



## A Comparative Study of Narrations in Kāfī of Kulaynī and Ṣaḥīḥ al-Bukhārī Regarding Temporary Marriage (Mut'ah)

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### Abstract

One of the points of disagreement between Shi'a and Sunni is the issue of temporary marriage or Mut'ah. The Shi'a have presented evidence to prove the permissibility (lawfulness) of Mut'ah, while the Ahl al-Sunnah (Sunni) have presented evidence for its abrogation and prohibition. Some of the intellectual roots of each group trace back to early Ḥadīth collections, including Ṣaḥīḥ al-Bukhārī and al-Kāfī of Kulaynī. The present article employs a descriptive-analytical method to provide a scholarly examination and comparative perspective on the two ancient Shi'a and Sunni Ḥadīth compilations, Kāfī of Kulaynī and Ṣaḥīḥ al-Bukhārī, concerning the subject of temporary marriage or Mut'ah. In this research, the narrations about temporary marriage in the two aforementioned books were first examined in terms of the number of Ḥadīths, the number and titles of chapters, and the quality of the chain of transmission (Sanad) connected to the Infallible (Ma'sūm). Subsequently, the content of the Ḥadīths and their elaboration were presented, revealing that the fundamental legitimacy of this marriage in Islam is agreed upon by all Muslims, both Shi'a and Sunni, and has been established by Qur'anic verses and definitive Sunnah, remaining in its legitimate status and not having been abrogated. Furthermore, Kāfī of Kulaynī addresses the discussion of temporary marriage much more comprehensively and completely, whereas Ṣaḥīḥ al-Bukhārī includes a total of 8 Ḥadīths on this matter.

**Keywords:** *Mut'ah or Temporary Marriage; Kāfī of Kulaynī; Ṣaḥīḥ al-Bukhārī*

### 1. Introduction

Temporary marriage, or **Mut'ah**, is one of the important and controversial topics in Islam. This type of marriage, in which a man and a woman marry for a **fixed period**, is only **very briefly mentioned**

in the Holy Qur'an, but **numerous narrations** exist about it from the Prophet of Islam and the Infallible Imams. The two important **Shi'a and Sunni narrative sources**, *Kāfī* of Kulaynī and *Ṣaḥīḥ al-Bukhārī*, both **report multiple narrations** concerning temporary marriage. These narrations exhibit **differences in terms of chain of transmission (Sanad) and content** which, when examined, can aid in a better understanding of this subject. Notably, this research **focuses more on the content-based discussion**. *Mut'ah* existed in Islam from the time of the Prophet Muḥammad (PBUH) and was common during the time of the first and second Caliphs. However, **Umar ibn al-Khaṭṭāb, the second Caliph, prohibited Mut'ah**. There are varying opinions regarding the permissibility or prohibition of *Mut'ah*. Some jurists believe that *Mut'ah* was **lawful during the time of the Prophet (PBUH) but was later abrogated**. Others believe that *Mut'ah* has **always been forbidden**. However, the **Shi'a believe that Mut'ah is lawful and legitimate in Islam and was never abrogated**. This issue has long been a subject of attention for jurists and *Ḥadīth* scholars, who have dedicated a **chapter** to it in *Ḥadīth* and jurisprudence books. In fact, another ruling that was changed by the second Caliph, according to the content of the *Ḥadīths* in the two *Ṣaḥīḥs*, is **the Mut'ah of marriage**, and this subject **remains prohibited among the Ahl al-Sunnah (according to the Caliph's decree)**. All Muslim scholars agree that *Mut'ah* was **permissible in Islam**, but the disagreement lies in **whether this marriage was later abrogated or not**. Some, including the **Ahl al-Sunnah, state that it was abrogated**, while others, namely the **Shi'a, maintain that it was not abrogated and remains in its primary ruling until the Day of Resurrection**. The intellectual roots of both groups can be found in their respective *Ḥadīth* books (Shi'a and Sunni). Therefore, this research examines, elaborates, and explains the subject of *Mut'ah* according to the **content of the narrations in the two ancient Shi'a and Sunni Ḥadīth compilations**, and then presents the **evidence of both sides from their primary sources**.

## 2. Background

It is necessary to note that the following studies have been conducted regarding *Mut'ah* or temporary marriage:

1. Ghāṭī, Aḥmad Riḍā (2008 CE). A Comparative-Analytical View of *Kāfī* of Kulaynī and *Ṣaḥīḥ al-Bukhārī*. *Safīnah*, 5(19 (Special Issue on the Book *Kāfī*)).
2. Sutūdeh Nīyā, Muḥammad Riḍā, and Ḥabīb Allāhī, Mehdī (2014 CE). A Study of the Views of Shi'a, Sunni, and Orientalist Commentators on Narrations Suggesting the Distortion of the *Mut'ah* Verse. *Qur'an and Ḥadīth Studies*, 7(2), 63-89.
3. Sharīf Pūr, Najmah, and Dehghān Mangābādī, Bamān 'Alī (2015 CE). A Comparative Study of the Ruling of *Nikāḥ al-Mut'ah* from the Viewpoint of Shaykh Ṭūsī and Abū Ḥanīfah. *Foundations of Islamic Jurisprudence and Law (Research Journal of Jurisprudence and Islamic Law)*, 8(15), 31-55.
4. Āl Ṭāhā, Sayyid Ḥusayn, Nūrī, Sumayyah, and Asadī, Mehdī (2018 CE). Critique and Review of the Claim of Abrogation of the *Mut'ah* Ruling. *Interdisciplinary Research on the Holy Qur'an*, 9(2), 71-90.
5. Mūsawī, Zahrā Sādāt, Fattāḥī Zādah, Fathīyah, and 'Itrat Dūst, Muḥammad (2022 CE). Content Analysis of *Mut'ah* Narrations in Shi'a *Ḥadīth* Sources. *Ḥadīth Understanding Studies*, 8(16), 119-145.
6. Ṭabāṭabā'ī, Sayyid Muḥammad Ḥusayn (1964 CE). *Mut'ah* or Temporary Marriage. *Maktab-e Tashayyu'*, 11.
7. Laylā Īmānī Rād, Muḥammad Jawād Vazīrī Fard (2010 CE). The Nature of a *Mut'ah* Wife. *Shia Women's Journal*, 6(19), 187.

However, as is evident, none of the above articles have specifically and independently addressed a "Comparative Study of Narrations in *Kāfī* of Kulaynī and *Ṣaḥīḥ al-Bukhārī* Regarding Temporary Marriage (*Mut'ah*)". The current research examines the subject of *Mut'ah* in the two Shi'a and Sunni

Ḥadīth compilations, the books Kāfī and Ṣaḥīḥ al-Bukhārī, and no article in this specific area has been published to date.

### 3. Examination of Narrations in the Two Books: Kāfī and Ṣaḥīḥ al-Bukhārī

In this section, we will first discuss the *Ḥadīths* in the chapter on temporary marriage in the book *Kāfī*, and then the *Ḥadīths* in the book *Bukhārī*, considering their **external and structural aspects**. The discussion will cover the **number of Ḥadīths**, the **subjects and titles**, and the **quality of the connection to the Infallible** in the two books.

#### 3-1. Examination of Narrations in the Chapters on *Mut'ah* (Temporary Marriage) in the Book *Kāfī*

Under the subtitle of this chapter (**The Chapters of *Mut'ah***), **17 titles** (or in other words, **17 subjects**) are included. For example, the title of the first chapter in the *Chapters of Mut'ah*, which are the sections related to temporary marriage in *Furū' al-Kāfī*, is: "**No Limitation on Temporary Marriage in Terms of Number**". This chapter contains **7 narrations**, and in each narration, one or more points (scholarly or legal) regarding temporary marriage are mentioned. The final title in the *Mut'ah* section is the **Chapter of *al-Nawādir*** (Unique Narrations), which collects unique narrations or rare *Ḥadīths*, or *Ḥadīths* that were not related to other sections of the *Mut'ah* chapter; however, **no such chapter exists in Ṣaḥīḥ al-Bukhārī**. The *Ḥadīths* related to temporary marriage in the book *Kāfī* total **84** in number, of which **18 Ḥadīths are repeated but narrated with different chains of transmission (*Sanad*)**. Regarding the **connection of the Ḥadīths to the Infallibles**, it must be stated: **82** out of the 84 *Ḥadīths* are **connected (*muttaṣil*)**. **8 Ḥadīths** connect to **Imam Bāqir (A.S.)**, **56** connect to **Imam Ṣādiq (A.S.)**, **10** connect to **Imam Kāzīm (A.S.)**, and **8 Ḥadīths** have a chain of transmission that reaches **Imam Riḍā (A.S.)**. Therefore, **most of the chains of transmission in the *Mut'ah* chapter of *Kāfī* are connected to the Infallibles (A.S.)**. (Kulaynī, 2009, Vol. 6, pp. 390-393) In relation to temporary marriage and the proof of its lawfulness, *Kāfī* refers to the verse: “فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً” [1] [2] (al-Nisā', 24). **Imam Bāqir (A.S.) explicitly stated that this verse was revealed concerning temporary marriage** (Kulaynī, n.d., Vol. 5, p. 448; Ṭūsī, 1987 AH, Vol. 7, p. 250; Ṭūsī, 1971, Vol. 3, p. 141; Majlisī, n.d., Vol. 100, p. 314; al-'Ayyāshī, n.d., Vol. 1, p. 233; Ḥurr al-'Āmilī, 1989, Vol. 21, p. 5; Nūrī, 1997 AH, Vol. 14, p. 449). Regarding this verse, jurists have presented various opinions, which will be addressed in the section on qualitative and content-based evaluation and elaboration of *Mut'ah*.

#### 3-2. Examination of Narrations Related to Temporary Marriage in Ṣaḥīḥ al-Bukhārī

In the book Ṣaḥīḥ al-Bukhārī, only two titles related to temporary marriage are included under the Book of Nikāḥ (Marriage), a quantity that is significantly less than that in the book Kāfī. In other words, Ṣaḥīḥ al-Bukhārī does not include an independent chapter for temporary marriage like the book Kāfī; rather, these two titles appear under the titles of the Book of Nikāḥ. The number of *Ḥadīths* related to temporary marriage is 8 (*Ḥadīths*, 4 *Ḥadīths* in one chapter and 4 *Ḥadīths* in the other), of which 3 *Ḥadīths* are repeated and share the same content with one chain of transmission. It must be noted that none of the titles of the subjects on temporary marriage in the book Kāfī are shared with the titles related to temporary marriage in Ṣaḥīḥ al-Bukhārī.

Regarding the quality of the connection of the *Ḥadīths*, it must be said that most of the *Ḥadīths'* chains of transmission reach the Prophet (PBUH) and very few are connected to the Ahl al-Bayt (A.S.). Among the 8 *Ḥadīths*, some chains of transmission reach Ibn 'Abbās, the Prophet's cousin, 'Abdullāh ibn Mas'ūd, a companion of the Prophet, Sa'd ibn Abī Waqqāṣ, Sa'īd ibn al-Musayyib, Salamah ibn al-Akwa', Jābir ibn 'Abdullāh, and in one instance, the chain of transmission even reaches Abū Hurayrah [3] (Bukhārī, 1973, Vol. 6, pp. 57-58 and 31-32).

#### 4. Qualitative and Content-Based Examination of Narrations in the Books *Kāfī* and *Bukhārī*

In this section, the **content of the *Ḥadīths*** in the book *Kāfī*, and subsequently in the book *Ṣaḥīḥ al-Bukhārī*, will be **qualitatively and conceptually examined and analyzed**.

##### 4-1. Content-Based Examination of Narrations in the Chapter on Temporary Marriage in the Book *Kāfī*

###### 4-1-1. Temporary Marriage

The sections related to temporary marriage in this chapter contain 8 narrations, which will be discussed according to the order of the *Ḥadīths* in the chapter:

*Ḥadīth 1*: This *Ḥadīth* refers to a verse regarding temporary marriage: “فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ” [4] (*al-Nisā'*, 24) (Kulaynī, 2009, Vol. 6, p. 385).

This verse refers to four points: 1- The legitimacy of *Mut'ah* in Islam based on verse 24 of *Sūrah al-Nisā'*. 2- In temporary marriage, the woman's *mahr* (dowry/wage) must be paid. 3- Mutual consent is a condition for the *mahr*. 4- After the end of the duration in temporary marriage, the duration or *mahr* can be extended or increased/decreased with the mutual consent of the parties.

5- Temporary marriage, its rulings and laws, stem from the knowledge and wisdom of God, as mentioned at the end of the verse: “عَلِيمًا حَكِيمًا” (All-Knowing, All-Wise). Therefore, this verse states that whatever benefit (*istimtā'*) you derive from women in temporary marriage, pay them their specified wage (*ajr*).

Most Sunni commentators and all Shi'a commentators consider this verse to be related to temporary marriage. Some reciters even recited the verse as: “فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ» إِلَى أَجَلٍ...”, considering the duration (*ajal*) as one of the conditions of temporary marriage and part of the verse (Ṭabarī, 1937, Vol. 5, p. [page number missing]; Zamakhsharī, 1987 AH, Vol. 1, p. 519; Fakhr al-Rāzī, 1999 AH, Vol. 3, p. 201). Some researchers believe that the beginning of the same *Sūrah al-Nisā'* introduces the discussion of permanent marriage (*al-Nisā'*, 4-5), and if the verse in question (the verse of *istimtā'*) were also related to permanent marriage, it would necessitate the repetition of a ruling within the same *Sūrah* without a new benefit or point, a practice that does not align with the eloquence and method of the Holy Qur'an (Najmī, 2000, Vol. 2, p. 383). Allamah Ṭabāṭabā'ī also believes that the intent of the verse is temporary marriage, not permanent marriage (Ṭabāṭabā'ī, 1995, Vol. 4, p. 478).

*Ḥadīth 2*: According to this *Ḥadīth*: Firstly, the second Caliph, 'Umar ibn al-Khaṭṭāb, forbade temporary marriage, even though no one has the right to forbid God's ruling. Secondly, if temporary marriage had not been forbidden, no one would commit adultery except the wicked. In fact, temporary marriage is a sound plan (as its lawfulness in Islam was proven in the previous narration by elaborating on verse 24 of *Sūrah al-Nisā'*), and the world has legalized adultery due to its absence, making temporary marriage a social necessity.

*Ḥadīth 3*: The important point of this *Ḥadīth* is: The lawfulness of temporary marriage until the Day of Resurrection, based on the Qur'anic verse and the view of the Imams according to the Prophet's *Ḥadīth* that temporary marriage is lawful, even though 'Umar forbade it.

*Ḥadīth 4*: 1- Temporary marriage is the *Sunnah* of the Messenger of God, and a verse was revealed about it in the Qur'an.

*Ḥadīth 5*: The lawfulness of temporary marriage is conditional on the person lacking the financial ability to enter into a permanent marriage.

*Ḥadīth 6*: According to the statement of Mu'min Ṭāq: Firstly, the first verse of *Sūrah al-Ma'ārij* is Makkan, and the verse of temporary marriage is Medinan, so this verse (the first verse of *al-Ma'ārij*) cannot explicitly state the prohibition of temporary marriage, and the narration from the Prophet (PBUH) that serves as evidence for the prohibition of temporary marriage is *shādh*dh (isolated/unusual) and is rejected.

Secondly, the verse of inheritance also cannot explicitly state the abrogation of temporary marriage, because marriage without inheritance is also established; that is, if a Muslim man marries a woman from the People of the Book, and then the man dies, the woman does not inherit from him in this case (Kulaynī, 2009, Vol. 6, pp. 386-390).

#### **4-1-2. No Limitation on Temporary Marriage in Terms of Number (Temporary wives are considered like female slaves and are not counted among permanent wives)**

This chapter contains 7 narrations, which will be examined in the order of the Ḥadīths in the chapter:

Ḥadīth 1: According to this Ḥadīth and the saying of Imam Ṣādiq (A.S.), there is no limitation on temporary marriage in terms of number or time, and it is lawful; in fact, these women are considered like female slaves.

Ḥadīth 2: A temporary wife is merely a leased spouse: 1- A temporary wife is not included in the four women of permanent marriage. 2- A temporary wife is not divorced. 3- She does not inherit. 4- She is only a leased spouse. (Kulaynī, 2009, Vol. 6, pp. 390-394)

#### **4-1-3. Temporary Marriage Only When Necessary**

This chapter contains 4 narrations:

Ḥadīth 1: This Ḥadīth refers to two points: 1- Temporary marriage is only in a state of necessity (when a person has a permanent wife, they are essentially independent of temporary marriage). 2- In temporary marriage, the wage (ujrah), mahr, and duration are determined by the mutual agreement of the parties.

Ḥadīth 2: The lawfulness and permissibility of temporary marriage are contingent upon two conditions: 1- The person whom God has not granted the ability for permanent marriage. 2- Temporary marriage becomes permissible for a person if they are far from their permanent wife.

Ḥadīth 3: This points to: 1- Not insisting on temporary marriage, as it weakens the foundations of permanent marriage. 2- The primary goal of the religion is permanent marriage, because it is in permanent marriage that the proper upbringing of children and the strengthening of the family foundation takes place.

Ḥadīth 4: The emphatic instruction of the Imams to abandon temporary marriage when not necessary, to express shame regarding it, and to enjoin piety. (Kulaynī, 2009, Vol. 6, pp. 394-395)

#### **4-1-4. Temporary Marriage Only with a Chaste Woman**

This chapter contains 6 narrations:

Ḥadīth 1: The lawfulness of temporary marriage is conditioned on the presence of a chaste and modest woman, because God says: “وَالَّذِينَ هُمْ لِأُزُوجِهِمْ حَافِظُونَ” [5] (al-Mu'minūn, 5).

Ḥadīth 2: The prohibition of believing men from engaging in temporary marriage with an adulteress, based on the verse that says: “وَلَا تَنْكِحُوا الْمُشْرِكَاتِ حَتَّى يُؤْمَنَّ وَلَأَمَةٌ مُؤْمِنَةٌ خَيْرٌ مِّنْ مُّشْرِكَةٍ وَلَوْ أَعْجَبَتْكُمْ وَلَا تَنْكِحُوا الْمُشْرِكِينَ حَتَّى يُؤْمِنُوا وَلَعَبْدٌ مُّؤْمِنٌ خَيْرٌ مِّنْ مُّشْرِكٍ وَلَوْ أَعْجَبَكُمْ...” [6] (al-Baqarah, 221).

Ḥadīth 3: This Ḥadīth advises against temporary marriage with several categories of women: 1- A woman who is not a Shi'a and refuses to accept Shi'ism when presented to her. 2- Kawāshif women, meaning unveiled women whose homes are known and people visit them. 3- Dawā'ī women, meaning women who call men to themselves and are known for corruption. 4- Bafāyā women, meaning women famous for adultery. 5- Married women, meaning women who have been divorced un-Islamically. (Kulaynī, 2009, Vol. 6, pp. 396-399)

#### **4-1-5. Conditions of Temporary Marriage**

This chapter includes 5 narrations:

Ḥadīth 1: Temporary marriage takes place with two main and essential conditions: 1- A specified duration. 2- A specified wage (ajrah).

Ḥadīth 2: Necessity of stating the marriage conditions: 1- The duration must be specified. 2- The wage must definitely be specified. 3- It must be a marriage other than adultery. 4- It must be based on the Book of God and the Sunnah of the Prophet. 5- There is no mutual inheritance between the wife and husband. 5- In case of separation, the woman's Iddah (waiting period) is 45 days. These five conditions



are essentially the points of difference between temporary marriage and permanent marriage. (Kulaynī, 2009, Vol. 6, pp. 399-402)

#### **4-1-6. Repeating Conditions After the Marriage Contract**

This chapter has 5 narrations:

Ḥadīth 1: Regarding the meaning of verse 24 of Sūrah al-Nisā', which says: “وَلَا جُنَاحَ عَلَيْكُمْ فِيمَا تَرَاصَيْتُمْ” [7], Imam Ṣādiq (A.S.) reminds that conditions agreed upon after the marriage contract are permissible, but conditions prior to the marriage cannot be changed except with the woman's consent and by paying her something in exchange for her consent.

Ḥadīth 2: 1- A condition is only after the marriage contract. 2- The temporary husband and wife inherit from each other only if they stipulate it. (Kulaynī, 2009, Vol. 6, pp. 402-404)

#### **4-1-7. Minimum *Mahr* in Temporary Marriage**

This chapter includes 5 narrations:

Ḥadīth 1: The amount of mahr in temporary marriage is according to the agreement of the man and woman, up to any amount.

Ḥadīth 2: The minimum with which temporary marriage becomes lawful is a handful of food or a toothbrush stick. (Kulaynī, 2009, Vol. 6, pp. 405-406)

#### **4-1-8. *Iddah* (Waiting Period) for Women in Temporary Marriage**

This chapter includes 3 narrations:

Ḥadīth 1: The duration of *Iddah* for women in temporary marriage is of two forms: 1- If the woman has a menstrual cycle, one menstrual *Iddah*. 2- If she does not have a menstrual cycle, she must observe *Iddah* for one and a half months.

Ḥadīth 2: 1- Separation without divorce after the completion of the 45-day *Iddah* in temporary marriage. 2- The precautionary *Iddah* is 45 nights. (Kulaynī, 2009, Vol. 6, pp. 407-408)

#### **4-1-9. Extension of Duration**

This chapter includes 3 narrations:

Ḥadīth 1: Extension of the temporary marriage duration without observing *Iddah* (with the same husband). If the woman wishes to marry another husband, she must observe *Iddah*.

Ḥadīth 2: Possibility of increasing the temporary marriage duration before the determined period by gifting the remaining duration. (Kulaynī, 2009, Vol. 6, pp. 408-409)

#### **4-1-10. Specifying the Duration**

This is about specifying the duration and includes 5 narrations:

Ḥadīth 1: No limitation on the condition of specifying the duration in temporary marriage, provided there is a specified wage. (Refer to: Kulaynī, 2009, Vol. 6, pp. 410-412)

#### **4-1-11. Repeated Marriage with the Same Temporary Wife**

This refers to repeated marriage with the same temporary wife and includes 2 narrations:

Ḥadīth 1: 1- No limitation on repeated marriage with the same temporary wife (even if, after the end of the duration, the woman marries another person, after separating from that person, the man can marry her again temporarily, or as many times as he wishes). 2- A temporary wife is not like a permanently married free woman; she is leased. (Refer to: Kulaynī, 2009, Vol. 6, pp. 412-413)

#### **4-1-12. Non-Payment of *Mahr* in Case of Violation**

This section reminds that in case of any violation, the mahr is not paid and includes 5 narrations:

Ḥadīth 1: In case of the woman's violation (reduction of her service to the man during the specified duration) in temporary marriage, the man can reclaim his right in proportion to the reduction of service from the woman or pay her a reduced wage.

Ḥadīth 2: A woman who marries a man while having a husband has disobeyed God and should not be paid a mahr. (Kulaynī, 2009, Vol. 6, pp. 413-415)

#### **4-1-13. The Woman is Trustworthy Regarding Her Own Affairs**

This chapter has 2 narrations (Kulaynī, 2009, Vol. 6, p. 416).

#### **4-1-14. Temporary Marriage with Virgins**

The thirteenth subject of this chapter is **temporary marriage with virgins**, and this chapter is dedicated to **5 narrations** (Kulaynī, 2009, Vol. 6, pp. 417-418).

#### **4-1-15. Temporary Marriage with Female Slaves**

The title of the fourteenth chapter is Temporary Marriage with Female Slaves (Tazwīj al-Imā'). This chapter includes 4 narrations:

Ḥadīth 1: Temporary marriage with others' female slaves is not lawful, except with the permission of the slave owner.

Ḥadīth 2: The impermissibility of a man engaging in temporary marriage with a female slave if he has a permanent wife. (Kulaynī, 2009, Vol. 6, pp. 418-420)

#### **4-1-16. Ruling on the Child of Temporary Marriage**

This chapter includes 3 narrations:

Ḥadīth 1: In case the temporary wife becomes pregnant, the child belongs to the man, and the man must accept this child as his own and cannot deny him. (Kulaynī, 2009, Vol. 6, pp. 420-421)

#### **4-1-17. Inheritance in Temporary Marriage**

This is the ruling on inheritance in temporary marriage and includes 2 narrations:

Ḥadīth 1: Temporary marriage is of two kinds: 1- A contract with inheritance. 2- A contract without inheritance. If it is stipulated, the spouse inherits; if not stipulated, the spouse does not inherit.

Ḥadīth 2: The husband and wife do not inherit from each other in temporary marriage under any circumstances. (Kulaynī, 2009, Vol. 6, p. 422)

#### **4-1-18. Narrations Containing an Important Point Regarding Temporary Marriage**

The last chapter, which contains several unique narrations regarding temporary marriage, includes 10 narrations:

Ḥadīth 1: The lawfulness of temporary marriage in the Book of God and the Sunnah of the Prophet.

Ḥadīth 2: Imam Ṣādiq (A.S.) had temporarily forbidden temporary marriage to his companions due to Taqiyya (dissimulation) of the believers and the presence of the enemy. (Kulaynī, 2009, Vol. 6, pp. 423-428)

## **4-2. Content Examination of Narrations Related to Temporary Marriage in the Book *Ṣaḥīḥ al-Bukhārī***

In the Book of *Nikāḥ* of *Ṣaḥīḥ al-Bukhārī*, two chapters related to temporary marriage are included, and in this section, we will mention their *Ḥadīths*.

### **4-2-1. Chapter: The Dislike of Castration and Distancing from Women and Avoiding Temporary Marriage**

This chapter includes 4 narrations:

Ḥadīth 1: The Prophet (PBUH) rejected the men's request for castration, distancing from women, and avoiding temporary marriage; the lawfulness of temporary marriage.

Ḥadīth 2: 1- During war and Jihād, when a man has no property or woman with him, Nikāḥ Mut'ah is lawful, and one can engage in temporary marriage with women. 2- The Prophet's reference to verse 87 of Sūrah al-Mā'idah regarding the lawfulness of temporary marriage and the Prophet's prohibition of declaring it forbidden: “[يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَحَرَّمُوا طَيِّبَاتِ مَا أَحَلَّ اللَّهُ لَكُمْ وَلَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ]” [8].

Ṣaḥīḥ al-Bukhārī states: It is known from this Ḥadīth that **\*\*Ibn Mas'ūd considered Nikāḥ Mut'ah lawful... The correct view is that Mut'ah was lawful in one expedition and then its permissibility was abrogated; then it became lawful at another time, and then its permissibility was abrogated, until the Prophet passed away, and 'Umar ibn al-Khaṭṭāb strictly forbade it, and subsequently, this type of marriage was permanently forbidden (Bukhārī, 1973, Vol. 6, pp. 31-32).**

### **4-2-2. Chapter: The Prohibition of *Nikāḥ Mut'ah* by the Messenger of God**

The thirty-first chapter of the Book of *Nikāḥ* in *Bukhārī* is also related to temporary marriage. The subject of this chapter is that the Messenger of God (PBUH) ultimately forbade *Nikāḥ Mut'ah*.

Ḥadīth 1: The Prophet's prohibition of Mut'ah (temporary marriage) and the flesh of domestic donkeys during the conquest of Khaybar.

Ḥadīth 2: Temporary marriage with women is only in cases of hardship and scarcity of women.

Ḥadīth 3: The Prophet's permission to his companions for temporary marriage during wartime and in a state of necessity.

Bukhārī states regarding the fourth Ḥadīth: I do not know whether this type of marriage was lawful for the companions and specific individuals or for the general public. It is also mentioned that 'Alī, narrated from the Prophet, clarified that the permissibility of Mut'ah has been abrogated. It is also reported that 'Alī (A.S.) said to Ibn 'Abbās: “لا بأسَ نكاح المتعه” (There is no harm in Nikāh Mut'ah).

In summary, it must be said that Bukhārī believes that this type of marriage (Mut'ah) was permissible in the early days of Islam in necessary circumstances, then it was forbidden, then it was permitted again, and then it was forbidden. This type of marriage was lawful before the event of Khaybar, was forbidden on the Day of Khaybar, was permitted in the Battle of Awṭās, and was forbidden three days later until the Day of Resurrection, and its prohibition has been accepted by consensus. In fact, according to these Ḥadīths and the statement of the Ahl al-Sunnah, they believe that the Messenger of God (PBUH) ultimately prohibited temporary marriage. (Bukhārī, 1973, Vol. 6, pp. 57-58).

## 5. Comparative Analysis

1. Based on **al-Kāfi of Kulaynī** and **Ṣaḥīḥ al-Bukhārī**, **temporary marriage** in Islam was a **legitimate principle**, and its core principle was **affirmed by all Muslims**, both Shi'a and Sunni. Those who practiced it did so based on a **Qur'anic verse and definitive Sunnah**.
2. According to the narrations in the book **al-Kāfi**, whose chapter title is **"Temporary Marriage Only When Necessary,"** it is permissible to engage in temporary marriage only when an individual **lacks the financial capacity for permanent marriage**. Furthermore, based on Kulaynī's narrations, one should **not insist on temporary marriage** (especially those who have a permanent spouse), as it **weakens the foundations of permanent marital life**. The **emphatic instruction of the Imams** in the narrations of this chapter is that temporary marriage should be **abandoned when unnecessary**. In **Ṣaḥīḥ al-Bukhārī**, the permissibility of *Mut'ah* was due to **separation from one's wife** and the occurrence of **wars**, but the end result points to a **general prohibition**.
3. Based on **Kulaynī's narrations**, it is true that **temporary marriage is lawful until the Day of Resurrection**, but it is **contingent upon specific conditions**. However, the book **Ṣaḥīḥ al-Bukhārī** refers to its **initial permissibility and subsequent prohibition** (during the early Islamic period).
4. The book **al-Kāfi** mentions the **commonalities and differences** between temporary marriage and permanent marriage. For example, some commonalities include: the designation of both spouses; the permissibility of agency (*wikāla*), etc. Some of the differences include: the separation of spouses in *Nikāh Mut'ah* occurs upon the **expiration of the term, not by divorce (*ṭalāq*)**; **mutual inheritance is not established** between the spouses with a temporary contract, contrary to permanent marriage (*Nikāh Dā'im*); and in permanent marriage, one cannot take more than four wives simultaneously, whereas **this restriction does not exist in temporary marriage**. Such **precise and detailed discussions** are not seen in **Bukhārī's narrations**.
5. **Kulaynī's narrations** refer to two important conditions in temporary marriage: specifying the **ujrah (wage/mahr)** and the **duration**. Additionally, *al-Kāfi* mentions the **minimum mahr**, the **Iddah (waiting period)** for women in temporary marriage, the **ruling on the child** of temporary marriage, and the discussion of **inheritance**. However, **Ṣaḥīḥ al-Bukhārī** primarily focuses on the **prohibition of temporary marriage**.
6. One of **al-Kāfi's pieces of evidence for the lawfulness of Mut'ah until the Day of Resurrection is verse 24 of Sūrah al-Nisā'**. In **Ṣaḥīḥ al-Bukhārī**, **Ibn Mas'ūd** also practiced temporary marriage based on this same verse, but later, temporary marriage was **declared forbidden by the second Caliph**.



7. Based on the narrations in the *Furū' al-Kāfi* under the chapters on *Mut'ah*: **"If temporary marriage had not been forbidden, no one would commit adultery except the wicked."** Such Ḥadīths are not only **absent in Ṣaḥīḥ al-Bukhārī**, but there are only a **limited number of narrations** that point to the prohibition of *Mut'ah*.
8. In **al-Kāfi's narrations**, there is **no permanent prohibition** for temporary marriage; however, a **permanent prohibition is observed in Bukhārī's narrations**. Some narrations of prohibition are attributed to the Prophet, and some to the second Caliph, although their **Sanad (chain of transmission) is weak** and their text is **not affirmed**.
9. Regarding the **difference in the structure and organization** of the topics in the two books, it can be said that the **volume of narrations in al-Kāfi is significantly larger**, and its **chaptering is much more precise**. Furthermore, the concept of a **"chapter" (bāb) in al-Kāfi is closer to its primary meaning**—encompassing a collection of narrations that possess a **specific thematic unity**. For instance, in *al-Kāfi's* chapters, the subject of each chapter is not so minute as to be exhausted by one or two narrations. However, in the book *Bukhārī*, chapters with only one narration are rarely seen. In the category of **"suitability of some Ḥadīths to the relevant chapter,"** there are **fewer chapters in al-Kāfi** that contain a narration outside of their subject matter. In contrast, in the book *Bukhārī*, we encounter noteworthy cases where the relationship between the narration and the chapter title requires **far-fetched and elaborate justifications**. For example, for the subject of *Mut'ah*, a **separate chapter with a very broad concept is presented in Furū' al-Kāfi**, whereas no such thing is seen in the book *Bukhārī*, where **two topics related to Mut'ah marriage are scattered across two chapters and cannot be synthesized, and this is one of the strengths of the book al-Kāfi**.
10. **No contradiction is observed in Kulaynī's Ḥadīths**, whereas **contradictions exist in Ṣaḥīḥ al-Bukhārī's Ḥadīths**, and they **do not conform to the chapter title**. This is because the title of a chapter is the Prophet's prohibition of *Mut'ah*, and according to one Ḥadīth in this chapter, temporary marriage was forbidden by the Prophet (PBUH). Yet, other Ḥadīths in the same chapter explicitly refer to its **lawfulness and permission by the Prophet (PBUH) during wars**. Furthermore, in **Ṣaḥīḥ al-Bukhārī**, in the chapter **"Mā Yukrahu min al-Tabattul wa al-Khiṣā"** (What is Disliked of Asceticism and Castration) [1], it is narrated from **Ibn Mas'ūd** that 'We were engaged in *Jihād* with the Messenger of God and had neither property nor women with us. So we asked the Prophet, 'Should we not refrain from marriage and castrate ourselves?' The Prophet (PBUH) forbade us from doing this and **permitted us Mut'ah**, and then recited the verse 87 of Sūrah al-Mā'idah: "يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَحْزَمُوا طَيِّبَاتِ مَا أَحَلَّ اللَّهُ لَكُمْ وَلَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ" (O you who have believed, do not prohibit the good things which God has made lawful for you and do not transgress. Indeed, God does not like transgressors). According to this verse, the Messenger of God informed them not to forbid things, like *Mut'ah*, which God has made lawful; thus, **Mut'ah is lawful until the Day of Resurrection**. Then, in another Ḥadīth, it is stated that the Messenger of God forbade *Mut'ah*, and Bukhārī himself says: 'I do not know whether this was specific to us (the Companions) or for the general public.' Therefore, a **clear inconsistency and contradiction exist between the Ḥadīths and the chapter titles in Bukhārī's Ḥadīths**.
11. The **Ḥadīth criteria of the two books are different**. According to **al-Kāfi's criteria**, **only the Prophet (PBUH) and the Infallible Imams (A.S.) are trustworthy and authoritative**. However, **Bukhārī's criteria lack such a divinely established exclusivity of authenticity**, and from Bukhārī's perspective, the narrations of the **Companions (Ṣaḥābah) and the Successors (Tābi'ūn) possess reliability and authority**. In other words, when we compare the transmitters of the narrations in the two books, **al-Kāfi and Ṣaḥīḥ al-Bukhārī**, in the *Mut'ah* section, we see that **Kulaynī has cited the most narrations from Imam Ṣādiq (A.S.) and then from Imam Kāzīm (A.S.)**. In contrast, most of **Bukhārī's narrations are from figures such as Abū Hurayrah, 'Ā'ishah, 'Abdullāh ibn 'Umar, Abū Sa'īd al-Khudrī, Abū Mūsā al-Ash'arī, and Anas ibn Mālīk**.

Section	Title (English Academic)	Summary (English Academic)
1	1. Introduction	Temporary marriage or Mut'ah is one of the important issues in Islam. The Shi'a believe this type of marriage is lawful and legitimate in Islam, but the Ahl al-Sunnah (Sunnis) consider it forbidden and abrogated. The roots of these views trace back to Ḥadīth books, including Ka'fī of Kulaynī and Ṣaḥīḥ al-Bukhārī, which necessitate deep and precise examination.
2	2. Background	Various articles have been written about comparative topics or Mut'ah, but no one has yet addressed the comparative analysis of narrations in these two specific books.
3	3. Examination of Narrations in the Two Books: Ka'fī and Ṣaḥīḥ al-Bukhārī	It is necessary to examine the Ḥadīths of Ka'fī and Bukhārī regarding Mut'ah precisely to gain a better perspective on this issue.
3-1	3-1. Examination of Narrations in the Chapters on Mut'ah (Temporary Marriage) in the Book Ka'fī	In the book Ka'fī, there are 84 narrations regarding temporary marriage, 82 of which are connected ( <i>mutṭaṣil</i> ) to the Infallibles. Also, based on the narrations of this chapter, verse 24 of Sūrah al-Nisā' was revealed concerning temporary marriage.
3-2	3-2. Examination of Narrations Related to Temporary Marriage in Ṣaḥīḥ al-Bukhārī	In Ṣaḥīḥ al-Bukhārī, temporary marriage is only discussed in two chapters of the Book of Nikaḥ, and there are 8 Ḥadīths about it. Most narrations are from the Prophet (PBUH) and the Companions (Ṣaḥābah), and a small number are from the Ahl al-Bayt (A.S.).
4	4. Qualitative and Content-Based Examination of Narrations in the Books Ka'fī and Bukhārī	In this section, the qualitative and content-based examination of the Ḥadīths in the books Ka'fī and Ṣaḥīḥ al-Bukhārī was conducted. First, the content of Ka'fī's Ḥadīths was examined, and then the content of Ṣaḥīḥ al-Bukhārī's Ḥadīths was examined.
4-1	4-1. Content-Based Examination of Narrations in the Chapter on Temporary Marriage in the Book Ka'fī	Kulaynī has addressed various topics, including temporary marriage, no limitation in terms of number, temporary marriage in a state of necessity, and with chaste women, among others.
4-1-1	4-1-1. Temporary Marriage	In Islam, and based on verse 24 of al-Nisā', temporary marriage, named Mut'ah, is legitimate and is considered part of the Prophet's Sunnah. 'Umar ibn al-Khaṭṭāb declared it forbidden, but this ruling is void. Temporary marriage is necessary to prevent adultery in society and will be lawful until the Day of Resurrection.
4-1-2	4-1-2. No Limitation on Temporary Marriage in Terms of Number (Temporary wives are considered like female slaves and are not counted among permanent wives)	Based on the narrations of this chapter, temporary marriage has no limitation in terms of number. Temporary wives are considered like female slaves and do not enjoy the rights of permanent wives.
4-1-3	4-1-3. Temporary Marriage Only When Necessary	Based on the narrations of this chapter, temporary marriage is only permissible in case of necessity, financial inability, or being far from a permanent wife. The Imams have emphasized avoiding this type of marriage when unnecessary and adhering to piety.
4-1-4	4-1-4. Temporary Marriage Only with a Chaste Woman	This chapter emphasizes that temporary marriage with chaste and modest women is lawful, but it is forbidden with adulterous, corrupt, polytheistic, and disbelieving women.
4-1-5	4-1-5. Conditions of Temporary Marriage	Temporary marriage is concluded with the two conditions of duration and ujrah (wage). In case of separation, the

		woman's Iddah is 45 days, and temporary marriage differs from permanent marriage in 5 aspects.
4-1-6	4-1-6. Repeating Conditions After the Marriage Contract	In temporary marriage, conditions agreed upon after the marriage contract are permissible, but conditions prior to the marriage cannot be changed except with the woman's consent.
4-1-7	4-1-7. Minimum Mahr in Temporary Marriage	Based on the narrations of this chapter, the mahr of temporary marriage is determined by the mutual agreement of the man and woman. The minimum amount with which temporary marriage becomes lawful is a handful of food or a toothbrush stick.
4-1-8	4-1-8. Iddah (Waiting Period) for Women in Temporary Marriage	Based on the narrations of this chapter, the Iddah for women in temporary marriage is of two forms: If the woman has a menstrual cycle, she must wait for two full menstrual periods. If she does not have a menstrual cycle, she must observe an Iddah of 45 days.
4-1-9	4-1-9. Extension of Duration	Temporary marriage can be extended before the end of the duration by the husband gifting the remaining duration. Based on two narrations cited from the book Ka'fī. If a man wishes to extend the duration of his temporary marriage with his wife, and if the woman wants to marry another husband, the woman must observe Iddah. In the second narration, it is stated that if the man wants to extend the duration of the temporary marriage before its expiration, he can gift the remaining duration to his wife.
4-1-10	4-1-10. Specifying the Duration	This chapter emphasizes the absence of limitation on the condition of specifying the duration in temporary marriage, provided there is a specified wage (ujrah).
4-1-11	4-1-11. Repeated Marriage with the Same Temporary Wife	Based on the narrations of this chapter, temporary marriage with one woman has no limitation, and the man can marry her any number of times he desires, even if the woman has married another person. This marriage is not like permanent marriage, which has a limitation on the number.
4-1-12	4-1-12. Non-Payment of Mahr in Case of Violation	In case of the woman's violation of her commitments in temporary marriage, the mahr is not paid to her or is paid less.
4-1-13	4-1-13. The Woman is Trustworthy Regarding Her Own Affairs (This chapter has two narrations)	This chapter has two narrations that emphasize the issue that the woman is trustworthy regarding her own affairs.
4-1-15	4-1-15. Temporary Marriage with Female Slaves	The narrations of this chapter emphasize that temporary marriage with a female slave is permissible, but conditioned on the permission of the slave's owner and the man not having a permanent wife.
4-1-16	4-1-16. Ruling on the Child of Temporary Marriage	The narrations of this chapter emphasize that in case the woman becomes pregnant in a temporary marriage, the child belongs to the man, and the man must accept this child as his own and cannot deny him.
4-2-17	4-2-17. Inheritance in Temporary Marriage	The narrations of this chapter emphasize that in temporary marriage, mutual inheritance between the husband and wife is only possible if the condition of inheritance is stipulated in the contract. Otherwise, the husband and wife do not inherit from each other.
4-1-18	4-1-18. Narrations Containing an Important Point Regarding Temporary Marriage	In the final chapter of the book Ka'fī, ten narrations regarding important points of temporary marriage are cited. In the first narration, the lawfulness of temporary marriage

		in the Book of God and the Sunnah of the Prophet (PBUH) is emphasized. In the second narration, Imam Šādiq (A.S.) had temporarily forbidden temporary marriage to his companions due to Taqiyya (dissimulation) of the believers and the presence of the enemy.
4-2	4-2. Content Examination of Narrations Related to Temporary Marriage in the Book Šaḥīḥal-Bukha-rī	In the Book of Nikaḥ of Šaḥīḥal-Bukha-rī, two chapters related to temporary marriage are included, and in this section, their Ḥadīths have been mentioned.
4-2-1	4-2-1. Chapter: The Dislike of Castration and Distancing from Women and Avoiding Temporary Marriage	In this chapter, the Prophet (PBUH) initially considered temporary marriage lawful and advised against abandoning castration and distancing from women. The narrations show that NikaḥMut'ah was lawful in conditions like war and was subsequently forbidden. The Prophet's emphasis on verse 87 of Sūrah al-Mā'idah is used to justify the lawfulness of NikaḥMut'ah.
4-2-2	4-2-2. Chapter: The Prohibition of NikaḥMut'ah by the Messenger of God	This chapter points out that the Prophet (PBUH) forbade NikaḥMut'ah. Based on the narrations of this chapter, this type of marriage was permissible in the early days of Islam in necessary circumstances, then it was forbidden, then it was permitted again, and then it was forbidden. In fact, according to these Ḥadīths and the statement of the Ahl al-Sunnah, they believe that the Messenger of God (PBUH) ultimately forbade temporary marriage.
5	5. Comparative Analysis	There are differences regarding temporary marriage in the books al-Ka-fī of Kulaynī and Šaḥīḥal-Bukha-rī. Based on both al-Ka-fī and Šaḥīḥal-Bukha-rī, the principle of temporary marriage in Islam is lawful. In al-Ka-fī, temporary marriage is lawful until the Day of Resurrection, but in Bukha-rī, it is forbidden and abrogated. In al-Ka-fī, temporary marriage depends on specific conditions and must be abandoned when unnecessary. Furthermore, al-Ka-fī contains discussions on mahr, duration, and the ruling on the children of temporary marriage. However, Šaḥīḥal-Bukha-rī primarily focuses on the prohibition of temporary marriage. Additionally, the structure and organization of topics in al-Ka-fī are much more precise, and its chapters possess a specific thematic unity and comprehensiveness, which is not seen in Šaḥīḥal-Bukha-rī.

## 6. Critique of Some Views on Mut'ah Based on Bukhārī's Narrations

### Critique of the Citation of Verse 87 of Sūrah al-Mā'idah

Regarding the first Ḥadīth in the chapter "**Mā Yukrahu min al-Tabattul wa al-Khiṣā'**" [9] and the citation of **verse 87 of Sūrah al-Mā'idah** and the inference of Mut'ah's prohibition, it must be stated: To better understand the concept of the verse concerning this citation, a story needs to be recounted: Muslim narrates from Ibn Jurayj that Abū al-Zubayr told him: I heard **Jābir ibn 'Abdullāh** say: "We would practice temporary marriage with women with little hesitation during the time of the Prophet and Abū Bakr until **'Umar forbade it** because of the incident of 'Amr ibn Ḥurayth." (Naysābūrī, 1955, Vol. 4, p. 131). Then 'Abdullāh recited the verse: “يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَحْرِمُوا طَيِّبَاتِ مَا أَحَلَّ اللَّهُ لَكُمْ وَلَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ” (al-Mā'idah, 87) (Refer to: Naysābūrī, 1955, Vol. 4, p. 130). His recourse to this verse indicates

that **God desires that one acts upon the legal concessions concerning lawful things** until a prohibition arrives from the Wise Lawgiver, and this statement suggests that **'Umar's prohibition regarding a religious ruling that is essentially continuous and based on the literal meaning of the sacred text has no effect** (Ma'rifat, 2000, Vol. 1, p. 50). One should not disregard the text based on **personal Ijtiḥād (independent legal reasoning)**. Furthermore, the story of 'Amr ibn Ḥurayth is as follows: Abū al-Zubayr narrates from Jābir: "'Amr ibn Ḥurayth came to Kufa and engaged in temporary marriage with a female slave. The slave became pregnant. She was brought before 'Umar, and she confessed. Jābir says: It was at this point that 'Umar forbade Mut'ah." (Asqalānī, 1975, Vol. 9, p. 149). Therefore, 'Umar forbade this act based on personal Ijtiḥād and not based on a sacred text, and the citation of verse 87 of al-Mā'idah is not a valid citation.

### **Critique of the Abrogation (Naskh) of Verse 24 of Sūrah al-Nisā' [10]**

Some Sunni scholars (based on Ḥadīṡs) hold that **temporary marriage was permissible during the time of the Prophet (PBUH) but was later abrogated** (Fakhr al-Rāzī, 1999 AH, Vol. 10, p. 49). Three possibilities are suggested: **1- Abrogation of this verse by certain verses; 2- Abrogation of this verse by the word of the second Caliph; 3- Abrogation of the verse by a prohibition from the Prophet.**

Regarding the **abrogation of the verse by other verses**, it must be stated that the *Mut'ah* verse in Sūrah al-Nisā' is **Medinan**, and the verses claimed to be the abrogators are **Makkan**. Furthermore, the term *Zawjah* (wife) is applied to a temporarily married woman\*, and custom is the best witness to this, and the denial of the application of this term to the Qur'anic term *Azwāj* (spouses) lacks scientific or rational evidence. Other researchers have also provided worthy responses to opponents regarding the non-abrogation of the temporary marriage verse (al-Jabā'ī al-Āmilī, 1901, Vol. 5, pp. 299 & 336; Ma'rifat, 2000, Vol. 1, p. 511).

Regarding the **abrogation of the temporary marriage verse (al-Nisā', 24) by the inheritance verse**, it must be stated that the issue of **inheritance, maintenance (nafaqa), etc., are ritual and prescribed rulings (Aḥkām Ta'abbudī)**, and sometimes, despite the preservation of the marital bond (*Zawjiyya*), deprivation from inheritance, maintenance, etc., occurs, the details of which are found in books of jurisprudence. In summary, **there is no necessary connection (mula'zama) between these rulings and being a spouse such that the negation of one implies the negation of the other.**

The **fifth verse (al-Nisā', 32)** is also answered by stating that this verse specifies the number of marriages up to four, and thus, it seems to be in conflict with *Mut'ah*; because *Nikāḥ Mut'ah* has no limitation in terms of number, and the **relationship between this verse and the Mut'ah verse is that of general and specific, not abrogation and abrogated (na'sikh and mansu'kh).**

Regarding the **abrogation of the Mut'ah verse by the prohibition of the second Caliph**, it must be stated that based on Sunni narrations, the second Caliph forbade *Mut'at al-Ḥajj* (pilgrimage Mut'ah) and *\*Mut'at al-Nisā'* (women Mut'ah) (Bayhaqī, 1998 AH, Vol. 7, Chapter on Nikaḥ al-Mut'ah, p. 206). Based on the narrations, **the second Caliph did not claim abrogation, rather his explicit statement was the "prohibition of Mut'ah," and it was a personal opinion and Ijtiḥād**; and based on Shi'a narrations, **no one has the right to declare God's lawful act forbidden** (Majlisī, n.d., Vol. 41, Chapter on the Rulings of Mut'ah, p. 319). Furthermore, during the time of the Companions, **the action of the second Caliph was not interpreted as abrogation**; rather, it was considered the **personal opinion of the second Caliph** (Fakhr al-Rāzī, 1999 AH, Vol. 10, p. 53).



Regarding the **abrogation of the Mut'ah verse by the Prophet Muḥammad (PBUH)**, it must be stated that **these narrations are disturbed (muḍṭarib) and contradictory**. In some, the time of prohibition is cited as *Yawm al-Fath* (the Conquest of Mecca), while others specify *\*Ḥijjat al-Wadā'* (Farewell Pilgrimage), *Ḥunayn*, *Awṭās*, *Tabūk*, and *Khaybar*. **From this disturbance and contradiction in the text, confidence in the non-abrogation of the Mut'ah verse is established**. The chain of transmission (Sanad) of the narrations is also weak and problematic; for example, such a Ḥadīth is attributed to Salamah, even though **Salamah is one of the narrators who affirmed Mut'ah** (Asqalānī, 1975, Vol. 9, pp. 143-144). Only one narration exists, which is also **weak** (Refer to: Naysābūrī, 1955, Vol. 4, pp. 132-133). And Muslim, in his *Ṣaḥīḥ*, has not narrated any Ḥadīth through the channel of Rabī' except this one narration, which indicates that **Rabī' was not trusted by the compilers of the Ṣiḥaḥ** (Dhamīrī, 2005, pp. 90-115).

In general, such narrations that attribute the prohibition to the Prophet (PBUH) (Ibn Abī al-Ḥadīd, 1967, Vol. 12, p. 121) are **not affirmed**, and the **action of the second Caliph was a personal and temporary ruling, neither a religious nor a sustainable one** (Ma'rifat, 2000, Vol. 1, pp. 497-514).

## Conclusion

Following the examination of **Kāfī of Kulaynī** and **Ṣaḥīḥ al-Bukhārī**, it became clear that the **narrations of Kāfī regarding temporary marriage are significantly more numerous than those in Bukhārī**, and **Kulaynī's narrations address various dimensions, subtle points, and details of temporary marriage**, presenting **17 chapters and 84 narrations**. However, **Bukhārī includes a total of 8 Ḥadīths** on this matter, and only under the general chapter of *Nikāḥ*, without dedicating a separate chapter to this issue. **Kulaynī's Ḥadīths are from the Ahl al-Bayt (A.S.) and have an affirmative approach towards the issue of Mut'ah**, while **Bukhārī's Ḥadīths are from the Companions and the Prophet (PBUH) and have a prohibitory and restrictive approach**. There is **no disagreement between Kulaynī and Bukhārī regarding the principle of temporary marriage**; the debate is mostly over the narrations or interpretations of *Bukhārī's* narrations that declare Mut'ah abrogated or forbidden. It seems that **Kulaynī, with the comprehensiveness of the narrations on this matter, offers a better and more precise view**, and **Bukhārī, due to a lack of comprehensive research on this matter and the presentation of limited narrations (8 narrations), has failed to present the discussion accurately and elaborately to the reader**. Furthermore, **Bukhārī's and the Ahl al-Sunnah's view and citations of certain verses for the abrogation of the Mut'ah verse are also incorrect**, and various reasons were provided to refute these views.

- [1] Then, however you have benefited from them, give them their wages as an obligation.
- [2] Al-Bāqir (A.S.) from Abū Baṣīr said: I asked Abū Ja'far (A.S.) about Mut'ah. He said: The verse was revealed in the Qur'an: "Then, however you have benefited from them, give them their wages as an obligation; and there is no blame upon you for what you agree upon after the obligation."
- [3] It must be noted that Abū Hurayrah was in the company of the Prophet (PBUH) for 3 years, yet he narrated 5374 Ḥadīths. When he was asked, 'O Abā Hurayrah, did you hear this from the Messenger of God?!' He replied, 'No, this is from the purse of Abū Hurayrah!' (Refer to: Bukhārī, Vol. 5, p. 2048).
- [4] Then, however you have benefited from them, give them their determined wages as an obligation, and there is no blame upon you for what you agree upon after the obligation [to reduce or increase the amount]. Indeed, God is ever All-Knowing, All-Wise.
- [5] The believers are those who guard their private parts from [sin].
- [6] An adulterer does not marry except an adulteress or a polytheist, and none marries an adulteress except an adulterer or a polytheist...

- [7] There is no blame upon you for what you agree upon after the determination of the dowry.  
[8] O you who have believed, do not prohibit the good things which God has made lawful for you and do not transgress. Indeed, God does not like transgressors.

**[9] The text of the Ḥadīth is:**

حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ، حَدَّثَنَا جَرِيرٌ، عَنْ إِسْمَاعِيلَ، عَنْ قَيْسٍ، قَالَ: قَالَ عَبْدُ اللَّهِ: كُنَّا نَعْرُو مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَلَيْسَ لَنَا شَيْءٌ، فَقُلْنَا: أَلَا نَسْتَخْصِي؟ فَهَئَانَا عَنْ ذَلِكَ، ثُمَّ رَخَّصْنَا أَنْ نَنْكِحَ الْمَرْأَةَ بِالتَّوْبِ، ثُمَّ قَرَأَ عَلَيْنَا: يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَحَرِّمُوا طَيِّبَاتٍ مَا أَحَلَّ اللَّهُ لَكُمْ وَلَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ

**[10] The full verse is:**

أُجُورُهُنَّ فَرِيضَةٌ وَلَا جُنَاحَ وَأَجَلَ لَكُمْ مَا وَرَاءَ ذَلِكَ أَنْ تَتَّبِعُوا بِأَمْوَالِكُمْ مُحْصِنِينَ غَيْرَ مُسَافِحِينَ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ  
”عَلَيْكُمْ فِيمَا تَرَاصَيْتُمْ بِهِ مِنْ بَعْدِ الْفَرِيضَةِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا“ (And lawful for you are [all others] beyond those mentioned, that you seek them with your wealth, in a desire for chastity, not for unlawful sexual intercourse. So, for whatever you enjoy [by way of benefit] from them, give them their compensation as an obligation. And there is no blame upon you for what you mutually agree to beyond the obligation. Indeed, God is ever All-Knowing, All-Wise.)

**References**

The Holy Qur'an.

1. Ibn Abī al-Ḥadīd (1387 Sh). *Sharḥ Nahj al-Balāghah*. Beirut: Dār Iḥyā' al-Turāth al-'Arabī.
2. Al-Jabā'ī al-'Āmilī (Shahīd al-Thānī), Zayn al-Dīn (1319 Sh). *Tarjumah wa Tabyīn Lum'ah (Sharḥ al-Lum'ah)*. (Trans.: 'Alī Shīrwānī). Qom: Dār al-'Ilm Publications.
3. Bukhārī, Muḥammad ibn Ismā'īl (1392 Sh). *Ṣaḥīḥ al-Bukhārī*. (Trans.: 'Abd al-'Alī Nūr Aḥrārī). Torbat-e Jām: Shaykh al-Islām Aḥmad Jām Publications.
4. Bayhaqī, Aḥmad ibn al-Ḥusayn ibn 'Alī (1419 AH). *Al-Sunan al-Kubrā*. Beirut: Dār al-Ma'rifah.
5. Ḥurr al-'Āmilī, Muḥammad ibn Ḥasan (1409 AH). *Wasā'il al-Shī'ah*. Qom: Āl al-Bayt ('a) Institute.
6. Zamakhsharī, Maḥmūd (1407 AH). *Al-Kashshāf 'an Ḥaqā'iq Ghawāmiḍ al-Tanzīl*. Beirut: Dār al-Kutub al-'Arabī.
7. Dhamīrī, Muḥammad Riḍā (1384 Sh). *Darsnāmeḥ Fiqh Muqāran (Textbook of Comparative Jurisprudence)*. Qom: Islamic Denominations Educational Institute.
8. Ṭabāṭabā'ī, Muḥammad Ḥusayn (1374 Sh). *Al-Mizān fī Tafsīr al-Qur'ān*. (Trans.: Sayyid Muḥammad Bāqir Mūsawī Hamadānī). Qom: Jāmi'at al-Mudarrisīn Hawza 'Ilmiyya Publications.
9. Ṭabarī, Muḥammad ibn Jarīr (1356 Sh). *Tafsīr al-Ṭabarī*. Tehran: Tūs Publications.
10. Ṭūsī, Muḥammad ibn Ḥasan (1390 Sh). *Al-Istibṣār fīmā Ukhtulifa min al-Akhbār*. Tehran: Dār al-Kutub al-Islāmiyya.
11. Ṭūsī, Muḥammad ibn Ḥasan (1407 AH). *Tahdhīb al-Aḥkām*. Tehran: Dār al-Kutub al-Islāmiyya.
12. Asqalānī, Ibn Ḥajar (1395 AH). *Fath al-Bārī fī Sharḥ Ṣaḥīḥ al-Bukhārī*. Beirut: Dār Ṣādir.
13. 'Ayyāshī, Muḥammad ibn Mas'ūd (n.d.). *Tafsīr al-'Ayyāshī*. (Res. & Ed.: Sayyid Hāshim Rasūlī Maḥallātī). Tehran: Islāmī.
14. Ghā'ī, Aḥmad Riḍā (1387 Sh). *Nigarishe Taṭbīqī – Taḥlīlī bi Kāfi Kulaynī wa Ṣaḥīḥ Bukhārī (A Comparative-Analytical View of Kāfi of Kulaynī and Ṣaḥīḥ al-Bukhārī)*. *Safīnah*, No. 19 (Scholarly - Promotional).
15. Fakhr al-Dīn al-Rāzī, Muḥammad (1420 AH). *Tafsīr Kabīr*. Beirut: Dār Iḥyā' al-Turāth al-'Arabī.
16. Qarā'atī, Muḥsin (1395 Sh). *Tarjumah wa Tafsīr Qur'ān Karīm (Translation and Interpretation of the Holy Qur'an)*. Qom: Uswah.
17. Qarā'atī, Muḥsin (1387 Sh). *Tafsīr Nūr*. Tehran: Cultural Center of Qur'anic Lessons.

18. Kulaynī, Muḥammad ibn Ya'qūb (n.d.). *Uṣūl al-Kāfī*. (Trans.: Muḥammad Bāqir Kamara'ī). Tehran: Uswah.
19. Kulaynī, Muḥammad ibn Ya'qūb (1388 Sh). *Furū' al-Kāfī*. (Trans.: Group of Translators). Qom: Quds Publications.
20. Majlisī, Muḥammad Bāqir (n.d.). *Biḥār al-Anwār*. (Trans.: Mūsā Khusravī). Tehran: Islāmiyya Publications.
21. Ma'rifat, Muḥammad Hādī (1379 Sh). *Tafsīr wa Mufasssīrān (Interpretation and Interpreters)*. Qom: Tamhīd Publications.
22. Najmī, Muḥammad Ṣādiq (1379 Sh). *Sayrī dar Ṣaḥīḥayn (A Journey through the Two Ṣaḥīḥs)*. Qom: Islāmī Publications.
23. Nūrī, Ḥusayn ibn Muḥammad (1418 AH). *Mustadrak al-Wasā'il wa Mustanbaṭ al-Masā'il*. Qom: Āl al-Bayt ('a) Institute.
24. Naysābūrī, Muslim ibn al-Ḥajjāj (1334 AH). *Ṣaḥīḥ Muslim*. Egypt: Maktabat Muḥammad 'Alī Ṣubayḥ.
25. Naysābūrī, Muslim ibn al-Ḥajjāj (n.d.). *Mukhtaṣar Ṣaḥīḥ Muslim*. (Trans.: 'Abd al-Qādir Tarshābī. Abridged by: Zakī al-Dīn 'Abd al-'Azīm al-Mundhirī). Zahedan: Ḥaramayn Publications.

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