore it is incumbent upon Muslims to announce it; they should solemnize a marriage that is known and distinguishable from fornication. This connotation is inferred from his order to ‘announce it’.

In short, there is no room for any doubt that, according to the language of the Qur'an and that of the companions and their disciples, muta‘ah is nikah (marriage) and the woman so married is wife. It was only after ‘Umar’s prohibition that the two words, an-nikah and at-tazwīj (النِكَاحُ، التَّزْوِيجُ = marriage), became [gradually] reserved for the permanent marriage, because muta‘ah marriage went out of practice, and the people performed permanent marriage only. Thus, there remained no other application for the two words, and the permanent marriage became the only meaning that immediately came to the minds. The case of the two words is not different from many other words that have acquired a new or restricted meaning in the language of the Muslims.

The above also shows baselessness of what the said writer has written later that the Shi‘ahs themselves do not apply the rules of marriage on the woman of muta‘ah. We have a right to ask him what he means by the word, ‘wife’. If he uses the word as it is used in the language of the Qur'an, then the Shi‘ahs apply all its rules on the muta‘ah wife – without any exception. But if he means the wife as is understood in the language of the Muslims – as explained above – which they use in their jurisprudence, then the Shi‘ahs do not apply all its rules on her – but there is no harm in it.

Now we come to his argument that ‘the Shi‘ahs do not prescribe stoning for a fornicator who has a muta‘ah wife, and it shows their conviction that the words of Allah, muhsinin ghayr musafihin (مُحْسِنِينَ) (غَيْرَ مُسَافِحِينَ = which he interprets as ‘in marriage’) are not applicable to him; and it is a clear contradiction in term.’

First of all, we have explained in the commentary of this verse that, because this clause includes conjugal union with one’s slave girls too, it obviously means ‘chastity’, not marriage. Even if we accept that muhsinin (مُحْسِنِينَ) means ‘in marriage’, not, ‘in chastity’, [as translated by us], then the verse includes muta‘ah marriage in any case. As for non- stoning of the fornicator who has a muta‘ah wife (apart from the fact that stoning is not a Qur’anic law), it is based on explanation or restriction by the sunnah, like other matrimonial laws – inheritance, maintenance, divorce and waiting period.

To put the above statement more clearly, if a verse relating to laws is taken to be vague – because it

only aims at ordaining the basic rule – then whatever restrictions are attached, they will amount to its explanation; they will not be counted as a restriction or a condition. If, on the other hand, the said verse is taken to be a general or unconditional one, then the explanations given in the sunnah will be counted as restrictions or conditions. There will not arise any question of contradiction in terms in such cases. See for details the books on the Principles of Jurisprudence.

These verses of inheritance, divorce and maintenance, like other verses, are not free from restrictions and conditions. An apostate wife is debarred from inheritance, and separates without any divorce; the husband may cancel the marriage without giving divorce, if the wife has certain defects; a recalcitrant wife loses her right of maintenance. With all these restrictions, what objection is there if a few other rules are restricted because of the muta‘ah? The statements that remove the muta‘ah marriage from the rules of inheritance, divorce and waiting period are either restrictions or conditions.

As for the fact that, in the language of the Muslims, the words, an- nikah and at-tazwij are now exclusively used for permanent marriage, it creates no difficulty for our stand, even if the said writer thinks otherwise. When a jurist says: ‘A permanently married (al-muhsin, الْمُحْسِن) fornicator shall be stoned’ and then says: ‘A fornicator who has a muta‘ah wife shall not be stoned because he is not al-muhsin’; it only shows that in his terminology al-ihsan (الْإِحْسَان) implies permanent marriage that has certain especial effects. But it does not affect the language of the Qur'an in which al-ihsan has been used together for both – permanent and temporary – marriages; and which establishes especial rules for each.

As for his claim that the Shi‘ah do not prescribe waiting period for a muta‘ah wife, it is a shameless slander. There are the collections of Shi‘i traditions and the tomes of their jurisprudence, all of which clearly say that the waiting term of a wife of muta‘ah is two monthly courses. Some relevant traditions narrated through Shi‘i chains from the Imams of Ahl al-Bayt have earlier been quoted in this discourse.

The said writer further writes: “The traditions and ahadith that have been narrated on this subject, all together show that the Prophet (S) used to allow muta‘ah to his companions in some expeditions, then he forbade them, then again allowed it to them once or twice, then prohibited them to do so – a perpetual prohibition.

“He had allowed it only because he knew that it was difficult for them to abstain from fornication when they were away from their wives. Thus the muta‘ah was a sort of lesser evil. It was much better if a man married an unmarried girl for a fixed term and stayed with her during the agreed period, rather than being occupied in fornication with any woman he could seduce.”

Comment: What he has said that the traditions on the whole show that it was allowed in some expeditions, then disallowed, then again allowed once or twice, then prohibited for ever, does not agree with any of the traditions with all their mutual contradictions and irreconcilability. Just have a look at them (and we have quoted earlier most of them) and you will find that they all together refute word by word

what he has offered as a way of reconciliation amongst them.

He has further written: “The Sunnis are of the opinion that the permission of muta‘ah, once or twice, was a sort of a gradual step in final prohibition of fornication, as had been done in the case of intoxicants. Both these evils were wide-spread in the era of ignorance, but fornication was prevalent in the slave girls, not the free women.”

Comment: His claim, that permission of muta‘ah was a step by step approach to the final prohibition of fornication, implies that in their eyes muta‘ah was a sort of fornication, and that, like other ways of fornication, it was wide-spread in pre-Islamic days; and for this reason the Prophet (S) took gradual steps – a soft approach – before finally forbidding fornication, hoping that in this way this prohibition would prove acceptable to the people. Therefore, first he prohibited other kinds of fornication and let the fornication of muta‘ah continue. He first allowed it, then prohibited and again allowed it until he could forbid it for ever, and then he enforced perpetual prohibition.

By my life, it is the most ignominious mockery of the pure religious laws, which Allah had promulgated with the sole aim of purifying this ummah and completing His favours on them. Now let us look at this opinion:

First: We have already explained that the claim that the Prophet (S) prohibited muta‘ah then allowed it, then again prohibited and again allowed it, when seen in the background of the verses: And those who guard their private parts ..., which form the parts of the chapters of ‘The Believers’ and ‘The Stairway’ – the Meccan chapters – and which, the said writer insists, prove the prohibition of muta‘ah, would mean only one thing: That the Prophet (S) first abrogated these verses by allowing the muta‘ah, then abrogated the abrogation and revived and re-confirmed the verses; then again abrogated the verses and then again revived them and made them decisive, and this cycle was repeated several times. Is it anything but accusing the Prophet (S) of playing with the Book of Allah?

Second: Some verses of the Divine Book which prohibit fornication are as follows:

“And go not near to fornication; surely it is an indecency and evil is the way” (17:32).

What language can be clearer than this? And it is a Meccan verse that forms a part of a chain of several other prohibitions.

“Say: ‘Come, I will recite what your Lord has forbidden to you ... and do not draw near to indecencies, those of them which are apparent and those which are concealed’ ... ” (6: 155).

The word, al-fawahish (الْفَوَاحِشُ = indecencies) is plural, preceded by the article, al, within a prohibitory sentence. It means that the prohibitionary order covers all types of indecency or fornication. This verse too is of Meccan period.

“Say: ‘My Lord has only prohibited indecencies, those of them that are apparent as well as those

that are concealed' ... ” (7:33)

The same word, al-fawahish, with the same grammatical details, is used in this verse, and this too is of Meccan period.

“And who guard their private parts” (23:5; 70:29).

“Except before their mates or those whom their right hands possess, for they surely are not blameable” (23:6; 70:30).

“But whoever seeks to go beyond that, these are they that exceed the limits” (23:7; 70:31).

Both these are Meccan chapters, and the verses prohibit all types of fornication, and, according to the writer's claim, that includes muta'ah too.

These are the bulk of the verses which prohibit fornication, the unlawful indecency; all of them were revealed in Meccan period, and all of them are very clear about the prohibition. So, from where did he get the idea of graduality in prohibition? Or does he say – as is the clear implication of his claim that the verses of the chapter, 'The Believers' show prohibition of the muta'ah – that Allah had prohibited it for ever; still the, Prophet (S) preferred the step by step approach in enforcing this prohibitory order, by allowing it time after time to humour the people, so that in the end they would accept total prohibition.

But Allah had very strongly admonished His Prophet (S) against this very policy, when He revealed to him:

“And surely they had purposed to turn you away from that which We have revealed to you, that you should forge against Us other than that, and then they would certainly have taken you for a friend” (17:73).

“And had it not been that We had already firmly established you, you would certainly have been near to incline to them a little” (17:74).

“In that case We would certainly have made you to taste a double [punishment] in this life and a double [punishment] after death, then you would not have found any helper against Us” (17:75).[7](#)

Third: We should think about this permission which the Prophet (S) is supposed to grant time after time. Was he allowing the muta'ah without there being any divine order to make it lawful? (We should not forget that the muta'ah is presumed to be fornication and indecency.) If he was doing it on his own, then it would be a clear contravention of his Lord's command – but the Prophet (S) was protected by Allah from every error and deviation. Or was he doing it by Allah's order, then it would mean that Allah was enjoining indecency. But Allah has clearly refuted such suggestion when He addresses His Prophet (S) in these words:

“Say: ‘Surely Allah does not enjoin indecency’” (7:28).

If, on the other hand, the Prophet was allowing it because there was a divine order to make it lawful, then it was not fornication, nor indecency. It was an ordained institution with its clearly defined boundary. It was not to be done with a woman in prohibited degrees – like the permanent marriage. Also, like the permanent marriage, there was the obligation of dowry, the waiting period (to prevent mixing of sperm and confusion of paternity). Add to it the advantage of satisfying the people’s needs. Then why should it be called indecency? What is indecency? It is that evil deed which the society considers repugnant or repulsive because of its moral depravity and licentiousness, or because it disturbs public weal and puts hindrance in fulfilment of the society’s needs.

Fourth: The claim, that the muta‘ah was a sort of fornication prevalent in pre-Islamic days, is a fabrication of history, a fiction that has no historical proof. No history book mentions it, either explicitly or implicitly. It was a system originated by Islam, a concession given by Allah to this ummah to provide for their needs, and to protect the Muslim society from spreading of fornication and other indecencies. Would that they had established this system. Then the Muslim governments would not have felt so much constrained to turn a blind eye to fornication and other indecencies, which have gradually become a part of their social structure – thanks to the secular codes – and which have filled the earth with depravity and wickedness.

As for his claim that “both indecencies were wide-spread in pre- Islamic days; but fornication was more common among slave girls, not free women”, apparently by the two indecencies he means fornication and drinking intoxicants. This much is correct. But there is no ground to claim that fornication was wide-spread in slave girls and not in free women. Numerous historical proofs of diverse nature prove otherwise. Look, for example, at their poems which describe their exploits. Also, the narration of Ibn ‘Abbas has been quoted earlier that, according to the people of the era of ignorance, there was no harm in fornication if it was not done openly.

Also, there was the custom of claiming paternity of one’s illegitimate child, and of adoption, that was wide-spread in the era of ignorance. It was not merely a nominal thing to establish whom the child belonged to. It was prevalent because the powerful persons wanted – through this affiliation – to increase their preparedness [for fights] and their man- power. They relied for this matter on illicit sexual relations which they established with free women – even the married ones. So far as the slave girls were concerned, the Arabs, and especially the powerful ones, thought it a disgrace to mix with them, or to court and woo them. As for the slave girls, their only role in this was that their masters coaxed them for prostitution, exploiting them for their own monetary gains.

The above situation may be comprehended from the stories of affiliations described in traditions and biographies, like the story when Mu‘awiyah, son of Abu Sufyan, attached Ziyad (the bastard) to his father, Abu Sufyan, and the evidence given by [Abu Maryam, the wine merchant] concerning that affair, as well as other such episodes that are narrated in the books.

Maybe someone would quote the words of Hind [wife of Abu Sufyan] spoken to the Prophet (S) at the time of offering her bay'ah (allegiance): “Does a free woman commit adultery?”, and offer it as a proof that adultery and fornication was not common among the free women. But if you look at the collection of the poems of Hassan [Ibn Thabit al-Ansari] and ponder on the satiric poems he had composed to ridicule this same Hind, after the battles of Badr and Uhud, you will remain in no doubt and will see the reality in its true perspective⁸.

Thereafter, the said writer has tried to clarify the meaning of the traditions, and vainly attempted to reconcile them to one another, and finally has said: “According to the Sunnis, there are [three] main proofs of the muta'ah's unlawfulness: First: As you have seen, it goes against the apparent meanings, if not the clear Wordings, of the Qur'an, concerning the marriage, divorce, and waiting period. Second: The traditions which clearly say that it was forbidden perpetually up to the Day of Resurrection

... Third: Its prohibition by 'Umar and his indication, from the pulpit, of its being prohibited, and the confirmation of his views by the Companions; and it is known that they had never remained silent on any unlawful thing, and used to argue with him if he was in wrong.”

Then he has taken the stand that “Umar had not prohibited it by his own ijtihad; that he had done so relying on the prohibition that was well-established by the prohibitory order of the Prophet (S), and that this prohibition is attributed to him only because he had made it clear or enforced it, as they say: ash-Shafi'i has prohibited wine and Abu Hanifah has made it lawful.”

The author says: As for his first and second proofs, you have seen the reality in the preceding description, as well as in the Commentary, in its utmost clarity. Now comes his third argument: We agree that 'Umar had made it unlawful; it is irrelevant whether he did so by his own ijtihad, or relying on Prophetic prohibition (as this writer claims); it is equally immaterial whether the Companions had remained silent because of his fear and dread, being intimidated with his threats, or because they agreed with his prohibition (as the writer claims), or because a certain group did not agree with it, as is seen in the traditions narrated from 'Ali, Jabir, Ibn Mas'ud and Ibn 'Abbas. The fact remains that 'Umar's prohibition and his swearing that he would stone anyone who would do it or would say it was lawful, cannot have any effect whatsoever on the verse under discussion which clearly shows its lawfulness; and whose connotation has not been blunted by the Qur'an or the sunnah. There is no doubt about the meaning of the verses and their decisiveness.

Another writer has really overdone his ‘argument’ when he claims that the muta'ah was only a custom of pre-Islamic days, which had never entered the Islamic boundary; so there was no need of removing it from Islam, or of abrogating it through the Qur'an or the sunnah; the Muslims had never known it, and it is not found except in the Shi'i books!

The author says: This writing, which by one stroke of pen has wiped off the Qur'an, the traditions, the consensus and the history, has brought the ever-shifting position [of the Sunnis] on this subject to an

amazing point. The muta'ah was an established custom during the days of the Prophet (S). Then came the reign of 'Umar and he forbade it and the prohibition was enforced among the masses. That prohibition was justified on the grounds that the verse of muta'ah was abrogated by other verses, or by prohibitory order of the Prophet (S). But several companions⁹ and a lot of their followers from among the jurists of al- Hijaz and al-Yaman as well as others opposed that prohibition. This list includes the likes of Ibn Jarih¹⁰ (one of the Imams of al-hadith) who staunchly believed in its lawfulness, so much so that, in all, he had done muta'ah with seventy women; and Malik¹¹ (one of the four Imams of Jurisprudence).

This continued for some time. Then the later days' exegetes turned a blind eye to the meaning of muta'ah that was clearly understood from the word, istamta'tum, and tried to interpret it as permanent marriage; as for the muta'ah marriage, they said that it was a system originated by the Prophet's order which was later abrogated by his subsequent tradition. Lately, they claimed that muta'ah was a kind of fornication prevalent in the era of ignorance, which the Prophet repeatedly allowed and disallowed until it was perpetually forbidden up to the Day of Resurrection. Now comes this latest 'scholar' who says that muta'ah was only a sort of fornication in pre-Islamic days, which had never been known in Islam and which is not found outside the Shi'i books!

Only Allah knows what turn this subject will take in coming days.

1. A part from that, the arguments about the muta'ah are intended to establish whether muta'ah is a valid form of marriage or not; whether the woman of muta'ah is a lawful wife or not. Now to assume that the word, 'mates' (or wives), used in this verse excludes the muta'ah wife, is to beg the question. (tr.).

2. There are other examples where a wife is not entitled to her husband's inheritance. For example, if she is a slave or has killed the husband, she is debarred from his inheritance. Likewise, the Sunnis allow marriage with a Jewish or Christian woman, but she, being an unbeliever, does not get any share in the husband's inheritance. Nobody would suggest that this exclusion affects her status as wife in any way. (tr.)

3. Another version says: 'except the most scoundrel.' (Author's Note)

4. How can a preceding phrase of the same verse abrogate the clause of muta'ah which comes after it? (tr.)

5. As the author has commented above, such claim would antedate the supposed prohibition of muta'ah prior to hijrah, which even the Sunnis do not claim. Moreover, as I have noted earlier, the whole argument for or against muta'ah is meant to establish whether a women of muta'ah is a lawful wife or not. Now to assume that the word, 'mates', used in this verse excludes the muta'ah wife is begging the question. (tr.)

6. Other scholars say that it was allowed and disallowed repeatedly. Muslim has given the following heading to the chapter of "Muta'ah" in his as-Sahih: "Chapter of the muta'ah marriage, and that it was allowed, then abrogated, then again allowed, and then abrogated ..." ash-Shafi'i says: "I do not know anything in Islam that was allowed, then prohibited, then allowed and then prohibited." Some have said that it was allowed and abrogated three times; others have said, more than three times. Vide Tafsir Mazhari, by Qadi Thana'ullah Panipati, p.72. (tr.)

7. These verses are of Meccan period. Could the Prophet (S) ignore this clear divine command years later in case of muta'ah? (tr.)

8. This Hind was very much attracted to the black youths, and whenever she gave birth to a black-coloured child, she killed it. (Vide: Sibt Ibnu al-Jawzi, Tadhkirat khawasi al-ummah, p.186.) As for Hassan's poems, these are very explicit and were recited in presence of the Prophet (S). Four rather mild lines are as follows:

Have you forgotten the adultery you have committed?

O Hind! Curse be on you to the end of the time!
The midwives believe that she has given birth to
An infant that is the product of adultery. (tr.)

9. A truly astonishing comment on this verse has been written by az-Zajjaj who says: “A group has committed a great blunder in this verse, because of their ignorance of the language. That is, they have said that the verb, istamta‘tum (استمتعتُ = you have muta‘ah) is derived from al-muta‘ah, which, all scholars unanimously say, is unlawful.” Then he claims that “the said verb means marriage”.

Would that I knew which part of his writing can be mended! Can anyone repair his accusing the people like Ibn ‘Abbas and Ubayy of ignorance of language? Or, his claim that all scholars unanimously agree on prohibition of the muta‘ah? Or, his claim of expertise in Arabic language while he translates al-istimta‘ (الإِسْتِمْتَاعُ = to do muta‘ah) as marriage? (Author’s Note)

10. See his biography in Tahdhib at-tahdhib and Mizan al i‘tidal. (Auth.)

11. See the books of Jurisprudence for these views. Detailed juristical and theological discourses on muta‘ah may be found in the writings of the scholars of these subjects, be they of early days or of later periods – and especially the modern eminent personalities who have scholastically reviewed all the arguments. (Author’s Note)

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SHARES

A Discussion About Marriage And Divorce

Marriage is one of the fundamental sociological institutions. Mankind, since its very beginning, has been keeping to it without any disruption. Such an institution must have been based on the foundation of nature itself.

Islam has based its matrimonial laws on the correlation between masculinity and femininity. There is no need to emphasize that this complementary system created in man and woman – and it is the most intricate and interrelated system permeating their whole bodies – was not created in vain and without purpose. The male by his nature is attracted to the female and vice versa. And this system has only one goal in sight: reproduction and the continuity of the race. Marriage is based on this reality; and all its rules revolve around this axis. That is why Islam in its matrimonial laws has kept in view the fundamental principle of sexual interrelation; and on this principle are based the laws concerning chastity and conjugal rights; exclusive attachment of the wife to the husband and the rules of divorce and ‘iddah; legitimacy and parentage, the custody and upbringing of the children; inheritance and other related subjects.

Modern non-Islamic laws have laid the foundation of matrimony on a co-operation between husband and wife in their struggle for life. Marriage accordingly, is a co-operative institution much narrower than other such institutions like municipality etc.

It is for this reason that modern laws do not pay any attention to the rules of chastity etc., which are an integral part of the matrimonial laws of Islam.

This basis, co-operation in life, has given rise to a vast multitude of social problems and domestic upheavals. Apart from that, it is not in conformity with the realities of creation and nature. Why does a man want to join others and co-operate with them? It is because his well-being depends on countless things and innumerable actions which he alone cannot get and do. He is by necessity obliged to join hands with others. Consequently, each person co-operates with the others, dividing labour and work according to their aptitudes. And all the required work is completed with their joint effort.

This development requires co-operation between any two persons – it does not specifically call for co-operation between a man and a woman. Therefore, building the edifice of matrimony is fundamentally wrong. Nature has based it on the need of procreation and not on social or domestic co-operation. Otherwise, there would not have been any need of any special laws for marriage; the general rules governing association and co-operation would have been enough. It would negate the virtue of chastity and fidelity, nullify the concept of legitimacy and affinity, and abrogate the rules of inheritance – as communism has done. If we accept this ultimate result of the western philosophy of marriage, we would have to accept that all this complicated and interrelated system in the bodies of man and woman was created without any purpose.

This is a short review of the Islamic and western philosophies of marriage. More explanation will be given in some other relevant place.

So far as divorce is concerned, it is a thing which the Shari'ah of Islam should be proud of. It has been made lawful and this legalization also is based on nature. There is nothing in nature to interdict it. Details of the conditions of its validity will be given in the chapter of "Divorce" (chap. 65). Here it should be noted that today all the nations of the world (not excepting the Roman Catholic countries) have had to adopt this system in their civil codes, even though previously they ridiculed Islam on this account.

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