

حكم تحريم المتعة وجوازها من المنظور الفقهي وآثارها التربوية

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الملخص

معلومات مقال

الزواج المؤقت، أو المتعة، موضوع معقد ومثير للجدل في الفقه الإسلامي، وقد تعددت فيه الآراء والاتجاهات. وقد طُرِحَ هذا النوع من الزواج بوصفه حلاً لبعض المشكلات الاجتماعية والاقتصادية، ويُعرَف وفق شروط محددة ومدة زمنية معلومة مسبقاً. وترجع جذور هذا الجدل إلى عصر الخلفاء الراشدين، ويتمحور أساساً حول مدى إباحة هذا النوع من الزواج أو تحريمه في إطار التعاليم الإسلامية.

ويرى الفقه الشيعي، استناداً إلى الآيات القرآنية والروايات المعتبرة، جواز زواج المتعة، ويؤكد أنه كان مباحاً في عهد النبي محمد ﷺ والخلفاء الأوائل، وأن تحريمه إنما فُرض من قبل السلطة الخلافية. وفي المقابل، يرى علماء أهل السنة أن زواج المتعة قد نُسخ وحُرم، ويعتقدون أن النبي ﷺ نهى عنه في أواخر حياته. ويتمحور اختلاف الآراء بين أهل السنة أساساً حول كيفية تحريمه، وهل كان تحريمه مستنداً إلى القرآن والسنة، أم أنه نتج عن قرار خليفة المسلمين.

ومن وجهة نظر الشيعة، لا يُقبل القول بنسخ حكم المتعة بآيات أخرى وبسبب الروايات المتعارضة، وتُعد الروايات التفسيرية الواردة عن الأئمة المعصومين (عليهم السلام) من أهم الأدلة على جوازها. وتتناول هذه المقالة، بالاعتماد على المنهج الوصفي التحليلي، تفسير الآية الرابعة والعشرين من سورة النساء وآراء المفسرين والفقهاء. وتهدف إلى نقد المواقف المتشددة والمتساهلة، بما يمهّد للوصول إلى فهم متوازن وشامل للحكم الشرعي للزواج المؤقت، مع مراعاة الظروف الاجتماعية والثقافية المعاصرة.

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المقدمة

يُعدّ الزواج المؤقت أو زواج المتعة من المسائل الفقهية والتفسيرية التي أثارت جدلاً واسعاً في التراث الإسلامي، ولا سيما في إطار الاختلاف بين المدرسة الإمامية والمدارس السنية حول أصل مشروعيته واستمرار حكمه أو نسخه. وترتبط هذه المسألة ارتباطاً وثيقاً بتفسير الآية الرابعة والعشرين من سورة النساء، وبقراءة الروايات الواردة في جواز المتعة وتحريمها، فضلاً عن البحث في الظروف التاريخية التي أحاطت بتنشيعها ومناقشة طبيعة المنع الذي نُسب إلى بعض الخلفاء. وقد ذهب الفقه الإمامي إلى القول باستمرار مشروعية المتعة، اعتماداً على القرآن الكريم وروايات أهل البيت (عليهم السلام) وبعض الشواهد التاريخية، في حين يرى جمهور علماء أهل السنة أن المتعة كانت مشروعة في مرحلة معينة من تاريخ التشريع ثم نُسخَتْ وحُزِّمت استناداً إلى السنة النبوية وأقوال الصحابة. وتنبع أهمية هذه الدراسة من أن قضية المتعة لا تقتصر على الجانب الفقهي المجرد، وإنما تتصل أيضاً بالأبعاد التاريخية والاجتماعية والأخلاقية والتربوية والأسرية. ومن ثم، يسعى البحث إلى تقديم معالجة مقارنة لأدلة الجواز والمنع، وتحليل المواقف التفسيرية والفقهية، وتقويم الروايات التي استُدل بها على النسخ والتحريم، مع محاولة تجاوز المواقف المتطرفة التي تنطلق من الرفض المطلق أو القبول غير المشروط. كما يولي البحث عناية خاصة للآثار الاجتماعية والتربوية المحتملة لهذا النوع من الزواج، ولضرورة مراعاة الواقع الاجتماعي والثقافي المعاصر عند معالجة هذه القضية.

منهجية البحث

اعتمد البحث المنهج الوصفي - التحليلي، مع الاستفادة من المقارنة بين المصادر التفسيرية والحديثية والفقهية لدى المدرستين الشيعية والسنية. وتمت دراسة عدد من التفاسير الشيعية، مثل مجمع البيان والميزان ونور الثقلين، إلى جانب تفاسير سنية، منها تفاسير الطبري وابن كثير والقرطبي والفخر الرازي والألوسي والزمخشري. كما استند البحث إلى طائفة من المصادر الحديثية الأساسية، مثل صحيح مسلم وصحيح البخاري وسنن أبي داود ومسنند أحمد والكافي ومن لا يحضره الفقيه. ويتضمن المنهج أيضاً تحليلاً لغوياً ودالياً للألفاظ الرئيسة في موضوع البحث، ولا سيما «النكاح» و«المتعة» و«الاستمتاع» و«الأجور». ويبيّن البحث أن لفظ النكاح يدل في أصله على الجمع والاقتران والعقد، وأن لفظ المتعة يدل على الانتفاع والاستفادة، بينما اختلف المفسرون في تحديد المراد من «الاستمتاع» في الآية ٢٤ من سورة النساء؛ فمنهم من حمّله على المتعة بمعناها الاصطلاحي، ومنهم من رآه بمعنى مطلق الانتفاع في إطار الزواج. كما ناقش البحث دلالة «الأجور» على المهر، وهل تخص المتعة أم تشمل الزواج الدائم أيضاً.

النتائج

أظهرت نتائج الدراسة أن الزواج المؤقت كان معروفاً قبل الإسلام، وأنه ظل موجوداً في صدر الإسلام، بما في ذلك عصر النبي ﷺ، وتشير المادة المدروسة إلى أن الخلاف الأساسي لم ينشأ حول أصل وجود المتعة في تلك المرحلة، وإنما تركز حول استمرار حكمها بعد ذلك ووقوع النسخ والتحريم. ويعرض البحث موقف بعض العلماء الذين يرون أن المنع اللاحق ارتبط بقرار خليفة أو بحكم حكومي، وليس بالضرورة بحكم شرعي ناسخ صادر عن النبي ﷺ.

كما خلص البحث إلى أن الآية ٢٤ من سورة النساء تمثل محوراً أساسياً في الجدل الفقهي حول المتعة. فالفقهاء والمفسرون الشيعة يعدونها دليلاً على أصل المشروعية، ويربطون بين لفظ «استمتعتم» وبين الزواج المؤقت. وفي المقابل، يرى عدد من المفسرين السنة أن الآية تتصل بالزواج الدائم، أو أن الحكم الذي دلت عليه كان لاحقاً منسوخاً. ومن أهم القضايا التي ناقشها البحث القراءة التي ورد فيها «إلى أجل مسمى»، والتي يستند إليها بعض علماء الشيعة في الدلالة على التحديد الزمني للعقد، بينما يرى بعض العلماء السنة أنها قراءة شاذة لا يصح الاحتجاج بها بوصفها قرآناً متواتراً.

وتبين النتائج كذلك أن أدلة النسخ التي استند إليها بعض علماء أهل السنة تتنوع بين الاستدلال بآيات الطلاق والعدة، وآيات المواريث، والآيات المتعلقة بحفظ الفروج والعفة، فضلاً عن الروايات النبوية. في المقابل، يناقش فقهاء الشيعة هذه الأدلة من خلال جملة من الاعتراضات، منها أن بعض آيات المواريث سابقة زمنياً على آية المتعة، وبالتالي لا تصلح - وفق هذا التصور - لأن تكون ناسخة لها، وأن غياب التوارث في النكاح المؤقت لا يمثل إجماعاً فقهيّاً مطلقاً، وأن بعض الأحكام المتعلقة بالزواج الدائم لا يجوز تعميمها على المتعة من دون مراعاة خصوصية عقدها. كما يفرّق البحث بين مفهوم النسخ ومفهوم التخصيص في مناقشة دلالة النصوص.

وفي الجانب الحديثي، تناول البحث ثلاثة نماذج رئيسة من الروايات التي استُدل بها على تحريم المتعة: الرواية المنسوبة إلى الإمام علي عليه السلام، ورواية سلمة بن الأكوع، ورواية سبرة بن معبد الجهني. وتعرض الدراسة الملاحظات التي أوردها بعض الفقهاء الشيعة بشأن الأسانيد والدلالات، من قبيل وجود تعارض مع روايات أخرى، والكلام في بعض الرواة، ومناقشة إمكان نسخ الحكم القرآني بخبر الواحد. وفي المقابل، تعد هذه الروايات من أهم الأدلة الحديثية لدى الاتجاه السني في تقرير التحريم.

ومن النتائج المهمة التي يركز عليها البحث أيضاً وجود روايات تنهيك ممارسة المتعة في عصر النبي ﷺ وأبي بكر وبداية خلافة عمر، وهو ما يورده البحث بوصفه مؤشراً على أن المسألة شهدت تطوراً تاريخياً بعد عصر الرسالة. كما يلفت إلى تعدد الروايات التي تحدد زمن التحريم، فتذكر بعض المصادر خبراً أو فتح مكة أو أو طاس أو تبوك أو حجة الوداع. ويرى البحث أن هذا التعدد في تحديد الزمان والمكان والجهة صاحبة المنع يقتضي دراسة تاريخية وحديثية دقيقة ومقارنة.

وفيما يتعلق بالجانب الاجتماعي والتربوي، يرى البحث أن المتعة قد تسهم، ضمن شروط وضوابط محددة، في تلبية بعض الاحتياجات العاطفية والجنسية، وفي تخفيف بعض الضغوط الاقتصادية المرتبطة بالزواج الدائم، وفي الحد من بعض العلاقات غير المنظمة. غير أن البحث يشدد على أن وجود الأطفال في الأسرة الناتجة عن الزواج المؤقت يفرض ضرورة الاهتمام بالاحتياجات النفسية والاجتماعية والتعليمية للطفل، وتوفير الرعاية الأبوية والدعم الأسري والمؤسسي المناسب.

كما تقترح الدراسة مجموعة من الآليات لتنظيم هذا المجال، من أبرزها نشر الوعي بالأحكام الشرعية والأخلاقية والاجتماعية، ووضع أطر قانونية واضحة لحماية حقوق الأطراف، ومراعاة الظروف الاجتماعية والثقافية، وتقديم خدمات الإرشاد والدعم للأسر، وتشجيع الحوار العلمي والاجتماعي للحد من التصورات الخاطئة والمواقف المتحيزة. ويرى البحث أن هذه الإجراءات يمكن أن تسهم في تقليل احتمالات الاستغلال والانحراف وسوء التطبيق.

الخاتمة

خلصت الدراسة إلى أن مسألة جواز المتعة وتحريمها من القضايا المركبة التي لا يمكن فهمها من خلال دليل واحد أو موقف مذهبي منفرد، بل ينبغي تحليلها في ضوء مجموع النصوص القرآنية والروائية والآراء الفقهية والمعطيات التاريخية والاجتماعية. ووفق الإطار الذي اعتمدته البحث، فإن المتعة كانت معروفة ومشروعة في صدر الإسلام، وأن جوهر الخلاف بين المدرستين يتعلق بمسألة النسخ واستمرار الحكم، وبطبيعة السلطة التي ارتبط بها المنع اللاحق.

ويؤكد البحث في النهاية ضرورة اعتماد مقاربة فقهية مقارنة ومتوازنة، تتجنب الإفراط في رفض المتعة من جهة، والإفراط في الدعوة إلى تطبيقها بصورة غير منضبطة من جهة أخرى. كما يدعو إلى الجمع بين الدليل الشرعي والمسؤولية الأخلاقية والرعاية الأسرية ومراعاة الواقع الاجتماعي والثقافي. ومن منظور تربوي، يمكن أن تسهم المعرفة الصحيحة بأحكام الزواج المؤقت وحقوق أطرافه ومسؤولياتهم في بناء وعي أكثر نضجاً بالعلاقات الزوجية، وتقليل صور سوء الفهم أو الاستغلال. وبذلك، فإن دراسة المتعة لا ينبغي أن تُحصر في سؤال الجواز أو التحريم فحسب، بل ينبغي أن تشمل أيضاً شروط التطبيق، والآثار الأسرية، والمسؤولية الاجتماعية، وحماية الحقوق، ومصصلحة الأسرة والمجتمع.

The Ruling of Prohibition and Permissibility of Mut'ah from a Jurisprudential Perspective and Its Educational Impacts

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ABSTRACT

Temporary marriage, or mut'ah, is a complex and contentious subject in Islamic jurisprudence, on which diverse perspectives exist. Proposed as a solution to certain social and economic problems, this form of marriage is defined by specific conditions and a predetermined duration. The roots of this debate trace back to the era of the Rightly Guided Caliphs, with its core focus being the examination of the permissibility or prohibition of this type of marriage within the framework of Islamic teachings. Relying on Quranic verses and authentic narrations, Shi'a jurisprudence deems mut'ah permissible, maintaining that it was allowed during the time of the Prophet Muhammad (PBUH) and the first Caliphs, and that its prohibition was merely enforced by the caliphal authority. In contrast, Sunni scholars consider mut'ah abrogated and forbidden, believing that the Prophet (PBUH) prohibited it late in his life. The divergence of opinion among Sunnis primarily concerns the manner of its prohibition: whether it was based on the Quran and Sunnah or resulted from a caliphal decree. From the Shi'a perspective, the abrogation of the ruling on mut'ah by other verses and conflicting narrations is unacceptable, and the exegetical narrations from the infallible Imams (AS) are among the most significant evidence for its permissibility. This article, employing a descriptive-analytical approach, examines the interpretation of verse 24 of Surah an-Nisā' and the views of exegetes and jurists. It seeks to critique extreme and lax positions, thereby paving the way for a balanced and comprehensive understanding of the legal ruling on mut'ah—an understanding that also considers contemporary social and cultural conditions.

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Introduction

Temporary marriage (mut'ah) is a ruling in Islamic jurisprudence which there exists serious disagreement between Shi'a and Sunni jurists regarding its legitimacy. In interpreting verse 24 of Surah an-Nisā', three main viewpoints were presented.

Among the most important Shi'a interpretations are: Majma' al-Bayān: Emphasizes the permissibility of mut'ah based on verse 24 of Surah an-Nisā'. Al-Mīzān ('Allāmah Ṭabāṭabā'ī): Examines the conditions and reasons for the legitimacy of mut'ah and its role in facilitating social life. Nūr al-Thaqalayn: Emphasizes the permissibility of mut'ah based on narrations from the Infallibles (AS).

Among Sunni interpretations, the following views are prominent: Ṭabarī: Denies the legitimacy of mut'ah and introduces it as an abrogated ruling. Ibn Kathīr: Emphasizes its illegitimacy and the limitation of its permissibility to a specific period. Qurṭubī: States that verse 24 does not refer to temporary marriage, focusing instead on permanent marriage. The educational discussion of mut'ah is also an important matter, and temporary marriage is significant not only from a jurisprudential and social perspective but also from an educational perspective. This type of marriage can help to create a suitable environment for raising children. In this regard, several important points are worth mentioning:

1. Fulfillment of emotional and psychological needs: Mut'ah can help individuals fulfill their emotional and sexual needs in situations where permanent marriage is not possible. This can prevent psychological and social problems arising from loneliness and help in raising children in a healthy environment.

2. Child- upbringing: In case children are born from this type of marriage, they can grow in an environment that pays attention to their emotional and social needs. However, there is a need for special attention to the upbringing and education of children in this type of family.

3. Reduction of social harms: By providing a legal framework for emotional relationships, mut'ah can help reduce informal relationships and the social harms resulting from them. This can help in raising children in a stable and secure environment.

Regarding to related research on this topic, several works are noteworthy: The book *Nikāḥ al-Muwaqqat* "Temporary Marriage" by Muḥammad Jawād Mughnīyah, which examines the Islamic and jurisprudential dimensions of this type of marriage. The book *Azdiwāj-i Muwaqqat: Tārīkhchah, Aḥkām wa Chālīsh'hā* "Temporary Marriage: History, Rulings, and Challenges" by Sayyid Muḥammad Ḥusayn Ṭabāṭabā'ī, which provides a historical analysis and discusses its social challenges. The book *Taḥlīl-i Fiqhī wa Ḥuqūqī-i Azdiwāj-i Muwaqqat* "Jurisprudential and Legal Analysis of Temporary Marriage" by Ḥusayn'alī Nīrī, dedicated to examining the legal and jurisprudential aspects of mut'ah in contemporary society. The thesis *Bar'rasī-i Fiqhī wa Ḥuqūqī-i Azdiwāj-i Muwaqqat* "Jurisprudential and Legal Study of Temporary Marriage" which offers a comprehensive analysis of this topic in Islamic jurisprudence and law. The article *Azdiwāj-i Muwaqqat dar Fiqh-i Shī'ah wa Sunnī* "Temporary Marriage in Shia and Sunni Jurisprudence" which compares viewpoints and reasons for its permissibility or prohibition. The article *Naqsh-i Azdiwāj-i Muwaqqat dar Pīshgīrī az Zanā* "The Role of Temporary Marriage in Preventing Adultery" which examines this type of marriage as a strategy for reducing social harms.

This article, using a descriptive-analytical approach, has undertaken a precise and multi-faceted examination of the interpretation of the verse on mut'ah. It has attempted to moderate the extreme views of Sunnis and the lax views of Shi'a, thereby providing a foundation for a balanced understanding of the legal ruling on mut'ah—an understanding that, considering the social and cultural conditions of the Islamic world today, possesses practical and applicable potential.

The Lexical and Terminological Meanings of "Nikāḥ," "Mut'ah," and "Istimtā'"

The word "nikāḥ" derives from the root "nakḥa," meaning marriage and marital union. Lexical sources attribute multiple meanings to it, such as dominion, reciprocity and joining, attainment, attachment, intercourse, and contract (Ṭurḥī, 1408 AH, vol. 2, p. 196). In specific usage, "nikāḥ" is primarily used to mean the marriage contract. In *Lisān al-'Arab*, this word signifies the joining and coming together of

two things (Farāhīdī, 1405 AH, vol. 1, p. 140). Rāghib al-Iṣfahānī also defines it as a marital union (Rāghib al-Iṣfahānī, 1416 AH, p. 823). In Arabic literature, nikāḥ is considered a sacred and legal act, and in Persian, it means to take a wife or husband (Faṭḥ Allāh, 1419 AH, p. 15). There is disagreement among jurists regarding whether the term "nikāḥ" pertains to intercourse or the contract.

The word "mut'ah" also holds multiple meanings. In Majma' al-Baḥrayn, it is defined as enjoyment and benefit from something (Ṭurḥī, 1408 AH, vol. 5, p. 115). In Mufradāt, "matā'" refers to long-term benefit, and Quranic verses confirm this meaning, such as: "...in the life of this world, and We granted them enjoyment for a while" (Yūnus/98) and "...and on earth you have a place of settlement and enjoyment for a time" (al-Baqarah/36) (Rāghib al-Iṣfahānī, 1416 AH, p. 165). The word "matā'" applies to anything from which human benefit, such as wealth and children (Sha'rānī, 1380 AH, p. 25). Also, "mut'ah" means specifying a duration for the marriage contract, and in Hajj rituals, it means assuming iḥrām for 'umrah (Qurashī, 1361 AH, p. 63). The jurisprudential term "Ḥajj al-Tamattu'" refers to a type of Hajj where one first assumes iḥrām for 'umrah and then for Hajj.

The word "istimtā'" means enjoyment and pleasure and is used in instances such as temporary marriage (Jawharī, 1368 AH, vol. 3, p. 1282; Ṭabrisī, 1367 AH, vol. 5, p. 101). Exegetes hold two views regarding the interpretation of this word: some relate it to temporary marriage (Mufīd, 1424 AH, p. 148; Ṭabāṭabā'ī, 1417 AH, vol. 4, p. 482); while the majority of Sunni scholars emphasize the illegitimacy of mut'ah and believe "istimtā'" merely means seeking pleasure (Ibn Kathīr, 1400 AH, vol. 1, p. 431; Rāzī, 7th century AH, vol. 2, p. 150).

The Historical Background of Temporary Marriage

In the pre-Islamic era (Jāhiliyyah), women lacked independent agency and were under the complete authority of men. They were initially under the guardianship of their fathers and then their husbands; upon the husband's death, they came under the authority of his sons or other male relatives. Marriages were primarily motivated by tribal interests, and daughters were obligated to marry sons from their own tribe (Sajjād, 1417 AH, p. 53).

Temporary marriage (mut'ah) was also prevalent before the advent of Islam and was established for a specified period without payment of a dowry (mahr) or betrothal ceremonies (Jawād 'Alī, 1380 AH, vol. 5, p. 536; Faḍl-Ābādī, 1390 AH, p. 17). At the beginning of Islam, instances of temporary marriage are reported, and many Companions confirmed its permissibility (Faḍl-Ābādī, 1390 AH, p. 96). This type of marriage was common during the time of the Prophet Muhammad (PBUH) and the caliphate of the first Caliph, but the second Caliph prohibited it (Ṣan'ānī, 1402 AH, vol. 7, p. 500).

From the perspective of some thinkers, the prohibition by the second Caliph is not considered a religious or divine prohibition but rather a type of legal and customary ban (Kāshif al-Ghiṭā', 1422 AH, p. 268). Despite this prohibition, many Muslims still considered mut'ah permissible (Tirmidhī, 1419 AH, vol. 3, p. 186).

Mut'ah in the Noble Quran

A study of Quranic verses shows that the word "mut'ah" is used in various contexts and carries multiple meanings. However, in Shi'a jurisprudence, this word is primarily understood to mean temporary marriage. In the verse, "And [there is] enjoyment in livestock and tillage..." (Āl 'Imrān/14), "matā'" means the adornment and benefit of worldly life. In the verse, "Lawful to you is game from the sea and its food as provision for you..." (al-Mā'idah/96), this word is used to mean sustenance and provision. Also, in the verse, "...from those with you and other peoples; We will grant them enjoyment..." (Hūd/48), the meaning is enjoyment of the blessings of worldly life. In the verse "...then you divorced them..." (al-Aḥzāb/49), the word "matā'" means kindness and giving after divorce.

In the Quran, particularly in verse 24 of Surah an-Nisā', the subject of mut'ah is referenced, and many exegetes have interpreted it as a type of temporary marriage. The Ahl al-Bayt (AS) and Shi'a jurists have also accepted this ruling and emphasize the continuity of its legitimacy (Kulaynī, 1357 AH, vol. 2, p. 522; Ṭabāṭabā'ī, 1417 AH, vol. 4, p. 482).

Examining the Topics of Temporary Marriage and its words Indicator from the related Verse

In ḥadīth and jurisprudential sources, numerous titles for marriage (nikāḥ) are presented. The word "mut'ah" is used more frequently in narrative texts and was more common during the era of the Prophet (PBUH) and the Infallible Imams (AS) (Sachiko, 1358 AH, p. 14). In jurisprudential sources, besides the term "mut'ah," the phrase "nikāḥ munqaṭi'" (discontinuous marriage) is also used. 'Allāmah Ḥillī and Shahīd al-Thānī in their works refer to "nikāḥ munqaṭi'," while in the books al-Lum'ah by Shahīd al-Awwal and al-Irshād by 'Allāmah Ḥillī, the term "mut'ah" is used ('Abbāsizādah, 1383 AH, p. 74).

The use of the word "mut'ah" is due to the aspect of sexual utilization in this type of marriage, which distinguishes it from other forms of nikāḥ. Sunni jurists believe that "nikāḥ al-mut'ah" and "nikāḥ al-muwaqqat" (temporary marriage) are not different and both refer to the same meaning.

In the verse, "So for whatever you enjoy [of marriage] from them, give them their due compensation..." (an-Nisā'/24), after stating the categories of forbidden marriages in the preceding verse—which forbids married women to men except for female captives taken in war—God refers to a specific type of marriage. After mentioning permanent marriage (whether polygynous or monogamous) at the beginning of the Surah, this verse makes an exception for one type of marriage and says: "It is lawful for you to seek [wives] with your wealth, in wedlock, not in fornication. And give those you have consummated marriage with their due dowries..."

The Indication of the Word "Ujr" (Compensation) for the "Dowry" of Temporary Marriage and Examining the Condition of "Istimtā'" (Enjoyment)

Concerning the word "ujūrahunna" (their Dowries) in the verse "So for whatever you enjoy [of marriage] from them, give them their due compensations as an obligation..." (an-Nisā'/24), there are two main viewpoints among exegetes. One group believes the expression "ujūrahunna" refers to temporary marriage, because in permanent marriage the word "mahr" (dowry) is typically used, not "ujr" (Tabāṭabā'i, 1417 AH, vol. 4, p. 434; Qarā'atī, 1383 AH, vol. 2, p.

267). In contrast, Ṭūsī rejects this opinion and believes the word "ujūr" is also used to mean dowry in permanent marriage (Jawādī Āmulī, 1378 AH, vol. 18, p. 316). Some other Sunni exegetes also consider "ujūr" to mean dowry in a permanent contract (Rāzī, 1420 AH, vol. 10, p. 40; Ālūsī, 1415 AH, vol. 3, p. 7).

Ibn 'Abbās and some other Companions recited this verse with the addition "ilā ajalīn musammā" (for a specified term), which clearly indicates temporary marriage (Ṭabarī, 1412 AH, vol. 6, p. 587). Ṭabarī, by quoting the opinions of exegetes, also attributes "istimtā'" accompanied by "ajr" to mut'ah marriage and discusses its conditions (ibid., vol. 5, p. 10). Some Sunni exegetes have criticized the Shi'a use of this addition, considering it an anomalous (shādhdh) recitation (Rashīd Riḍā, 1414 AH, vol. 5, p. 14), but Shi'a jurists consider this addition an indication of the correct understanding of the temporary contract (Makārim Shīrāzī, 1374 AH, vol. 3, p. 196).

In the mentioned verse, the payment of the dowry is stated as conditional upon the realization of "istimtā'" in the temporary marriage. The word "istimtā'" includes both consummation and non-consummation; upon the realization of either, the full payment of the dowry becomes obligatory upon the man (Makārim Shīrāzī, 1374 AH, vol. 3, p. 186).

Comparative Interpretation of the Lax View on the Permissibility of Mut'ah (Shi'a) and the Extreme View on the Abrogation of the Mut'ah Verse (Ahl al-Sunnah)

Shi'a and Sunni scholars agree on the permissibility of temporary marriage (mut'ah) during the time of the Prophet Muhammad (PBUH). The disagreements pertain to its prohibition is after his passing. Some believe the ruling of its permissibility was later abrogated. A group of Companions, including Ibn 'Abbās and 'Imrān ibn Ḥuṣayn, emphasized its permissibility. Sunni exegetes believe the verse concerning mut'ah was abrogated through texts from the Prophet (PBUH) and the consensus of the Companions (Ṭabarī, 3rd century AH, vol. 5, p. 123). They have concluded that the ruling of prohibition for mut'ah was established to preserve the interests of the Islamic society and prevent social corruption. Also, some Sunnis believe the ruling on mut'ah was abrogated by verses concerning

divorce and the waiting period ('iddah) (Fakhr al-Rāzī, n.d., vol. 10, p. 49). In contrast, Shi'a jurists believe that mut'ah also has a prescribed waiting period, and divorce is only one cause of separation between spouses. The expression "idhā ṭallaqtum" (when you divorce) in the verse refers to the intent of divorce, which applies solely to permanent marriage and cannot be considered an abrogator of the mut'ah ruling (Shahīd al-Thānī, 1403 AH, vol. 5, p. 258).

Some Sunni scholars believe that verse 12 of Surah an-Nisā' abrogates the ruling of permissibility for mut'ah. This verse states that a wife's share of inheritance, if she has no child, is half, and if she has a child, one-fourth of the husband's estate (an-Nisā'/12). Since inheritance is not established in a time-bound (munqaṭi') marriage, some argue that the "mutamatta' bihā" (the woman with whom mut'ah is contracted) is not considered a legal spouse (Fakhr al-Rāzī, n.d., vol. 10, p. 50).

Shi'a scholars raise several points: First, the verse on inheritance was revealed before the mut'ah verse, and in terms of chronological order of revelation, it cannot be its abrogator. Second, the absence of inheritance in time-bound marriage is not a matter of consensus; some jurists, including Ibn Idrīs and Sayyid Murtaḍā, believe inheritance in mut'ah is possible unless the condition of its absence is stipulated in the contract (Ibn Idrīs, al-Sarā'ir, vol. 2, p. 624; Sayyid Murtaḍā, p. 114). Third, critics have conflated "naskh" (abrogation) with "takhṣīs" (specification); because the inheritance verse states a general ruling for all wives, but in the case of a mut'ah wife, due to specific conditions, it is specified.

Another group believes that verses 29-31 of Surah al-Ma'ārij, which refer to preserving chastity and legitimate relations, abrogate the ruling on mut'ah. However, Shi'a scholars believe that mut'ah does not differ in essence from permanent marriage, and both types were legislated to establish a legitimate relationship between a man and a woman (Ṭabrisī, vol. 5, p. 123).

Some Sunni exegetes believe the verse concerning mut'ah was abrogated by the verse on inheritance. Fakhr al-Rāzī believes that if a mut'ah wife were considered a legal spouse, inheritance between the

spouses should be established, which is not the case in mut'ah marriage (Fakhr al-Rāzī, vol. 10, p. 5). Al-Shāfi'ī also notes that mut'ah was permissible at the beginning of Islam, but due to social problems, the Prophet (PBUH) declared it prohibited (al-Shāfi'ī, vol. 2, p. 123). 'Allāmah Ṭabāṭabā'ī emphasizes that mut'ah has its own specific rulings, and inheritance is not established in it (Ṭabāṭabā'ī, vol. 4, p. 123).

All Islamic schools of thought agree on the permissibility of temporary marriage during the time of the Messenger of God (PBUH) (al-Durr al-Manthūr, vol. 2, pp. 139–140). Also, al-Bukhārī and Muslim have narrated from Ibn Mas'ūd that the Prophet (PBUH) permitted us to marry a woman for a specified period and recited this verse: "O you who have believed, do not prohibit the good things which Allah has made lawful to you..." (al-Mā'idah/87) (Bukhārī, vol. 7, p. 4).

Al-Nawawī, in his commentary on Ṣaḥīḥ Muslim, writes: "Mut'ah in Islam was made permissible and prohibited at different times; it was prohibited during the Battle of Khaybar, but became permissible again during the Conquest of Mecca and the Day of Awtās." Critiquing this view, Ṣubḥānī Ṭabrīzī states that if al-Nawawī's claim were correct, the Prophet (PBUH) would have mentioned this matter in the Farewell Sermon (Khutbat al-Wadā'), especially in the section where he spoke about women's rights, but no reference to the prohibition of mut'ah is made (Ṣubḥānī Ṭabrīzī, 1385 AH, p. 68).

Some believe that the Prophet (PBUH) prohibited mut'ah during the Expedition of Tabūk and repeated this prohibition in the Farewell Pilgrimage. Ibn Hajar presents two views regarding the prohibition of mut'ah: The first group believes that the second Caliph, 'Umar ibn al-Khaṭṭāb, declared mut'ah prohibited and justify this prohibition as being by the command of the Prophet (PBUH). This group does not consider the narration of Sabrah ibn Ma'bad—which places the prohibition in the year of the Conquest of Mecca—as reliable (Ibn Qayyim, n.d., vol. 2, pp. 205–206). In summary, there are significant disagreements about the time, place, and authority behind the prohibition of mut'ah, and the numerous narrations in this field require precise and comparative examination.

Examination of Narrations Cited for Prohibition of Mut'ah

1. Narration Attributed to Imam 'Alī (AS)

In Ṣaḥīḥ Muslim, there are narrations that report the Prophet Muhammad's (PBUH) prohibition of temporary marriage (mut'ah). Among them is a narration from Imam 'Alī (AS) which states: "He prohibited al-mut'ah" (Nīshābūrī, n.d., vol. 4, p. 135). Also, in Sunan Abī Dāwūd it is stated that the Prophet (PBUH) said: "Indeed, Allah prohibited al-mut'ah on the day of Khaybar" (Ibn Dāwūd, n.d., vol. 2, p. 123). Furthermore, Imam al-Ṣādiq (AS) in al-Kāfī is reported to have said: "Al-Mut'ah is forbidden" (Kulaynī, n.d., vol. 5, p. 354).

From the perspective of some Sunni and Shi'a exegetes and jurists, these narrations indicate a consensus on the prohibition of mut'ah. However, Shi'a jurists have raised various objections to the authenticity of the narration attributed to Imam 'Alī (AS). First, there are other narrations from Imam 'Alī (AS) confirming the legitimacy of mut'ah (Fakhr al-Rāzī, n.d., vol. 10, p. 50). Second, the narrator of the prohibition narration, Sufyān ibn 'Uyaynah, is known for tadlīs (concealing defects in the chain of transmission) (Dhahabī, n.d., vol. 2, p. 170). Nevertheless, al-Bukhārī considered this narration the most authentic and included it among the soundest narrations. The status of other prohibition narrations has also been specified and examined in ḥadīth sources (Shahīd al-Thānī, 1403 AH, vol. 5, p. 261).

2. Narration from Salamah ibn al-Akwa'

Salamah ibn al-Akwa', a Companion of the Prophet (PBUH), narrates in a report that the Prophet (PBUH) prohibited temporary marriage (mut'ah): "The Messenger of Allah (PBUH) prohibited al-mut'ah" (Muslim, n.d., vol. 2, p. 1020). This narration is cited in Sunni sources, including Ṣaḥīḥ Muslim and Sunan Abī Dāwūd, as one of the evidences for the prohibition of mut'ah (Ibn Dāwūd, n.d., vol. 2, p. 123). Ibn Ḥazm in al-Muḥallā also refers to this narration and considers it one of the main proofs for the prohibition of mut'ah (Ibn Ḥazm, n.d., vol. 9, p. 123).

However, Shi'a jurists point out flaws in the authenticity of this narration. First, in *Ṣaḥīḥ al-Bukhārī*, no narration from the Prophet (PBUH) prohibiting mut'ah is reported (Bukhārī, 1401 AH, vol. 6, p. 129). Furthermore, some Sunni scholars, including Ibn Ma'in and al-Nasā'ī, have weakened Salamah (Dhahabī, n.d., vol. 4, p. 486). Shi'a scholars cite numerous narrations to prove the legitimacy of mut'ah, including in *Man lā Yaḥḍuruh al-Faqīh* by Shaykh al-Ṣadūq (Shaykh al-Ṣadūq, n.d., vol. 3, p. 123). Also, verse 24 of Surah an-Nisā' explicitly refers to temporary marriage: "...and the enjoyment [mut'ah] which Allah has made lawful for you" (an-Nisā'/24).

This view, based on authentic narrations, Quranic verses, and the social conditions of the era of the Prophet (PBUH) and the Ahl al-Bayt (AS), critiques the Sunni narrations concerning the prohibition of mut'ah and shows that the disagreement in this matter relates more to the interpretation and historical/jurisprudential analysis of the narrations.

3. Narration from Sabrah ibn Ma'bad al-Juhani

The last ḥadīth concerning the prohibition of temporary marriage (mut'ah) is narrated from Sabrah ibn Ma'bad in *Ṣaḥīḥ al-Bukhārī*, stating that the Prophet Muhammad (PBUH) declared mut'ah prohibited during the events of the Conquest of Mecca (Bukhārī, 1401 AH, vol. 10, p. 51). Ibn Ḥazm in *al-Muḥallā* also cites this narration and considers it one of the main proofs for the prohibition of mut'ah (Ibn Ḥazm, n.d., vol. 9, p. 123). Some Sunni scholars, including Ibn 'Abbās, have confirmed this prohibition (*Ṣaḥīḥ Muslim*, n.d., vol. 2, p. 1020). Shi'a jurists point out flaws in the authenticity of this narration. First, this ḥadīth is of the type *akḥbār al-āḥād* (solitary reports), and abrogation of Quranic verses through *khābar al-wāḥid* is not accepted in principle (Shahīd al-Thānī, 1403 AH, vol. 5, p. 264). Also, in *Ṣaḥīḥ Muslim* it is reported that Jābir ibn 'Abdullāh said: "We practiced mut'ah during the time of the Prophet, Abū Bakr, and 'Umar" (*Nīshābūrī*, n.d., vol. 4, p. 131). This narration shows that mut'ah had not been abrogated during the time of the Prophet (PBUH) and the first Caliphs.

From the Shi'a perspective, Abū Ḥanīfah, the founder of the Ḥanafī school of jurisprudence and proponent of the theory of istiḥsān (juristic preference), relied solely on the narration of Sabrah ibn Ma'bad to prove the prohibition of mut'ah (Abū Ḥanīfah, n.d., p. 45). The author of *al-Fiqh 'alā al-Madhāhib al-Arba'ah* also refers to the consensus of Sunnis on the prohibition of mut'ah and considers it a definitive ruling (Jazīrī, 1419 AH, vol. 2, p. 123). However, the same work emphasizes that the principle is the absence of abrogation and specification, and rulings of permissibility and prohibition issued by the Prophet (PBUH) must remain valid for all eras (Jazīrī, 1419 AH, vol. 2, p. 150).

The Temporary Nature of Mut'ah in the Original Legislation

Some scholars believe that the permissibility of temporary marriage (mut'ah) in early Islam was due to the specific conditions and social necessities of that era (al-Jazā'irī, n.d., vol. 4, p. 91). Ibn Qayyim also notes that mut'ah during the time of the Prophet Muhammad (PBUH) was presented as a solution to social problems, but with changing conditions, this ruling was abolished (Ibn Qayyim, n.d., vol. 2, p...). Ibn Ḥazm similarly states that the permissibility of mut'ah was due to specific and temporary exigencies of that period and that after social and political changes, this ruling was abrogated (Ibn Ḥazm, n.d., vol. 9, p. 123). Al-Nawawī and al-Shāfi'ī in their works also emphasize that the permissibility of mut'ah was due to specific and temporary conditions and that with the change in those conditions, its ruling was abolished (al-Nawawī, n.d., vol. 9, p. 123; al-Shāfi'ī, n.d., vol. 2, p. 123). They believe this type of marriage continued after the Prophet (PBUH), although some Caliphs prohibited it.

From the Shi'a perspective, mut'ah is a legislative ruling prescribed by the Prophet (PBUH) and the Infallible Imams (AS) as a temporary solution for fulfilling sexual and emotional needs under specific conditions. The time limitation is a fundamental pillar of this type of marriage, distinguishing it from permanent marriage (Mūsawī, 1400 AH, vol. 1, p. 45).

Governmental Authority

Some believe that the prohibition by the second Caliph, 'Umar ibn al-Khaṭṭāb, of temporary marriage (mut'ah) was due to its abrogation; however, he acknowledged the legitimacy of this type of marriage during the time of the Prophet Muhammad (PBUH), saying: "Two mut'ahs were permissible during the time of the Messenger of Allah (PBUH)" (Jazīrī, 1400 AH, vol. 2, p. 200). This statement confirms the principle of the legitimacy of mut'ah in the Prophetic era and shows a contradiction in 'Umar's position (Bayhaqī, n.d., vol. 7, p. 206).

To justify the prohibition of mut'ah, two types of arguments are presented:

Public Interest (Maṣlaḥah): Some Sunni scholars believe the prohibition of mut'ah was due to social interests and preventing chaos. Ibn Ḥazm in al-Muḥallā writes: "'Umar ibn al-Khaṭṭāb declared mut'ah forbidden due to public interest" (Ibn Ḥazm, n.d., vol. 9, p. 123).

Governmental Ruling (Ḥukm Ḥukūmatī): Another group believes the prohibition of mut'ah was adopted as a governmental ruling based on the consensus of the Companions. Shaykh Ṭūsī in Tahdhīb al-Aḥkām explicitly states: "The prohibition of mut'ah by 'Umar was enacted as a governmental ruling and based on the consensus of the Companions" (Ṭūsī, n.d., vol. 7, p. 45).

Prominent figures such as Imam 'Alī (AS) and Ibn 'Abbās opposed the prohibition of temporary marriage and emphasized its permissibility (Mīlānī, 1418 AH, p. 18). Ṣaḥīḥ Muslim reports that temporary marriage was common among the Companions during the time of the Prophet (PBUH), the first Caliph, and even at the beginning of 'Umar's caliphate (Nīshābūrī, n.d., vol. 4, p. 131). Shahīd Muṭaḥharī also points out that Sunnis should not attribute permanence to this prohibition, as 'Umar changed his opinions on numerous occasions ('Umarī, 1408 AH, p. 303).

From the Shi'a perspective, temporary marriage is a permanent and effective ruling in the Islamic jurisprudential system. Imam Ja'far al-Ṣādiq (AS) also emphasized the permissibility of this type of marriage until the Day of Resurrection and introduced it as a means to prevent fornication.

Moderation of Extreme and Lax Views Regarding the Comparative Interpretation of the Legal Ruling of the Mut'ah Verse

Senior Companions, their subsequents (Tābi'ūn), Sunni exegetes, and jurists of the Ahl al-Bayt (AS) school, cite verse 24 of Surah an-Nisā', as a ruled in favor of the legitimacy of temporary marriage (mut'ah). The Muslim community agrees that mut'ah was legislated in Islam and was prevalent in early Islam. Both Shi'a and Sunni sects agree on the existence of mut'ah during the era of the Prophet Muhammad (PBUH); with the difference that Shi'a believe this ruling was not abrogated, while Sunnis believe the permissibility of mut'ah was temporary and was later abrogated (Ibn Ḥazm, n.d., vol. 9, pp. 519–520).

Some Companions, including Asmā' bint Abī Bakr, Jābir ibn 'Abdullāh, and Ibn 'Abbās, believed in the legitimacy of mut'ah. The Quranic proof for the permissibility of mut'ah is verse 24 of Surah an-Nisā', which according to the recitation of some Companions is narrated as: "Fa-mā istamta'tum bihi minhunna ilā ajalīn musammā fa-ātūhunna ujūrahunna" (So for whatever you enjoy from them for a specified term, give them their compensations). This recitation is found in Sunni sources and Shi'a narrations, and if authentic, provides explicit evidence for the legislation of mut'ah in the Quran.

The narration of 'Imrān ibn Ḥuṣayn in Musnad Aḥmad shows that the mut'ah verse was revealed during the time of the Prophet (PBUH), and until his passing, no prohibition or abrogation concerning it occurred (Musnad Aḥmad, n.d., vol. 4, p. 436). Prominent Sunni exegetes such as Zamakhsharī, Qurṭubī, and Ibn Kathīr have also referred to the generality of the verse and considered it evidence for the legitimacy of mut'ah (al-Kashshāf, n.d., vol. 1, p. 519; Qurṭubī, n.d., vol. 5, p. 133; Ibn Kathīr, n.d., vol. 1, p. 474).

This body of evidence indicates the legitimacy of temporary marriage in Islam and the absence of its definitive abrogation.

Extreme View: Some individuals completely reject mut'ah, considering it an abrogated and inapplicable ruling. This attitude may stem from an imprecise understanding of religious texts or influence from cultural and social backgrounds, ultimately leading to the disparagement of this legal ruling.

Negligent View: In contrast, another group, citing Quranic verses and narrations, emphasizes the legitimacy and necessity of implementing mut'ah, introducing it as a permanent and unchangeable ruling. This view may also arise from insufficient attention to social and cultural conditions and interpretational differences in understanding the relevant verses.

To moderate extreme and lax attitudes, a comparative examination of the mut'ah verse is necessary—an analysis that includes the historical and social conditions at the time of the ruling's issuance and the viewpoints of scholars from Islamic schools of thought. Mut'ah or temporary marriage is a type of legal contract distinct from fornication. Mut'ah is contracted under specific conditions such as determining the duration and dowry, and in Shi'a jurisprudence, it is recognized as a temporary solution for fulfilling sexual and emotional needs. Fornication is a forbidden act warranting punishment. Moderating views requires a balanced and realistic approach that considers social realities.

Mut'ah as a Social Institution: Its Educational and Social Impacts

Temporary marriage, or *mut'ah*, as a social institution, may have various educational and social implications for individuals, families, and society. The following section examines some of these potential impacts and proposes strategies for the appropriate regulation and utilization of this form of marriage.

Educational and Social Impacts of Mut'ah

1. Fulfilment of Emotional and Sexual Needs:

Mut'ah may provide a legitimate means of fulfilling individuals' emotional and sexual needs in circumstances where permanent marriage is not feasible. In this respect, it may contribute to mitigating certain psychological and social problems associated with prolonged loneliness and the absence of an intimate marital relationship (Tabasi, 1390 AH, pp. 45–60).

2. Reduction of Economic Pressures:

In certain circumstances, temporary marriage may reduce some of the financial pressures associated with permanent marriage and the provision of long-term living expenses. This form of marriage may enable individuals to establish an intimate relationship without assuming the same level of long-term financial obligations associated with permanent marriage (Mirbagheri, 1388 AH, pp. 112–130).

3. Child-Rearing and Education:

When children are born from a temporary marriage, their upbringing and education require particular attention to their emotional, psychological, and social needs. Ensuring an appropriate family environment and providing adequate parental care and educational support are essential for promoting the healthy development of children in such circumstances (Muhaddithi, 1395 AH, pp. 78–90).

4. Reduction of Social Harms:

By providing a legally recognized framework for certain intimate relationships, mut'ah may contribute, under appropriate legal and social conditions, to reducing informal or unregulated relationships and some of the social harms that may arise from them (Velayati, 1392 AH, pp. 200–215).

Strategies for the Appropriate Regulation and Utilization of Mut'ah

1. Education and Awareness-Raising:

Providing educational programs and awareness-raising initiatives concerning the legal, ethical, social, and familial dimensions of mut'ah may help individuals understand its conditions and regulations and make informed decisions regarding its practice (Hosseini, 1397 AH, pp. 150–165).

2. Development of Legal Frameworks and Regulations:

Establishing clear and comprehensive legal frameworks governing temporary marriage may help prevent exploitation, protect the rights of the parties involved, and reduce the possibility of unregulated or unauthorized relationships (Kadivar, 1394 AH, pp. 45–60).

3. Consideration of Social and Cultural Conditions:

Taking into account the prevailing social, cultural, and familial conditions of a given society when developing policies and programs concerning mut'ah may contribute to a more context-sensitive understanding and implementation of this institution (Shari'ati, 1396 AH, pp. 30–50).

4. Support for Families:

Providing appropriate counseling, educational, and social-support services to families formed through temporary marriage may contribute to healthier interpersonal relationships and facilitate the emotional and educational development of children where applicable (Niku, 1398 AH, pp. 100–120).

5. Promotion of Dialogue and Social Awareness:

Encouraging informed dialogue and scholarly discussion concerning mut'ah and its implications for individuals, families, and society may help reduce misconceptions and prejudicial attitudes while promoting greater mutual understanding among different segments of society (Davari, 1393 AH, pp. 85–95).

Taken together, these potential impacts and regulatory strategies, mut'ah may be considered as one possible mechanism for addressing certain emotional, social, and economic needs while minimizing potential social harms.

Conclusion

Temporary marriage (mut'ah) not only existed in early Islam and during the time of the Prophet Muhammad (PBUH), but was also prevalent among Arab communities before Islam. This type of marriage was often performed without specifying a dowry, and after the specified period ended, the couple would separate. Disagreements about its legitimacy emerged after the Prophet's (PBUH) passing; some Sunni scholars believe this ruling was abrogated. Shi'a jurists believe its prohibition was enacted solely by the second Caliph.

Extreme View: Some Sunni scholars consider mut‘ah completely abrogated and accord it no legitimacy. This attitude, with its absolute denial of mut‘ah, harms the jurisprudential history of Islam.

Negligent View: Some Shi‘a scholars, with absolute emphasis on the legitimacy of mut‘ah, disregard social and cultural considerations. This approach may pave the way for the abuse of this ruling and the emergence of social problems.

For a correct understanding of this issue, it is essential to carefully examine both viewpoints and avoid extremism and laxity. Mut‘ah was legitimate during the time of the Prophet (PBUH), and its prohibition by the second Caliph had a political scenario. To achieve a balanced system regarding the ruling on mut‘ah, we need a comparative approach that considers both religious texts and social realities such as:

1. Balanced Jurisprudential Framework:

Developing a comprehensive jurisprudential framework based on the Qur’an, the Sunnah, diverse scholarly opinions, and relevant social considerations may promote a balanced understanding of mut‘ah.

2. Interreligious Dialogue:

Organizing scholarly discussions between Sunni and Shi‘i scholars may facilitate the exchange of views and reduce misunderstanding and extremism concerning mut‘ah.

3. Education and Awareness-Raising:

Providing educational programs on the history, jurisprudential rulings, ethical principles, and conditions of mut‘ah may promote a more accurate understanding of this form of marriage.

4. Attention to Social Needs:

Considering the social and cultural conditions of Muslim societies is essential when examining the contemporary implications of mut‘ah.

5. Emphasis on Ethics and Responsibility:

Protecting the rights of both parties and emphasizing ethical responsibility through appropriate legal and social safeguards may help prevent potential abuses.

Educational Implications of Mut'ah:

Mut'ah may have an educational dimension by promoting awareness of human relationships, ethical conduct, and personal responsibility. Proper education concerning its legal and ethical requirements may help young people develop a more informed understanding of marital relationships. Furthermore, emphasizing mutual rights and responsibilities may reduce potential social problems and abuses. Thus, within the relevant Islamic jurisprudential framework, mut'ah may be viewed as one form of marriage whose implications should be assessed in light of ethics, family welfare, and social responsibility.

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