

## Temporary Marriage (Mutah)

*Those women who are in wedlock (are forbidden) by your Lord but all others are permissible for if you would like to propose to them within your limits of resources and for the sake of hournable relationship rather than an illegitimate association. And pay them the agreed amount when you agree on the temporary marriage 'Mutah'. Yet it will not be held against you, should you come to other terms about it even after what has been stipulated. God is Aware, Wise. (Women, 4, Verse 24-25).*

It is narrated from Imam Jafar-e-Sadiq<sup>sws</sup> that this verse was revealed like this, (Famah Astumtahtum Bahy Minhunnah Ala Aj Musammah.....), meaning that Thus when you carry out 'Mutah' with women for a fixed time<sup>1</sup> than pay them the agreed Maher.<sup>2</sup> It is also narrated from Imam Mohammed Baqir<sup>sws</sup> that upon the expiry of the 'Mutah' term you may extend it by reciting (Asatahlultukay bajalin Akhara), meaning I have made you permissible for myself for another term.<sup>3</sup>

This leads us to another topic 'Tahreef<sup>4</sup> in Quran Majeed', which is discussed separately.

Mutah was permissible during the lifetime of Prophet Mohammed<sup>saww</sup> and until the rule of first Muslim Caliph. However, the second Caliph, Ummer<sup>la</sup> made it unlawful, as per his following statement, widely quoted by historians: "Two mutahs (temporary marriage and combining hajj with umra) were in force during the time of the Holy Prophet, but now I decree both of them as unlawful; and I will punish those who practice them."<sup>5</sup>

### Traditions of Masomeen<sup>sws</sup> on Mutah

- It is narrated from Imam Jafar-e-Sadiq<sup>sws</sup> that the one who does not believe in being returned back to life (Rajjat) and does not consider Mutah permissible has no link to us.<sup>6</sup>
- Salay bin Aqabah narrates from his father that I asked from Imam Mohammed Baqir<sup>sws</sup> that is there any reward for the one who performs Mutah? Imam<sup>sws</sup> replied, If one carries it out to please Allah<sup>swt</sup> and to oppose those who are against this practise, then Allah<sup>swt</sup> will reward him with one 'Husna' prior to speaking a single word (with her) and one 'Husna' even before raising his hand towards her and will erase one 'sin' upon touching her. Allah<sup>swt</sup> will forgive his sins equivalent to the drops of water which would fall down from his hair when he would take 'compulsory<sup>7</sup>' bath/shower. I asked (in surprise) as much as that (number

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<sup>1</sup> (إلى أجل مسمى) for a specific time)

<sup>2</sup> Tafseer-e-Kafi, refers to AlKafi, pp. 106, reference is taken from Syed Imdad Hussain Kazmi, pp. 105.

<sup>3</sup> Syed Imdad Hussain Kazmi, pp. 105.

<sup>4</sup> Deliberate alterations

<sup>5</sup> see for example, Tafsir Kabir, Durr al-Manthur, Kashshaf, Mustadrak and others.

<sup>6</sup> Manla YahzarulFaqih, tradition 4583.

<sup>7</sup> Ghusal-e-Janabat.

of drops from his head), Imam<sup>sws</sup> replied, yes, indeed, even as per number of his hair.<sup>8</sup>

### **Who cannot perform Mutah:**

- It is referred to Imam Mohammed Baqir<sup>sws</sup> that Mutah is only permissible for that person who knows its virtues and it is forbidden for that who is unaware of its significance and has no knowledge about it.<sup>9</sup>
- Dawood bin Ishaq reports from Mohammed bin Faiz that I once asked from Imam Jafar-e-Sadiq<sup>sws</sup> regarding ‘Mutah’, Imam<sup>sws</sup> replied, yes, its in order provided the woman, you approach, recognises it. I asked again, what if she does not? Imam<sup>sws</sup> replied then inform her about it and if she refuses to accept it or still does not understand it then do not go any further with her. But one should refrain from ‘Kuwashaf, Dawai, Baghaya, and Zawat Alzawaj’ I asked who is ‘Kuwashaf’, Imam<sup>sws</sup> replied those who are disgraceful and shameless and their homes are well known to people and they frequently visit them. I asked who are ‘Dawai’, Imam<sup>sws</sup> replied these are those women who invite men for (pleasure) and are famous for corruption. I asked who are ‘Baghanya’ Imam<sup>sws</sup> replied these are well known for ‘Zinna’ I asked who are ‘Zawat Alzawaj, Imam<sup>sws</sup> replied these are those whose divorce has not been as per traditions (of Rasool Allah<sup>saww</sup>). It is also narrated from Imam Raza<sup>sws</sup> that corrupt women are forbidden for a ‘Momin.<sup>10</sup>
- Saeedan refers to Abu Baseer who says that he has heard it from Imam Jafar-e-Sadiq<sup>sws</sup> that neither Nikah or Mutah is permissible with a Christian or a Jew lady. In another tradition, it is narrated from Imam Raza<sup>sws</sup> that someone asked: Can one perform Mutah with a Christian or a Jew lady? Imam<sup>sws</sup> replied a ‘momin’ should do Mutah with a momin lady which is more respectful and honourable relationship.<sup>11</sup>
- Aban refers from Abi Mariam who narrates from Imam Jafar-e-Sadiq<sup>sws</sup> that a virgin girl, whose father is alive, cannot perform Mutah without her father’s permission. In another tradition, someone asked, if Mutah would come under the four allowable ‘Nikah’, Imam Jafar-e-Sadiq<sup>sws</sup> replied, no, even if 70 and Imam<sup>sws</sup> said a lady in Mutah is similar to a slave-girl.<sup>12</sup>

### **Miscellaneous Rules regarding Mutah:**

- Ahmed bin Mohammed bin Abi Nassr inquired from Imam Raza<sup>sws</sup>, ‘Is it permissible for a man to marry a daughter of a lady to whom he had performed Mutah?, Imam<sup>sws</sup> replied, No,
- Umer bin Aznia has narrated from Zara, who said, once I asked from Imam Mohammed Baqir<sup>sws</sup>, ‘What is the duration of ‘Iddah’ for a lady who was in Mutah and the man has passed away? Imam<sup>sws</sup> replied, 4 months and 10 days.<sup>13</sup>

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<sup>8</sup> Manla YahzarulFaqih, tradition 4600.

<sup>9</sup> Manla YahzarulFaqih, tradition 4584.

<sup>10</sup> Manlah Yahzar-ul-Faqih, Kitab-ul-Nikah, tradition no.4586-4587

<sup>11</sup> Manlah Yahzar-ul-Faqih, Kitab-ul-Nikah, tradition no.4588-4589.

<sup>12</sup> Manlah Yahzar-ul-Faqih, Kitab-ul-Nikah, tradition no.4593-4595.

<sup>13</sup> Manla YahzarulFaqih, tradition 4607.

- Imam Jafar-e-Sadiq<sup>sww</sup> was asked, why are four witness to prove ‘Zinah’<sup>14</sup> whereas only two are required to convict a murderer? Imam<sup>sww</sup> replied, Allah<sup>swt</sup> has made Mutah permissible for us and it is in His knowledge that our followers will be targeted with insults and taunts regarding it (considering it illegitimate), that’s why Allah<sup>swt</sup> has protected you from being prosecuted, as it would have been easier for them to get two witness but its unusual to have four witness in an incident.<sup>15</sup>
- Abdullah bin Sanan narrates from Imam Jafar-e-Sadiq<sup>sww</sup> that Allah<sup>swt</sup> has forbidden all hard drinks on our Shias and instead has made ‘Mutah’ permissible.<sup>16</sup>
- It is narrated from Masoom Imam<sup>sww</sup> that a man should not take that seat which has been vacated by a lady, until that seat becomes cold again.<sup>17</sup>
- Mohammed bin Muslim quotes from Imam Mohammed Baqir<sup>sww</sup> that Allah<sup>swt</sup> has created ‘arouseness’ in 10 parts, out of which 9 are placed in men and one in women and this distribution is for Bani Hashim and their Shias but have given 9 parts to Bani Ummiad females and their followers and only one part to their males.<sup>18</sup>
- Jabar has narrates that Imam Mohammed Baqir<sup>sww</sup> said: Do not whisper with ladies in order to seek advise and do not follow their opinion regarding your near ones. Upon getting old female loses the ‘righteousness’ part out of two equal parts of ‘good and evil’ and only keeps the ‘evil’ part, with advance age, she loses her beauty, her tongue becomes sharp, she loses fertile. But when man turns old, his ‘evil’ part is lost, and the ‘good’ part stays, his wisdom matures, his opinion refines and his ignorance reduces.<sup>19</sup>
- Imam Ali<sup>sww</sup> said: He is ‘Malaun’ whose affairs are managed by a lady.<sup>20</sup>
- Rasool Allah<sup>saww</sup> has forbidden women to ride on saddle.<sup>21</sup>
- It is narrated from Imam Jafar-e-Sadiq<sup>sww</sup> that there are 10 portions of shame, out of which 9 have been awarded to female and 1 to male. A lady would lose one part upon reaching adulthood<sup>22</sup>, one part upon getting married, one part upon losing virginity, one part upon giving birth. And therefore keeps only 5 portions afterwards but she loses all of them upon becoming unfaithful to her husband. She keeps all these 5 if she remains loyal and keeps away from others.<sup>23</sup>
- Amar Sabati quotes from Imam Jafar-e-Sadiq<sup>sww</sup>, ‘how should ladies greet when they meet others? Imam<sup>sww</sup> replied female would say ‘Allaikum Salam’ and male would say ‘Salam Allaikum’.<sup>24</sup>

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<sup>14</sup> Adultery/rape

<sup>15</sup> Manla YahzarulFaqih, tradition 4608.

<sup>16</sup> Manla YahzarulFaqih, tradition 4616.

<sup>17</sup> Manla YahzarulFaqih, tradition 4619.

<sup>18</sup> Manla YahzarulFaqih, tradition 4620.

<sup>19</sup> Manla YahzarulFaqih, tradition 4621.

<sup>20</sup> Manla YahzarulFaqih, tradition 4622.

<sup>21</sup> Manla YahzarulFaqih, tradition 4624.

<sup>22</sup> Also translated as if circumcised.

<sup>23</sup> Manla YahzarulFaqih, tradition 4630.

<sup>24</sup> Manla YahzarulFaqih, tradition 4637.

- Ismail bin Abi Ziad quotes from Imam Jafar bin Mohammed<sup>sws</sup> who referred from Amir-ul-Momaneen<sup>sws</sup> that the more hair one has on his head the less arouse he is.<sup>25</sup>
- Imam Jafar-e-Sadiq<sup>sws</sup> said, If a man, upon seeing a lady, turns away his eyes, toward sky or down to ground, Allah<sup>swt</sup> recites his ‘Nikah’ with a ‘Hoor<sup>26</sup>’ (in paradise) before he restores his sight. In another tradition from Rasool Allah<sup>saww</sup> it is narrated, men are only permitted to have an unintentional visual contact with a lady, but the second one is forbidden, the third one leads one to destruction<sup>27</sup>

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<sup>25</sup> Manla YahzarulFaqih, tradition 4649.

<sup>26</sup> Heavenly lady.

<sup>27</sup> Manla YahzarulFaqih, tradition 4656, 4657.