



## Temporary Marriage

Of the basics and foundations on which Islam was built was the gradual implementation of injunctions so that people can be prepared to apply these without shock or surprise. In this manner, the impact of the injunctions is less strenuous.

This gradualism requires the permissibility of some actions as a temporary measure to deal with situations and circumstances. Then these permissions end as the purpose which they aim to serve is no longer a necessity. Then when the law of Allah was fully revealed, this law remained applicable until the Day of Judgement.

Our divine law was completed with the words of the Most High:

**"Today I have perfected for you your religion, and completed upon you my favour, and accepted for you Islam as a way of life." [5:4]**

After the revelation of this noble verse, there was no longer any change or exchange. This gradualism in implementation has included many religious laws such as the law relating to alcohol, and the law relating to inheritance and others.

In this short treatise we are focusing on temporary marriage and what is linked to it of practical wisdoms which have been missed on many amongst the common people, to an extent that it facilitated the spread of many false claims about the law of Allah (subhanahu wa ta'ala), lying about his Messenger (Sallallahu Alaihi Wa Sallam) and hatred of his righteous Companions (Radiallahu Anhum).

### What Is Temporary Marriage?

It is a temporary marriage upon agreement of the two parties. This temporary marriage was a custom amongst eastern countries, as it was also practiced by some men at the dawn of Islam on their long journeys. Abdullah Ibn 'Abbas (Radiallahu Anhu) said:

**'Temporary marriage was at the beginning of Islam. A man would come by a town where he had no acquaintances, so he would marry for a fixed time depending on his stay in the town. The woman would look after his provisions and prepare his food until the verse was revealed:**

**"Except to their wives or that their right hands possess." (23:6)**

**Ibn 'Abbas explained that any relationship beyond this is forbidden.'**  
(Tirmithi)

As temporary marriage was a custom amongst Arabs in the days of ignorance, it would not have been wise to forbid it except gradually, as is the manner of Islam in removing pre-Islamic customs which were contrary to the interests of people. It is well established that temporary marriage does not agree with the interests of people because it causes loss to the offspring, uses women for fulfillment of the lusts of men and belittles the value of a woman whom Allah has honoured.

The Evidence of its Illegality is stated in the Qur'an:

**"So whatever you enjoy from them, give them their recompense, this is an obligation." (4:24).**

This is the verse relied on by those who support temporary marriage. They rely on it either in ignorance or in order to fool others, giving a superficial meaning to the verse without referring to the interpretation of it, and without availing the correct interpretation to the general public. The following is the interpretation of it:

Imam Qurtuby says in his commentary on this verse:

**"the payment in the context is the dowry. It has been called recompense because it is a fee for the enjoyment. This is a support for dowry being a recompense."**

Al-Hasan, Mujahid, and others said:

**"The meaning relates to what you have enjoyed through your union with women in proper marriage, so "give them their recompense" that is, their dowries."**

Ibn Khuwayz Mindad said:

**"There is no support and it is not permissible to use the verse as a permission for temporary marriage as the Messenger of Allah (sallallaahu 'alayhi wasalaam) has warned against and has forbidden temporary marriage as Allah Most High said:**

**"So marry them with the permission of their families."(4:25)**

It is natural for the marriage to take place with the permission of the parents, this is a proper marriage which has a trustee and two witnesses, temporary marriage is not like that. 'Aisha said:

**"It has been forbidden in the Qur'an in the words of the Most High: "And those who preserve their private parts except with their spouses or what their right hands posses, then they would have no blame." [23:5]**

Temporary marriage is not regarded as a proper marriage, and the spouse does not fall into the category of what the right hand possesses.'

Ibn Katheer says in his commentary on this verse:

**"As you enjoy them, give them their dowries as the Most High said: "give women their money as a gift" [4:4]. He has interpreted the generality of this verse to include temporary marriage saying: 'There is no doubt that it was permitted at the dawn of Islam, and became forbidden afterwards."**

Ibn Jawzy says in regards to this verse:

**"Some commentators have said: what is meant by this verse is the temporary marriage, and then it was superseded with what has been reported from the Prophet (sallallaahu 'alayhi wasalaam) when he forbade temporary marriage. This interpretation has no basis. The Prophet (sallallaahu 'alayhi wasalaam) permitted it then forbade it with his own words, so his later prohibition supersedes the permissibility. As for the verse, it does not touch on temporary marriage. It only relates to enjoyment through proper marriage."**

The Evidence of its Illegality from the Sunnah:

There is a plethora of statements of the Messenger (sallallaahu 'alayhi wasalaam) which forbid temporary marriage, some of the Hadith include:

1. According to Sabra Bin Ma'bad Al-Juhany who said:

**"I was with my cousin when we passed by a woman who liked my youth and a robe which my companion had. So she offered temporary marriage with the robe as the dowry. I married her and spent the night with her. In the next morning, I went to the mosque and heard the Messenger of Allah (sallallaahu 'alayhi wasalaam) saying: 'O people, I had permitted you temporary marriage before, whoever of you has any part in it currently must part with her, and do not take back anything which you may have given them, as Allah Exalted and Majestic has forbidden it until the day of resurrection." (Muslim)**

2. Ali Bin Abi Talib (Radiyahallahu Anhu) said:

**"The Messenger of Allah (sallallaahu 'alayhi wasalaam) had forbidden temporary marriage on the day of Khaybar and had forbidden the eating of the meat of domestic donkeys. (narrated by Bukhari/Muslim)**

3. Ali (Radiyahallahu Anhu) also said to a man:

**"You are a straying person, the Messenger of Allah (sallallaahu 'alayhi wasalaam) has forbidden temporary marriage and the meat of domestic donkeys on the day of Khaybar." (Narrated by Muslim/Bayhaqi)**

4. Imam Az-Zuhry said:

**"We were with 'Umar Bin 'Abdul Aziz and we recalled temporary marriage. Then a man called Rabee' Bin Sabra said to him: 'I testify that according to my father that it happened that the Messenger of Allah (sallallaahu 'alayhi**

**wasalaam) had forbidden it on the farewell pilgrimage.' " (narrated by Abu Dawood/Ahmad)**

5. Ibn 'Umar said:

**"When Ali was given the Caliphate, he thanked Allah Most High and praised Him and said: 'O people, the Messenger of Allah (sallallaahu 'alayhi wasalaam) had permitted temporary marriage three times then forbade it. I swear by Allah, ready to fulfil my oath, that if I find any person who engages in temporary marriage without having ratified this with a proper marriage, I will have him lashed 100 stripes unless he can bring two witnesses to prove that the Messenger (sallallaahu 'alayhi wasalaam) had permitted it after forbidding it.' " (Ibn Majah)**

This evidence illustrates the correctness of the consensus about its prohibition. Particularly as 'Umar Ibnul Khattab (Radiyallahu Anhu) had mentioned its prohibition from the pulpit and stated its punishment, and reminded the congregation that the Messenger of Allah (sallallaahu 'alayhi wasalaam) had prohibited it and strongly admonished against it. This was at the presence of both Al Muhajireen and Al Ansar (i.e. the prominent Companions of the Prophet) and none disputed it with him or differed with him. Furthermore, the prohibition has been reported according to a number of Companions other than 'Umar.

Its prohibition has been reported according to 'Ali Bin Abi Talib, 'Abdullah Bin 'Umar, 'Abdullah Bin Mas'ud, 'Abdullah Bin Az-Zubayr and 'Abdullah Bin 'Abbas. This is also the understanding of the followers, the scholars, and all the Imams. They were all unanimous on this issue.

### **Opinions of the Four Imams**

Below are the opinions of the four Imams; these will leave no excuse for any.

1. Hanafi Madthab: It is stated in Fathul Qadir that the temporary marriage is void, and it is also defined as a man saying to a woman 'I will enjoy you so many times for a certain sum of money.'

2. Maliki Madthab: Temporary marriage is one for a term, as if saying to the guardian allow me to marry your ward for a month for such a fee, if they agree, the marriage would be void and both spouses would be liable to a penalty. This marriage is ended without a divorce, regardless of whether it is before consummation or after.

3. Shafi'i Madthab: Temporary marriage is a marriage for a period, so if it was requested of a guardian to marry his ward for a month, this would be a void marriage.

4. Hanbali Madthab: Temporary marriage is a marriage for a term whether fixed or not, there is no difference whether it is labeled as a marriage or not, where the man says to the woman: 'Allow me to enjoy you,' and she says: 'I give you myself for enjoyment,' without a guardian or two witnesses. The temporary marriage raises two

issues: One for a fixed term having a guardian and two witnesses, or one called enjoyment not having a guardian or witnesses. In both cases it is void.

### **Opinions of Some Other Scholars:**

After the opinions of the four Madthabs, we report the opinions of some of the greatest scholars in history:

1. Ibn Hazm said:

**"Temporary marriage is not permitted; this is a fixed marriage which was permitted at the time of the Messenger (sallallaahu 'alayhi wasalaam), then Allah superseded it through His Messenger (sallallaahu 'alayhi wasalaam) until the day of resurrection."**

2. Qady Iyad said:

**"The scholars reached consensus that temporary marriage was a marriage for a term with no inheritance. It has separation at the expiry of the term without dispute. The consensus after this was that it was prohibited according to all the scholars with the exception of the rejectors. Ibn 'Abbas allowed it until he became aware of the prohibition and then forbade it and said: 'If temporary marriage takes place now, it is void regardless of whether it had been consummated or not.'"**

2. Imam Nawawy said:

**"The truth of the matter is that it was permitted and prohibited on two occasions. It was permitted before Khaybar, then prohibited, then permitted on the day of the conquest of Makkah and also on the day of Awtas. It was then prohibited forever after three days of the event."**

3. Imam Bayhaqi said:

**"Imam Ja'far Bin Muhammad was asked about temporary marriage, he said: 'It is adultery.' "**

4. Imam Shawkani said:

**"We worship in accordance with what we learnt from the Messenger (sallallaahu 'alayhi wasalaam), and we have ascertained the authenticity of his eternal prohibition of temporary marriage. The fact that some Companions were not aware of this does not negate the large number of Companions who were aware and who have acted upon the prohibition and proclaimed it."**

In this manner we see the manner in which Islam treated the issue of temporary marriage and how it became prohibited forever until the day of resurrection as has reached us through the true Ahadith.