

?What is Temporary marriage

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One of the most dangerous problems that destroy human societies is the problem of sex. As it is well known, sex is the basic factor that makes life continue as willed by Allah the Almighty Who has made masculinity and femininity in everything - man, animals, plants...etc.

Allah says: *And of everything We have created pairs that you may be mindful. Qur'an, 51:49 And Allah has made wives for you of your kind, and has given you children and grandchildren from your wives. Qur'an, 16:72*

In order that life continues, male and female must marry and produce offspring. This is the norm of Allah in His creation. For marriage and production, Allah has created this unruly instinct in man and woman equally that each gender wishes and longs for and yearns to have sexual intercourse with the other to satisfy his or her lust. In this way, an ovum is pollinated by a sperm and a fetus is formed that develops until it becomes adult to repeat the same role, and thus life continues.

And He it is Who has created man from the water, then He has made for him blood relationship and marriage relationship, and your Lord is powerful. Qur'an, 25:54

The Islamic Sharia has put conditions and limits for this instinct in a way that not all people may bear. Islam has prohibited sexual intercourse, except by lawful marriage in order to preserve honor, lineage, offspring and dignity of man.

The sexual lust may be awakened in a young boy and a young girl in their early years when they are not more than ten years old. In the west, these young boys and girls may practice sex easily and without limits because the western peoples think it is a natural instinct, not having any problem with this. Therefore, they encourage it and pave the way for early mixing between boys and girls or that parents may practice sexual intercourse before their children to make them be used to seeing their parents naked, besides observing other behaviors that open wide the door to adultery before young boys and girls. In many instances, a girl would have lost her virginity before she is fourteen years old. This is very common there; to a degree that when a man gets married to a woman and finds her still a virgin, he is astonished and considers that woman to be unnatural or savage.

For Muslims, the matter is totally different. There is no room for uncovering private parts before children at all. There is no place for mixing between males and females, except within certain limits conditioned by the required veil of woman. Add to that the moral and

psychological education that children receive from parents, especially girls from mothers. Thus, girls grow up with shyness and fear of sex, bearing in mind that their virginity is the criterion of their chastity, abstinence, honor and perfection of body.

Most of times, a young woman may come to the marital house while she knows neither much nor little about sex, and perhaps the husband may be so too. This is if they live in a Muslim society that follows the actual laws of Islam, or we may say 'the ideal Muslim society' that seems to be imaginary, because it is very difficult or somehow impossible to be applied, as it is not possible to suppress this instinct in males or females anyhow.

However if we try to ignore this instinct, we shall not be successful most of times. When the genitals and glands of a male and a female develop, they feel the desire to have sex. They shall practice sex in one way or another, however much the parents try to watch over them. There is no doubt that males and females shall find an opportunity to meet, and in the least boys may practice sex with boys and girls with girls. Certainly, this is a dangerous matter, having bad effects and psychological diseases that may be a main reason for destroying the family, which then leads to the corruption of entire society.

Western societies have exceeded all the limits in practicing sex, until people there have become like animals in satisfying this unruly lust, which is considered there as a conceded right of male and female and a part of their freedom even if they are married and living with their spouses. As they think, a husband has to regard the feelings of his wife if she wants to satisfy her lust with whomever she likes, and a wife has to regard the feelings of her husband if he wants to do the same with any woman other than his wife.

However, in the Arab and Muslim societies, we are very immoderate in the matter of sex to the extent that we have burdened our societies with psychological complexes, sexual suppression, secret practices and yearning for woman with fatal lust as that of animals.

Woman is wronged among us

Woman, in the Arab and Muslim societies, has been wronged in general, since the day when she was buried alive until today.

Muslims have not understood until now that woman has body and soul just like man; she has intellect, heart, feelings and instincts. Man cannot claim that he has honor and dignity, except that woman can claim this too. Allah says in the Qur'an: O you men, surely We have created you of a male and a female, and made you tribes and families that you may know each other; surely the most honorable of you with Allah is the one among you most careful (of his duty); surely Allah is Knowing, Aware. Qur'an, 49:13

So their Lord accepted their prayer: That I will not waste the work of a worker among you,

whether male or female, the one of you being from the other. Qur'an, 3:195

Of course, we do not deny that Allah the Almighty has given man a degree over woman for leadership and constancy, but it has nothing to do with preference at all. Allah the Glorified says: They (women) have rights similar to those against them in a just manner, and the men are a degree above them, and Allah is Mighty, Wise. Qur'an, 2:228

The wisdom of Allah has determined that man and woman are equal in rights and duties, but a degree has been given to man over woman in leadership, because Allah has given man more power and strength and made him responsible for guarding and protecting woman. When a woman feels fear and fright, she hurries to seek protection of her man or husband. Therefore, Allah has imposed fight and jihad on man and exempted woman from that. In fact, Allah has imposed on man to fight and be martyred for the sake of woman. Allah the Almighty says: How should you not fight for the cause of Allah and of the feeble among men and of the women and the children... Qur'an, 4:75

This is what I have understood from the Holy Qur'an. It does not mean that Allah has preferred man to woman; certainly not! There may be a man better than one thousand women, and there may be a woman better than one thousand men!

We must take the Messenger of Allah (S) as our exemplar. He treated woman in a way that the history of humankind has never known better than. Despite the fact that some of his wives hurt him, he never hurt any one of them at all. He always ordered Muslims to be good to women. Nevertheless, some bad spirits of the pre-Islamic era have remained among Muslims until now. You may hear that some man has divorced his wife because she did not bear a male child. Until now, they raise from the Qur'an only this motto "and beat them", besides their sayings that "woman is the seed of Satan", "she is sedition", "she is shame", "she is scandal"...etc.

Woman among Muslims has remained underdeveloped and ignorant. She has no right to learn and study. Some people do not agree with her leaving her father's house, except to the house of her husband or to her grave.¹

Some men claim and repeat false traditions before learned men and women that the Messenger of Allah (S) has said, *"The best thing for woman is that she should neither see a man nor let a man see her."*

What kind of mentality is that, which contradicts what has been mentioned in the Holy Qur'an, concerning the freedom of woman and her rights equal to man's? Otherwise, what is the meaning of this saying of Allah: Say to the believing men that they should lower their looks and guard their private parts; that is purer for them; surely Allah is Aware of what they do. And say

to the believing women that they should lower their looks and guard their private parts and do not display their adornment except what appears thereof. Qur'an, 24:30-31

This is very clear evidence on the freedom of woman in going out of her house as man does, and that she is ordered to lower her gaze and observe her modesty exactly as man is ordered to do.

Yes! The mentality of the pre-Islamic age has prevailed to some extent in the Arab and Muslim societies. Muslim men have exploited the degree that Allah has given them over woman to give themselves all the rights and deprive woman of all her rights, leaving her with nothing.

I would not go far if I say that the main reason behind our underdevelopment is our injustice against woman and closing the doors before her - no learning, no culture, no communication, no association, no going out and no right to choose her spouse. Until recently, woman is married without her choice. In fact, how can she choose while she does not know any man?²

Thus, a woman may find herself, in the night of wedding, before a man in age that of her father and she can do nothing except to submit unwillingly, and then it is said to her, "this is what Allah has determined for you; therefore, you have to be patient!" Then, she becomes like a productive milk cow that has nothing to do, except to give birth, suckle, and bring them up because her husband likes to have many children!

Detest and hatred may rise and grow between the two spouses, because the husband is too old and may not understand the needs and feelings of the young wife, and most of the time, he leaves her alone, suffering the pains of the instinct and lust. And since the husband is jealous of her young wife, he tries his best not to let her see any man and not to let any man see her. However, the sexual lust defeats everything and this woman falls in the first opportunity, as a reaction against suppression and deprivation. Consequently, unlawful relations come out. Forbidden fruit is sweet! Many a woman has a lover, and many a man has a lover or lovers and many children are born at the expense of others! Then doubts, troubles, problems, quarrel and lastly divorce comes about. The society is corrupted and high values are replaced by disorders, treasons, adultery, vices, and all sins. Unfortunately, this is what actually happens in our societies nowadays. Therefore, we must face these painful facts and not overlook them or bury our heads in sands like an ostrich.

Since the first day when I understood Islam and became certain that it is the best law at all, I called in meetings, conferences, and publications for the liberation of woman for making her learned and erudite. Surely, woman is the half (or more) of society, and when half of the society is paralyzed, the body of the nation shall not be able to carry out its functions and will die little by little.

Another injustice of our society against woman is that we have thought of the lust of man only and found effective solutions for it, in order to “close the door of excuses”. Therefore, we have built public places for men to satisfy their desires whenever they like, and with no denier or objector! Rather, it seems that the matter is too natural to the extent that sometimes a brother may meet his brother, or some man may meet his nephew or another relative there in that place, and he may feel proud and victorious, because that place is a proof of manhood where
no one can enter it except one who is manly!

If such a man, who feels proud before his fellows that he has gone to such place and been acquainted with different women, comes back home and sees his sister look at passersby in the street from the window, shall turn the house upside down and beat that poor sister until she
bleeds!³

Why did jurisprudents think of the satisfaction of man’s lust and they did not think of the
satisfaction of woman’s lust if they were just?

I do not call for the liberation of woman, as the case is in the corruptive West – where people do not believe in values and good morals and they believe in freedoms only. I call for the liberation of woman within the limits that Allah and His messenger have determined such as hijab, abstinence, modesty and chastity and beyond that she is free to do, as her brother does in her father’s house and as her husband does when she is married. If we actually do that, we
shall save ourselves and our society from corruption, vices and underdevelopment.

There is no doubt that jurisprudents must have thought of that, but they regarded it unlikely to find public places for women to satisfy their lusts, because this is a thing impermissible. They might deduce differently that from the fact that Islam permits man to marry one, two, three or four women at the same time, but prohibits so for women in order to preserve lineages and
children because woman is the one who bears and gives birth and not man.

However, fact is that this instinct is always vital in woman. Therefore, sufficient solutions must
be found to preserve woman’s dignity, honor, and entity exactly like that of a man.

***Has Islam ignored this fact? Has Islam permitted for man what it has not permitted for
woman?***

The Prophet (S) talked much about the subject of sex and gave sufficient solutions to keep the Muslim society safe from corruption and sin. He said, “O folk of the youth, whoever can afford to get married let him get married, because it is better in lowering the (unlawful) gaze and better in being chaste. Whoever is not able to let him fast, for it shall be a protection for him.”⁴
It is a sufficient solution for the youth, who can afford to get married. Through marriage, the youth, males or females, can satisfy their sexual lust whenever it is required and save their

selves from erring. The problem is only with those who cannot afford to get married. At the time of the Prophet (S) also when marriage was so easy and simple and did not cost much, there were young men who could not get married. Then how is it not going to be more of an issue nowadays when marriage has become too difficult and costly for many reasons? From among these reasons is that young men and young women keep on learning until the age of twenty-five, and after that, they look for a suitable job that may assure their living. Then, they must prepare a house with its furniture in compliance with the requirements of the modern ages that have become necessary. One may be, at least thirty years old to be able to get married.

A young man and a young woman, who can biologically get married in the tenth or twelfth year of age, cannot actually afford to get married, except in the age of thirty. Then, what do they do during all these long years? If we say that they have been so abstinent and chaste and have not thought of sex at all, we may be liars to ourselves, for they are human beings and not angels; especially in this age where mixing is something very natural everywhere. A male student mixes with a female one in the university. In fact, since primary school until high education, there is mixing between males and females which often occur away from parents and observers. A girl may live with her boy classmate for nine months, but she does not live with her family except for three months. So what happens there?

The answer is well known by the students themselves and by their teachers, and by everyone who works inside or outside his house.

Temporary marriage is the very solution

We have discussed the wisdom of Allah when we talked about the offering of two prayers at the same time and said that Allah is kind to His people; He has created them, and so He guides them to what benefits them because He is Beneficent, Merciful. And since Allah is kind to His people, so He always wants ease for them. He says: Should He not know what He created?

And He is the Knower of the subtleties, the Aware. Qur'an, 67:14

How can a reasonable one imagine that Allah has created man weak and created in him the sexual instinct that he is terribly excited and then He determined severe punishment on him by either whipping or stoning when he would satisfy this unruly instinct?

Can we convince others to embrace Islam when we show these rulings and then we say that Allah is merciful to His people, Allah wants ease for them, He does not impose on man what he cannot bear or that He has not made in religion any embarrassment or hardship?

Before we try to convince others, can we convince ourselves with this justification? Certainly not!

The sexual intercourse may be practiced without raping, violence or force, but with mutual love, satisfaction, and agreement between a man and a woman where there is no harm against anyone and that precaution is observed so that pregnancy and birth do not take place. Should such a man, who satisfies the desire of a woman whose abstinence and chastity prevent her from committing adultery, be killed? We must think deeply on this subject, especially when we

see the injustice of our societies against woman.

All that does not let inside me a bit of doubt that Allah the Almighty, Who has permitted a sick one or a traveler not to fast in the month of Ramadan and to offer the half of prayers, or to offer the prayer while sitting or lying down in some cases, Who has permitted Muslims to perform tayammum with earth when there is no water, Who has permitted a faithful to pretend unfaith in some cases to preserve his life, properties, and honor, and has permitted Muslims to sleep with their wives in the nights of Ramadan, because He knows that it is too difficult for man and woman to abstain from sexual intercourse for a month that He has said, "It is made lawful for you to go in unto your wives on the night of the fast. They are raiment for you and you are raiment for them. Allah is Aware that you were deceiving yourselves in this respect and He has turned in mercy toward you and relieved you. So hold intercourse with them" Qur'an,

2:187

So if it is so, how would Allah ignore the sexual lust that He Himself has created and is aware of its ferocity and bad results which might destroy societies?

Allah has created woman for man and created man for woman for the sake of tranquility and peacefulness. Allah the Glorified says: And one of His signs is that He created you from dust, then lo! you are mortals ranging widely. And of His signs is that He created mates for you from yourselves that you may find rest in them, and He ordained between you love and mercy; most surely there are signs in this for a people who reflect. Qur'an, 30:20-21

These verses talk about men and women altogether; Allah has created both man and woman from earth, and made one as a mate to another so that each may find peace and tranquility with the other.

Thus, Allah must put a solution to this instinct so that both the male and the female live a pleasant life full of love, mercy and tranquility.

All Muslims have agreed that Allah had mercy on his people, men and women, when He permitted for them the temporary marriage. This mercy came down while Muslims were in utmost need of it. The great companions, who were examples in faith and piety, could not be patient with their sexual desires. They complained to the Prophet (S) and asked him to permit them to castrate themselves.

Al-Bukhari has mentioned in his Sahih that Qays ibn Abdullah (may Allah be pleased with him) said, *"We were with the Messenger of Allah (S) in a battle, and there were no women (wives) with us. We said, 'O Messenger of Allah (S), can we castrate ourselves?' He prohibited us from doing that. Then, he permitted us to marry women (in temporary marriage) for a garment (as simple dowry), and then he recited: O you who believe! do not forbid (yourselves) the good things which Allah has made lawful for you. Qur'an, 5:87"*⁵

Praise be to Allah! Glorified is He! How kind and merciful He is to His people!

The Prophet (S) prohibited his companions from castration and permitted them for temporary marriage. He prohibited them from forbidding temporary marriage because it is from the good things that Allah has permitted for them. This is clear evidence on the mercy of Allah to His people, lest they harmed themselves by castration which was prohibited.

Therefore, sexual desire is a nature in man that must be satisfied and not suppressed, because its suppression causes psychological and bodily diseases. Men (and woman) have to satisfy this desire within the legal limits that Allah has determined and the Prophet (S) has declared to Muslims.

This great mercy (temporary marriage) that Allah had given to His people and all Muslims acknowledged its lawfulness in the Holy Qur'an were prohibited later on. Most people claimed that it had been prohibited by the Prophet (S).

We say to these people that this claim cannot be accepted by sound reason, because this gift of Allah was permitted to solve the problem of the sexual desires for a Muslim man and a Muslim woman. Then, is this problem no longer available so that this permission has to be annulled? Or does the Prophet (S) have the right to prohibit what Allah has permitted? Is there one thing in the Islamic Sharia that Allah had permitted for His people and then He prohibited it?

By Allah no! There is nothing of that at all. May Allah have mercy on Ameerul Mo'minin (a.s.) who said: Temporary marriage is a mercy that Allah has given to His servants. Were it not for the prohibition of Umar, no one would commit adultery except a wretched one!⁶

In this discussion, we do not want to prove the legality of temporary marriage, for we have already proved that in our book 'To be With the Truthful', but we want to say that the Ahlul Bayt (a.s.) have said it is lawful until the Day of Resurrection, quoting their grandfather the Messenger of Allah (S). We say that the Ahlul Bayt (a.s.) have done Muslims great favors, which has preserved their religion and high values that keep pace with all ages and face all challenges.⁷

In the end, Muslims shall find no way that leads to the best, except by the way of Ahlul Bayt

(a.s.) and no school that complies with modern ages and overcomes all challenges, except the school of Ahlul Bayt (a.s.) that have been based on the Qur'an and the Prophet's Sunna. Allah says: Is He then Who guides to the truth more worthy to be followed, or he who himself does not go aright unless he is guided? What then is the matter with you; how do you judge? Qur'an, 10:35

Temporary marriage was legislated for woman's welfare

Temporary marriage is a divine mercy that Allah has endowed on His servants. It is for the welfare of men and women with no difference. However and as we have said before, men have absolute freedom and they can enjoy themselves in the public places that are founded for this purpose and protected by the law. Moreover, men have the right to marry two, three or four wives at the same time; therefore, sexual pleasure is available to them wherever and whenever they like.

On this basis, I can deduce that temporary marriage which Allah has permitted, is to make the rights of a woman to be equal to the rights of a man in this aspect, because this kind of marriage does not prevent woman from getting married to more than one man and even to many if she observes the iddah and the other conditions of this marriage. The only difference between man and woman in this regard is that man can get married to four women at the same time, but woman cannot get married even to two men at the same time. This is because of the reason that we have mentioned before that there is a possibility that the sperms of two men may gather in the womb of one woman, and then it is not known which man is the father of the child created in the woman's womb, whereas this is impossible for the man who has many wives.

This is the rule of Allah that we find even in tame animals that live with us. If we put a ewe with two rams, there shall be a bloody quarrel leading to the death of one of them. If we suppose that both rams copulate with the ewe, then we are not certain which of them impregnates the ewe. If we put one ram with a herd of ewes, there shall be no quarrel, and we are certain that all the born sheep are children of that ram. What we say about rams and ewes can be said about hens and cockerel, rabbits, camels, cows, goats...etc. Allah says: There is no animal that walks upon the earth or a bird that flies with its two wings but (they are) genera like yourselves. Qur'an, 6:38

Once, someone said to me, *"If the matter is so, then a sterile woman can get married to two men at the same time, because the cause has fallen off."*⁸

I said, "This is not possible, because the Islamic rulings are not limited to causes that when a cause has fallen off, the ruling is annulled. If we say that the cause of the prohibition of wine is

the loss of one's reason where Allah says, "O you who believe, do not go near prayer when you are intoxicated until you know (well) what you say," Qur'an, 4:34, Then, is the one who is not intoxicated after drinking a cup or two of wine, not subject to this ruling?

Certainly not, O my friend! That substance whose much quantity causes intoxication, the little of it (even one drop) is also unlawful.

And if we say that the cause of the prohibition of pig is impurity and filthiness, then will eating its meat be lawful when it is sterilized and all microbes are removed!?

The rulings of Allah do not rely on only one cause. There may be many causes that no one knows except Allah the Almighty. Therefore, we must be satisfied with the rulings of Allah and accept them willingly and submissively, because Allah does not want for His people except what brings them good and prosperity. Allah says: Is it then the judgment of (the times of) ignorance that they desire? And who is better than Allah to judge for a people who are sure?

Qur'an, 5:50,

That is Allah's judgment; He judges between you and Allah is Knowing, Wise. Qur'an, 60:10

Therefore, Muslims have to be submissive and obedient.

Allah says: It behoves not a believing man and a believing woman that they should have any choice in their matter when Allah and His Messenger have decided a matter; and whoever disobeys Allah and His Messenger, he surely strays off a manifest straying. Qur'an, 33:36

On this basis, believing men and believing women have to accept the decree of Allah concerning the matter of temporary marriage and to thank Him for this mercy, especially woman whom Allah has given through this marriage all the rights, whereas man only has the right to accept or not.

In the continuous marriage, man has "the right of bed" that whenever he asks her wife to sleep with, she has no right to refuse. A husband has the right to sleep with his wife whenever he likes. She even has no right, legally, to fast recommendable fasting (not even in Ramadan) except by his permission. Allah says: Your wives are a tilth for you, so go into your tilth whenever you like. Qur'an, 2:223

Man has also been given the right to divorce his wife. Allah says: O Prophet! when you divorce women, divorce them for their prescribed time (iddah). Qur'an, 65:1

Man also has been given the right to return his wife (to marital life) before the end of the iddah. Allah says: Their husbands have a better right to take them back in the meanwhile if they wish for reconciliation. Qur'an, 2:228

Man has the right too to divorce his wife three times (trio-divorce). Allah says: Divorce may be

(pronounced) twice, then keep (them) in good fellowship or let (them) go with kindness...and if he divorces her (for third time), she shall not be lawful to him afterwards. Qur'an, 2:229-230
Man has been given the right to marry more than one wife (at the same time). Allah says: Then, marry women as seems good to you, two and three and four. Qur'an, 4:3

However, in temporary marriage everything is in the hand of woman; she is the one to decide. She recites the wording of the marriage contract, and man only accepts or refuses. Woman is the one who determines the period of this marriage, and consequently determines her divorce with no condition or tie. She has the right to put any condition she likes against man. She may say to the husband, for example: On condition that you do not leave me all this time and do not marry other than me. Or she may say: on condition that you do not have sexual intercourse with me, or on condition of sexual intercourse but to ejaculate out of the womb lest I bear. Or she may say: on condition that we spend the honey-moon in Holy Mecca.

In temporary marriage, woman can stipulate whatever she likes. Allah says: Then as to those of whom you seek content (by marrying them), give them their dowries as appointed; and there is no blame on you about what you mutually agree after what is appointed; surely Allah is Knowing, Wise. Qur'an, 4:24

It suffices woman as honor that she can marry herself in temporary marriage without the permission of her guardian (her father for example). In another word, it is woman who gets married to man in this kind of marriage.

Temporary marriage and its benefits

Unfortunately, Muslims do not look at this marriage except by the eye of criticism. They do not discuss except its negative points, which are very little, and do not see its positive points which are very many.

In fact, everything has negative and positive points. As this kind of marriage was not practiced since the time of Umar ibn al-Khattab, who prohibited it with no any legal cause, so people consider it as adultery and they look at it disgustingly. This does not mean that it is disgusting, but because people have neither known nor practiced it.

It is like the offering of two prayers at one time, or like the khums, or wiping the feet in wudhu'. Despite that they have been available in the Holy Qur'an and despite that the Prophet (S) has practiced and ordered Muslims to practice them, most of people are ignorant of them. Muslims find them strange for nothing, but just because they are not familiar with them in their daily life.

You see that they do not find adultery as strange as they find temporary marriage strange! A young woman often tried to incite some young man to commit adultery with her. When he refused and suggested that they should get married in temporary marriage, she refused and

said that she did not know this kind of marriage.

If you argue about the matter of temporary marriage with Sunni scholars and prove its legality with irrefutable proofs from al-Bukhari and Muslim and when they are embarrassed before the evidences, they say that this marriage is a kind of humiliation to woman. When you prove to them the opposite, they begin talking nonsense and say: will you marry me your sister or daughter in temporary marriage?

They speak with the mentality of domination over woman. They often say that woman cannot marry herself (to someone by her will) and that her marriage is in the hand of her guardian. They think that woman is like a cow that is sold and bought, and that she has no right to choose her husband. Indeed, this is the very humiliation to woman and not her temporary marriage.

Temporary marriage is a mercy from Allah for woman and it is not a kind of humiliation. She has the full right to refuse temporary marriage and no one can ever force her to accept it. If they think that this kind of marriage is humiliation to woman, then what do they say about polygamy where another fellow wife or other fellow wives are brought home inspite of her presence and without her agreement or willingness to participate with her in everything; her husband, her house, and later on the inheritance?

Is this worse or that when her husband gets married for a short period (temporary marriage) to some woman who shall share with wife, besides that this wife may not know anything at all about that marriage, which shall end soon, and about that second wife, who shall leave back for her own life?

We have said before that temporary marriage within its legal conditions and limits is for the advantage of woman and not for her disadvantage. As temporary marriage is not obligatory and as it cannot be imposed on anyone, man or woman, against his or her will, so what for is all this nonsense, defamation and accusation?

I am so sorry for this afflicted nation that claims the love to the Prophet's progeny (S), while it contradicts them in all rulings which they narrated from their grandfather the Prophet Muhammad (S) and did according to these rulings. Despite that Ja'fari School (Shiism), which is the jurisprudence of Imam Ja'far as-Sadiq (a.s.), is taught in al-Azhar University in Cairo, many people because of fanaticism, still doubt it and doubt it belongs to Imam Ja'far as-Sadiq (a.s.).

It is certain that the twelve infallible imams (a.s.), at the head of whom is Imam Ali (a.s.), called among people for the legality of temporary marriage and said that it was a mercy for people. Abdullah Ibn Abbas, as well, often said to people that temporary marriage was lawful. Muslims

were divided into two parties; one of minority who followed and did according to the doings of the Ahlul Bayt (a.s.), and the other one of great majority who followed the caliphs (but not Imam Ali a.s.) and companions.

Matters have remained until now as they were before; the followers of the Ahlul Bayt (a.s.) see temporary marriage as lawful, and the followers of the caliphs see it as unlawful.

After all and as we offer this study, we do not want to force anyone to accept it. People are free to choose what they see as true, but we have to uncover the hidden facts so that the truth becomes clear and shiny before whoever intends and looks for it.

In our view, temporary marriage has many benefits: If a male student and a female student, who live together throughout the school year while they are in the age of intensity of sexual passion, get married temporarily, they shall be in intimate companionship and association even if they do not have sexual intercourse when they both agree to this condition.

This may last for the period of their study, and after that, they can decide either to separate, or conclude a contract of continuous marriage if they want. In fact, the first marriage shall give the two spouses more chance to know each other in the best way and shall be able to get over all the obstacles that may face them in their continuous marital life.

This marriage shall give them relief, peace and tranquility and make them proceed with their studies easily. Their relation shall be lawful and honest and shall make their consciences satisfied and pleased and consequently Allah will be pleased with them. They shall be safe from troubles and suspicious looks of other students, who when they know about this marriage shall stop to trouble them.

On the other hand, if a female student moves from one young man to another, having in her handbag tens of love letters from this and that besides the contraceptives for fear of pregnancy and scandal and if young men move from one girl to another to taste the honey of each one, as bees tasting flowers, and play with the fates, futures and feelings of those girls, paying no any attention to the honor, dignity, and feelings of their families, and when those girls finish their studies and return to their homes followed by suspicions and accusations that shall cause them tens of complexes arising from the leaving of those traitors who promise and after satisfying their desires, leave those deflowered girls alone to be later on filled with rage and spite against the society and to try avenge for themselves by every means - it shall be found not strange by those pretending scholars!!!

A traveler, who travels for a long period away from his home and wife, may be able to be patient (with his sexual desire), but if not, he has to get married in temporary marriage to assure his ease, tranquility, and faith. His wife may agree willingly when she knows that her

husband has followed the lawful way and kept away from unlawful ways. A wife knows her husband well and shall prefer him to be in the house of an honest and upright woman, who gets married to protect her honor and honesty and make use of Allah's mercy rather than to look for a prostitute in a street every day who takes his money and gives him fatal diseases after having slept with other men many times on the same day. Surely, there is nothing of that in temporary marriage, as one from among its conditions is that the woman having married in temporary marriage has no right to remarry except after having undergone all the iddah of her first marriage which is a period of two menstruations or two months for a woman in menopause.

Temporary marriage can solve the problem of a spinster who has not married for one reason or another. Islam permits her to satisfy her desire in this lawful way.

Temporary marriage also solves the problem of a widow who does not want to marry in continuous marriage for the sake of her children or any other reason.

How often it happens in our Arabic societies that a beautiful woman falls in love with a teenager or a young man in the age of her son. This woman may sleep with this teenager and remain doing so secretly in unlawful association. Temporary marriage makes their association lawful and preserves their honor and dignity.

A woman, who is afraid to travel alone or that some countries may prevent her from traveling except with a non-mahram, can conclude a contract of temporary marriage just for the purpose of travel. Marriage in this case can be without sexual intercourse.

A man, who has a female servant at home, is not permitted by Islam to touch any part of her body or look at her while unveiled, and her full veil may embarrass her when doing her job in the house and before her master. This man can conclude a contract of temporary marriage between his young son(9) and the servant inasmuch as for the period of her employment, and thus she becomes his daughter-in-law who is mahram to him. In this way, there shall be no problem or embarrassment.

A young woman, who remains alone for hours in the house of a man for learning special lessons or a foreign language, or any other reason, can conclude a contract of temporary marriage with that man to avoid that forbidden privacy, about which the Prophet (S) said, "No man and a woman are alone in privacy except that Satan becomes the third of them." In this way, this privacy shall be lawful and the woman can put off her hijab before her teacher or shake hands with him. However, she can stipulate any condition she wants.

There are many other cases where temporary marriage becomes mercy for people lest they commit sins, which may cause the society much corruption and many physical and

psychological diseases. Temporary marriage, in many cases, is the only solution to save society from these diseases and to preserve honors, lineages, dignities, and nobilities.¹⁰

Say: Surely Allah does not enjoin indecency; do you say against Allah what you do not know.

Qur'an, 7:28

Surely Allah enjoins the doing of justice and the doing of good (to others) and the giving to the kindred, and He forbids indecency and evil and oppression; He admonishes you that you may be mindful. Qur'an, 16:90

Notes:

1. There is no doubt that a jurisprudent or a preacher is the son of his milieu and society. He carries out his mission within the reality he lives in; therefore, he does not tire himself to show the ruling of Allah, face new changes, and keep to justice. He may not observe whether people in that society are excessive or wasteful. For example, is woman wronged, or she is given her full rights?

Let us not rely on some weak traditions that do not fit our milieu and social backgrounds. A jurisprudent may not talk about the essence of hijab (Islamic veil), learning of woman, mixing (of males and females), the influence of the TV...etc, but he does not wake up, except when he is shocked by changes, sudden events and the cultural invasion of the west against us, and then he behaves as a surprised one; either he clings to his heritage and fanaticism, or gives a fatwa in a hurry and after sometime, hesitating between nomadism and modernity, open and closed society!

2. The books of history and biographies mention that women came to the meeting of the Prophet (S.) and asked him to find them good husbands. Once, some women came to the Prophet (S) and said to him, "We cannot be alone (to talk) with you in your meeting of men..." He assigned to them an appointment in the house of someone, and then he went to them at the appointed time and place.

The Prophet (S) permitted women to do some works. He said to the wife of Abdullah ibn Mas'ud, who was forced to work to spend on her husband and children, "...you shall have reward for your spending on them, so spend on them!" There are too many examples concerning the affairs of woman, showing her freedom and rights.

3. Some Sunni jurisprudents gave a fatwa that one, who looks at a foreign (non-mahram) woman, is to be whipped (one hundred whips), relying on the saying of the Prophet (S), "The two eyes may commit adultery", mentioned by Ahmed ibn Hanbal in his Sunan and by at-Tabari in his al-Kabeer from Abdullah ibn Mas'ud.

4. Sahih al-Bukhari, vol. 6 p. 117.

5. Sahih al-Bukhari, vol. 5 p. 189.

6. Refer to Temporary marriage by Abdullah al-Fakiki, and To be with the Truthful by Muhammad at-Teejani as-Sammawi (the author of this book) where he mentions the sources of this tradition. From among the books that have been written on Temporary Marriage is al-Fusool al-Muhimmah by Sayyid Sharafuddeen al-Aamili, Juristic Questions by the same author, al-Bayan by Sayyid al-Khoei, al-Ghadir by Allama al-Amini, Mut'ah (temporary marriage) in Islam by Sayyid Husayn Mekki, Temporary Marriage by Sayyid Muhammad Taqi al-Kakeem, Temporary Marriage in Islam, by Sayyid Ja'far Murtadha, and the introduction of Mir'atul Uqool.

It is said that Imam Malik had permitted temporary marriage. Refer to al-Hidayah fee Sharh al-Bidayah, p. 385, Poulaq Press, printed with al-Fatth al-Qadeer. It is also said that Ahmed ibn Hanbal had permitted it with necessity; refer to Tafsir ibn Kathir, vol. 1 p. 474, and some other companions!

There are traditions narrated from Ibn Abbas, Ubay ibn Ka'b, Mujahid, Sa'eed ibn Jubayr, ibn Mas'ud, as-Sadiy and others who agreed when reciting this verse: And those of whom you seek content (by marrying them) TO A FIXED TERM. Qur'an, 4:24

There are about more than twenty traditionists and exegetes from the Sunni who have said that temporary marriage is lawful.

7. Since the matter of sex brings societies heavy burdens, some Sunni ulema, after having found that temporary marriage is a lawful way to solve many problems, began permitting it to their youth, but under different names and with different facades!

8. The matter is not material only. Today, science shows us a quick result whether there is pregnancy or not, but the matter is related to moral and spiritual things; the material purity of the womb is not the basis. For example, the woman, whose husband divorces her after he has not slept with her for a long time that may be years for some reasons, has to undergo the iddah since the first moment of divorce.

9. The boy may be no more than some years, and it is not intended in such a marriage that the sexual intercourse happens, but it is just to make lawful through this marriage what is unlawful without it. This does not mean to make lawful what Allah has prohibited, for this is of disbelief, but to follow what the Sharia may permit. Shaking hands with a non-mahram woman is not lawful, but it becomes lawful after a legal contract of marriage with that woman.

10. When I was preparing a thesis for higher studies in one of the Sunni colleges, I heard one of the female officials of the college blaming a teacher why he did not visit her the last night where she had prepared a gateau and been waiting for him. The teacher was trying to

apologize.

I say: if there is no contract of continuous marriage or temporary marriage, then what shall be
!!?the legal excuse for them to meet and mix as man and woman