

## Temporary Marriage in Islam Part 7: The Necessities and the Advantages of Mut'a

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Sexual feelings are strong forces within human beings which are created by God, and like any other force or instinct, should be directed and supervised. Marriage is God's legislation to direct this very strong force which might otherwise destroy the human being's prosperity and salvation. Permanent marriage is the most recommended form of marriage, however, there are situations in which for different reasons permanent marriage, where the intention is to construct a family, is NOT possible. Then what should be done in these cases? Can we accept that God has left us on our own in this important issue, or should we expect some legislation in this case as well? If we do not accept temporary marriage, there are two options left:

1) Sexual promiscuity and licentiousness, with all its results. This is what happens (and is promoted by media, Hollywood, etc.) openly in the West, and not very openly in other cultures.

2) Suppressing all sexual feelings and instincts until a permanent marriage is possible. There are, however, a few problems with this choice:

A) It is not possible to enforce it in any large scale form, as a general rule for society.

B) Even if we assume that it can be enforced, it may cause psychological disorders, and many other complexities. Suppressing natural needs and instincts (sexual or otherwise) is not a healthy practice and Islam does not approve of it either.

It is evident that permitting temporary marriage (until a permanent marriage becomes possible) is the best solution. Mut'a is just a sanctification of the boyfriend/girlfriend relationship. Two people may also

live together all their lives without marrying. But a marriage ceremony sanctifies the relationship. The couple acknowledge their actions as fulfillment of God's will and not merely their personal desires. They are under an obligation to God to fulfill their commitment. In a similar way, Mut'a sanctifies what would otherwise be just a boyfriend/girlfriend relationship.

One person mentioned that the Imam 'Ali's (as) narration: "If it were not for Umar's prohibition of temporary marriage no one would commit adultery except a wretched" is not acceptable because it draws a distorted picture of men's sexuality! Well, I must say that it is not just men who commit adultery, and Imam 'Ali (as) is referring to both men and women. Temporary marriage, as well as permanent marriage, has two sides, and both sides are supposed to benefit from it. Consequently, depriving them for these benefits may cause both men and women to go wrong.

It seems that some people have no problem with what is promoted in the West, with a culture of nudity and nakedness, with using women as advertising objects, with reducing the sexual values and ethics to the garbage and obscenity we see everyday on TV, media, etc. There is nothing humiliating and unethical about using a young, pretty, half-naked girl (the ideal woman!) as a sex object to sell beer. A woman selling her beauty to a magazine or show is considered to have a "respectable" career and is called a "model"! What a meaningful terminology!

On the contrary, playing the role of a "mother" in a family is considered to be unimportant, if not humiliating. Being boyfriend-girlfriends is accepted as a sign of freedom, culture, and growth. However, if we talk about temporary marriage suddenly these people start to cry!

Some also believe that the spread of pre-marital relationships in the West is not completely a result of moral breakdown, rather it is also due to changed socio-economic conditions. In older times, marriage was simpler and the average age of marriage was much lower. In today's complex society, it is no longer possible to be economically self-sufficient enough to get married until one is nearly thirty years old. This means that the only option to avoid pre-marital relationships is to extend the period of pre-marital celibacy to as much as 15 years.

Education is another obvious example. The man and woman usually can not find a job if they are unskilled or uneducated, and therefore financial independence is not feasible in the early stages of their life. Such prolonged celibacy is unnatural and cannot be sustained in any society for long. This is one reason why the traditional marriage customs broke down in the west during the last 30 years.

Today, most Muslim countries are also rapidly modernizing. It is inevitable that they will also face many of the pressures that most Western countries are facing. They have a choice to make. They can either try to mount a futile struggle against inevitable change and face a chaotic breakdown of their traditional customs. Or they can courageously take the initiative and revive the Islamic values such as Mut'a to respond to changing needs of the society in the true spirit of Islam. Choosing the second option will be a satisfying answer to the problem of prolonged pre-marital celibacy. Allowing an open and honest

relationship committed to in the name of God with best of intentions, will discourage secret or promiscuous sexual behavior which is much more harmful to the moral fabric of a society.

Below I have summarized few reasons, out of many, for the necessity of Temporary Marriage, and the advantages associated with it:

1)As I mentioned, temporary marriage is not necessarily a sexual relation, and it could be for many other reasons. One purpose could be: getting to know each other closely. In the Shi'a communities it is even widely applied for a virgin girl to enter into such temporary marriage with the condition that the marriage is not to be consummated.

This is actually for done a boy and girl want to permanently marry, but they don't know much about each other, and to familiarize themselves to each other, they will enter to such contract few months before the official permanent marriage. This period is what is known as "engagement". The engagement for the Shi'a Muslims means that they have contracted Mut'a marriage. (There is no other way for engagement in Islam!)

In this period the boy regularly visits the girl in the house of the girl's parents and he is considered as a part of their family. They are "Mahram"to each other (i.e., boy can see the girl and her mother without head-cover, as a result of temporary marriage contract). They talk, study, have fun, go to picnic along with their parents, and so on. The boy and girl are husband and wife, but the only thing that they can't do, is to sleep together.

This gives an opportunity to the boy and the girl in order to know each other more closely and to see if they can live together for the rest of their life and if their personal feelings are sort of compatible. Usually if something is found to be wrong, they will break up before the time when they want to permanently marry. This helps to decrease the rate of divorce in permanent marriage (when the permanent marriage may have been consummated and they may even have children) which is the worst thing in the family life.

2)Another justification about temporary marriage is that, in Islam, the right of divorce has been given to the husband and not the wife. Also according to the Islamic teaching, a girl and a boy can not be with each other before marriage. So if the only way in Islam was to permanently marry, then this would be unjust towards a woman who does not know his husband before marriage.

What if the woman later finds out that she does not have a very happy life with her husband because they are not morally compatible? Is she is bound to live with the husband that she didn't know and she does not like him to the extent that she desires? The answer for permanent marriage is Yes. She can not get divorced unless her husband wants to divorce her. (Under some circumstances, a Muslim scholar/Judge can divorce her if she can prove that she is being harassed and is deprived of her rights or her man is sexually impotent, etc. But this is not likely to happen if she just does not like her husband too much or if she finds that she does not have too much compatibility and interest with her husband.

Moreover, such procedure is risky, since the verdict of judge may be different than the wish of woman).

The option of temporary marriage removes this unjust look of authority. In Temporary marriage a girl and a boy have opportunity to live together for sometime to find if they will see a good future for their permanent marriage. As I said, the couple entered in temporary marriage contract may put the condition at the time of contract that the marriage is not to be sexually consummated. The guardian of the girl can also enforce such condition and the couple can just visit each other during the day to talk, study, and take part in any other non-sexual activities.

3) Temporary marriage is a conditional marriage. The purpose of such contract can be even only for talking to each other. Although necessary talks between two sexes in order to get along with daily life, without evil intention and without possible evil consequences, is not forbidden in Islam, but a man and woman who are presently unmarried and who are in close contact with each other due to the job, study or whatever, are encouraged to enter to such contract. This removes any possibility of sin.

4) In another case, a boy and a girl may not have reached to a point to manage a family life with all financial and legal responsibilities. Or they might be able to manage it financially but they are in a temporary situation where they can't plan for permanent marriage, like bachelor students who come to other countries to study where they may not be able to find a good match for the permanent life in the foreign country as a result of cultural differences. If they feel they can't stand emotionally, they may enter to such contract for the few years that they are away from home.

In any situation, if one can not control himself/herself, it is necessary to either temporarily or permanently marry. Obviously, temporary marriage is more practical in such situations.

5) In each community, there are some women who have lost their husbands either by death or divorce, and no body had offered them a permanent marriage proposal after their first husband. She will have to do one of the three things:

First to imprison the calls of nature in her body and bury her feelings, and then become like a nun.

Sometimes this happens when the society tries to keep her as a prisoner of injustice, cultural traditions, and priesthood which Islam has made illegal.

Second, she also could fight back and run towards indecency and immorality which is what happened in the western societies. Third, she could also become poor, weak, and homeless if she could not find a job to support herself.

Islam should have a solution for such problems and emotional needs, and that is temporary marriage which she could benefit to the time she finds a qualified permanent husband. Of course, she can refuse to marry either way, and agree to a life of piety and loneliness away from any marriage, then that's no problem! The problem occurs when the matter becomes one of the two: whether she would fall into indecency as what happened in the western societies, or whether she would preserve her chastity from

sin through temporary marriage, based on the rule of Almighty God and His Messenger (S).

6)According to the Islamic teaching, although the permanent marriage of a Muslim man with a woman from the People of the Book is not forbidden, but it is discouraged (Makrooh). Because permanent marriage is a plan for the whole lifetime while there is no guarantee that such woman will change her belief in future. Islam is not a custom but is a complete way of life. Such marriage could not be a successful marriage if the opposition in beliefs and practices wants to continue for the whole lifetime.

In contrary, temporary marriage is a plan which expires after its period, and by that time, it would be apparent if the non-Muslim woman is really interested in the teaching of Islam, and whether she is a suitable match for the whole lifetime.

7)A nice aspect of temporary marriage is that the couple can extend the period of their contract or even can convert the temporary marriage into a permanent marriage if they find that they both wish to live with each other permanently. They can do this only after the expiration of the first contract, or else the man can waive the rest of time period to his wife, so as to finish the temporary marriage earlier, and he should give her the dower (if it has not been paid yet), and then start a new contract with her with another specified period with a new dower. When the woman remarries the same man, she has no waiting period.

This latter method of renewing the contract is established by a tradition related from Imam Ja'far al-Sadiq (as). He was asked about a man who married a woman for a period of one month, but then found that a love for her was developing in his heart. Before the period expires, could he renew the contract and increase the time period and dowry? The Imam answered that such a course of action was not permissible so long as the first contract remained in effect.

Therefore: "He must return to her the remainder of the days (of the contract) and then set up a new contract."(Wasa'il al-Shi'a, v14, p478). This way guarantees that woman has free choice without any pressure or temptation to decide if she would like to renew the marriage after she has fully received the dower of the previous marriage contract and after the previous marriage has ended.

In any way, it is necessary that the contract be repeated all over again, with specifying dowry (Mahr; Sidaq), new permission of the father of virgin girl (if the case), and also the marriage sentences ('Aqd) need to be spoken literally again. The acceptance in heart is not enough, and some specific words should be uttered. One of the requirements of any kind of marriage is verbal offer and equal acceptance by the other party or their authorized representatives.

8)Temporary marriage is not like polygamy which should be rare. It can be widely applied in an ideal Islamic society. Temporary marriage will result in less divorce rate, less rate of the youth committing unlawful sex, less eye-contact sins and so on.

There are many more advantages for this Sunnah of the Prophet (S), but here we are limited by space.

Tawfiq al-Fukaiki in his book "The Mut'a and its effect/benefit on society", in Arabic, discusses some of the would-be benefits.

However, we emphasize that the allowance of temporary marriage should not cause the importance of the institution of permanent marriage and family to be overlooked. All efforts should be made to promote permanent marriage, to eliminate the barriers and problems in its way.

Therefore, temporary marriage, in general, should be looked upon as a secondary measure to protect both society and the individuals from the effects which otherwise would rise. It is not very difficult to see these problems both in the West and in the "Islamic" countries.

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