

CRITICAL ANALYSIS OF THE CONTROVERSIES SURROUNDING TEMPORARY MARRIAGE (NIKĀḤ AL-MUT‘AH) UNDER THE SHARĪ‘A AND THE SUNNI REJECTION: JURISTIC EVIDENCE AND SOCIO LOGICAL IMPLICATIONS

BY

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ABSTRACT

This article critically examines the jurisprudential, theological, and sociological dimensions of Nikāḥ al-Mut‘ah (temporary marriage) in Islamic law, tracing its origins, evolution, and the reasons for its unanimous rejection among Sunni scholars. The paper explored the divergent positions of Sunni and Shi’a schools of thought on the legality or otherwise of Mut‘ah. It highlights the interpretive conflict and evaluates its implications on Islamic jurisprudence and contemporary Muslim societies. Drawing upon primary sources—Qur’ān, Ṣaḥīḥ collections, and major juristic opinions. The paper argues that Mut‘ah was a temporal allowance due to necessitating circumstance but subsequently abrogated by the Prophet Muḥammad (peace be upon him) to preserve the sanctity and sustainability of family life. It further explores the sociological consequences of Mut‘ah on moral stability, family cohesion, and the maqāṣid al-sharī‘a (objectives of Islamic law), concluding that its rejection aligns with Islam’s higher objectives of justice, lineage preservation, and moral rectitude.

Key Words: Analysis, Nikah al-Mut‘ah (Temporary Marriage), Sociological.

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Introduction

Nikāḥ al-Mut‘ah, often translated as temporary or pleasure marriage, refers to a contractual union between a man and a woman for a fixed duration with agreed compensation. While it was initially practiced in the early Islamic period, its continued legitimacy has become a point of division between Sunni and Shi’a jurisprudence. While Shi’a jurists (particularly within the Ja‘farī School) continue to uphold its permissibility based on their interpretation of Qur’ān 4:24, and the report from Ibn Abbas and Jabir RA. They argued that it was only prohibited by Umar bn Khattab wrongly. Sunni scholars across all major schools—Ḥanafī, Mālikī, Shāfi‘ī, and Ḥanbalī, unanimously regard it as unlawful following its abrogation by prophetic decree reported by Aliyu bn Abi Dalib and other companions. They further argued that, the prohibition was confirmed by Umar bn Khattab when he discovered that some of the people were not aware of the prohibition and there was no descending view from the Sahaba.

This study seeks to provide a holistic, evidence-based analysis of the practice within classical and contemporary contexts, evaluating the Sunni rationale for prohibition and the sociological impact of Mut‘ah on Muslim society.

Historical Context and Scriptural Foundation:

A form of temporary union (*mut’ah*) was known in pre-Islamic Arabia, reflecting a variety of marital practices at the time. Early Islam initially retained and regulated this form of union. The Prophet PBUH permitted *mut’ah* at certain times and places to meet the needs of traveling merchants, soldiers on campaign, and newly converted Muslims living in social upheaval. This addressed men's desire for companionship while away from home and provided a lawful alternative to illicit relationships. Early *mut’ah* involved a contract with a specified duration and an agreed-upon dowry given to the woman. Unlike a permanent marriage (*nikah*), it did not require a divorce to end and did not typically include mutual inheritance rights. This history is highlighted in some of the prophetic Tradition such as:

عن إياس بن سلمة عن أبيه قال : رَخَّصَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عام أوطاس في المتعة ثم نهى عنها.¹

¹ Al-Nawawi, Sharh Sahih Muslim, Vol. 9 (Dar Ihya al-Turath 1997) 184.

“Reported from Iyas bin Salamah from his Father. He said, “The Prophet SAW eases or allows mut’ah (temporary marriage) in the year of Audas but it was later prohibited.”

عن الربيع بن سبرة الجهني عن أبيه سبرة أنه قال : أذن لنا رسول الله صلى الله عليه وسلم بالمتعة ، فانطلقت أنا ورجل إلى امرأة من بني عامر كأنها بكرة عيطاء ، فعرضنا عليها أنفسنا ، فقالت : ما تُعطي ؟ فقلت : ردائي ، وقال صاحبي : ردائي ، وكان رداء صاحبي أجود من ردائي وكنت أشبَّ منه ، فإذا نظرت إلى رداء صاحبي أعجبها ، وإذا نظرت إليّ أعجبتني ، ثم قالت : أنت وردائك يكفيني . فمكثت معها ثلاثاً ، ثم إن رسول الله صلى الله عليه وسلم قال : « مَنْ كَانَ عِنْدَهُ شَيْءٌ مِنْ هَذِهِ النِّسَاءِ الَّتِي يَتَمَتَّعُ فَلْيُخَلِّ سَبِيلَهَا »²

Reported from al-Rabi' bn Sayrah al-Jahniy from his father Sibrah, He said: the prophet SAW allows us to contract mut'ah, and I went with another person to a woman from Bani Amir who looked like a beautiful virgin lady. we proposed ourselves to her, she replied; what can you offer in return; I (Sibra) said: My apparel, and my friend's apparel is more expensive than mine, but I'm younger than him. If she look at my friend's apparel admire it, and when she look at me I admire her. She then said 'you and your apparel are ok for me, I then stayed with her three days. Afterward, the prophet PBU says "whoever has anything from this kind of women which he contracted mut'ah with, he should let her go"

Prohibition of Mut’ah (Temporary Marriage)

Temporary Union (*mut’ah*) was permitted in early time of Islam like adultery and consummation of alcohol been a rooted practices of Arab during Jahiliyya period. This practice like its counterpart was later prohibited by the holy Qur’an and plethora of the prophetic traditions. Some of these authorities are:

The almighty Allah says in Surah al-Muminin:

وَالَّذِينَ هُمْ لِأُزُوجِهِمْ حَافِظُونَ إِلَّا عَلَىٰ أَزْوَاجِهِمْ أَوْ مَا مَلَكَتْ أَيْمَانُهُمْ ، فَإِنَّهُمْ غَيْرُ مَلُومِينَ ، فَمَنْ ابْتَغَىٰ وَرَاءَ ذَلِكَ فَأُولَٰئِكَ هُمُ الْعَادُونَ

² Ibid. Vol. 9 p. 185 to 184

*And those who guard their chastity (i.e. private parts, from illegal sexual acts) Except from their wives or (the captives and slaves) that their right hands possess, for then, they are free from blame; But whoever seeks beyond that, then those are the transgressors;*³

Muslim jurists submitted that, this verse only allows sexual relation with a wife (in a marriage) and female slave. Temporary union could not falls in any of these two, simply because even those in support believed that a woman to temporary marriage is not a slave. It could not also be a wife since the requirement of valid marriage are missing in this union. Likewise consequential rule, duties and rights in marriage like divorce, inheritance etc are all missing in mut'ah (temporary union).⁴

Prophetic Traditions on the Prohibition of Mut'ah:

Multiple authentic Hadīths attest that the Prophet Muḥammad (peace be upon him) initially permitted Mut'ah due to exceptional and unavoidable circumstances, such as during a trip or wartime, but subsequently prohibited it permanently.

عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ رَضِيَ اللَّهُ عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْ مُتْعَةِ النِّسَاءِ يَوْمَ خَيْبَرَ وَعَنْ أَكْلِ لُحُومِ الْحُمْرِ الْإِنْسِيَّةِ

Alī ibn Abī Ṭālib narrated:

“The Messenger of Allah forbade Mut'ah al-nisā' on the Day of Khaybar and the eating of domesticated donkey meat.”⁵

Another prophetic Tradition says:

“I had permitted Mut'ah for you, but Allah has now prohibited it until the Day of Resurrection.”⁶

Similarly, Jābir ibn 'Abd Allāh reported:

³ Qur'an 23:5–7, translated by Hilali and Muhsin Khan, The Noble Qur'an.

⁴ Muhammad Malu Allah, *Al-Mut'ah wa al-Shi'ah* 2nd edn (Maktabah Shamila) 15-19

⁵ Al-Bukhari, Sahih al-Bukhari, Book of Marriage, Hadith 5115 (Darussalam Publishers n.d.)

⁶ Muslim ibn Hajjaj, Sahih Muslim, Book of Marriage, Hadith 1405 (Darussalam Publishers n.d.)

*We used to contract temporary marriages for a handful of dates or flour during the lifetime of the Messenger of Allah and Abu Bakr, until 'Umar forbade it because of the case of 'Amr ibn Hurayth.*⁷

In another Tradition:

عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ أَنَّ خَوْلَةَ بِنْتَ حَكِيمٍ دَخَلَتْ عَلَى عُمَرَ بْنِ الْخَطَّابِ فَقَالَتْ إِنَّ رَبِيعَةَ بِنَ أُمَيَّةَ اسْتَمْتَعَتْ بِامْرَأَةٍ فَحَمَلَتْ مِنْهُ فَخَرَجَ عُمَرُ بْنُ الْخَطَّابِ فِرْعَا يَجْرُ رِدَاءَهُ فَقَالَ هَذِهِ الْمُتْعَةُ وَلَوْ كُنْتُ تَقَدَّمْتُ فِيهَا لَرَجَمْتُ

*Urwa ibn az-Zubayr reported that, Khawla ibn Hakim came to 'Umar ibn al-Khattab and said, "Rabi'a ibn Umayya made a temporary marriage with a woman and she is pregnant by him." Umar ibn Khattab went out in dismay dragging his cloak, saying, "This temporary marriage, had I come across it, I would have ordered stoning and done away with it"*⁸

Another tradition says:

روى ابن عمر رضي الله عنهما قال : لَمَّا وَلِيَ عُمَرُ بْنُ الْخَطَّابِ (رَضِيَ اللَّهُ عَنْهُ) خُطِبَ النَّاسُ فَقَالَ : إِنْ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذْ لَنَا فِي الْمُتْعَةِ ثَلَاثًا ثُمَّ حَرَّمَهَا . وَاللَّهِ إِنِّي لَا أَعْلَمُ أَحَدًا يَتَمَتَّعُ وَهُوَ مُحَصَّنٌ إِلَّا رَجَمْتَهُ بِالْحِجَارَةِ ، إِلَّا أَنْ يَأْتِيَنِي بِأَرْبَعَةِ شُهَدَاءَ يَشْهَدُونَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَحَلَّهَا بَعْدَ إِذْ حَرَّمَهَا.⁹

Reported from Ibn Umar RA says: when Umar bn Khattab RA assumed duty as caliphate he made a sermon and said: "The prophet SAW allowed for mut'ah three times and then prohibited it. I swear by Allah that, I should not come across any married person who contract mut'ah with executing hadd punishment of stoning to death on him"

Sunni scholars argue that Umar's position reflected the established consensus (Ijma') and therefore rendered Mut'ah legally invalid.¹⁰

⁷ Şahîh Muslim (n.d.). Book of Marriage, Hadith 1405. Riyadh: (Darussalam Publishers nd). Also IImam Malik bn Anas, Al-Muwatta, Book of Nikah, Hadith No. 1101 (Daru al-Fikr Publishers 2008) 385

⁸ Ibid Hadith No. 1102

⁹ Sunan Ibn Majah Hadith Vol1 (Dar al-Fikr nd) 631.

¹⁰ Al-Nawawi, Sharh Sahih Muslim Vol. 9 (Dar Ihya al-Turath 1997) 186

These reports indicate an explicit abrogation, aligning with the principle of naskh (supersession) recognized by *uṣūl al-fiqh* methodology.

Notwithstanding the above-cited authority there are still two positions or juristic Sunaopinion as to legality of Mut'ah:

1. Sunni Consensus

The four Sunni schools concur that Mut'ah is invalid and constitutes *zinā* (fornication) if contracted.¹¹ Imām Mālik held that any marriage contracted with a fixed term was null, citing Qur'ān 23:5–7, which restricts sexual relations to lawful, enduring spouses.¹² Imām al-Shāfi'ī viewed the prophetic prohibition as definitive and considered Mut'ah among practices abrogated by revelation.¹³ Imām Aḥmad ibn Ḥanbal affirmed that whoever practices it knowingly commits a sin, citing reports from 'Umar ibn al-Khaṭṭāb's public prohibition.¹⁴

The Sunni Jurists view that the Prophet PBUH eventually forbade *mut'ah* forever, effectively abrogating its permissibility. Several Hadith narrations some of which cited above, from figures like Ali ibn Abi Talib and Umar bn Khattab report that the Prophet banned temporary marriage at key moments, such as the conquest of Khaybar or the Farewell Pilgrimage. The second Caliph, Umar ibn al-Khattab, is recorded as strongly enforcing the ban on *mut'ah*. While some accounts suggest his action was the initial prohibition, the majority Sunni position maintains that Umar was upholding and formalizing a pre-existing prohibition established by the Prophet. The Sunni scholars further argue that the essential purpose of marriage in Islam is permanence, procreation, and companionship. They consider *mut'ah* a form of legalized prostitution that undermines these higher objectives.¹⁵

Some comments by some Sunni Jurists on the prohibition of Mut'ah:

A. Classical Jurists

¹¹ Mālik ibn Anas, *Al-Muwatta'*. (Beirut: Dār al-Gharb al-Islāmī nd)

¹² Al-Qurtubī, *Al-Jāmi' li-Aḥkām al-Qur'ān*. (Dār al-Kutub al-Miṣriyyah n.d)

¹³ Al-Nawawī (n 4)

¹⁴ Ibn Qudāmah *Al-Mughnī*. (Beirut: Dār al-Kutub al-'Ilmiyyah nd)

¹⁵ Muhammad Malu Allah, (n 8) Hadith No 5115

- a. Ibn Ḥazm (Zāhirī School): While literalist, Ibn Ḥazm declared Mut‘ah invalid, citing the Prophet’s explicit prohibition.¹⁶
 - a. Al-Nawawī (Shāfi‘ī): Classified Mut‘ah as ḥarām and clarified that consensus was achieved after Khaybar.¹⁷
 - b. Ibn Qudāmah (Ḥanbalī): Equated Mut‘ah with illicit intercourse due to lack of intention for permanence.¹⁸
 - c. Al-Qurtubī (Mālikī): Described Mut‘ah as an innovation contrary to the Qur’ān’s moral objectives.¹⁹

B. Modern juristic bodies such as Al-Azhar (Egypt) and Majma‘ al-Fiqh al-Islāmī reaffirm its prohibition, emphasizing its incompatibility with Islamic ethics and the objectives of marriage.²⁰

C. Shi‘ī Jurists Position and Counterarguments:

Many of Shi‘ī Jurists allow Mut‘ah. The key Qur’anic verse they cited in favor of mut‘ah is found in Sūrah al-Nisā’ (4:24)

“So for whatever you enjoy [istamta'tum] from them, give them their due compensation...”²¹

Shi‘a jurists interpret this as textual proof for Mut‘ah

Ja‘farī jurists argue that the permission for Mut‘ah in Qur’ān 4:24 remains un-abrogated, citing traditions from Imām al-Bāqir and Imām Ja‘far al-Ṣādiq.²² The Twelver Shia position maintains that the Prophet never abrogated *mut'ah*. Instead, they argue it was the Caliph Umar who illegally prohibited it during his rule, overturning a practice that was sanctioned by Allah. This is where Umar Bn Khattab reported to have said:

“There were two types of *Mut‘ah* in the time of the Prophet, and I prohibit them both...”²³

¹⁶ Ibn Ḥazm, Al-Muḥallā bi al-Āthār, Vol. 9 (Cairo: Dār al-Fikr n.d.) 519

¹⁷ Al-Nawawī, Sharḥ Ṣaḥīḥ Muslim, Vol. 9 (Beirut: Dār al-Ma‘rifah n.d.) 186

¹⁸ Ibn Qudāmah, Al-Mughnī, Vol. 7 (Beirut: Dār al-Kutub al-‘Ilmiyyah n.d.) 137

¹⁹ Al-Qurtubī, Al-Jāmi‘ li-Aḥkām al-Qur’ān, Vol. 5 (Cairo: Dār al-Kutub al-Miṣriyyah n.d.) 130

²⁰ Majma‘ al-Fiqh al-Islāmī, Qarārāt wa Tawṣiyyāt Majma‘ al-Fiqh al-Islāmī, Session 9, Resolution No. 31 (Jeddah: Organisation of Islamic Cooperation 1995)

²¹ Qur’an 4:24.

²² Al-Ṭabarī Jāmi‘ al-Bayān ‘an Ta’wīl Āy al-Qur’ān. (Maṭba‘at al-Istiḳāmah n.d.)

²³ Al-Bukhari, (n 7)

Shi'a scholars also cite Hadith that describe *mut'ah* as a practice that continued during the time of the Prophet, Caliph Abu Bakr, and into the early part of Umar's caliphate. One Hadith, for instance, relates an instance where Ibn Abbas permitted temporary marriage.

Some Shi'i jurisprudence views *mut'ah* as a legally valid and ethically sound option for specific circumstances. It is seen as a way to allow a couple to engage in a temporary, marriage-like relationship within a structured legal framework, protecting against fornication and offering flexibility when a permanent union is not practical.

Some modern Shi'a followers, including younger, Western-educated individuals use *mut'ah* as a way to get to know a potential partner within an Islamic framework, with the understanding that it is a serious religious commitment, not a casual one.

Despite the above position, some Jurists among shi'a sec like zaidiyya do not allowed *mut'ah*.²⁴ Zaydīs hold that temporary marriage was abrogated by the Prophet Muhammad (peace be upon him). They consider Mut'ah to be inconsistent with the objectives of Islamic marriage, which include permanence, stability, and family structure. This position sets them apart from Twelver Shia, who permit Mut'ah, but aligns them with Sunni views, particularly that of the Hanafi and Shafi'i schools.²⁵

Potential benefits and justifications (from the Shi'a perspective):

- a. Flexibility and adaptability: *Mut'ah* allows individuals to meet emotional and sexual needs legally, providing an alternative for those who cannot or do not wish to enter a long-term commitment due to economic or personal circumstances.²⁶
- b. Societal role: Supporters see it as a tool to prevent illicit sexual relations and fornication (zina), especially in societies with high rates of social or economic impediments to traditional marriage.

Protection for women: Some argue that it protects women by requiring a formal contract and a

²⁴ Al-`Āmilī, Zayn al-Dīn, *Masālik al-Afhām*, Vol. 1 (Qum: Mu'assasat Al-Bayān li al-Ṭibā'ah wa al-Nashr 2003) 289

²⁵ Al-Shāmī, Aḥmad ibn Yaḥyā, *Al-Baḥr al-Zakḥkhār*, Vol. 4 (Cairo: Dār al-Kitāb al-Islāmī n.d.) 212

²⁶ Al-Kulayni, Muhammad ibn Ya'qub, *Al-Kafi*, Vol. 5 (Tehran: Dar al-Kutub al-Islamiyyah, 1981) 452

financial settlement (mahr), offering more security than an informal or non-marital relationship.²⁷

Counter Response by Sunni Jurists against the supporters of Mut'ah:

Sunni scholars respond that abrogation was confirmed by mutawātir (mass-transmitted) ḥadīths.²⁸ They continue to say that, even before the abrogation by the prophet it only allowed due to necessity, that is why all the prophetic tradition in support of mut'ah were reported in a trip for Islamic conquest (qazw) where there are few or no women and the hot weather and control of one's lust become very difficult. It is equivalent to eating a dead animal at the time of necessity at that time.²⁹ Furthermore, the Qur'ānic principles of 'iffah (chastity) and sakan (tranquility) in marriage (Qur'ān 30:21) are incompatible with temporary unions. they relates an instance where Ibn Abbas permitted temporary marriage, that he was prompted and corrected by Ali by recalling the Prophet's prohibition at Khaybar and after that Ibn Abbas never allowed it. He even reported the Hadith on the prohibition by the Prophet at Khaibar. Likewise Jabir they are not aware of the prohibition until after the demise of the Prophet PBUH. Umar was not the one who legislate it but confirm it, when he noticed some Sahabah continue to practice it. Therefore the prohibition was not only through ijma' by the companion at the time of Umar but also through authentic prophetic traditions reported by many companions like Aliyu bn Abi Dalib, Salamah, sabrah al-Juhainiy, Abdullahi bn Zubair (RA).³⁰

Sunni jurists also argue that the verse in Sūrah al-Nisā' (4:24) refers to general marriage and not temporary unions.³¹ These Jurists include Ibn Kathīr (d. 774 AH), al-Ṭabarī (d. 310 AH), and al-Qurṭubī (d. 671 AH). They understood this verse to describe general marital enjoyment within lawful, permanent marriage.³²

Negative Consequences of Mut'ah (Temporary Union):

1. Theological and Sociological Dimensions against temporary union (mut'ah)

²⁷ Al-Khoei, Abu al-Qasim, *Theological and Jurisprudential Views on Temporary Marriage* (Najaf: Al-Imam Al-Khoei Foundation, 1992) 45

²⁸ Al-Zuhaylī, Wahabah. *Al-Fiqh al-Islāmī wa Adillatuhu*, Vol. 7 (Damascus: Dār al-Fikr 2007).

²⁹ Muhammad al-Hamid, *Nikah al-Mut'ah fi al-Islam haram*, (Dar al-Sabun Printing press n.d) 13 See also Muslim (nt 30) 1026

³⁰ *Ibid* p. 33-35

³¹ Al-Tusi, *Nihayah fi Mujarrad al-Fiqh wa al-Fatawa* (Dar al-Adwa 1980) 489.

³² *Ibid*

- a. Stigma and social consequences: Despite its legal validity in Shi'a jurisprudence, the practice remains socially stigmatized in many places. Women in temporary marriages may face censure and social marginalization, which can lead to psychological stress and limited opportunities.³³
- b. Negative impacts on children: While children of mut'ah are legitimate according to supporters, they may face social challenges related to the nature of their parents' temporary relationship. Studies have also pointed to potential issues like unwanted pregnancies and abortions associated with the practice.³⁴
- c. Negative impact on permanent marriage: Some studies suggest that the normalization of temporary marriage may decrease the value and desirability of permanent, committed relationships among certain individuals.

2. Moral and Ethical Implications

- a. Risk of exploitation: Critics, including some women's rights advocates and Sunni scholars, argue that mut'ah can lead to the exploitation and abuse of women, particularly those from lower socioeconomic backgrounds who may be more vulnerable. In some instances, it is criticized as a cover for sex trafficking or prostitution.
- b. Circumvention of social segregation: Research in places like Iran shows that mut'ah contracts are sometimes used by individuals to legally bypass strict gender segregation laws, even when sex is not the primary purpose.³⁵

3. Impact on Women and Lineage

The absence of inheritance rights, unclear paternity, and stigmatization of children born from Mut'ah.

Conflict with the maqāṣid of preserving lineage (ḥifẓ al-nasl). The moral hazards of Mut'ah thus contravene the objectives (maqāṣid) of Sharī'a to protect religion, life, intellect, lineage, and property. Islam's emphasis on protecting nasab is foundational to its family law system,

³³ Helandri, J., Achmad, G., & Supriadi, S. (2023). Mut'ah Marriage in Islamic Perspective. *Indonesian Journal for Islamic Studies*, 1(1), 38–47

³⁴ Kameel Ahmady, The Nexus between the temporary Marriage and Child Mariage in Iran' 2023 *Journal of Survey in Fisharies Sciences*, 1809-1824

³⁵ *ibid*

as evident in Qur'ān 33:5: “Call them by [the names of] their fathers; it is more just in the sight of Allah.”³⁶

4. Family Stability and Social Sustainability

Temporary marriage contradicts Islam's pursuit of *sakan* and *rahmah*—tranquility and mercy—within marital life. Empirical analyses from sociological literature suggest that unstable unions contribute to emotional distress, increased divorce rates, and exploitation of economically vulnerable women.³⁷ Islamic law establishes marriage as a means to ensure spiritual growth, emotional stability, and social order. *Mut'ah*, by contrast, reduces marriage to a contract of pleasure, undermining the institution's sanctity. Sociological studies in Shī'ī-majority regions (e.g., parts of Iran and southern Iraq) reveal patterns of social exploitation and family disintegration associated with temporary marriages.³⁸

Findings

- a. *Mut'ah* has different terminology such as Temporary Marriage, Temporary union, pleasure marriage or contractual union etc.
- b. *Mut'ah* was the practice of Jahiliyyah and it was still allowed in early period of Islam due to exceptional and unavoidable circumstances, such as during a trip or wartime. It was never allowed to residents or under normal circumstances and it was later prohibited permanently.
- c. All the Sunni Jurists and some Shi'i like Zidiyya prohibit *Mut'ah* based on the above prophetic traditions.
- d. The prophetic Tradition on the prohibition of *mut'ah* are not in conflict. Their prohibition by the prophet were made two times; in year of Khaibar and year of Fath Makkah and this prohibition becomes the last verdict by the prophet PBUH. Ibn Abbas & Jabir were not aware of this permanent position until when they were informed by Aliyu RA and Umar bn Khattab respectively.

³⁶ Qur'an 33:5

³⁷ Helandri J, Achmad G and Supriadi S, 'Mut'ah Marriage in Islamic Perspective' (2023) 1(1) Indonesian Journal for Islamic Studies 38–47. Also see Q 30:21

³⁸ Kameel Ahmady (n 28) 1809–1824.

- e. Mut'ah is not a marriage rather it is incompatible with the higher objectives of marriage and social welfare. All consequential rights and duties in marriage are lacking in Mut'ah. It is not less than a prostitution licensed by some Shi'i Jurists.
- f. Sociological studies in Shi'i Majority regions like parts of Iran and Southern Iraq reveal patterns of social exploitation and family disintegration associated with Mut'ah.

Recommendations

- a. Since Mut'ah is not a marriage, the best terminology to use for it is temporary union.
- b. Empirical research is recommended to ascertain the percentage of victims to mut'ah marriage.
- c. Women and children as victims of temporary union should be encouraged to share publicly their grievances and trauma they are facing as a result of this temporary union.

Conclusion

The unanimous Sunni rejection of Nikāḥ al-Mut'ah rests on solid scriptural evidence, consensus (Ijmā'), and sociological reasoning. The practice was contextually permitted but later abrogated to preserve human dignity, lineage, and social morality. Its continuation poses severe ethical and social risks that undermine Islam's holistic vision for the family as a foundation for moral and societal stability. Some jurist among the Shi'a also concurred with the Sunni jurist's position.