

Marital and Sexual Ethics in Islamic Law: Rethinking Temporary Marriage

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An excellent contribution to the field of Qur'anic Studies and to the field of Muslim feminist ethics, this book is a valuable contribution. Through the controversial, if I may say so, sensational legal route of temporary marriage, or *mut'a* in Islam, Iqbal introduces the significance of *tafsir* in Qur'anic interpretation in a systematic manner. Furthermore, the book has a relevant social aspect that will be of great interest to young American undergraduates, particularly young Muslims in the West. A brief, clear, and straightforward section on methodology precedes a neat division of chapters. Nineteen exegetes discuss how they interpret Q.4:24, which justifies temporary marriage or *mut'a*. Even though the claim is largely addressed to Shi'i Muslims, the exegetes surveyed in this book are diverse: Shi'i, Sufi, Zaydi, Ash'ari, and Isma'ili.

The book explores Qur'anic exegetical processes: "questions about organization, presentation, and hermeneutical principles" (p. 3). The first chapter provides an introduction to the institution of temporary

marriage (*mut'a*) in Islam, accompanied by a historical overview of scholarly discussions on the subject. The second chapter employs Q.4:24 as a lens to examine the development of Qur'anic exegesis during the formative period of Islam. The third chapter addresses the middle period, specifically the fourth/tenth century, highlighting how Qur'anic exegesis during this era exhibited "polyvalent readings" and "sectarian concerns" that intensified debates surrounding *mut'a*. The fourth chapter examines the modern period, focusing on the impact of colonization on *tafsir*. The fifth chapter strengthens the author's argument by asserting that *mut'a* cannot be fully understood through textual sources alone and necessitates a broader methodological framework. It highlights that most Sunni schools of law, including the Shāfi'i, Mālikī, and Ḥanbalī Schools, deem *mut'a* entirely invalid. In contrast, the Ḥanafī School considers it a valid marriage contract but deems the time-limited nature of the contract invalid. Despite these differences, none of the four Sunni schools classify participants in *mut'a* as fornicators, reflecting ongoing confusion about its status (p.15). Both Sunni and Shi'i hadiths document the Prophet Muhammad endorsing *mut'a* to his companions. However, Sunni schools largely reject the practice, influenced by the sermon of 'Umar, the second caliph, who declared such contracts invalid (p. 20). Shi'i Muslims interpret 'Umar's sermon as evidence of *mut'a*'s permissibility during the Prophet's lifetime, while Sunnis view it, alongside other hadiths, as signaling a definitive prohibition of the practice.

Chapter One examines the evolution of early *tafsir* tradition and its influence on legal interpretations within Muslim scholarship. The chapter provides an overview of the diverse legal opinions held by scholars regarding Q.4:24. Due to the scarcity of female exegetes from the early period, the author includes 'A'isha, the wife of the Prophet, as an exegete. Iqbal argues that 'A'isha's "recollections of the Prophet Muhammad's sayings, as well as her own comments, fit the practical definition of the earliest works of *tafsir* (exegesis)" (p. 3). Although she did not produce a formal exegesis, 'A'isha bt. Abi Bakr (d. 56/678) clearly stated that *mut'a* was prohibited. In turn, 'Abbas (d. 68/687-8) initially permitted *mut'a* but later prohibited it. Muqātil b. Sulaymān al-Balkhī (d. 150/767) employed Qur'anic verses to argue for the abrogation of *mut'a*. Al-Tabari

(d. 310/923) presented two opposing interpretations, one supporting and the other opposing its permissibility. Ismā'īlī readings, such as that of Abū Ḥātim al-Rāzī (d. 322/934-5), provided no definitive clarity on the matter. Conversely, al-ʿAyyāshī (late third/ninth century), a Shiʿi convert exegete, permitted *mutʿa*. Overall, the early exegetical phase of Islam demonstrates polyvalent interpretations of *mutʿa*.

The subsequent chapter examines the medieval period, tracing the evolution of exegesis on Q.4:24 as scholars delineated sectarian distinctions and incorporated philosophical and theological methodologies into their commentaries. This chapter highlights seven prominent figures in Qurʾanic exegesis: al-Thaʿlabī (d. 427/1035), al-Zamakhshirī (d. 538/1144), al-Tabrisī (d. 548/1154), al-Qurṭubī (d. 671/1272), Fakhr al-Dīn al-Rāzī (d. 606/1209), Maybūdī (6th/12th century), al-Kāshānī (d. 736/1336), and Ismāʿīl Haqqī Buruṣāwī (d. 1137/1727). Al-Thaʿlabī, al-Zamakhshirī, and al-Rāzī present arguments on both sides but ultimately deem *mutʿa* impermissible. Al-Tabrisī explicitly affirms its permissibility. Maybūdī and al-Kāshānī omit the discussion entirely. Al-Qurṭubī and Buruṣawī extensively address Q.4:24 but reject *mutʿa*. Overall, medieval exegesis of Q.4:24 reflects the solidification of sectarian boundaries. While proto-Sunni scholars in the early Islamic period exhibited division regarding the permissibility of *mutʿa*, the medieval era witnessed a unified Sunni consensus against it. In contrast, the Shiʿi position remained consistent across both early and medieval periods, continuing to permit *mutʿa*.

Chapter Four provides an in-depth analysis of seven exegetes from the modern period, examining their interpretations of *mutʿa* in the context of European notions of marriage and sexual pleasure. Most of these scholars either avoid endorsing or explicitly prohibit the practice. Muhammad ʿAbduh (d. 1323/1905) and Rashīd Ridā (d. 1354/1935), co-authors of the *Tafsīr al-Manār*, categorically deemed *mutʿa* impermissible. Ibn ʿAshūr (d. 1394/1973), a Sunni exegete, permitted *mutʿa* but on grounds distinct from Shiʿi interpretations, arguing that it was never historically banned. Mawdudī (d. 1399/1979), a South Asian Muslim scholar, showed limited interest in *mutʿa*, focusing instead on broader issues related to family and marriage. Shiʿi scholars, such as Faḍl Allāh (d. 1330/2010) and Ṭabātabāʾī (d. 1400/1981), predictably upheld the permissibility of

mut'a. The chapter also features two female exegetes: Farhat Hāshimī (b. 1471/1957), who bypasses detailed exegetical analysis of *mut'a* in Q.4:24, interpreting the reference to marriage in general terms, and Nusrat Amin (d. 1403/1983), who explicitly supports the permissibility of *mut'a*, contending that 'Umar's sermon cannot override the Prophet's ruling.

Chapter Five presents the most substantial contributions, advocating for a constructivist approach and proposing "a new interpretive path to Islamic law" (p. 117). Drawing on insights from Kecia Ali and Hina Azam, the author underscores the importance of critically examining the historical context of medieval jurists. She grounds her framework in "the maqasid (purposive) tools of juristic process" as articulated by the Shi'i scholar Muhammad Taqī al-Mudarrisi (b. 1945), outlining four essential methodological interventions for advancing research in Muslim sexual ethics: i) Muslim feminist methodological interventions, ii) legal ethnographic studies, iii) moral philosophy, and iv) the science of sexuality. A minor critique arises regarding her reliance on the authority of a male scholar, which seems inconsistent with the originality and incisiveness of her four-part model. This choice may reflect an effort to maintain relevance with both traditional and modern feminist scholarly audiences. Nonetheless, the author highlights the importance of intertextuality, that is, examining the Qur'an's holistic worldview as well as intratextuality, notably analyzing the Qur'an in relation to hadith literature, when interpreting Q.4:24. These approaches empower feminists to pose critical questions that are often overlooked in male-dominated scholarship.

The next method advocates for future ethnographic research to examine the impact of *mut'a* on men, women, and children. Shahla Haeri's 1989 study is highlighted as a significant ethnographic work, in which she observed that some women derive financial and/or sexual benefits from *mut'a*, ultimately framing it as having "liberatory potential." However, the author outlines critical questions for ethnographers to consider, including whether *mut'a* blurs the distinction between marriage and adultery, if it reduces adultery or fosters a lack of self-restraint, and whether it promotes promiscuity, potentially undermining permanent marriages. Additional inquiries address how *mut'a* expands personal freedom, how young individuals can defend *mut'a* in light of Qur'anic

injunctions such as “lowering one’s gaze,” and the implications for children, particularly whether men can ensure justice for children born from *mut‘a* relationships.

The third method introduces moral questions, some of which overlap with ethnographic concerns but delve deeper. For instance, how does *mut‘a* redefine the concept of consent in sexual relationships? Does *mut‘a* consistently ensure free consent for women, or are there instances where consent may be compromised? The author distinguishes between the legal and moral dimensions of consent (p. 134). Furthermore, while *mut‘a* may legitimize sexual pleasure, the author argues that pleasure alone cannot justify multiple partners. This raises additional questions: can multiple *mut‘a* partnerships genuinely enhance pleasure and satisfaction, and how does *mut‘a* influence the ideal conception of marriage, particularly within American society (p. 137)?

The fourth method represents a groundbreaking yet essential intervention, posing the question: how can recent advancements in the science of sexuality contribute to a reevaluation of gendered sexuality within Muslim legal scholarship? This inquiry is particularly pertinent given that progress in research on female sexuality may challenge traditional Muslim legal perspectives on *mut‘a* and marital ethics. The section introduces critical and bold questions (pp. 140-147), ensuring the study’s enduring relevance. For American Muslims, the book raises thought-provoking issues that are likely to gain significance in the coming years. It is a must-read for courses on gender and religion, particularly those focusing on religious ethics.

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