



A House on Water

The religious and traditional stratum of the Iranian society performs sigheh / sigheh mahramiat. Both the country's laws and the jurisprudence treat permanent and temporary marriages the same although they are different in nature and so far temporary marriage has not been addressed as an independent subject. The religious and legal ambiguities surrounding sigheh and temporary marriage and inattention to Iran's social circumstances lead to grave consequences such as child marriage, school drop-out, violation of women's rights, and in particular physical and emotional vulnerabilities of women and girls. Revision of laws pertaining to sigheh/temporary marriage while considering the social characteristics of the society can serve as a key solution to minimize these negative impacts.

kameel Ahmady

A House on Water

A Comprehensive Study on Sigheh Mahramiat and Temporary Marriage in Iran



Kameel Ahmady is a British-Kurdish scholar working in the field of social anthropology, with a particular focus on gender, children, ethnic minorities, and child labour.

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Kameel Ahmady

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Acknowledgements

I allocated all my time during the last year and a half to conducting the present study, so I could quench my inner thirst for achieving a deeper knowledge of temporary marriage and *sigheh mahramiat*, and also of the facilitating and aggravating factors in Iran. The period was a wonderful trip full of learning for me, both individually and professionally. Serious concern over the topic of this project strongly provoked me to conduct the research. My motivation for researching *sigheh* and *sigheh mahramiat* in Iran is also derived from my previous studies, *An Echo of Silence Early Child Marriage and Female Genital Mutilation in Iran*, published in both the Persian and English languages.

The primary idea for this research was formed when with my team studying early child marriage in some rural areas of Iran. We witnessed child marriage there and realised that the two topics of early child marriage and female genital mutilation are related to each other, both being evidence of violence and sometimes implemented against women simultaneously. When working in the field of female genital mutilation, which was studied in the four provinces of Iran with the highest prevalence, I found that a great number of interviewees got married at early ages. I encountered many young boys and girls who were mothers/fathers or wives/husbands. The issue made me do more research on early child marriage to discover whether or not there was a relationship between these two topics.

The huge volume of data available on child marriage and the interpretations of it attracted my attention towards another topic called *sigheh mahramiat* and another type of marriage known as temporary marriage, or *sigheh*. While studying early child marriage, I found that a number of subjects had practised legitimate but 'informal' marriage at young ages through *sigheh mahramiat*. In fact, I realised that child marriage is partly the result of this tradition. It is performed in some Iranian families when their sons and daughters are in early puberty, or even before then, to supervise the sexual behaviour of children, to prevent them from committing a sin, for fear of girls' solitude at older ages, to fight against social and cultural pressures related to communication between young girls and boys (which are more obvious in small communities), and to facilitate relations between two families.

The first consequence of practising *sigheh mahramiat* among children is depriving *sigheh* parties from choosing a spouse in adulthood. They do not yet know about themselves, marriage, spousal duties or criteria for choosing a spouse.

Moreover, although absence of sexual relations, or complete sexual relations, is among the unwritten conditions of *sigheh mahramiat*, a significant number of children who have experienced intimacy through *sigheh mahramiat* started having sex because of instinct. Sexual relations in this type of marriage cause serious harm, especially for girls, because it occurs at young ages. In addition, the young couples are deprived from even the minimal education presented by health centres, as their marriages are informal and unregistered. Unwanted early pregnancies and abortions are the main, obvious harms of this type of marriage.

Sometimes *sigheh mahramiat* ends in separation, which ruins any opportunity for choosing spouses in the future and causes child widowhood for girls.

In addition to these losses, a serious absence of law in relation to temporary marriage and *sigheh mahramiat* and the ignorance in organisations in charge of education, cultural work and enforcing legislation inspired me to conduct the present study. I expect that the results and solutions of this study will be an opening to more research and raise concerns in civil society in Iran. I also hope that legislators in this field will pay more attention to the topic.

The good news is that the rate of child marriage is decreasing in many countries, including Iran. Nevertheless, there are many measures yet to be taken to increase the age of marriage, eradicate child marriage and reduce harms to children and women. The government responsibly with help and support Civil society, universities community and religious leaders to run a national movement for increasing awareness of early marriage, child marriage, child widowhood, the rights of women and children, etcetera in Iran.

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Abstract

Temporary and permanent marriages are the only legal and legitimate ways of regulating the sexual relations of men and women, according to the official law of Iran. However, unlike permanent marriage, temporary marriage is not often welcome in Iranian culture. There have been many disagreements on the subject throughout history. Advocates consider temporary marriage to be a factor preventing prostitution and immorality in society, while opponents deem it a way to indulge men's pleasure-seeking and hedonism and a tool for violating the rights of women and children. On the other hand, the religious, traditional society of Iran has accepted temporary marriage in the framework of *sigheh mahramiat* and is loyal to it.

Many people have no clear understanding of temporary marriage and *sigheh mahramiat* because of the legal and religious ambiguity surrounding them and the lack of research pertaining to the obvious and hidden drivers and consequences. Moreover, the topic has not been presented as a social issue to the executive organisations and legislators of the country. The law has kept silent over the issue of *sigheh mahramiat*, which is an introduction to early marriage, and there is no supervision of the wider social and psychological consequences of the problem, especially for women.

The research conducted so far largely approved of temporary marriage, and none of it studied this social issue comprehensively.

This study analyses the historical, religious, legal and social foundations of temporary marriage/*sigheh mahramiat* for the first time. The phenomenon was studied comprehensively in the three metropolitan areas of Tehran, Mashhad and Isfahan during 2016 and 2017, taking qualitative and quantitative approaches and conducting field research.

The results indicate that temporary marriage/*sigheh mahramiat* is hedonistic and facilitates child marriage. It has consequences such as stigmatisation, especially of women, and negative attitudes in men towards permanent marriage.

This study attempts to analyse, scientifically and impartially, both the hidden and clear aspects of temporary marriage and *sigheh mahramiat*, so that precise conclusions may be formed in this regard and realistic, substantial solutions presented to legislators and executive officials.

Some solutions are suggested in the hope that temporary marriage becomes organised socially and legally in Iran, so that the rights of women and children are not violated and the family foundation and the social status of permanent marriage are protected.

Key words: temporary marriage, *sigheh mahramiat*, early marriage, children, women.

Foreword

The human sciences are among the most vital of studies. Human life can be viewed from different aspects, such as historical, social, philosophical and linguistic. There is a major difference between social humanitarian sciences and experimental ones in terms of research processes; therefore, differing opinions and feelings are factors that often cause serious problems for social humanitarian scientists.

Due to my university major and my personal interest in anthropology, I have been studying social empowerment for many years. In my years of studying at university in England and cooperating with international and human-rights organisations in African, Asian and European countries, I have tried my best to conduct research on topics that result in a decline of injustice and inequality, especially among women and children. Having a scientific, unbiased approach is an important principle in social research, but it is not observed appropriately in Iran. Topics like *sigheh mahramiat* and temporary marriage have always caused challenges, for various religious and cultural reasons. Given that public values are not set impartially and as there are cultural and religious concerns over the topic of temporary marriage and *sigheh mahramiat*, only a vague picture of this social issue exists.

Studies on female genital mutilation in Iran, which were conducted with a view to planning comprehensive programmes and regulations to eradicate the practice in the country, provoked me to study child marriage as a social issue. The issue was not heeded significantly till then. Child marriage triggers spiritual and physical harms, especially for girls, and these are followed by social consequences like child widowhood, the continuation of the poverty cycle and the promotion of prostitution. Child marriage is prevalent in both rural and urban areas. It is derived from traditional, common values. Early marriage of children is not a new issue and has recently attracted the attention of researchers, groups supporting the rights of children, non-governmental organisations, and many international organisations.

UNICEF defines early child marriage as any marriage that is practised before the age of 18. A major aim of this study was to introduce to scientific society and legislative entities, through a comprehensive study with a scientific approach, the main reasons for and consequences of child marriage, given that the issue was not adequately taken into consideration and there was a shortage of official statistics in this regard. This study found that traditional religious beliefs in Iran, including *sigheh mahramiat*, are factors that foster child marriage. *Sigheh mahramiat*, or 'temporary marriage', is a traditional religious value with legal legitimacy in the country.

Under Articles 1075 and 1076 of the Islamic Republic of Civil Code of Iran, *mut'ah*, or temporary marriage, is a marriage with a specified *mahr* (an allowance for the bride) and duration. However, the silence of legislators over many issues like *nafaqa* (financial provisions for the bride, or former bride), inheritance, and the annulment of temporary marriage, which lead to violations of women's rights, is taken into consideration here. Additionally, children are made to marry within the framework of *sigheh mahramiat*, thereby facilitating child marriage.

Quitting education is the most important consequence of *sigheh mahramiat*, especially for girls. Every now and then, when the rise of the age of marriage and the promotion of unsanctioned relations like

'white marriage' are discussed in Iran, the issue of temporary marriage is brought up by authorities of the country and by the clerics at Friday Congregation Prayers or on television, but every time a number of opponents disagree strongly with the issue, advocating for the rights of women and children. Legal gaps and the ways it may provide grounds for men's hedonism make opponents regard temporary marriage as a religious cover, while supporters consider temporary marriage to be part of social health.

Several studies have been conducted on temporary marriage, which mostly took value-based attitudes towards the topic. In four sections, this present study analyses temporary marriage and *sigheh mahramiat* comprehensively, taking a scientific approach, impartially, and avoiding value-based judgements. Reasons for and consequences of the problem are explained scientifically, and solutions are presented to address the legal gaps and social problems, in the hope that legislative and executive organisations can address temporary marriage as a social issue.

Hilary Burrage

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Temporary Marriage (Sigheh or Mut'ah)

Chapter One: The Basics

Temporary marriage, often referred to as *nikah mut'ah*, ('short-term marriage' in Arabic), is an ancient practice. It allows Muslim men and women to be temporarily considered husband and wife for a limited and fixed time (Johnson S. A., 2013) after a *dowar*, the bride price paid by the groom or his family, is specified (Saeed, 2008).

In Arabic dictionaries, *mut'ah* is defined as 'enjoyment, pleasure, delight'. Historically, it was employed so a man could have a wife for a short period while travelling long distances. The practice of temporary marriage is said to have existed during the lifetime of Prophet Muhammad, who is believed to have recommended it to his companions and soldiers. Historically, it was used most frequently in Iran by pilgrims in Shiite shrine cities such as Meshed and Qum.

The rationale underlying temporary marriage was simple. Pilgrims who travelled had sexual needs. A temporary marriage helped to prevent sexual corruption and enabled men to meet their sexual needs legitimately and legally when they were far from their spouses due to a mission, etcetera. Temporary marriage was a legal way to satisfy them.

Linguistically, *mut'ah* is derived from the root word *mat'h*, meaning something you can take advantage of for a short period of time and for pleasure (Ibn Manzūr, 1993). It refers to a marriage between a man and woman for a specified duration and *mahr* (an allowance for the bride), allowing separation with no formal, legal divorce proceedings (Gharshi, 1992, p. 226). Moreover, Al-Allameh Al-Hilli defines *mut'ah* as 'discontinuous temporary marriage' (Al-Hilli, 1991, p. 175).

The *nikah mut'ah* consists of a verbal or written contract in which both parties agree to the duration and conditions of the marriage, similar to the elements of a commercial contract. Like any other contract, Islamic marriage creates rights and obligations between the contracting parties. The union can last for a few hours, days, months or years, and when the contract terminates, so does the marriage, much in the same way long-term/permanent/conventional marriage does via 'till death do us part'. The main difference is that the temporary marriage lasts only for a specified period of time.

Generally, the *nikah mut'ah* has no prescribed minimum or maximum duration. At the end of the contract, the wife must undergo *iddah*, a period of abstinence from sexual intercourse (Esposito & DeLong-Bas, 2001). Although *nikah mut'ah* is a Shiite concept, other types of informal marriages are practised by Sunni Muslims, such as *misyar* and *urfi*.

Mut'ah is an issue that is not only delicate and fraught with rancorous debate, but also it has been distorted and misused throughout the years (Moaddel & Talattof, 2016). There is a sectarian divide over the issue. The majority Sunni sect in Islam banned it; the minority Shiite sect did not. In the Muslim world, the concept is more well-known in the Shiite sect, as they believe it is legally permissible. However, when the concept was first introduced, all Muslim sources agreed on its practicalities (Bang, 2016). Both Sunni and Shiite critics of these informal marriages argue that they allow a person,

principally a man, to contractually take on multiple 'wives' for a number of hours and, thus, have multiple sexual partners. It also has been argued that mut'ah marriages are used as an 'Islamic cover' for prostitution or the exploitation of women.

This study explores the phenomenon of temporary marriage in modern-day Iran, within the context of Iran's history, by analysing the judicial and legal responses. The purpose of this study is to expose some of the ambiguities surrounding temporary marriage and its rising acceptance as it is seen as an answer to Iran's dwindling and aging population. In addition to analysing the current status of temporary marriage in Iranian society and its functions in relation to religious, psychological and sociological ideologies, this study will elaborate on the religious origin of temporary marriage and the serious disagreements between Sunni and Shiite followers on this subject.

Introduction: What is Marriage?

Traditionally, marriage has been viewed as a contractual, legal relationship between a man and a woman that creates a spousal legal status and relationship, incurring legal rights and obligations; thereby, both parties can benefit sexually (Rezaei H. , 1984). According to the sociological definition, marriage is an act that generates a union between opposite sexes, based on a permanency of sexual relationship (Saroukhani, 1991). From a sociological point of view, marriage is a social agreement guaranteeing the survival of the human race.

The word 'couple' literally means 'two', running counter to the words 'single' and 'individual' as it refers to peers and companions idiomatically. The lexicon meaning of 'marriage' is having a partner (a wife/a husband) and being close and joined to each other (Dehkhoda, 1992). This meaning expresses the idea that two beings who live together with a specified agenda and a particular target are a couple and are legally recognised as such. A common identification of a couple is a nuptial relationship between a man and a woman. A couple is in a union laid out in an agreement specifying the partnership, based on sexual attraction and behaviour, in a defined legal and social framework.

In the majority of human cultures, people satisfy their sexual desires through the framework of marriage. Some researchers have opined that sexual attraction, respect, pleasure, acceptance, trust and sympathy are included among the cherished values of being a couple for a man and a woman. Being a couple, therefore, implies a relationship between two human beings in a way that the absence of one results in a disorder of highly regarded, cherished values, particularly sexual attraction. Sexual attraction or instinct is considered to be the most important value among couples. Consequently, given that sexual behaviours are affected by cultural, religious and social factors in various societies, organising sexual relations and setting limits and boundaries for this arena has always brought up arguments (Rouse, 2013).

Sociological and Anthropological Definitions of Family and Marriage

Marriage is one of the important and praiseworthy social customs that is identified officially in almost all human societies. The sacred union has existed for tribes and nations in most times and places. Among all the unions that human beings participate in to be close to one other, marriage is the most sacred, and even considered to be the most essential (Mahdavi, 1998). Moreover, marriage is an agreement between man and woman dominated by the dictates of various religions and laws (Fazlollah, 2004).

Another definition of marriage is a physical, mental and social union of a man and a woman that is subject to societal conformity and social norms – issues that are closely tied to the perceptions of the differences between men and women (Danino, 2005). In fact, of relationships that respond to all spiritual and materialistic needs, marriage is the most intimate and is deemed an essential stage in human growth. This complicated relationship is based on a man and a woman launching a common life, pledging to be friends and companions, sympathising with each other, making one another happy, loving one another and ending loneliness. As well as satisfying the physical and emotional needs of a person, marriage provides a payoff to married partners in terms of their economic needs. Additionally, the cultural- and social-communication needs of the individual, accepted values in all countries of the world, are met (Azad Armaki, 2007, p. 99).

Marriage can be studied from two aspects: marriage as an *entity* and marriage as a *relationship*. Marriage as an entity has the following common characteristics:

- less freedom in choosing a spouse;
- bowing to the strong obligations of family and societal norms;
- an emphasis on the economic dimensions, such as ownership and gender-division of labour;
- significance of public dimension;
- formation of a set of social relationships and networks;
- relative inequality in the marriage entity;
- existence of patriarchy;
- less emphasis on reciprocal sexual desire; and
- the importance of sexual relationships primarily for reproduction and pregnancy (Saroukhani, 1991).

On the other hand, marriage as a relationship has the following common features:

- more freedom in choosing a spouse;
- relative separation of the relationship from severe social and family obligations;
- an emphasis on emotional and interpersonal dimensions of the relationship;

- significance of private dimension;
- a basis for considering the person an adult;
- relative equality inside the relationship and companionship;
- positive emphasis on reciprocal sexual tendencies; and
- significance of sexual issues.

Healthy marriages that are positively functioning produce, over time, peace and security for the family entity (Ochiai, 2013).

Traditionally, the family is formed on the basis of marriage as an *entity*. Sociologists consider the family entity to be the foundation of society and a constructive cell of life and shelter for its members. 'Family' refers to a group of people connected to each other through direct kinship ties, in which the adults are responsible for taking care of the children (Giddens, 2010, p. 252). Burgess and Locke denote 'family' as a group consisting of people having reciprocal relationships as husband, wife, mother, father, brother and sister through marital union/consanguinity/adoption, creating a common culture and living in a specific unit (Bahrami, 2006). Family is among the most public of social organisations, shaped and based on the marriage of two individuals, traditionally of opposite sexes, in which there are real blood or documented relations. The family usually has a role in various personal, physical, economic and educative tasks. As a result, the family is a social unit containing various biological, economic, legal, psychological and sociological dimensions (Saroukhani, 1991, p. 136). The rudiments of humans' social experiences are shaped inside the family shelter. Sociologists are interested in the relationship between the institution of marriage and the institution of family because, historically, marriages are what create families and families are the most basic social unit upon which society is built. Both marriage and family create status roles that are sanctioned by society (Ochiai, 2013).

Family exists in all human societies in disparate social formations; sociologists and anthropologists have identified and categorised its diverse types. Some family types are typically seen in the majority of societies, while others are limited to special communities. Nuclear family/extended family; patriarchal family/matriarchal family; matrilineal/patrilineal family; monogamous family/polygamous family; and incomplete family, same-sex partners, half-blood relations, open marriages and cohabitants are among the family designations, based on number of members, authority, place and various modern types of family (Bagheri, 2010).

Family is a significant factor affecting society (Saroukhani, 1991). Marriage and family formation plays a positive role in the whole social system, assuming it occurs at a suitable time and with an appropriate person; conversely, if the husband and wife are not of a suitable age, either an early marriage or late marriage will take place. Accordingly, married couples may be hurt either individually or collectively, as couples, and society will often bear the brunt of the repercussions, including mental and physical illness, a high divorce rate, the abandonment of wives or children, domestic violence, unhappiness with the wedded life, a low rate of social engagement and social unacceptance in the family.

Age as Determinant Factor in Marriage Success

Among the various dependent variables of marriage analysed by social and economic experts, the age of first sexual relationship is considered to be an important index for evaluating physical and mental health.

To some extent, the age of marriage in each society indicates the method of organising family life and also points to the opportunities available to men and women at the time of marriage.

Late marriages can trigger serious consequences for youth, such as irresponsibility, a tendency to engage in undesirable or worrying relationships, a waste of youth and vivacity, an edginess in life caused by the dissatisfaction of personal needs, parental concerns over the late marriage, depression, sexual disorders, taking refuge in drugs, etcetera (Pournaghi, 2015).

Early child marriage (referred to as 'ECM') can also cause several disorders (Ahmady, 2017). According to the Convention on the Rights of the Child, a person in the age-range of birth to 18 is deemed a child. The United Nations Population Fund has ascertained that any type of marriage under the age of 18, before boys and girls are prepared mentally and physically to accept nuptial and child-care duties, is a child marriage. However, in some countries the age varies according to the countries' legal regulations and social and cultural norms. The most influential problems that are associated directly or indirectly with ECM are poverty, low levels of education and literacy, a lack of legal support, social pressures, masculine expectations, and the strangleholds of traditions and religious beliefs. Early marriage is worrisome for both sexes, but the phenomenon harms girls more than boys. A rise in divorce, child widowhood, a rising number of parentless and badly equipped children who are now parents themselves, the sexual abuse of girls, the chronic cycle of poverty and prostitution and the rise of mental, physical and sexual illnesses in women are among the sad litany of outcomes of ECM (Ahmady, 2017).

Sexual Behaviours and Relationships in Western Culture

Often influenced by biological, psychological and social factors, sexual instinct (colloquially referred to as 'the sex drive') is the innate drive to have sexual relations. The numerous elements and instincts that give form to sexual desires are often important factors in the formation and maintenance of intimate relationships in humans. That means that, for an intimate, personal phenomenon, it can have an extraordinary effect on society.

The normal desire for sex can be restrained by the lack of opportunity to act on that desire, by personal, moral or religious reasons or by repression. The lack or loss of sexual desire can adversely affect relationships. Many religions have been accused of fostering sexual repression. In cases where the sexual instinct is completely suppressed or there are psychological or social factors reducing the desire for sex, there is the potential for serious consequences on the human psyche that can cause various sorts of neuroses and health problems. Freud espoused that sexual repression was the chief psychological problem of mankind. He surmised that repression and constriction of sexual behaviour in youth would become manifest in adulthood. Freud was able to persuade his opponents and admirers

alike that sexual repression was rampant, unhealthy and the indirect cause of much crime, illness and woe (Hey, 1999).

As in other dimensions of life, human beings need an example and a behavioural model in relation to sexual behaviours, not only to exhibit healthy and (what is considered) appropriate sexual behaviours, but also to direct and satisfy their sexual needs appropriately. While human sexual behaviours are always meaningful, sexual norms are seen in all societies: some sexual relationships are given tacit approval and others are denied. Members of society quickly surmise and learn the acceptable sexual norms while they are being socialised. Accordingly, the sexual behaviours accepted in one culture may radically differ from the ones accepted in another culture, indicating that human beings learn sexual responses and suppressions from their own cultures. Nevertheless, in the vast majority of cultures, the mode for healthy sexual behaviour is presented as marriage.

Specifically, the suppression of female sexuality can be regarded as one of the most remarkable psychological phenomena in Western cultural history. Women themselves may endorse cultural belief systems that restrict female sexuality (Baumeister & Twenge, 2002).

Over the span of 2,000 years, various paradigms have dominated Western sexual culture, many under the guise of Christian morality. The oldest paradigm is a moral religious theory arising from Christian theological doctrines that fundamentally considers the satisfaction of sexual instinct to be sinful and thus attempts to negate or strongly control the desire. According to Sherfey's (1966) widely respected discussion of this view, the sexual drive of the human female is naturally and innately stronger than that of the male and poses a powerfully destabilising threat to the possibility of social order (Sherfey, 1966, p. 14).

In *The Rise of Christianity*, Don Nardo subscribes to the theory that, early on, virginity was seen as a valuable virtue and the sexual relationships of couples not operating within the auspices of marriage and the intent to have children was increasingly perceived to be obscene (Nardo, 2000). He further argues that, after the fourth century, monasticism movements were affected by some Manichaeism belief systems and polytheistic philosophical schools, adding mortification and solitude to Christianity and institutionalising them as moral acts (Nardo, 2000). Mortification and solitude have been a part of Manichaeism dualistic beliefs. The terms 'Manichaeism' and 'Manichaeism' are sometimes used figuratively as synonyms for the more general term 'dualist' in respect of a philosophy, outlook or worldview. Manichaeism refers to the followers of an Iranian prophet called Mani, who believed that the world is divided between the spiritual world of light, which represents good, and the material world of darkness, which represents evil. The Manichaeism school of thought holds that evil corrupts humans and salvation depends on separating from evil and moving towards the divine territory of pure light. Achieving these lofty targets was possible only by devoting one's life to excessive mortifications of sexual relations, violence and meat consumption.

However, after the Renaissance, the rise of Empiricism and the outbreak and development of modern sciences in the eighteenth century, a shift emerged in attitudes about the sexual instinct from those that had dominated the preceding four centuries in the Western social and intellectual atmosphere. Until

this Age of Enlightenment, sometimes referred to as the Age of Reason, in the eighteenth century, moral religious attitudes still dominated sexual relationships.

Since the nineteenth century, coinciding with the appearance of Modern History, emotional love as the individualised and modern governor of sexual behaviour slowly replaced the pattern of history. With respect to this change in sexual ideology, some researchers consider love in the modern era to be a secular product of the West (Beck & Beck-Gernsheim, 1995, p. 268).

In the nineteenth century, with the arrival of the Freudian-psychoanalysis school of thought and Freud's 'stages of psychosexual development', psychology obtained eminent importance for clarifying human affairs. Sexual issues were placed at the centre of the new psychology. Affected by psychology's development and the improvement of the Freudian theory, knowledge of psychology became eminently acceptable in Western countries and dominated Western sensual culture, turning Freudianism into an ideology for personification of the whole human character and social life. It is generally accepted that Freud's work had the greatest impact on human life in the West during the twentieth century, particularly his re-evaluation of the role of sex and sexual behaviour. By postulating that a society in which satisfying sexual desires is difficult is an unhealthy society, Freud plausibly provided the theoretical foundations for liberalising sexual behaviours (Fazeli, 2004). Perhaps owing to the simultaneous occurrence of Freudian theory and social changes in Europe, sexual relationships were liberalised, paving the ground for more openly discussing sexual taboos.

Since the second half of the twentieth century, historical sociological attitudes have progressively appeared within the debates of sexual studies. This has, naturally, influenced public outlooks on gender matters in Western sexual culture (Cotter, Hermsen, & Vanneman, 2011).

The feminist movement targets the self-awareness of women about their social and individual rights and their freedom from governance by men in all dimensions of their lives. It pursues not only sexual issues, but also the fields of artistic criticism, epistemology and the formation of modern social discipline based on men's and women's rights (Peloff, 2011). The waves of feminism from the 1830s to the early 1900s centred on the idea of political power (including the right to vote) as a catalyst to bring about change. The political agenda expanded to issues concerning sexual, reproductive and economic matters. The emergence of second-wave feminism, the so-called radical feminism of the 1960s, which affected all sexual aspects of Western culture, has often been referred to as the 'desire for revolution' and is seen as one of the most monumental sociological movements. Coming on the heels of World War II, the second wave of feminism focused on the workplace, sexuality, family and reproductive rights. The third wave (1990s to the present) and the term 'feminist' were received less critically by the female population due to the wave's varying feminist outlooks. There are the ego-cultural feminists, the radicals, the liberal/reformists, the electoral, the academic, the ecofeminists . . . the list goes on (Dorey-Stein, 2018).

In the modern era, it is reasoned that sexual instinct and the existing historical and traditional patterns for responding to it provide power and leverage for creating, stabilising and improving. Of course, that does not necessarily deny moral values; rather, one aims at planning and settling values from a different perspective – principally a perspective by which women's rights are not sacrificed under the guise of morality. According to the new attitude, sexual relations and sexual behaviours are a sort of social

structure, created and defined by human beings in relation to their needs and circumstances in the particular period of time. Therefore, there is no steady and eternal pattern for sexual behaviour (Horrocks, 1997, p. 189). The new approach contradicts all absolutism approaches. Although many inroads remain to be taken, in the Western world the feminist movement has been mildly successful in increasing women's presence in the fields of labour, education and higher education, creating awareness of and bringing global attention to the societal problem of gender-based violence ('GBV'). As a result of these achievements, the most dramatic and momentous success can be witnessed in the change in family patterns and the emergence of new models of sexual behaviour.

Traditionally, sexual behaviour subordinates family-type models. In other words, a major function of the family is regulating the method of satisfying the sexual instinct and directing it for the overall benefit of the person and society. Nevertheless, in today's era, this is not necessarily the case as, today, the function has reversed and the family is dependent on the sexual pattern. Sexual behaviour is moving away from family procreation to individualisation, reflecting the Western concept of individualism. This may be in line with the most prominent cultural changes of the last few decades, akin with individualism itself. Plausibly, this has resulted in increased individual freedom and less group authority, as witnessed in the lessening of religious affiliation, the push for the legalisation of marijuana, a tolerance for differences, and more open attitudes around sexuality.

Many individuals view the subject of sexuality to be among self-evident cultural truths and believe that one should be able to choose one's sexual life based on individual choice. Sexual issues are individualised. The government, religious or legal systems cannot define an individual's sexual lifestyle. This would also include the realm of the family. For instance, in *Conditions of Love*, John Armstrong explains that sexual relationships do not necessarily need to be accompanied by love, negating Christian theology, societal norms and customs. Armstrong postulates that the pleasure of having sex is not different from other physical pleasures such as eating or playing a game (Armstrong, 2002). The line of deduction is as follows: as the thought of asking you to only play tennis or eat lunch with your beloved, when you are together, is illogical, the assumption that you can have sex only with the person you love is equally illogical. If a sexual relationship is nothing other than a series of pleasurable activities, it is not wise to think that sexual fidelity is related to love in one way or another (Fazeli, 2004).

At present, in addition to traditional attitudes, more liberal attitudes towards sexual inclination have particularly appeared since the sexual strictness that was witnessed in the 1950s (Baumeister & Twenge, 2002). Still, in Western culture, many individuals, particularly those who subscribe to strict religious doctrines or individuals under the influence of Christian teachings, do not believe in premarital sex (Mashau, 2011). However, a majority of people do believe that sexual pleasure is an important and pleasant aspect of life. On the contrary, some people approve of pre-marital sex, openly living together before marriage, having personal sexual affairs and following tolerant attitudes towards various sexual activities (such as sexual behaviours and reproduction outside of wedlock). In most Western countries, sexual attitudes have liberalised during the past 30 years. Explicit sexual scenes broadcast in movies and dramas that were unacceptable before are acceptable now. Pornography materials are also widely available to adults searching for them (Giddens, 2010, pp. 185–186). Stifling religious conformity is no longer as strong.

Temporary Marriage is Not a New Phenomenon

In November 1891, the British sexologist Havelock Ellis married writer and open lesbian Edith Lees. At the time, Ellis was 32 and a virgin. Their marriage was never consummated. Instead, they lived dual but separate lives in what he referred to as a 'trial marriage' (with, in his case, an absence of a sexual relations). He envisioned couples exploring temporary unions of varying levels of commitment that allowed them to have sex and access birth control, provided there were no children. Numerous philosophers were enthralled by this temporary notion of marriage, including the British philosopher Bertrand Russell. Social reformer Ben B. Lindsey envisaged 'companionate marriage', in which he suggested that a young man and woman should be able to live together in a trial marriage in which the couple could have a year to evaluate whether or not they were suitable for each other (the only caveat was they had to agree not to have children) (Lindsey, 1927).

In the post-Victorian era, others voiced the notion of temporary marriage, including the German poet Johann von Goethe, who entertained the idea in his *Elective Affinities* (1809), and the American palaeontologist E. D. Cope, who wrote in his book *The Marriage Problem* (1888) that a marriage should start with a five-year contract that either spouse could end or renew with a further ten- or fifteen-year contract and, if all went well after that, a permanent contract.

In 1966 the American anthropologist Margaret Mead suggested a two-step version of marriage: an 'individual commitment' that would fit college students of limited means and could be easily dissolved or else converted into a 'parental commitment' if they were ready and willing to take on the obligations of children. In 1971 the Maryland legislator Lena King Lee proposed a Marriage-Contractual Renewal Bill so couples could annul or renew their marriages every three years. In 2007 a German legislator proposed a seven-year contract, in 2010 a women's group in the Philippines proposed a ten-year marital contract, and in 2011 Mexico City legislators suggested a reform to the civil code that would allow couples to decide on the length of their marital commitment, with a minimum of two years. The idea of renewable marriages remained just that – an idea – but temporary marriages have actually been successfully practised for centuries among Peruvian Indians in the Andes, in fifteenth-century Indonesia, in ancient Japan and in the Islamic world (Larson, 2017).

Sexual Behaviour and Relationships in Islamic Culture

Sexual desire and behaviour are among the most important dimensions of human life; human beings often define themselves by their sexualities. Only the most wilful blindness could obscure the fact that sexual intimacy is a sensitive, key relationship in human existence, central to family life, community welfare and the development of human personality. It is because of sexual instinct, sexuality and reproduction that the human race has survived and social coherence and solidarity have been created.

Therefore, it is logical to say that, today, human socialisation is orientated by reproduction and the sexual instinct preceding it (Simon, 2017).

For these reasons, methods of satisfying the human sexual desire have always been a matter of dispute in the history of mankind. Various schools of thought claiming to guide mankind have proffered special plans for instructing the sexual behaviour of people. Additionally, various religions have made attempts to curb this human need by framing it in a specific way to prevent the desire for wanton sexual activity and licentiousness. For example, monotheistic religions have attempted throughout history to legalise this human instinct and ban their followers from immorality and disobeying instructions (Sharawi, 2017).

Among the various religions, the Islamic religion has attentively presented a model for safe sexual behaviour and has, particularly, paid attention to thwarting reform and harshly responding to what are perceived to be sexual abnormalities, deviations and problems. This is attributed to the Islamic perception, which considers a multitude of factors: progress, happiness, human perfection, nurture of the next generation, permanence and preservation of lineage (integral to continuity), solidarity of the family tribal system and, ultimately, the innocence of society. These factors wholly depend on absences from and avoidance of perceived deviations.

The Islamic model of immunising sexual behaviour consists of two dimensions of chastity: abstinence (and sexual self-control) and the institution of marriage (optimal satisfaction of sexual needs). These two broad dimensions contain a wide range of principles and programmes in the human-evolution linear chain from birth until death (protection, control, sexual training and management, sexual teaching and preparing and grooming for marriage, sexual instruction, nuptial protocols and reformation and treatment of sexual abnormalities) (Nooralizadeh Mianji, 2009). Islam views satisfying sexual desire within the prism of the family system and the framework of marriage as a praiseworthy affair, emphasising it and permitting human beings to satisfy their desires by having sex with their spouses (Kajbaf, 2005).

Understanding the status of family and marriage within the structures of Islamic communities and their roles in regulating the sexual behaviour of men and women depends on having a correct understanding of Islam. Mankind has a spiritual reality in Islam, and its purpose is to flourish reality and rightfulness in the light of spirituality and self-realisation and to achieve divine affinity (Joshanloo, 2013).

According to the ontological school of thought, understanding the nature of human beings, including marriage and family, is meant to bring happiness to humans. Family and marriage are central points of Islamic thoughtfulness, with clear delineations of what is and is not forbidden. That is why an integral part of the specific responsibility of the ideal Islamic family is different than in other family types (Mohebbi, 2011). Moreover, marriage is sacred and highly regarded within the Islamic religion, as made abundantly clear in various religious manuscripts under various interpretations and in different frameworks. The Holy Quran, the most important resource of Islamic law, orders marriage and indicates the importance of it: 'Marry virtuous women' (Nesa Surah: Verse 3). Also, encouraging Muslims to get married is among Islam's Prophet customs: 'Anyone who likes my religion should be faithful to my custom and my custom is marriage' (Ghazali, 1998, p. 196; Tabarsi, 1986, p. 152).

Readings of the Holy Quran hold that humans are created in a way that the inclination towards marriage and family is inherent. The creation of mankind is basically a duality concept, as there is no man or woman for whom a partner is not created. The Holy Quran says, 'We created you in pairs' (Naba Surah: Verse 8). Moreover, it states in another verse, 'God created you from soil and from sperm afterwards and made you in pairs' (Fater Surah: Verse 11). Through these interpretations, the Quran points to the main philosophy of family formation and considers human nature to be the origin of pairing (marriage and coupling). God has made man and woman complementary to each other. Thus, according to the Holy Quran, the tendency towards forming a family stems from strong human emotions and is firmly innate and rooted in human nature. This inclination turns him from a selfish being into an altruistic one, leading to family continuity (Jahani, 2012).

Both the Hadith, the record of the traditions or sayings of the Prophet Muhammad, revered and received as a major source of religious law and moral guidance, and the Holy Quran take the position that the achievement and perfection of higher human qualities and the attainment of social goals will come to fruition through marriage. Lofty ideals are espoused, such as man and woman reaching a level of excellence, contributing to the perfection and protection of one another. This is readily apparent from numerous verses: 'Women are clothing for you and you are clothing for them' (Baghareh Surah: Verse 187). Moreover, marriage produces mental and spiritual tranquillity and contributes to the formation of true love among couples:

And of His signs is that He created for you from yourselves mates that you may find tranquillity in them; and He placed between you affection and mercy. Indeed in that are signs for people who contemplate (Rome Surah: Verse 21).

An added advantage is the economic benefits. Marriage produces financial earning power and spending or, in other words, it improves the family economic condition, having a positive economic function. Imam Sadegh (PBUH) says in this regard, 'Anyone who does not get married due to poverty is suspicious of God; as God says if one is poor, he will make him self-contained, on his grace' (Mottaghi Hendi, 1589, p. 279)

An additional important social function of marriage is the preservation of lineage. God defines marriage as a tool for preserving mankind, referring to the necessity of the woman's existence in human society and the unescapable fact that mankind needs women for generational continuity: 'Your wives are your tilth; go, then, into your tilth as you wish (for birth of children and continuation of human generation)' (Baghareh: Verse 223).

From an Islamic religious point of view, marriage is an admirable practice, in accordance with nature, wisdom and Sharia; it is sacred and pleasing while maintaining the custom of Islam's Prophet and guaranteeing the sexual innocence and survival of the generation. Considering that Islam underlines a special model of satisfying sexual desire by placing man and woman in the conventional family type of society, Islam recommends religious marriage and emphasises the necessity of marriage. However, as further explained below, this method of satisfying sexual desire is included in two types of marriages, permanent or *sigheh*, each having different explanations in verses and hadiths.

Marriage in Iran

The word 'marriage' means 'close and grafting and tying' (Moeen & Bayat, 2003). In Iranian civil law, Articles 183 and 1057 of the Islamic Republic of Iran Civil Code stipulate the definition of the wedding, but Article 183 has some loopholes (Katoozian, 1999).

Article 183 stipulates, 'A contract is made when one or more persons make a mutual agreement with another one or more person, on a certain thing, and that agreement is accepted by the latter person.'

In other words, according to Article 183, a contract is made when one or more persons make a mutual agreement with one or more persons on a certain thing (Bonakdar, 2005). The generally accepted definition from Iranian lawyers is an agreement between two or more willing parties that is entered into and that creates a legal effect. In other words, Iranian lawyers believe marriage is a contract through which a man and a woman become one and make a family (Safai & Imami, 2010).

In Iran, marriage is subject and subordinate to Islamic religious values. Accordingly, the Islamic Republic of Iran Civil Code has identified two types – permanent and discontinuous (sigheh or temporary) based on Shiite *fiqh*. Thus, according to the Islamic religion and the legal regulations of Articles 1062–1070 of the Iranian Civil Code, depending on the circumstances that are necessary for a legally valid, permanent marriage, the couple signs a marital agreement with no regard for its duration. Conversely, in a temporary marriage, which has caused strong discourse and disputes in Islamic social circles and conferences, the couple enters into a contract in accordance with the Shiite religion. The contract can either be straightforward or for a defined duration of six months, with the possibility of renewal.

Although the previous Marriage Law of 1931 was silent as to the legality of temporary marriages (Sawma, 2015), The New Civil Code recognises sigheh as a valid marriage and now allows a married man to have sex with another woman under a temporary marriage contract. Since it is a contract, mut'ah requires a declaration and an acceptance. After the specified duration, the marriage will be annulled automatically, negating the legal requirement of obtaining a divorce. It is known to be practised mainly by widowed or divorced women and is believed to be more common in theological seminaries and among the clergy.

Sigheh is practised in different durations: short-term sigheh lasts less than five months, medium-term lasts for four to five years, and long-term lasts for 99 years. Normally, a sigheh contract is signed as a short-term or medium-term agreement (Haeri, 2014).

Article 1057 of the Civil Code stipulates:

A woman who has been the wife of a man for three consecutive times and has been divorced each time will become unlawful as wife to that man unless she is married by permanent marriage to another man and, after matrimonial relations with that man, separation occurs between them by divorce or cancellation of the marriage or death.

Article 1075 legally recognises temporary marriages. It states, 'Marriage is temporary when it is for a predetermined period.' Although, unlike temporary marriage, polygamous marriage is not explicitly recognised except in reference to some laws, such as the inheritance laws, both permanent and multiple marriages are implied and accepted. In accordance with Islamic Republic laws, polygamy is not illegal. It is conditional on the first wife's permission. However, temporary marriage differs in that it is not conditional on the first wife's permission. At any given point in time and with no legal impediment, a man can marry any number of women. Islamic laws and provisions set no limitations on such marriages; the law makes no pronouncements, but Islamic jurists agree that there are no limits. Accordingly, although polygamy is not explicit in Islamic Republic laws, temporary marriages are legally recognised. From a woman's perspective, essentially and psychologically, temporary and permanent marriages are not the same thing (Ghaderi, 2014).

There are different attitudes to temporary marriages (sigheh or mut'ah). There is support for temporary marriage, as it reflects a religious mandate that brings more freedom for the two contracting parties. As mentioned in Verse 24 of Nesa Surah, 'So for whatever you enjoy [of marriage] from them, give them their due compensation as an obligation. And there is no blame upon you for what you mutually agree to beyond the obligation. Indeed, Allah is ever knowing and Wise.' The Twelve Jurists (the 12 members of the Council of Guardians), of which half specialise in Islamic canon law and the other half are nominees by the Supreme Judicial Council, also recognise temporary marriage officially.

Social Explanation of Mut'ah in Iran

Transformation of Iranian Families

The evolving and transforming family is an important subject in the modern world. Marriage has changed significantly under the influence of structural and cultural modifications and is affected by communities transferring it from traditional to modern societies. For this reason, topics such as family transition, marriage transition and second demographic transition have become grounds for polarising discussions in today's psychological and sociological literature.

In respect of transitions and modifications, numerous sociologists view marriage as a transitory entity. Morgan (2015) analyses the changes in the marriage nature within a framework of transition from the marriage-as-an-entity model to the marriage-as-a-relationship/convivial model. Firestone also believes that relationship/convivial marriages are on the rise in the middle and upper classes. This rise is attributed to the growth of individual freedom to choose a partner. Through reforms in marriage models and patterns, significant changes have occurred in marriage's foundation and nature. The differences are visible when comparing marriage as a relationship to marriage as an entity. Discourses about the definition of the family are among the important changes of the arena. Castells believes that a social revolution is on the horizon, but not a revolution as bold as that witnessed in the 1960s and 1970s. Indeed, Eastern societies have also witnessed societal transformations within the family structures as reforms are seen in the East (Rosser & Harris, 2012).

Dissociations of marriage ties, family, heterosexuality and sexual needs are the common features of this revolution. These four factors, which were separate ideas, have integrated during the previous two centuries due to modern patriarchy. The influential French sociologist Émile Durkheim believed that, through the transition to organic solidarity, collective consciousness weakens, individuality grows, and values and principles diverge. From his perspective, family had a linear evolution as it contracted through this process. The first model of the family was a political family group with a macro name. This model changed into the patriarchal family of ancient Rome, passing through different stages. Later, after undergoing a series of modifications and gradual contraction, the family transformed into the contemporary model of husband and wife, which corresponds to today's concept of the nuclear family (Durkheim, 1912).

According to the Parson structural functionalist school of sociological thought, affection, love, sex and friendship have important functions. Choosing a spouse based on love is a special feature of the nuclear family. These couples, free from dogmatic, burdensome principles, societal demands and the whims of family considerations, choose their spouses in accordance with their feelings.

The dominant role model in Iran used to be the patriarchal, extended family. Its members, linked by blood, lineage and alliance, would initially include the male and female, their children and the families of their children. This family model was characterised by the absolute power of the father as the head of the family; by the strong solidarity between the sons, who have equal rights of succession; and by a high frequency of endogamy (the practice of marrying within a specific social group, caste or ethnic group), ideally and usually between first cousins and the children of two brothers (Ladier-Fouladi, 2002).

It is worth mentioning that, in Iran, 'family' refers to a wide range of families with different features; however, transition is common in all of them. In fact, not all the characteristics of extended families are seen in Iranian families (Domani, 2012). The formation of nuclear families is not conforming to the definition of 'nuclear family', either (Morgan, 2015).

In the traditional Iranian extended-family structure, marriage is a tool for preserving generational heritage, with its concomitant economic and sexual functions. The economic, social and cultural attributes of Iranian society are undergoing a process of transformation, and this has affected the family structure. For instance, the modern Iranian nuclear family currently consists of an educated couple, normally with separate salaries. The nuclear-family structure is now often formed on the basis of freedom of choice with respect to the selection of a spouse – clearly a stark reflection of modern times. The rising recognition of the human right of selection when choosing a spouse is espoused in numerous treaties, many of which Iran is a signatory to, and rapidly changing social relations have eroded the need for getting married – what once was a mandatory social obligation is now an individual behaviour choice. Emotional needs are the foremost considerations.

Innovation and modernisation have affected various dimensions of life for Iran's nuclear families in terms of culture, economy and society. These developments, as witnessed both in the US and Western Europe, have resulted in a growth in divorce rates, a decline in marriage and a general weakening of the traditional family structure.

Conceivably, the increased divorce rate and the general difficulties with modern marriage may be more a reflection of institutional failures and unrealistic expectations when adjusting to new circumstances. A vast number of correlated factors play roles: societal support for providing conditions that allow women to receive higher educations (in 2004, 51.4% of candidates were women, of whom 52.1% passed the examinations) (Kar, 2004), difficult economic conditions, increased nomadic and transitional lifestyles, extraordinary mobility, rising unemployment hurdles, and political and social unrest for men have increased the age of marriage in a range of Iranian families (Borserup, Tan, & Toulmin, 2013). These profound challenges, resulting from an aging population, rising inflation and soaring house prices, are additional factors that have weakened traditional religious and social bonds. The current economic, social and political conditions of Iranian society have called upon women to play new roles that are essentially different from what their status in a traditional and underdeveloped social system would warrant.

The economic, social and political conditions that have had an effect on the family structure have been the subject of study for numerous sociologists. In his Functionalism model, Parsons reasons that the rate of marriage often hinges on the economic cycle and periods of widespread economic prosperity. Marriage rates are higher at peak economic-development periods (steady-state or expansion), but lower economic-development periods result in the postponement of marriages for the duration of the economic downturn (negative or very low economic growth) (Chambers, 2012). In periods of widespread economic prosperity, a correlation can be observed for Iranian traditional families: marriage is directly related to the economic cycle – the ebbs and flows of expansion and contraction.

Other factors, such as ideological changes, are less influential (Friedl, 2017). According to Robert Merton's social disorganisation theories (Merton, 1986), an extension of the functionalist perspective on deviance, marriage occurs when society is able to determine specific cultural targets and the modes of achieving them, so that society is kept in balance and is continued (Hirschi, 2017). Under this line of reasoning, whenever means and targets are in harmony in a social group or structure, society will not incur any unrest or rupture. Socialisation is important in producing conformity to social rules, and it is when this conformity is breached that deviance occurs. As the targets are no longer compatible with existing societal structures, complications will take place.

William Good's (1963) theory of modernisation views the family as the inevitable result of the structural transformations in society and ideological transformations (for example, the transition from the agricultural economy to the industrial economy). He postulates that, when structural transformations occur on the macro level (such as urbanisation, industrialisation, public education, etcetera), in addition to ideological transformations, micro-level organisations (family) have to adjust to the macro changes. Educational opportunities developing, widespread changes in the labour force and occupational activities, more employed women and the quantitative development of urbanisation are among the most important indicators of modernisation.

In his Trust and Modernity theory, Giddens analysed the notions of trust inherent in the emotional and marital failures that occur due to false and optimistic trust. He believes that we live in a modern world full of risks exhibited in industrialism, capitalism, the dominance of capitalist values and globalisation. Trust is required in a risky world. Therefore, a lack of trust among citizens, or a reduction of social

capital, is one of the worst social plagues, causing serious problems in any society. A rise of distrust and hypocrisy in social relations and the growth of various types of moral deviations in society will naturally extend to families and close human relationships. The price that is paid is steep. The issue weakens the quality of relationships with others and increases financial and emotional expenses on human interactions. But, in today's risky world, when people are dealing with many other persons, there is a higher risk in marriage and the choice of a spouse (Giddens, 2010). In contrast, there is less risk in the traditional world. Marriage is chosen in advance and is, accordingly, less risky.

Religious and Governmental Policy-Making

As previously discussed, the marriage pattern has changed in Iranian society, which has evolved dramatically towards modernity (Najmabadi, 2013). This can be principally seen in the significantly decreased rate of marriage, while divorce has progressively increased (Abbasi-Shavazi, M. J. & McDonald, P., 2012). Despite growth in the number of youth of marriage age, which reached almost 11.5 million in 1396 (Iranian year; i.e. March 2017–2018), the marriage rate decreased by 3.5% compared to the previous year and by 8% compared to 1389 (March 2010–2011). Figures show that the marriage rate has not increased in alignment with the country's population. Experts believe that the continuing decline in the marriage rate is, in turn, having a negative effect on the country's demographics. This decline is the source of many concerns about harms to society, as there is a shift in demographics to a shrinking and ageing population.

This is where temporary marriage comes into play. The proliferation of temporary marriages shows how Iranians are using Islamic Sharia Law to establish parallel forms of marriage that are otherwise illegal.

Regardless of the religious origins of temporary marriage, due to the previously cited realities of permanent marriage, temporary marriage has been identified as a solution in Iranian society (Haeri, 2014). In other words, there is a widening gap between sexual maturity and adult social and economic maturity. An extraordinarily large number of young people (about 65% of the population is under 25), combined with a high level of unemployment, means that more couples are putting off marriage because they cannot afford it. This may be due to 'difficulty in finding a spouse of a similar age, the slim possibility of having a permanent marriage because of economic social conditions, the acceptability of permanent marriage in regard to social norms and pressures, and individual motivations' (Elder, 2018). The gap has endangered the sexual health and hygiene of young people. Thus, when permanent marriage is not possible, a temporary one has been introduced as a solution. An odd mix of feminists, clerics and officials have begun to discuss *sigheh* as a possible solution to the problems of Iran's youth.

'First, relations between young men and women will become a little bit freer,' said Shahla Sherkat, editor of *Zanan*, a feminist monthly. 'Second, they can satisfy their sexual needs. Third, sex will become depoliticized. Fourth, they will use up some of the energy they are putting into street demonstrations. Finally, our society's obsession with virginity will disappear.'

Conservative Muhammad Javad Larijani, a Berkeley-educated former legislator, favours temporary marriage. As Mr Larijani puts it, 'What's wrong with temporary marriage? You've got a variation of it in California. It's called a partnership. Better to have it legal than have it done clandestinely in the streets.'

Advocates of temporary marriage also point out that children of such unions are legitimate and entitled to a share of the father's inheritance. More rarely, unrelated couples have used nonsexual 'temporary marriage' in order to live or work in close quarters (Sciolino, 2000).

Preventing sin and corruption, satisfying the biological sexual instinct, getting to know each other for permanent marriage, gaining mental and spiritual tranquillity, and a lack of required facilities for permanent marriage are the often-cited reasons for temporary marriages (Haeri, 2014). In recent years, based on these reasons, the Government and policymakers have promoted, through media campaigns, temporary marriage as a solution, issuing licenses and establishing registry offices for temporary marriage and launching different internet sites.

Before 1335 (1956–1957), temporary marriages were officially sanctioned, with marriage-registry offices having authorisation to issue temporary marriage certificates. However, between 1962 and 1978, the Iranian women's movement gained tremendous victories: women won the right to vote in 1963 as part of Mohammad Reza Shah's White Revolution and were allowed to stand for public office. In 1975 the Family Protection Law provided new rights for women, including expanded divorce and custody rights and reduced polygamy. Under Her Imperial Majesty Empress Farah Pahlavi of Iran – as she was officially known until 1979, when her husband, Shah Mohammad Reza Pahlavi was overthrown and replaced by the Islamic Republic of Ayatollah Khomeini – the Government supported advancements by women and opposed child marriage and polygamy. Temporary marriages were not permissible (Pahlavi, 1978). Given that, in many cases, temporary marriage was undertaken by married men, the ban on polygamy undermined temporary marriage in official centres. Family law articles on polygamy and child custody were not addressed until 1975. Nonetheless, the Family Protection Law abolished extrajudicial divorce, greatly limited polygyny, and established special Family Courts for dealing with matters relating to the new personal status legislation (An-Na'im, 2002).

The Family Protection Act was abrogated right after the 1979 Revolution. The new regime reinstated the primacy of men within the institution of the family, reinforcing patriarchal norms and notions such as 'man is the head of the family', 'woman as the second sex' and 'women and children are the property of the men in the family'. The age of marriage reverted to nine for girls. Restrictions on polygamy and temporary marriages were repealed.

After the Islamic Revolution of Iran, Akbar Hashemi Rafsanjani, one of the leaders of the Islamic Republic of Iran and fourth president of Iran from 1989 to 1997, tried to defend temporary marriage in different circumstances (Dabashi, 2017). He was the first person to discuss it openly during his presidential mandate. In 1990, he spoke of temporary marriages for the first time at Friday congregation prayers as a solution for preventing moral corruption in society. In his sermon, he called sexual desire a God-given trait. Don't be 'promiscuous like the Westerners', he advocated, but use the God-given solution of temporary marriage. That sermon brought thousands of protesters to parliament, in part because a married man could have as many temporary wives as he wanted, up to four permanent ones, and could

terminate the contract any time he wanted, whereas women could not (Sciolino, 2000). Akbar stated that, 'A government that expects youth to have chastity, should facilitate conditions of obtaining chastity' (Nandi, 2015). He further added that people 'corrupted' in the atmosphere of the previous regime could be rehabilitated: 'If mut'ah was not banned, and people in need were allowed to have temporary marriages, no one would be infected with adultery' (Edmore, 2015).

Akbar Hashemi Rafsanjani stated that temporary marriage was preferable to being 'promiscuous like the Westerners, whose culture permitted adultery'. In his memoirs, he wrote that, because Iranian society had accepted permanent marriage as sacred, it presented an ugly, undesirable image of temporary marriage. He advocated that men without wives use temporary marriage and renew it for periods ranging from one year, to two years, to five years. Temporary marriage for young girls should be done with the agreement of their fathers. Temporary marriage should adhere to all the conditions of permanent marriage and should be registered clearly in offices (Hashemi, 2013, p. 411).

What was once considered a social taboo has gained momentum and veered towards acceptance. During the past few years, the Ninth Government, Ahmadinejad's first administration, 2005–2009, and the seventh and eighth parliaments have turned the revival of this custom and its promotion as 'temporary marriage' into one of their foundational sexual politics. The Government and parliament went so far as to ratify a new family law bill, despite women's strong opposition. This bill gives legal justification to conditional polygamy, including multiple (permanent) wives and *sigheh*. Men no longer even require permission from their first wives (Sadeghi, 2010).

The Tehran Official Centre for Temporary Marriage is the name of a new site launched to propagate the concept of *sigheh*, a temporary marriage arrangement sanctioned in Shiism. Over recent years, tens of other similar sites have sprung up, all with the goal of facilitating temporary marriages and aiding with legal permits. Article 1075 of Iran's Civil Code sanctions temporary marriage. The conditions for issuing a temporary marriage licence are the same as those required for a permanent marriage, plus the specification of the term of the marriage and an amount of money as alimony for the woman. The restrictions of a temporary marriage are also the same as those that exist for a permanent marriage. These sites provide information to applicants who register and submit an online application form, and facilitate the establishment of such relations. While many of these sites have been registered with the Ministry of Culture and Islamic Guidance and other appropriate agencies, making their activities completely legal, they still at times come under criticism by some government officials (Ghoreishi, 2012).

The Office of Legal Studies at Majlis Research Centre, a forum for women's-rights discourse and legal initiatives, published research under the title 'Temporary marriage and its effect on moderating illegitimate sexual relations'. Giving guidelines, the research elaborates on the nuts and bolts of the 'why' and 'how' of temporary marriage. It recommends the formation of 'temporary marriage centres' in Iran and 'the practical development of this religious institution as a cultural norm' (Rafsanjani, 1998).

In addition to influential politicians, scholars, experts, academics and public figures, various social commentators and authors have expressed tepid or outright support for temporary marriage.

In a book titled *Women and Her Rights in Islam*, Morteza Motahhari talks about the philosophy of temporary marriage, as permanent marriage imposes heavy burdens on couples. Motahhari puts forth numerous distinguishing advantages, such as greater freedom of choice, in fixed-term marriage. The contracting parties may stipulate any conditions they like. In fixed-term marriages, after the legal formalities have been met and the couple is legally pronounced and recognised as lawful wife and husband, they are now permitted to have the sexual intimacy that would previously have been denied to them. Any residual feelings of compunction are removed. She reasons that the main difference between a fixed-term and a permanent nuptial is that a fixed-term marriage places less restriction upon the spouses. Additionally, by the time couples are ready to enter into a permanent marriage, in the vast majority of cases, they are no longer a boy and a girl at the beginning of natural maturity, under the throes and beginnings of sexual awareness and instinct, and are ready for permanent marriage (Motahhari, 1997).

Many commentators have also looked at temporary marriage as advantageous in terms of age. The modern age has made the gap between natural maturity, social maturity and the power of family formation wider (Lancy & Grove, 2011). Previously, a young boy could undertake an occupation, starting from early maturity, that lasted the whole of his life. This is no longer the case. A young boy who has completed his education (assuming that all exams have been successful) will be 25 before the end of his studies, when he is able to start work, be gainfully employed and generate income. It would plausibly take three to four years until he could prepare a small financial settlement for himself in preparation for marriage. There are identical perils for women completing their educations.

In recent years, the number of young Iranian women who have been admitted to universities has risen dramatically. In the last five years alone, Iranian women have made up more than 60% of university entrants. The appearance of educated women at various levels of employment is a surprising development for the Islamic Republic. Experts say education has a strong social value for the country's women, who see it as a way to gain greater freedom. But some Iranian officials have expressed concern about the trend. The growing number of young women in Iran's universities is considered a phenomenon that has already brought substantial change to the country's traditionally male-dominated society. Iranian women are using university studies as a way to leave home, postpone marriage and generally earn greater freedom and social respect (Esfandiari, 2003). Many do support temporary marriage. Shahla Haeri, the director of Women's Studies Program at Boston University, has argued that, although temporary marriage is often used as a cover to legitimise prostitution or rape, it can be innocent, allowing a man and a woman who are not related to spend time together, free from veils and without chaperones.

In this realm, a series of philosophical questions naturally arise. What should we do with instinct? Is it natural to postpone maturity because the modern lifestyle and modern age do not sanction marriage at the age of 16 and 18? Does the sexual instinct dissipate and magically reappear upon graduation? Youths who are deeply religious are subjected to the same hormonal forces as any other twenty-year-old. The reality is that young men and women do have sexual relationships. Are today's youths ready to submit to temporary monasticism, renounce worldly pursuits to devote themselves fully to spiritual work, and accept the severe pressure until ground is paved for permanent marriage?

Many experts who have studied the effects of sexual repression on the human psyche over the years have concluded that repressing human sexuality can cause various kinds of neuroses and health problems (McClintock, 2006). If this is the case, even if today's youth accept temporary monasticism, is nature ready to accept that sexual repression has serious consequences on the human psyche?

The answers to these questions are complex. There are only two viable options. One is to leave youth alone and not care about them, allowing a boy to have wanton sexual intercourse with numerous partners and, conversely, allowing women to have illegitimate relations with scores of boys, and potential pregnancies. The second solution is temporary marriage. Temporary marriage restricts woman, first of all, so that she is not the wife of two persons at the same time (Haeri, 2014). Obviously, restriction of woman requires restriction of men, as well. Temporary marriages allow young men and woman to pursue their education objectives without being shackled to monasticism and the consequences of sexual suppression (Motahhari, 1997).

Katoozian elaborates on the philosophy of temporary marriage by asserting pragmatically that, in today's world, with its level of immorality and so many economic problems that hinder family formation, *mut'ah* should not undergo criticism and oblivion (Tizro, 2013). In industrial communities, for various reasons, there is a discernible gap between adolescent immaturity, when the individual is simply too young, and adult maturity, when a person is socially and economically able to have and support a family. This gap is increasing daily. Relationships between boys and girls will not magically dissipate upon religious advice and preaching. So, either we leave the youth alone, turn a blind eye and let the chips of sexual discord fall where they may, leading society towards immorality and sexual chaos, or we should bridle the unruly instinct by creating specific and restricting frameworks. Discontinuous marriage is one of these frameworks. 'Revitalising the marriage can help prevent current chaos in society' (Bozorgian, 2005).

Iranian's conservative cleric Moustafa Pourmohammadi, who was the interior minister in 2007, challenged this social taboo by urging the revival of the ancient Shiite practice of temporary marriage to give young people easier, legitimate access to sex. *Sigheh*, said Pourmohammadi, should be promoted to offset a trend towards later marriage, which he said was depriving Iran's youth of sexual fulfilment. *Sigheh* allows couples to establish unions lasting from a few minutes to 99 years and is permitted under Shiite Islam. Pourmohammadi described it as 'God's rule' and said it was an acceptable alternative to pre-marital sex, which is forbidden under Islamic law. He told a conference in the city of Qom,

The increase in the marriage age in this country has caused many problems. Is it possible that Islam is indifferent to a 15-year-old youth into whom God has put lust? We have to find a solution to meet the sexual desire of the youth who have no possibility of marriage. Islam is a comprehensive and complete religion and has a solution for every behaviour and need, and temporary marriage is one of its solutions for the needs of the youth.

He called on religious schools to study the possible side effects of an increase in the practice (Tait, 2007).

Iranian revolutionary and sociologist Ali Shariati has also weighed in. He opined that temporary marriage, not in its current form, is the most progressive custom so far. In his opinion, it is necessary to

interpret marriage in today's world with respect to science, sociology and, specifically, psychology. Before bringing up the issue of temporary marriage, the topic should first be defended by eliminating the previous, ugly assumptions surrounding it. Only then can the philosophy of marriage be interpreted scientifically, as the most pressing issue in solving the problem of the younger generation in today's world. The current form of temporary marriage exemplifies the custom in which what is practised contradicts the reality of the custom. It means intellectual judgment towards the current view that temporary marriages are ugly and disgusting (Kariminia, 2011).

Many supporters argue that women can take advantage of temporary marriage as well. Although it is too difficult or sometimes impossible to get temporary marriage permission from families for young virgin girls, marriage will be a good opportunity for women who have not the chance to remarry.

In 2014, there was a publication of an official 82-page report that exposed the covert world of sex and detailed Iran's rampant prostitution. Sex of every kind was taking place outside the marital bed in the Islamic Republic. The report revealed that secondary-school pupils and young adults were sexually active, with 80% of unmarried females having boyfriends. Illicit unions are not just between girls and boys; 17% of the 142,000 students who were surveyed said that they were homosexual. As previously discussed, the scope and pace of change are challenging the Government. Iranian parliamentarians suggested mut'ah marriage as a viable solution to the problem. This would allow couples to publicly register their unions through the institution of mut'ah (Economist, 2014).

Criticism

Opposition to temporary marriage has escalated into a rhetorical storm blowing in different directions. The opponents of temporary marriage, as well as its supporters, have criticised sigheh from a variety of religious and non-religious perspectives. In the international community, particularly, temporary marriage has faced a barrage of criticism. Some people oppose temporary marriage due to the highly plausible negative repercussions, including a diminished rate of permanent marriage, the potential for abuse, children conceived from these temporary families (Edmore, 2015), and early child marriage, an already deplorable state of affairs. It has also been put forward that temporary marriages are one-sided in favour of men. Religious traditions indicate that there is no limitation on men in the number of temporary marriages they may enter into, and because, unlike women, men do not need to undergo iddah, the period after a husband's demise in which the wife must refrain from re-marrying (Hashmi, 2018).

Sigheh has been very unpopular, especially among educated, middle-class families and women who tend to associate it with legalised prostitution. Many issues have been disregarded in the macro policymaking on temporary marriage, which social activists and women who are in a united front of resistance view as thinly disguised Islamic prostitution. This criticism can also be seen in the Muslim sector, producing sectarian divide among Muslims on temporary marriage. Mut'ah is practised by Shiite Muslims, while Sunni Muslims generally consider it forbidden. The schism between Iranians who believe in the legitimacy of the Islamic Republic and those who never will is also reflected in attitudes towards sigheh

and the current stream of debates. As a result of ignoring these forgotten dimensions of temporary marriage, debates over it are neither accepted as a social norm by the public, nor have the majority of intellectuals brought up the issue in society.

In general, criticism is centred on five main areas – that temporary marriages:

- are gender-biased in favour of men;
- promote pleasure and sexual exploitation;
- are Islamic-sanctioned prostitution and exploitation of women, particularly those who are in need of a viable income;
- cheapen the sacred concept of monogamous marriage and its serious commitments; and
- promote and tacitly approve polygamous marriage, encourage sexual addiction and facilitate child marriage.

Pleasure and Sexual Exploitation

The first goal of temporary marriage for the vast majority of men is pleasure and sexual exploitation. Many men who enter into temporary marriages are those who are financially able to do so. In other words, those men who are keen on mut'ah are normally from affluent backgrounds and have the financial means.

In temporary marriage, men have abnormal sexual expectations from women for the sake of variety and pleasure. In this type of marriage, illegitimate and unjustified needs of men are imposed on women, violating women's civic rights. A prime example of the legal pitfalls and lack of legal protection for women was revealed by a recent Farsi-language news story. A man identified as Ahmad, a devout Muslim from the Islamic Republic, conducted sigheh, a 'temporary marriage', with a woman identified as Elnaz. After three days Ahmad allegedly stole money from Elnaz's family and left her. After the marriage contract, it was revealed that he also had another wife and children. Elnaz could not take him to court, divorce him or marry another person because the marriage was Islamic and legal. Iranian officials and media outlets are also blaming her for what happened to her (Rafizadeh, 2016). So long as women are not considered legally equal to men and do not receive the economic benefits and legal rights that men enjoy – so long as they are not backed by the law and the Government – sexual rights are reduced to a useless appendage from which only men benefit.

Moreover, men take advantage of the pleasure caused by unilateral sexual relations. There is a lack of legal and religious limitations on men in regard to the number of parallel sexual relationships they may have in the framework of sigheh (which is often aimed at more sexual pleasure), on one hand, and the short duration of the relationship (especially when it is a kind of income source for women), on the other hand.

Gender-Based Violence

Temporary marriages exploit, subjugate and dehumanise women. Mut'ah is for the benefit of men in all cases, particularly in current conditions. Mut'ah 'marriages' only hide behind the thinnest façade of legality and pose as a sacred element of a world religion for only one reason: to maintain men's domination over women, given that temporary marriage provides the conditions for men under which they can satisfy their desires for sexual diversity, or they can meet their needs when they are hypersexual and their spouses cannot be responsive (Haeri, 2014). The one-sided advantage men have from temporary marriage becomes more obvious when married men go through it. Marriages are not registered and will not be punished, either, being supported by religion.

Although religious and governmental policymakers in Iran are making attempts to implement reforms to temporary marriage, no measure has been practically taken in this regard. Social and human-rights activists, particularly women, criticise such marriages, calling them illegal, irreligious and inhumane (Afshari, 2011). To them, temporary marriages are simply 'wives for an hour' (Rafizadeh, 2016), reinforcing the idea that, for woman, the only path to emancipation is through the Harem (Sadeghi, 2010).

Spread of Sexually Transmitted Diseases

Temporary marriage allows for various unsafe sexual behaviours. This diversity of unsafe sexual behaviours exposes the people involved to various kinds of sexually transmitted diseases ('STDs') (Bayrami, Taghipour, & Ebrahimi, 2015). HIV infection is the most costly STD. In addition to triggering several physical problems, the disease stigmatises the person, twice putting him/her under excessive mental pressure.

Islamic-Sanctioned Prostitution

Sigheh legally wraps premarital sex in an Islamic cloak. Indeed, Sunnis have been said to describe temporary marriage as a 'lustful act under a religious cover' (Ahmed A. S., 2002). Critics of these informal marriages, both Sunni and Shiite, argue that they allow a person to have multiple sexual partners and are used as a hazy 'Islamic cover' for prostitution, with men taking on multiple 'wives' for a number of hours (Mahmood & Nye, 2013).

Some Sunni and Shiite scholars, as well as some Western writers, hold the view that this kind of temporary marriage in the present age amounts to prostitution, favouring the sexually frustrated male or being the prerogative of wealthy, married men. Many have argued that this kind of temporary marriage provides Shiite men with a religiously sanctioned equivalent to prostitution (Baran, 2011; Parshall & Parshall, 2003), as witnessed in the number of Russians who travel to Iran. Many also consider mut'ah to be 'legalised profligacy', indistinguishable from prostitution (Andreeva, 2007), which is otherwise forbidden. More specifically, many argue that temporary marriage enables prostitution to

flourish by permitting prostitutes to freely practise prostitution within the framework of temporary marriage. Therefore, temporary marriage can turn into a 'solution' for prostitution, which threatens the marriage entity and results in the abuse of women.

Temporary Marriages Favour Men

The promotion of temporary marriage has pushed pressing gender issues to the background as the benefits to masculinity dominate the topic. Temporary marriage, in reality, is a power imbalance predominantly in favour of men. It gives men the right to have multiple sexual partners while stigmatising women who do the same. The first to benefit from temporary marriages are, in the majority, men, often sexually frustrated and or bored. It has been also put forth that a woman suffers the same consequences from her husband's temporary marriage as she would from his permanent marriage. When a woman is married permanently to a man who has entered into a temporary marriage, this imposes a new and deep-rooted form of inferiority on the woman. One seriously questions whether there are any Muslim women who are happy with their husbands sharing their bed with other women under the guise of temporary marriage (Ghaderi, 2014). In essence, no woman can be sure that her husband is not in a sexual relationship with another woman (Hawramy, 2012).

It has also been put forward that temporary marriage is favourable for men in that it creates a lopsided, unbalanced bargaining position. Temporary marriage gives men a robust tool to prevent victims (women) from suing them for rape. The man can argue that the sex was conducted legally, according to Islamic law. Clerics themselves have long been suspected of being among its biggest beneficiaries, sometimes when they are on extended holy retreats in ancient religious cities such as Qom (The Economist, 2014). Religious traditions indicate that there is no limitation for men on the number of temporary marriages, and they do not need to undergo iddah (Hashmi, 2018).

Exploitation of Women

Some women consider this type of marriage for various reasons, perhaps seeing it as a source of income or welcoming it for fear of repeating the unpleasant experiences of previous marriages and for satisfying sexual and emotional needs (Sharifi, 2018). Sexual and emotional needs are also among the reasons for temporary marriage for women. Lack of other things, such as security in society, and emotional, sexual and cultural needs, affect the opinions of women towards temporary marriage (Saeid & Behnaz, 2012).

However, the pleasure is short lived. Emotional and psychological issues generated in short-term and medium-term relationships endanger women's mental health (Qazvini, 2014) given that, after the end of sigheh, the marriage is annulled automatically and, once again, women face responsibilities and economic and psychological pressures. Furthermore, women may become used to such relationships, forming attachments that may not be reciprocated. This may result in angst and emotional and separation anxiety when the temporary marriage abruptly comes to an end. These issues go squarely

against fights for social justice and the rising chorus for acknowledgement of gender equality in the modern nuclear family (Shay, 2014).

Several crimes are occurring against women. Some men blackmail women by forcing them into temporary marriages. Many personal stories reveal how Iranian officials and judges exploit detained girls and promise them that they will set them free if they marry them temporarily. Some virgin girls who are about to be executed are forced to temporarily marry the judge because virgins should not be executed, according to Islamic law (Rafizadeh, 2016).

It is not unheard of for a Muslim man or cleric to prey on women who live in poverty and are financially desperate (Rafizadeh, 2016). Some women consider this type of marriage to be an income-making opportunity (Sharifi, 2018). (Lamont, 1980) reasons that prostitution is, to some extent, the result of relatively limited opportunities to earn income, have economic independence and generate financial support. For women in financial distress, prostitution can be attractive; especially because women can often make more income than they could earn from legal jobs (Vago, 1994). Thus, for women who consider sex to be their source of income, temporary marriage can be a good solution. Nevertheless, what is being interpreted as a women's sexual right is, more than anything, an unequal and unreliable relationship in which the women agrees to be subjected to sexual exploitation because she lacks economic rights and a sense of security (Goddard, 2013). In other words, the higher the earning capacity of women, the less frequently they enter temporary marriages.

According to a study conducted by Saeid and Behnaz (2012) (published by the Imam Khomeini Relief Foundation in Shiraz) on the perspective of female heads of households, economic needs are among the main mechanisms that push female caretakers towards temporary marriages. Also, women renting houses are more willing to enter temporary marriages. Women undergoing *sigheh* because of economic problems have to go through *iddah* for a while, after the relationship ends. This naturally raises the question: how should poor and low-income women meet their economic needs during *iddah* (Haeri, 2014)? As there is no source of disposable income, such as alimony, available for women during the temporary marriage, except for the specified *mahr*, ultimately, women will bear the brunt and be under pressure economically, experiencing a cycle of temporary marriages. In other words, as women involved in temporary marriage do not have stable incomes, the cycle of poverty will persist for them, spinning them into virtual 'poverty traps'.

'Poverty trap' refers to conditions in which people are struggling with a kind of poverty that is out of their control. In fact, the poverty trap reinforces poverty conditions, producing a relentless and consistent struggle. The trap will turn into a cycle, and, if steps are not taken to break the cyclic trap, it will continue (Borsenup, Tan, & Toulmin, 2013). Ultimately, it is the economy that is also caught in a vicious cycle, infected by continuous underdevelopment. Poverty trims productivity and economic output and compromises the market's access to skilled labour, which is essential for the production of needed goods and services. It should be mentioned that poverty may be temporary, and individuals may be able to discard it. But, when one is caught within the poverty trap, it undermines the attempts made by the penniless. In such situations, poverty thrives as more favourable opportunities are created for poverty (Raghfar, Kordbacheh, & Paakniat, 2001).

When women are poor, their rights are not protected. They face obstacles that may be extraordinarily difficult to overcome. This results in deprivation in their own lives and losses for broader society and the economy, as women's productivity is well known to be one of the greatest generators of economic dynamism (World Health Statistics, 2014). Women going through temporary marriage in search of better economic conditions sometimes find themselves in a downward cascade of extensive economic problems. Not only has the marriage not solved their economic problems, but also it has created a host of other problems for them (Doumani, 2003). Many women agree to undergo *sigheh* due to the distress of economic pressures and the inability to provide for themselves. When a woman becomes a man's *sigheh* under such circumstances, she is, in essence, engaging in a fundamentally unequal exchange. It is her distress over her inability to provide for herself that forces her to agree to become a *sigheh* (Sadeghiw, 2010). Adding fuel to this situation is that, normally, no one will permanently marry a woman who at one time was in a *sigheh* marriage (Rafizadeh, 2016). The problem of the decline in social status associated with *sigheh* remains (Sadeghiw, 2010). What is actually occurring is that *sigheh* is a 'pay for sex' contract (Rafizadeh, 2016).

Pregnancy

The situation becomes more painful for women in temporary marriages if they become pregnant. The difficulty of establishing paternity, as temporary marriages are not registered, and the cost of taking care of the child are some of the brutal realities women face when they fall pregnant during a temporary marriage. Given the disagreeable character of *sigheh* in Iranian culture, many of these women are compelled to keep the relationship a secret from neighbours and family members. It is even worse when an unwanted child results from the relationship. This creates another layer of problems for the woman (Giddens, 2013). The *iddah* is intended to give paternal certainty to any child/ren should the wife become pregnant during the temporary marriage contract (Esposito & DeLong-Bas, 2001). Registration is required in certain circumstances, such as those leading to a pregnancy, but *sigheh* is largely still allowed without formal registration. Encouraging as this sounds, it is fraught with horror. The Statutes of Mut'ah hold, 'If the woman becomes pregnant such that the pregnancy derives from the period of mut'a, the child belongs to the husband.'

The saying 'The child belongs to the bed' is of general application if the child is conceived within the *sigheh* marriage. However, if the man should deny the child is his, the 'sworn allegation' required in permanent marriage is not necessary. He must have definite knowledge that the child does not belong to him. The 'bed of mut'a', like the 'bed of a slave-girl', does not hold the same high position as the bed of a permanent wife in civil marriage, since a wife by mut'ah is a 'rented woman'. *Sigheh* 'allows couples to live like husband and wife, the bond is neither officially registered in identification cards, nor can children from these marriages obtain legal rights' (Seibold, 2012).

Cheapens the Sacred Concept of Family, Monogamous Marriage and its Serious Commitments

Temporary marriages negate the concept of marriage and its serious commitments. Although it is referred to as 'marriage', sigheh provides the perfect environment for the man to easily dodge responsibilities and relieves him from any kind of commitment. The philosophy of marriage goes beyond sexual pleasure (Dankowitz, 2006), whereas the goal of sigheh or mut'ah is only sexual pleasure. In reality, the man treats the women as a sex tool. In fact, it seems that the criteria for temporary marriage are different from the criteria for the modern nuclear family, which include love and affection in the public eye. Studies reveal that, in addition to women with low income, women with unsuccessful marriage experiences tend to enter temporary marriages (Haeri, 2014); married men also have a tendency to get married to these (divorced) women, and, thus, the family nucleus collapses. This kind of marriage is usually practised secretly, causing a kind of scepticism and pessimism in relation to family, which threatens the family foundation. It also increases distrust among people in a community (Hedaiatollah, 2011). In addition, the unlimited number of temporary marriages a man may enter may cause greater harm to the stability of family life and psychological welfare.

Encourages Polygamy

Temporary marriage lends itself to the promotion and tacit approval of polygamous marriage. In case temporary marriage is done simultaneously or parallel with permanent marriage, the result will be a polygamous union, with all its negative effects. Nuptial satisfaction between men and women is not possible in polygamous marriages. In fact, in a polygamous marriage, both man and woman will face losses and their nuptial satisfaction will be less than what they had in a monogamous marriage. Therefore, in modern society, temporary marriage of women is considered to be a type of betrayal to the permanent spouse, leading to polygamy, which is not common in modern nuclear families (Girgis, Anderson, & George, 2012).

Other studies also indicate the harmful effects produced by polygamous families. Various types of psychological problems are related to the phenomenon of polygamy. There are more nuptial conflicts in polygamous families, and those conflicts will affect children's mental health directly (Elbedour, Onwuegbuzie, & Car, 2002). Lower social competence, the lack of feelings of security, lower academic performance, behavioural problems and aggression are more common among children from polygamous marriages (Davies, Myers, & Cummm, 1996).

Encourages Sexual Addiction

Sexual addiction is best described as a progressive intimacy disorder characterised by compulsive sexual thoughts and acts. Like all addictions, its negative impact on the addict and on family members increases as the disorder progresses. Over time, the addict usually has to intensify the addictive behaviour to achieve the same effects (Herkov, 2018). An important and often overlooked point that should be taken

into consideration is that temporary marriages entered into for the satisfaction of sexual needs may encourage individuals to repeat the sexual practice over and over again, like an addiction. The issue becomes significant when we learn that the demand curve for addictive practices and commodities is quite the opposite of other common commodities in economic literature. The more we use a service or product, the less satisfaction we get from the consumption and the demand *decreases* accordingly; however, more consumption of addictive goods and services *increases* the human tendency towards the act. The act is called Mere Exposure Effect (Jakesch & Carbon, 2012). This issue can make sex addicts obsessively repeat the practice and consequently enter more temporary marriages.

Facilitates Child Marriage

Recent social reforms in Iran have changed not only the behaviours but also the values of people (Bayat, 2013). One of those reforms is the occurrence of premarital sex with the opposite sex. Results of several studies indicate that premarital sex has increased among teenagers and young people in recent years. But the increase in premarital sex is not the end of the story. As newly (or perhaps newly admitted) behavioural trends rise, so is there a gradual rise in the complications they cause (Riahi, 2011). Consequently, there are different types of premarital sex today, with diverse origins. Patterns of premarital sex in Iran can be divided into the following categories: free relations (prostitution patterns), sigheh relations, boyfriend/girlfriend relations, cohabitation or 'white marriage' relations, and homosexual relations.

Relationships within a sigheh mahramiat framework are non-romantic, premarital relationships accepted by the official religion and law of the country. Early marriage is one of the social and psychological consequences of sigheh mahramiat for women – and the possible sexual intercourse afterwards. The core of sigheh discourse is the intersection of instinct and religion, in parallel with chaotic societal conditions. Studies show that such relationships are seen more among individuals with strong religious beliefs who seek a religious solution for satisfying their sexual instinct (Parishi, 2009).

Under Articles 1075 to 1077, marriage can be discontinuous when it is arranged for a specific duration and with a specific mahr. And this is when sigheh enters the dangerous and fraught territory of ECM. Even the most sunny optimists and ardent supporters would be hard pressed to celebrate the deplorable state of ECM. The abuse of vulnerable young and sexually inexperienced girls by older men is already endemic and has been happening for years, with perpetrators easily moving around in a comfort zone of legal approval (Ahmady, 2017).

The legally permissible age of early marriage is stipulated in the Constitution of the Islamic Republic of Iran as the age of maturity, which is 9 to 13 for girls and 15 for boys. Sigheh mahramiat allows a virgin (young girl) to enter into a courtship with a man who is supposedly her husband. Although not officially registered, this ECM is religiously approved. In religious families, such sigheh is usually practised for boys and girls to become acquainted with one another during the engagement period (Kalantari, Sadeghi Fasayee, & Sedigheh, 2014). Ayatollah Sistani, an imminent Shiite cleric, considers sigheh mahramiat to be a sort of temporary marriage. In case the girl loses her virginity, there will be no legal or legitimate penalties as the lawmaker has not specified any impediment in this regard. Nevertheless, the

consequences of such types of sigheh, where young girls naturally lose their virginity, imposes heavy social pressure on girls (Yari Nasab, Tohidi, Heidari, & Askari, 2015).

Sigheh mahramiat marriage with young girls, even if not intended for sexual pleasure and practised only to avoid the perils of sin while interacting with one other, is still accompanied by social pressure imposed by others. In case the man is loyal with his sexual relations or if the girl's age is marriage appropriate, the marriage will be legally valid. But, if the girl's age is less than what the law has specified for marriage, the judge will issue the final verdict on the young girl's competence for the child marriage. In such situations, sometimes the marriage is not successful and the couple cannot take advantage of societal and familial benefits. Child marriage and the harms the couple are exposed to during sigheh are named as primary examples of the harms and malfunctions of temporary marriage.

Establishing legal mechanisms for determining the exact age of temporary marriage, increasing the age to 15, and making obligations for registering in marriage registries, with valid identification documents, are considered to be solutions that could minimise the harms (Nandi, 2015).

Conclusion

Temporary marriage and sigheh mahramiat are social phenomena operating within Iran's legal and religious cultures. The topic is ubiquitous in Iran, having many advocates and opponents, and its prevalence continues to be the topic of the day. Any discussions on this highly volatile and emotional subject must incorporate social, legal and psychological explorations, among others. Like many other social topics, temporary marriage is a double-edged sword, as its functions lead to its persistence. Any decision-making and deployment in this regard requires specialisation and impartial judgment. Obviously, scientific studies are required for exploring the negative and positive functions of temporary marriage in society, so that malfunctions are restructured and appropriate policies enacted.

Chapter Two: Historical, Religious, Legal, and Social Essentials of Temporary Marriage

History of Temporary Marriage

Marriage is a legally and socially sanctioned union that is regulated by laws, rules, customs, beliefs and attitudes; prescribes the rights and duties of the partners; and, if there are children, accords them status. Marriage's strongest function is procreation, which produces the family. Family is a fundamental building block and social unit. It provides a foundation to the social structures in which we reside and live our lives.

By analysing its various forms historically, one can visualise the human worldview on partnerships, sexual behaviours, families and women in each period of time. Marriage types differ depending on the society and the time in which they are situated. This essential fact means marriage has an important place in any one society at any particular time (Saroukhani, 1991, p. 75). The most important marriage models are as follows.

- *Arranged marriage*: This type of marriage is also referred to as 'forced marriage'. It is a special type of marriage in which the spouses are selected by parents or families without the presence or even consent of the parties. In many cases, the partners do not have the right to choose, as the marriage is imposed on them. Therefore, it is an indirect marriage, or one guided by a middleman (Razack, 2004).
- *Private marriage*: This type of marriage is based on love between the parties and is most commonly seen in developed societies (Coontz, 2006).
- *Friendly marriage*: An easy marriage without any heavy costs can be called a 'friendly marriage'. Two individuals choose each other and launch a married life, and their marriage goes on naturally through the birth of their child or any other conventional event (Whyte, 2018).
- *Marriage by abduction*: This involves kidnapping a girl to become someone's spouse. Such a tradition has almost dissipated in today's world, as it is no longer compatible with today's global value systems. This type of marriage does not belong to a specific geographic area, but it is seen in many parts of the world that are torn by war and civil conflict. In some areas, there are still marriages by abduction. Commonly, marriages by abduction occur after the parties reach an agreement and then, triggered by a disagreement within one or between both families, or perhaps an economic restriction, abduction takes place. Similar marriages can still be found as 'semi-kidnapping marriages' in some cultures. In such marriages, first the partners are identified; then the man abducts the woman using a horse or other vehicle (Getahun, 2001).
- *Bride-buying*: In this type of marriage, the woman is sold at a specific market price (Marshall, Lee-Young, & Forney, 1999). Children of such marriages can take advantage of inheritance, having the right to live as legitimate children in society. The practice, often described as a form of 'marriage of convenience', is illegal in many countries in the world (Agal, 2006).

- *Exchange marriage*: In this type of marriage, goods or services are presented in exchange for the bride. Here, the female sex is considered to be a commodity available at an agreed-upon price. Exchange marriage is another kind of bride-buying.
- *Trial marriage*: This kind of marriage can be defined as an arrangement by which a couple live together for a period of time to see if they are compatible for marriage. The marriage in this situation is not finalised, as it is just an opportunity for the couple to become acquainted with one another and legalise their relationship if the marriage works out.
- *Ghost marriage (South Sudan)*: This marriage is based on a special tradition in which a childless widow marries her husband's brother or a relative who is also childless. Children born from this type of marriage have two fathers: the biological father, who is now married to the woman, and the now-deceased former spouse of the woman. The child is named after the deceased father and calls their biological father 'uncle'.
- *Temporary marriage (sigheh)*: Among the various types of partnerships, temporary marriage has some special aspects. There is no need for this type of marriage to be registered, and the price and duration of the marriage will be determined explicitly in advance. Moreover, in contrast to permanent marriage, which puts a limitation on the quantity of relationships (monogamy, bigamy or polygamy – a maximum of four permanent spouses in Islam), there is no limitation on quantity for men who go through sigheh.

The abovementioned marriage types are among the most important models observed in different communities. In various nations and religions, there are marriages similar to the temporary marriage discussed in this study (sigheh or mut'ah). In fact, types of marriages practised in other cultures can be similar to temporary marriage; however, this type of marriage, which is based on the Shiite religion, is most common in Shiite societies.

History of Temporary Marriage in Other Religions and Ancient Nations

The family entity plays a prominent role in shaping social relationships. The backgrounds of civilised human communities, ancient nations and tribes indicate that the legal entity of permanent marriage and family formation are synonymous and have always been sacred and legitimate practices (Kok, 2019).

Viewing temporary marriage as something sacred justifies and legitimises attempts to regulate sexual relations under the flag of religion. Its holiness takes permanent marriage out of the cycle of criticism and changes it into a divine concept.

In older civilisations, noble births always came from permanent marriages. William James Durant, a Western historian and philosopher, considers the disintegration of the sacred family to be the biggest danger and deficiency of the twentieth century. He states,

If we suppose that we are living in 2000 A.D. and want to know what was the biggest event of the first quarter of the 20th century, we shall notice that it was neither the First World

War nor the Russian Revolution. It was actually the change in the position of women. History has seldom witnessed such an exciting change in such a short time. The home, which was the basis of our social organisation, the conjugal system, which prevented debauchery and gave stability to family life, and the complex moral law which helped us in advancing from barbarism to culture and orderly social behaviour, all have been upset by this revolutionary change (Motahhari, 1997, p. 10).

Every past or present society has had its own concept of marriage, and many have created marriage laws that reflect their particular cultural standards and expectations of this institution. An examination of history reveals that children born of permanent marriages are always considered legal or legitimate, enjoying the privileges related to inheritance and succession (Kok, 2019). However, there has always been the existence of other children born out of unofficial or incomplete marriages, who have more limited rights. Therefore, temporary marriage is a historical custom, and the evidence of its existence is seen in Western societies as well (Hegland, 2018).

In Roman law, permanent marriage, called *coemptio* or *eonfarreatio*, was practised by holding public ceremonies. Another type, called *affectio maritalis*, was practised in a simpler and less official way, simply by announcing the firm choice of a special woman as a spouse (Domingo, 2017). The Romans were strong advocates of monogamy. The law did not allow men to have more than one official spouse at a time.

Another type of unofficial marriage practised between aristocratic men and rural woman was 'morganatic marriage'. In different forms, it was common among European aristocrats during the Middle Ages (Walker, 2016). This type of marriage in Roman law is similar to mut'ah. An aristocratic man's marriage to a rural woman was considered a complete marriage, but an illiterate woman was not on the same footing as her husband and, thus, could not attain the upper-class status of her husband. The children born from the marriage faced many inheritance restrictions with respect to their father's title and properties. In the seventeenth century, although only legitimate children of English and French kings (i.e. being born as a result of marriage with the queen) were considered to be the king's heirs, a number of his descendants (deemed illegitimate by the Church) also achieved recognition and noble status. In addition, mothers of these children were socially respected. These women could be described as mut'ah spouses (Walker, 2016; Mirkhani, 2000).

Permanent marriages were different from these 'mut'ah' ones in Rome; for instance, mut'ah/temporary brides did not bring a dowry, and husbands were not legally responsible for children born from the marriage, as they only belonged to their mother (Carlson, 2014). In the fourth century AD, however, Constantine¹ prescribed that 'whenever the husband has no legal heirs, children born from a temporary marriage were considered as his legal heirs' (Parenti, 2016). The spouse did not inherit the social class of her husband as, usually, a mut'ah spouse belonged to the lower echelons of society. Nevertheless, such a relationship carried no stigma for the husband. On the contrary, some men from the upper classes practised temporary marriage proudly, given that they were offended by the immoral behaviour of

¹ Constantine/Constantine the Great was a Roman Emperor of Illyrian and Greek origin who lived from 306 to 337 AD.

Roman women from the aristocratic class (Colon, 2014). Mut'ah spouses were different, but respected in Rome until the eleventh century, when the Roman Church Council announced that, if a married man entered into a temporary marriage, the Church would reject him (Carlson, 2014).

A paradox appears when countries mandate the registration of mut'ah marriages. This occurred in Europe at the end of the Middle Ages (Køppen, 2006). For instance, according to the law implemented by Valdemar II of Denmark in 1241, 'in case temporary marriage openly lasts for 3 years, the spouse will be considered official' (Smits, 2016). That law was in place until 1582. A similar custom was promoted in Scotland, called 'handfasting' (Krossa, 2006).

The status of mut'ah women has not been the same in every community.

- In the ancient Hebrew community, a mut'ah wife was regarded as a real wife, but subordinate, and a mut'ah was seen as a polygamous union (Stepp, 2016).
- In Roman law, mut'ah was regarded as legitimate and was not annulled as long as one of the parties had not practised permanent marriage or had not undergone another mut'ah (Domingo, 2017). Moreover, the Church did for a time permit marriage if it fell within one of the two models – permanent or mut'ah.
- Mut'ah was also recognised officially by the majority of former European legal systems (Stepp, 2016). Scottish law still recognises as valid marriages between couples who share their lives and present to society as though they are conventionally married (although they are without an official contract; i.e. common-law marriages) (Kuby, 2018).
- Moreover, a type of trial marriage called *Ashi Ayro* is commonly seen in Japan, which is to some extent identical to temporary marriage.

It is worth mentioning that none of these marriages are entirely similar to the temporary marriage discussed in this study. There are only some common points, such as their being non-official. The time-limit of the marriage is the main feature of mut'ah as examined in this study; however, in the abovementioned marriages, this feature is not central.

Temporary Marriage in Ancient Iran

Zoroastrianism is an ancient Persian religion that may have originated as early as 4,000 years ago. Arguably the world's first monotheistic faith, it is one of the oldest religions still in existence.

According to evidence and from the point of view of the later Zoroastrian religion, marriage was considered to be a religious task (Zoroastrianism, 2018; 2019) and a necessary contract for the salvation and redemption of the soul (Magnusson, 2014). In ancient Zoroastrian society, the social importance of marriage was that the public life of the individual was regulated through his or her private life.

According to the legal laws based on *Avesta* (the holy book of Zoroastrians), in this society, civil rights belonged first of all to a married man, or the head of the family or *nmanopaitis* (*doudehsalar*). In fact, only he could become the head of the community (Asl, 2001).

In the Zoroastrian religion, marriage and family procreation were of great significance. Therefore, marriage was compulsory and each Zoroastrian had to get married and father a male child, so that the child could continue the ancestral lineage (Magnusson, 2014). Having heirs and male successors was one of the main reasons for the diverse types of marriages in this religion. In Zoroastrianism, family procreation and having male children was very important because of the belief that the Chinvat Bridge separates the world of the living from the world of the dead, and all souls must cross the bridge upon death (Dawson, 2005). Males preserved the ancestors' customs and protected the family properties. Thus, in all kinds of marriages in Zoroastrianism, having a male child was of prime importance (Asl, 2001). In case of the absence of a male heir, there were various solutions.

Inheritance was of fundamental importance for Zoroastrians, as they believed property should stay within the family for generations, handed down to the relatives of previous owners (Daneshvarinasab, Dali, & Yaacob, 2015).

Additionally, as the family was regarded as a social group, an authoritative figure was required to lead it. Accordingly, this authoritative figure was the father or husband, who was responsible for leading the family, under the title of *Salar* or 'caretaker'. He was in charge of supporting his wife and young children. Within the Zoroastrian religion, upon the death of the husband, the eldest son of the family was in charge of the women and younger children. He was considered to be the next natural *Salar* of the family (Grenet, 2015). *Salar's* satisfaction is an essential condition in this type of marriage, and the absence of satisfaction invalidated the marriage (Badamchi, Ghazanfari, & Davar, 2015).

The Zoroastrian religion demands that men and women enter into a union when they reach the age of maturity for marriage. The human race continued when chaste men and women married, and the children would be the best comrades of *Ahura Mazda* (the creator deity). At the age of maturity, a Zoroastrian person has to choose a spouse for himself, start a happy family life and try to pave the way for the progress and happiness of his nation throughout life. Meanwhile, he has to add religious piety to suppress the army of *Angra Mainyu* ('destructive spirit') by developing truth, innocence and honesty. The final target of Zoroastrianism is the eradication of evil, corruption and immorality (Azargashb, 1979, p. 174).

According to religious codes, Pahlavi texts and Zoroastrian anecdotes, there are five types of marriages that have been identified among Zoroastrians (Alavi, 1998).

1. *Padisha-zan* or *privileged*: a marriage that a girl entered into while a virgin, with the consent of her parents or guardian. The girl enjoyed all the privileges of her husband's house. This is the highest position for a wife because of the clear and concise mutual agreement between husband and wife. Each man could only have one *patikhasi* wife. Any other wives were considered subordinate (*chagar-zan*) wives (Rose, 1998).

2. *Ayokin* or *Ayōkēn*: when the bride was an only child. When the girl entered into marriage, she was called *Ayokzan* meaning 'a woman without siblings'. Her first son belonged not to her, but to her parents. He was even named after them, to be their successor.
3. *Sator-zan*: If a man died single and childless, his relatives prepared a dowry for a virgin girl and made her marry the deceased man before she got married again. The girl had to agree that her first child belonged to the deceased man.
4. *Chagar-zan* or *Chaaker-zan*: When a widow remarried upon the death of her husband, she was called *Chakar-zan* in the belief she has gone to the house of her second husband as a *Chaaker* ('servant') (Rose, 1998).
5. *Khodsar-zan*: A woman could refuse to marry the man chosen by her father. If this occurred and the woman's father had not found a suitable husband for her by the time she reached the age of fifteen, the woman could marry whom she wished, without the father's consent (Rose, 1998).

According to the evidence seen in the *Matigan-i Hazar Datistan*², it is presumed that in the Zoroastrian religion there existed a marriage for a limited duration (Haeri, 2014). The *Matigan-i Hazar Datistan* states that, in a case where a girl signs a contract with her father's permission that says, 'I will be your wife for ten years' and the father dies during those ten years, a trustee needs to be appointed as her father before the specified deadline. The girl will no longer be the wife of the man at the end of the ten years, as she will then be considered to be her father's *Ayogin* (Levy-Rubin, 2011; Perikhanian, 1980). Katayun Mazdapour also believes that an interpretation of this paragraph points to temporary marriage, saying that the girl is probably an only child who needs to become her father's *Ayogin* to bear a successor for him. Thus, this indicates that a marriage contract could be signed for ten years, which ended on the expiry date, sidestepping the need to get divorced (Mazdapour, 2014).

It is also important to note that a paragraph in the *Matigan* elaborates on a girl getting married without her father's consent. As stated in the paragraph, if a girl commits *gadar* (launches a love affair with a person) and only signs a marriage contract for a short duration (thus, not permanently), there will be no inheritance and succession issues. But, if she has entered into a permanent marriage, the father can deprive her of the right to inheritance and succession. The father is also deprived of his daughter's income (Haeri, 2014). Perikhanian has defined the word *gadar* as 'adultery' (Perikhanian, 1980), but Macuch defines *gadar* as 'temporary marriage' (Macuch, 2006). Thus, in a case where *gadar* is temporary, the custody right of the father is preserved and the daughter can still be an heir. In fact, in a temporary marriage, the girl is not excluded from his paternal house, as she is still under the supervision of her father. However, if she enters into a permanent marriage without her father's consent, she will no longer be supported by her father and, consequently, she will be deprived of any inheritance and succession rights (Macuch, 2006).

There is no need for divorce proceedings in temporary marriage, as the marriage is automatically disbanded at the agreed time. If a woman assumes the role of wife for a specified period, she is not

2 The *Matigan-i Hazar Datistan* was the judicial code of the *Magistan*, the imperial parliament of the *Arsacid Dynasty* of the *Parthian Empire* (150 BCE–226 CE) and, for a while, of the *Sassanid Empire* (226–650 CE).

permitted to annul the temporary marriage before the expiration of the agreed time (Haeri, 2014). She could not be considered as her father's Ayogin then. Appointing another trustee for the girl's father for the time being was the solution, and the girl could become her father's Ayogin after termination of the temporary marriage.

As mentioned in the Zoroastrian doctrines, *Rivāyatī Ēmēdī Ašawahištān*, which deal with various subjects in relation to family law, different kinds of marriage, problems of purification and the like, a woman enters into a temporary marriage after the death of her husband. If their marriage occurs before the appointment of a qualified Salar, the temporary husband can be accepted as the Salar of the woman's family. The marriage is then considered legal. Therefore, guardianship responsibility is handed over to the woman's temporary husband, provided that the husband is chosen under the discretion and acquiescence of the family's elders.³

According to the existing evidence, the temporary marriages that were commonplace in the Zoroastrian religion bear a striking similarity to mut'ah in Twelver jurisprudence (Haeri, 2014). Moreover, it is assumed that Zoroastrians could sign temporary marriage contracts for specified durations ranging from three to ten years (Hjerrild, 2003). Although a duration was specified for temporary marriages as part of the Zoroastrian religion, there is no evidence of the payment of mahr to the bride or the presence of witnesses to the signing of the contract (Haeri, 2014). Although girls could enter into temporary marriages without the consent of their fathers or guardians, in practice, entering into a temporary marriage with the father's or guardian's permission was more commonplace and acceptable. In the Zoroastrian religion, temporary marriage without the father's permission did not deprive the girl of inheritance and succession rights; however, the woman had to fulfil her contractual obligations and remain a temporary wife until the specified deadline (Grenet, 2015). In such a temporary marriage, the partners were not beneficiaries of each other. As children born of temporary marriage were deemed legitimate according to the Zoroastrian religion, these marriages hopefully produced male heirs, meeting the religion's requirement (Asl, 2001; Badamchi, Ghazanfari, & Davar, 2015).

Temporary Marriage in the Age of Ignorance (Before the Advent of Islam in Saudi Arabia)

Contemporarily, mut'ah (referred to as 'temporary marriage'), as interpreted by some jurisprudence thinking and as reiterated in civil codes, is a cultural habit that sprung from the pre-Islamic period *Jahiliyyah*. The word *Jahiliyyah* is used to refer to the period before the coming of the Prophet. It refers to two things that are combined in this period: *jahl* ('ignorance') and *jahaalah* ('foolishness'); thus, 'The Age of Ignorance'.

This pre-Islamic period was the darkest age in human history and considered to be a time of ignorance and anarchy in the religious and social life of the world. Temporary marriage was accepted at the beginning of Islam, as were many other traditions, and was among the collection of Islamic rulings issued by the most renowned scholars of the world (commonly referred to as 'signed verdicts'). The divine law had either admitted such verdicts since the beginning or it had accepted or rejected them as

3 Safa-ye Esfahani, Nezhat. (1998). *Rivāyatī Ēmēdī Ašawahištān*. Tehran: Markaz.

part of an amendment. Conversely, some people believe that mut'ah is among the established verdicts of Islam. Nevertheless, given that many pre-Islamic Arab customs derived from divine religions and were accepted by Islam as well, conceivably, temporary marriage may also be among rules that existed in the pre-Islamic era in various forms.

In pre-Islamic Arabic communities, different types of marriages were commonplace, owing to the tribal method of subsistence of those communities. Even some scandalous immoral marriages were practised among relatives in these communities, such as marriages to one's father's wife or simultaneous marriage to two sisters. Arab people were loyal to traditional laws and customs in pre-Islamic Arabia, as they had banned marriage for a number of women. Islam respected and accepted those traditions. The Arab man did not marry his daughter, mother, sister or aunt and he basically believed that marrying *maharem* (people with whom one cannot have sexual relations) was banned (Liebesny, 1975).

Just as today, the main and most common form of marriage among Arab tribes (the Quraysh and most of the Arab tribes) was a marriage called *ba'oolah* ('matrimonial union'). In this type of marriage, a man (*ba'l*) and a woman (*ba'lah*) became spouses, and whenever a child was born, the child was considered to be the man's heir. A man could have multiple wives (polygamy) or one wife (monogamy) (von Grunebaum, 2005; 2017). *Ba'oolah* was practised in two ways: either in the traditional way, with the consent of the parties, or after combat and the captivity of the woman. It should be mentioned that marriage in its 'traditional' form was dependant on three elements: proposal, mahr and contract. But if marriage was with a prisoner of war ('POW'), each man from the conquering tribe could choose a prisoner based on a ballot. When the woman gave birth to a child, their legal status as husband and wife was automatically enacted. The woman became the man's wife automatically, and the man was seen as her legal husband. In any case, after *ba'oolah*, the woman was supported by the man (assuming there was no issue regarding the marriage, but it was a stable marriage deriving from a shared custom).

The woman became the possession of her husband. This right was so powerful and readily accepted that the woman was relegated to being not so much a wife, save for reproductive purposes, but a possession or chattel. A girl who was treated like a commodity was called *naafjeh*. *Naafjeh* refers to anything that increases one's wealth and property, and a mahr girl increased prosperity. Consequently, upon the husband's death, the woman was a legacy, similar to the other tangible properties of the deceased. Normally, the man proposed marriage not to the girl, but to her parents. The consent of the girl was of no significance and given no consideration. The guardian, usually a man (father, brother or uncle) was in charge of accepting or rejecting the proposal. He was also the person responsible for obtaining the mahr from the suitor. Paying mahr was compulsory, as it was a reflection of the woman's value and worth. Certainly, an exorbitant amount of mahr was requested as a sign of a woman's nobility. In rural areas, the suitor traditionally brought some camels to the woman's tent as mahr, while the urban Arabs preferred the mahr in cash.

During the Age of Ignorance, the Arabs did not follow a religious framework for entering into a marriage, given that marriage was merely a civil contract, as simple as a contract of sale of goods.

What is commonly seen today as a legitimate framework was non-existent in the Age of Ignorance. A marriage contract could even be signed without the presence of witnesses. However, it does not mean

that the Arabic religion and custom did not play an influential role in the institution of marriage. As previously discussed, the avoidance of marriage with *maharem* was derived from a religious point of view. Furthermore, according to religious and traditional interpretations, mahr was the distinction between marriage and adultery, as it was specified in the marriage contract and paid afterwards, but there was nothing similar to mahr in adultery (Montazeri Moghaddam, 2005).

In addition to *ba'oolah*, other types of marriages were common among Arab people, including the following.

- *Zizan marriage (maghat marriage, or hereditary marriage)*: In the pre-Islamic era, Arabs did not consider it a cardinal sin to marry their mothers; instead, they believed that they could marry their fathers' wives. Thus, when a man passed away, leaving a widow, the sons or relatives of the deceased man had the 'first right of refusal' to enter into a marriage with the widow. The woman's destiny wholly depended on the desire of the son (or the eldest son, if there was more than one) and on the decision of the deceased man's relatives. The woman was married to him automatically (without mahr and contract) or, alternatively, she was permanently banned from marrying until the end of her life. On the other hand, the son or the relative inheriting the marriage could set the woman free to marry another man if she so wished, provided that *she* paid for the freedom. It was also possible for the inheritor to pardon the woman, grant permission to marry and waive payment. After the rise of Islam, this sort of marriage was prohibited. Verse 19 of An-Nisa Surah banned the law of inheriting women, forbidding people from putting widows under pressure. Moreover, Verse 22 of the same Surah forbids marrying women whom one's father married. This ban is more general than the one on inheriting widows. Thus, according to the Holy Quran, Muslims were banned from marrying their fathers' wives. The marriage was identified as 'prostitution', *maghat* and 'an unfavourable method'.
- *One-man-two-sister marriage*: During the Age of Ignorance, Arabs who married two sisters at the same time were referred to as *Jam-bein-Al Okhtain* (Engineer, 2008). In the vast majority of cases, the two sisters were married to one man in two separate marriages successively, therefore dispensing the requirement for the first one to die or to be divorced before the second could be married. However, sometimes they were married in a singular marriage contract. Adding more confusion was the possibility of a man marrying more than two sisters simultaneously. After the advent of Islam, the marriage was banned as mentioned in the Holy Quran and prohibited by Islam's Prophet (Abbott N. , 1942).
- *Badal marriage (swinging)*: The practice of men swapping daughters for wives or nieces for daughters-in-law is evident among the Bedouin. There is a road map of evidence that this pattern of swapping has its roots in ancient Arab culture and is a unique exception to the theories of exchange marriage ('EM')⁴. In Badal marriages⁵, a man made arrangements with another man to

4 Exchange theories make use of the concepts of rewards and costs and resources when discussing the foundation of the interpersonal exchange. Rewards and resources refer to the benefits exchanged in social relationships.

5 Women and girls exchanged as brides between families.

exchange wives with him. If the other man agreed to the request, it became a sort of exchange marriage (Kressel & Abu-Rabi'a, 2011).

- *Shaghar marriage*: In this type of marriage, the Arab man's daughter or sister married another man, while he received the sister or daughter of that man as his wife in return. There was no mahr in this type of marriage, and each woman was considered to be the mahr of the other woman. It is worth mentioning that *shaghar* is rooted in the word *shaghr*, which means 'being far from something'. As the woman was far from mahr in this type of marriage, the marriage was called *shaghar*. Certainly, the man had to compel the woman under his care to marry the other man. The Prophet has banned this type of marriage as well.
- *Mut'ah marriage*: Mut'ah or temporary marriage was common during the Age of Ignorance (Ali, 1960). In this type of marriage, the duration was specified in advance, and man and woman separated upon the termination of the duration. Such a temporary marriage was called mut'ah, given that it was practised for the purpose of enjoying woman sexually for a specific time (Pohl, 2010). Merchants and fighters practised mut'ah marriage while on a trip or away from home, and the contract was annulled automatically when the specified period ended and the traveller went on his way (Haeri, 2014; Javadali, 1993). It was prevalent especially in Mecca due to the commute of passengers (for Haj and commerce); indeed, women travelled to Mecca with this intention.

Some scholars believe that the usual procedure when practising mut'ah marriage did not entail mahr or a proposal. Certainly, there was rarely a proposal for mut'ah in its common form. Usually, the ceremony was held privately between the man and the woman, but in all likelihood mahr was paid to the woman (Nashat & Beck, 2003). Although mut'ah is a time-bound marriage, some consider it similar to *ba'oolah*. Accordingly, some historical evidence suggests that the permission of the woman's parents and the presence of two witnesses was necessary for mut'ah marriages, as for *ba'oolah*. Also, a woman was obligated to undergo iddah after the termination of the marriage. Predictability, such marriages were mostly practised on trips, when the husband was separated from his wife and child. This has led some scholars to believe that a child born out of the marriage belonged to the mother (Javadali, 1993, p. 39). Whatever the case may be, mut'ah was a common type of marriage that remained prevalent among the Arabs until the advent of Islam. Later, it was recognised by Islam.

What has been revealed thus far shows that mut'ah was never an obscure practice during the times of its prevalence from the Age of Ignorance until the rise of Islam (Haman: 8-47). The sources of Sunni Islam emphasise that mut'ah was banned by the Prophet's explicit order when fighting the Battle of Khaybar that took place in the year 629 AD. Khaybar, a town situated 60 miles north of Medina, was a vast land containing many oases and mammoth fortresses. This battle was between the Muslim army and certain Jewish tribes that had become a danger to the Muslims by conspiring against them. The battle lasted over a month, as Muslims found great resistance from the Jews who defended from their fortresses (Ibn Kathir, Ismā'il, 1998). After the victory of the Muslims, the Prophet Muhammad forbade mut'ah (Busti, 1993), saying that, although such marriages were common at the beginning of Islam, several hadiths prohibited them, including a hadith narrated by Imam Ali (PBUH), *Prophet banned*

*mut'ah and eating meat of domestic donkey since battle of Khaybar*⁶ (Qushairi, 1998). Anecdotes of Sunni Islam indicate that mut'ah was banned and abolished four years before the death of the Prophet.

Temporary Marriage Prior to the Islamic Revolution

The topic of temporary marriage, which has been at the forefront of discussions for quite some time, has been considered a legitimate custom, especially in religious cities. Before 1956, women who were eager to have a temporary marriage approached the local trustees, who served as matchmakers (Higgins, 1985; Sedghi, 2007). After 1956, the issuing of *sigheh* contracts was halted by decree of Farah Pahlavi. After the ban by Farah Pahlavi on polygamy and the prohibition of writing a term for discontinuous marriage into marriage contracts (the words 'permanent' or 'discontinuous' could be written in), this type of marriage was also banned officially (Blanch, 1978). However, temporary marriage was practised covertly, illegally and illegitimately (Blanch, 1978; Pahlavi, 1978).

Before the approval of the Family Protection Law in 1967, Iranian men were allowed to have four permanent wives and an unlimited number of temporary wives. However, the law did require men to obtain the court's permission to remarry (Ferdows, 1983). The court also had jurisdiction to evaluate the man's status and financial means and to summon his first wife at a suitable time to question her. Therefore, remarriage without the court's permission was regarded as a crime (Abbasi-Shavazi, M. J. & McDonald, P., 2012).

In 1976, the Family Protection Law put a stricter set of limitations on polygamy, while maintaining its previous legality. Under the law, 'the consent of the first wife' was a mandatory condition for remarriage. Nevertheless, the law stipulated exceptions; for instance, the consent of a woman who was either infertile or unable to engage in sexual intercourse with her husband was not required. However, the woman had the right to ask for a divorce because of her husband's remarriage. There was no discussion of *sigheh* in this law, but the Iran Ministry of Justice mandated that official marriage-registry offices ask for a commitment from men who remarried to indicate they had no other wife (Higgins, 1985; Sanasarian, 2005).

Religious and Jurisprudent Foundations of Temporary Marriage

From an Islamic perspective, marriage is a sacred union that is based on principles, customs, ceremonies and regulations. Islam significantly emphasises the sacred view of marriage in accordance with the Islamic Prophet's saying, 'Nothing is more desirable with God than marriage.' Marriage leads to religious perfection and avoiding marriage is the cause of religious indifference in non-believers (Haeri, 1986). Islam's encouragement of marriage helps to preserve Islamic teachings (Tiliouine, Cummins, & Davern,

6 Bokhari, Mohammad ibn Esmail (870). Translated by Abdolali Noor Ahrari (2012), Torbat Jaam: Sheikh Al-Islam Ahmad Jaam publications.

2009). So highly regarded is the state of marriage that the prayer of a married person is seven times higher than the prayer of a single person.

There are three verses in Holy Quran underscoring the importance of marriage:

- 'And marry the unmarried among you and the righteous among your male slaves and female slaves. If they should be poor, Allah will enrich them from His bounty, and Allah is all-Encompassing and Knowing' (An-Nur Surah: Verse 32).
- 'And of His signs is that He created for you from yourselves mates that you may find tranquillity in them; and He placed between you affection and mercy. Indeed in that are signs for a people who give thought' (Room Surah: Verse 21).
- 'And if you fear that you will not deal justly with the orphan girls, then marry those that please you of [other] women, two or three or four. But if you fear that you will not be just, then [marry only] one of those your right hand possesses. That is more suitable that you may not incline [to injustice]' (An-Nisa Surah: Verse 3).

Through the act of marriage, a now-married man protects his religion and his faith from dangers and plagues. Religion is endangered as long as he remains single. Sexual instinct, spiritual stresses, feelings of loneliness and futility, a lack of shelter, a lack of social responsibility and other harms derived from the state of being single will inevitably erode the foundation of human faith, making it vulnerable. When entering into marriage, forming a family and having descendants, a beloved spouse controls sexual instinct, triggers mental tranquillity and increases human trust in God (Haeri, 1986). The person will no longer be distressed, but will feel safe and dignified as he will now concentrate on his wife (Baharanchi & Mohammad, 2004). Marriage legitimates a hierarchical ordering of intimate relations.

Under Islam, marriage has several established benefits, and the philosophy of marriage is centred and based on these benefits (Tiliouine, Cummins, & Davern, 2009). In addition to the emotional, legal and health benefits, the preservation of generational and family lineages, mental and physical tranquillity, equilibrium, the moral and social health of society, the meeting of naturally human and instinctive sexual needs, and satisfying the need to love and be loved are among the advantages of marriage. Islamic jurists have argued that marriage is *Mustahab Moakkad* (an 'emphatically desirable act'). Accordingly, the hadiths and anecdotes that have espoused on the importance of marriage consider marriage compulsory (*wajib*) for those who may commit a sin due to the state of singlehood. Under Islam, man and woman become *halal* ('permissible') to each other through marriage and the marriage contract is signed in two permissible forms: permanent and temporary (Rizvi, 2014). In a permanent marriage, no duration is specified and the woman who undergoes this kind of marriage is referred to as *daemeh* (permanent); in a temporary marriage, the duration of matrimony is specified and the woman is married for one hour, one day, one month, one year or longer. The woman who undergoes this kind of marriage is referred to as a *mut'ah* or *sigheh*.

There are disputes over the maximum duration of temporary marriage. Some theologians believe that the duration should not exceed the lifespan of the man or woman; otherwise, the contract would be annulled. But a majority of religious theologians believe that the parties can marry for an extended

period of time – for instance, for fifty years or even longer – but the exact period of time should be explicitly mentioned in the sigheh contract.

Temporary marriage or discontinuous marriage is approved by Shiite jurists. On the contrary, this type of marriage is illegitimate in Sunni Islam (Murata, 2014). Both Sunni and Shiite groups cite the Quran, hadiths and traditions on the legitimacy and illegitimacy of mut'ah, which is briefly discussed below.

Mut'ah: Lexical and Idiomatic Meaning

Mut'ah is a noun meaning 'joy' and 'taking advantage of something – an advantage which is not eternal and will end soon'. God has used different words for the concept, such as *al-mata* ('commodity'), *altamoto* ('enjoyment') and *al-estemta* ('to enjoy'), which, although differing in meaning to some extent, nevertheless refer to one unique concept. *Haj mut'ah* means adding *umrah* to *hajj*, and *mut'ah* refers to what is given to a woman after divorce. *Mut'ah* idiomatically refers to a private marriage that entails a sexual matrimonial relationship for a specified duration, with a specified mahr (Haji Esmaili, 2012).

Mut'ah Legitimacy

Quran Rationales

Shiite jurists reference the Quran for the legitimacy of temporary marriage, citing Verse 24 of An-Nisa Surah:

And lawful to you are [all others] beyond these, [provided] that you seek them [in marriage] with [gifts from] your property, desiring chastity, not unlawful sexual intercourse. So for whatever you enjoy [of marriage] from them, give them their due compensation as an obligation. And there is no blame upon you for what you mutually agree to beyond the obligation. Indeed, Allah is ever knowing and Wise.

Some Shiite jurists refer to the word *al-estemta* and its common meaning of 'temporary marriage', saying that the legislator intended to define Islamic laws (*ahkām*) in accordance with the public's understanding. In the absence of agreement, the Shiite common meaning is considered to be the standard for understanding legitimate words such as *bay'*, *riba*, etcetera. Therefore, the word *al-estemta* should also be interpreted according to the Shiite common meaning (Tabarsi, 1986, p. 53). On the other hand, the Sunni believe that the word *al-estemta* means 'enjoyment' and 'benefits'. Thus, *al-estemta* is interpreted literally, as the verse implies permanent marriage.⁷

Legal Legitimacy of Mut'ah

According to a hadith from Imam Baqir (PBUH), he was asked the question, 'Is there a reward for the one who does mut'ah?' The Imam replied, 'Yes, if it is practised for seeking the pleasure of Allah and to

7 Fakh-r-e Razi, Mohammad (Bita). Al-tafsir Al-kabir, Bina.

oppose someone [disagreeing with opponents of the practice]. As such, he will not talk to her [his wife] except that Allah records a virtue for him. And when he gets close to her [becomes intimate with her], Allah will forgive one of his sins. Then, if he performs *Ghusl Jenabat* [an Arabic term referring to the full-body ritual purification mandatory for any adult Muslim after having sexual intercourse and ejaculating], Allah forgives his sins equal to the amount of water that touched his hair.' The narrator expressed surprise: 'Equal to the number of hairs on their bodies?' Imam confirmed, 'Yes, equal to the number of hairs' (Sadoogh, 1993, p. 463).

In another hadith, Abd Allah ibn Sanan quotes Imam Šādiq (PBUH) as saying, 'Allah the Almighty has banned any alcoholic drinks for our nation and has permitted them to practise mut'ah instead.'

Some hadiths have considered mut'ah to be *mustahabb*. For instance, in one anecdote, Imam Sadigh (PBUH) asked Esmail ibn Fazl Hashemi if he had practised mut'ah since he left his wife. He replied that he does not need mut'ah as he is already in a polygamous marriage and has contact with his wives. Nevertheless, Imam asked him to practise mut'ah, even if he does not need it, in order to revive the Prophet's custom (Horr-e Ameli, Bitā: 444). This anecdote tells us that, although the narrator states that he does not need mut'ah, promoting God's custom is essential. In fact, the anecdote points to the political philosophy of mut'ah, which is to revive the custom.

In other words, temporary marriage is *mubah* ('neutrally permitted') on its own, unless it is practised for the sake of reviving the custom or the person's needs. These reasons validate the argument that temporary marriage is *mustahabb* ('recommended').

Certainly, the second assumption is that, if a person is in need of the marriage (if a permanent marriage is not possible), rather than committing a sin, entering into a temporary marriage would be *wajib* ('compulsory'). Therefore, despite the lack of need for temporary marriage, the hadiths may have recommended the practice as it revives a custom.

However, there are some anecdotes that ban mut'ah. For instance, because of political ramifications and close relationships among comrades, Ammar banned his friends from temporary marriage, so that their opponents did not accuse them of lasciviousness. For example, in a narration, Ammar quotes Imam Šādiq (PBUH) as saying to him and Sulaiman ibn Khaled, 'I will ban you from mut'ah as long as you are in Medina, as you are very close to me and I fear people will criticize you and blame Abu Jafar's comrades.'

Morteza Motahhari elaborates on the issue:

In our opinion, when the Imams forbade men having a wife to contract a fixed-term marriage, they wanted to make it clear that it was not meant for those who were not in need of it. . . . Guidance and encouragement for general public to take somebody in fixed-term marriage is an important step towards 'revival of an abandoned custom' or tradition, but encouragement alone to those who stood in need was not adequate enough to enliven this forsaken Prophetic instruction . . . (Motahhari, 1997).

In conclusion, mut'ah is something *mubah* on its own, but, depending on the circumstances, it may be described by the five degrees of approval in Islam (*wajib* – compulsory, *haram* – forbidden, *mustahabb* –

recommended, *mubah* – neutral, and *makruh* – reprehensible). Accordingly, Saheb Al-Hadaegh elaborated on the essence of marriage: marriage is basically *mustahabb* on its own; however, it may be divided into the five degrees of Islamic approval in accordance with lateral issues.⁸

Banning Mut'ah

Naskh in Quran Verses

Some Sunni Muslims believe that, according to the divorce and iddah verses in At-Talaq Surah and the first verse of Nisa, mut'ah is forbidden. The first verse says, 'O Prophet, when you [Muslims] divorce women, divorce them for [the commencement of] their waiting period and keep count of the waiting period, and fear Allah, your Lord.'

According to this verse, separation of the husband and wife depends on divorce, and keeping iddah is necessary afterwards. Therefore, as there is no divorce in mut'ah, this verse contradicts mut'ah.

Other Sunni Muslims believe that Verse 12 of An-Nisa Surah bans mut'ah: 'And for you is half of what your wives leave.' As there is no inheritance for men and women in temporary marriages, according to this verse, *motematah baha* is not a 'wife' in mut'ah. Thus, the above verse contradicts the acceptability of mut'ah and abrogates the *al-estemta* verse (Haman: 50).

Valid Reasons for Prohibition

The first narrative cited by Sunni Muslims is Tirmidhi's account from Ibn Abbas. Ibn Abbas says, 'Temporary marriage was common in Islam and whenever a man entered a city in which he had no relatives he married a woman for the time he stayed there; so that the woman keeps his belongings and does her deeds and tries to make him feel better while they are in sigheh.'

The custom ended after the following verse: 'Except from their wives or those their right hands possess, for indeed, they will not be blamed' (Al-Mu'minin: 6). The verse indicates that mut'ah was announced as *haram* at the beginning of Islam as it was a habit practised in polytheistic and ignorant societies (Abd Al-Rahman Al-mobarakfori, Bita: 269/4).

A hadith by Imam Ahmad says, 'A man asked Ibn Omar about mut'ah marriage. He became angry and said, "I swear to God we did not practice adultery at the time of God's messenger (PBUH)'" (Ibn Hanbal, Bita: 87/2)⁹.

Moreover, it is said by the fourth caliph that the Prophet (PBUH) banned and boycotted mut'ah on the day the battle of Khaybar was won.

8 Bahrani, Yousef (Bita). *Al Hadaegh Alnazerah fi Ahkam Al-Etrah Al-Tahere*. Research by Mohammad Taghi Irvani. Qom: Al-Nashr Islami institution.

9 Ahmad ibn Mohammad ibn Hanbal, Almasnad, 87/2.

Governmental Authorities

The caliph is the chief civil and religious leader of a Muslim state, considered to be a representative of God on earth and regarded as the successor of Muhammad. Some consider the prohibition of mut'ah by the second caliph to be the result of its abrogation. However he is quoted as saying that 'two types of mut'ah' were commonplace at the time of Mohammad and 'I make them [hajj mut'ah and female mut'ah] *haram* to you.'¹⁰

The banning of mut'ah by the second caliph is supported by a governmental decree, as if the caliph presumed that the decree was within the government's jurisdiction.

The words of the caliph are also interpreted similarly, as he attributed the sanctions to himself, believing that the ban was an expediency of the time.

It is worth mentioning that this attribution of the ban on mut'ah to the second caliph is not found in any of the valid hadith books of Sunni Muslims (known as *Kutub-al Sittah* – the six books containing the collection of correct hadiths) and is rejected by scholars. Therefore, as discussed earlier, Sunni Muslims attribute the ban on temporary marriage to the Prophet's prohibition and reject this narrative from the second caliph and his governmental authorities.

However, there is another type of marriage among Sunni Muslims called *misyar*, which is not prevalent. Shiite Muslims deem *misyar* to be identical to temporary marriage.

Misyar

The literal meaning of the word *misyar* is a 'marriage in passing'. A derivative of the word meaning 'visits between neighbours' can be seen in the Saudi dialect. This form of marriage took the name *misyar* because the *misyar* husband usually visits his *misyar* wife during the day, resembling, to a certain extent, a visit between neighbours. Just as neighbours do not make extended visits, the *misyar* husband does not stay long at his *misyar* wife's home (Jurdi, 2001; Bizri, 1996).

The name of this type of marriage may also derive from the word *seir*, which means 'going to the woman during the day or night'. Plausibly, it was derived from the rhythm of the word *mef'aal*, which means 'a man who commutes a lot' (Bizri, 1996). It is also highly feasible that its root may be the word *altesiorah*, which means 'short pilgrimage in a day in Gulf region'.

The first evidence of this form of marriage contract dates back to 1985. The *misyar* marriage originated in Saudi Arabia, and by 1995 it had become a social phenomenon that diffused to Egypt and to other parts of the gulf regions such as Kuwait, Bahrain, the United Arab Emirates and Qatar (Jurdi, 2001). *Misyar* is the same as a legitimate marriage, mirroring the same issues and foundational jurisprudence. In this type of marriage, the woman waives some of her legitimate rights including housing,

10 Beihaghi, Ahmad ibn Alhossein (Bita). Alsonan Al-kobra, Dar-Al ferkr.

maintenance money (*nafaqa*) and legal rights in exchange for sharing the marriage bed (in the case of polygamy, equally among wives) (Jurdi, 2001).

In terms of the end result, misyar is similar to a concubine marriage, even having the appearance of a permanent marriage. What takes place in misyar has also been described in concubine marriage. The Shiite jurists are legally independent of this type of marriage (Hamid & Reza, 2013).

The reasons most often given for recommending misyar to men are as follows:

- dissatisfaction with his first wife because of her old age;
- financial inability to absorb the heavy costs of a permanent marriage such as mahr, housing, etcetera, which are increasing nowadays; and
- unstable employment.

The reasons most often given for recommending misyar to women are as follows:

- the rise in the number of older women, widows and divorcees;
- remaining chaste and having children;
- marriage is not possible;
- meeting her needs when she is obliged to stay in her parents' house or a relative's house in order to take care of them; and
- occupied with children and having employment outside the house.

Some religious scholars have prohibited misyar because of its legal inconsistencies or the risk of mistreatment (by a man or a woman) within the marriage. Sunni Muslims believe that if misyar is practised under the required conditions, such as obtaining the consent of the partners, the presence of parents and witnesses, etcetera, the marriage is legally valid and the woman waiving some of her rights does not tarnish the marriage, given that legitimate evidence of the marriage is available (Hamid & Reza, 2013).

Settlement

God says,

And if a woman fears from her husband contempt or evasion, there is no sin upon them if they make the terms of settlement between them – and settlement is best. Present in the human soul is stinginess. But if you do well and fear Allah – then indeed Allah is acquainted with what you do (An-Nisa Aurah, Verse 128).

Aisha, the wife of the Prophet, elaborates on the reasons underlying the revelation in this verse. According to Aisha, there may be a situation in which the woman's husband is not completely satisfied by her and wants to divorce her and marry another woman. The woman may ask her husband not to

divorce her, but to marry another woman, pay the nafaqa (expense or cost) and share the bed. This is the meaning of God's saying, 'There is no sin upon them if they make terms of settlement between them – and settlement is best' (Ansari Gharatbi, *Bitā*: 403/5). Ibn Kasir also interprets the verse in this way: 'If the woman fears that her husband wants to get divorced or turn away from her, the woman can ignore her rights of nafaqa, clothing, sharing a bed, etcetera, and the husband can accept that; and no one is considered sinful in this regard.'

Many agree. Islamic jurists have stipulated that a woman can waive her rights for her husband. The Islamic organisation The Permanent Committee for Scholarly Research and Ifta in Saudi Arabia issues rulings on Islamic jurisprudence (*fiqh*). The ability to issue a *fatwa* in Saudi Arabia is limited to members of the Council of Senior Scholars and a few other clerics (Boucek, 2010). A great number of the members of The Permanent Committee for Scholarly Research and Ifta have issued *fatwas* advocating the pertinence of misyar marriages.

In addition to its legal validity, misyar benefits both parties: for a man who is eager to satisfy his sexual desire legitimately, but is not capable of assuming marital responsibilities or the costs of a second wife; and for a woman who is also eager to get married and will waive her nafaqa, housing and legal rights to share the bed. The woman now has a husband, so she remains chaste and does not commit *haram*.

The legitimate rules of permanent marriage are underlined and implemented in misyar, as well. Thus, the man has to pay mahr to the woman in a misyar, and he is considered to be the father of any children. In a misyar, some female relatives of the wife (such as the mother-in-law, sister-in-law, etcetera) are *haram* to the husband (i.e. he cannot marry them). Moreover, the woman has to undergo iddah upon the death or divorce of the husband, and the husband and the wife will be nafaqa mutual inheritors.

Some differences between misyar and mut'ah marriages are as follows.

- Misyar is limited to four wives, while there is no limitation of the number of wives in mut'ah (Osmani, 2012).
- Signing a misyar contract requires witnesses; however, no witnesses are needed for signing a sughah contract (Osmani, 2012; Jurdi, 2001).
- Announcing misyar is compulsory, but there is no need to announce mut'ah (Osmani, 2012).
- Sunni Muslims believe that 'marriage with a divorce condition' is *haram*. Even many religious scholars consider 'marriage with an intent to eventually divorce' to be *haram*, but there is no divorce for mut'ah, as this sort of marriage is essentially a type of commercial agreement.
- In misyar, the woman undergoes iddah in the event of her husband's death, divorce, or khul', according to the law of the Holy Quran; while the iddah duration after mut'ah is what the Quran has specified (Osmani, 2012).
- In misyar, the couples are mutual inheritors, but there is no inheritance in mut'ah (Jurdi, 2001).

- In misyar, when a child is born, paternity is assumed and clear, while paternity needs to be proven for a child born from mut'ah (Jurdi, 2001).
- In misyar, the woman has the right to nafaqa, housing and sharing the bed at night. These are fundamental rights springing from the marriage. She is free to renounce or not renounce her rights. In mut'ah, the woman does not have these rights at all. Therefore, misyar is practically a type of permanent marriage, with all its concomitant relevant rights and effects, but in mut'ah, the woman has no rights that she willingly waives despite the parallel moral relationship.
- There is nothing under the title of 'divorce' in mut'ah, and the marriage ends after the specified deadline, but a misyar will only end through divorce (Al-Nasr, 2011).

In general, there are two schools of thoughts on mut'ah. The Shiite perspective considers mut'ah legitimate according to Verse 24 of An-Nisa Surah, narrations and rational reasons in relation to the social necessity of mut'ah when a permanent marriage is postponed. Conversely, Sunni ideology bans mut'ah (Osmani, 2012).

In conclusion, Sunni Muslims reason that mut'ah is a corrupted union, based on different interpretations of Verse 24 of An-Nisa Surah; the interpretation of Verse 1 of At-Talaq Surah in reference to divorce being the way a husband and wife separate; the wife's inheritance mentioned in Verse 12 of An-Nisa Surah; and the Prophet's prohibition of mut'ah.

Temporary Marriage in Iranian Law

As discussed, Islam has strongly encouraged its followers into the state of marriage, as Islam considers marriage to be the only way of satisfying the natural sexual instinct. Therefore, from an Islamic point of view, marriage is *mustahabb* and even *wajib* in some circumstances. If a permanent marriage is not possible, the Twelve Jurists recommend temporary marriage, regarding it as the best solution for preventing corruption (Khetia, 2014).

Marriage (and its effects) is a combined legal and social entity. Laws in foreign countries have not recognised temporary marriages. Even the laws of some Islamic countries, as seen in Article 55 of the Lebanese Family Rights Law, interpret mut'ah as being corrupt. The Iranian legislator has brought up the topic of temporary marriage in the Iranian Civil Code and the Family Protection Law ratified in 1391 (March 2012/2013) and discussed temporary marriage as a legal entity (Haeri, 2014). Specifically, Dr. Naser Katoozian, a lawyer, expounds on the recognition of its nonexistence in the laws of other regions and countries. He wrote that, although temporary marriage came into existence as a historically necessity, initially for the purpose of limiting free relationships between men and women and preventing illegitimate relations, it has been exploited by the affluent and wealthy. Some people use temporary marriage as a legitimising tool for having love affairs. Although these situations have caused the Civil Code to set out regulations, they have also caused many legal authors to ignore the issue and therefore ignore the legal and social entity (Katoozian, 1999).

Civil Code and Temporary Marriage

The Iranian Civil Code and related laws do not elaborate on registering and legalising temporary marriage in the same fashion as they detail permanent marriage, nor does the Code evaluate all aspects and dimensions of temporary marriage. Therefore, the Civil Code requires complementary aspects of this type of marriage (Mir-Hosseini, 1993). However, there are some existing articles on temporary marriage and its effects in the Civil Code, as follows:¹¹

- Article 1075: 'Marriage is called temporary when it is for a limited period of time.'
- Article 1076: 'The duration of the temporary marriage must be definitely determined.'
- Article 1077: 'In the case of temporary marriage, provisions concerning inheritance of the wife and her dowry are the same as fixed in the Chapter on Inheritance and in the following Chapter.' Although the Civil Code has not clarified the subject of inheritance in temporary marriages, Article 940 states, 'A married pair, married permanently, are not restrained from inheritance and can inherit from one another.' Therefore, according to this article, there is no inheritance if the marriage is not permanent.
- Article 1080: 'Fixing of the amount of the marriage dowry depends upon the mutual consent of the marrying parties.'
- Article 1087: 'If a marriage dowry is not mentioned, or if the absence of marriage dowry is stipulated in a permanent marriage, that marriage will be authentic and the mentioned parties can agree upon the marriage dowry subsequently by mutual consent. If previous to this mutual consent matrimonial intercourse takes place between them, the wife will be entitled to the marriage dowry ordinarily due.'
- Article 1095: 'Absence of marriage dowry in the act of a temporary marriage will render the contract void.'
- Article 1096: 'The death of the wife in a temporary marriage during the period of marriage will not cause the forfeiture of the marriage dowry; the same will be true if the husband did not have any relations with her up to the end of the period of the marriage.'
- Article 1097: 'If the husband waives his rights to the whole period of marriage in a temporary marriage before having any relations with the wife, he must pay half of the marriage dowry.'
- Article 1098: 'If the marriage, whether temporary or permanent, was void, and there has not been any matrimonial relations, the wife will not be entitled to any marriage dowry and the husband can demand the refund of the marriage dowry if it has been settled.'

¹¹ *Iranian Family Law: Unofficial Translation of Portions of Iran's Civil Code*. Available at <http://www.international-divorce.com/Iran-Family-Law.htm> (accessed 18 April 2018).

- Article 1113: 'In the case of a temporary marriage the wife is not entitled to the cost of maintenance, unless provision has been specially made for this, or the marriage has been arranged on this pre-condition.'
- Article 1139: 'Divorce is specially appointed for cases of permanent marriage: a temporary wife is relieved from marriage by the expiry of the period of marriage or by waiver of the remaining period by her husband.'
- Article 1152: 'The period of Iddah for divorce or dissolution of marriage or waiver of the remaining period or its expiry in the case of temporary marriage for a non-pregnant woman is the expiry of two monthly periods unless, contrary to the nature of her age, she has no such periods, in which case the period will be 45 days.' It should be mentioned that iddah for divorce in this article refers to the period of separation of man and woman; otherwise, there is no divorce in temporary marriage. Moreover, Article 1152 states, 'Unless, contrary to the nature of her age, she has no periods'. This has been interpreted to mean if the woman is of menstruation age, but for reasons other than pregnancy there is a lack of periods, known as 'amenorrhea'. In such a situation, a woman's iddah for permanent marriage is three months and for temporary marriage is 45 days. If the woman is of menopausal age, it is not necessary to undergo iddah, according to Twelver jurisprudence.
- Article 1153: 'The period of Iddah for divorce or dissolution of marriage act or waiver or expiry of the period of marriage in the case of a woman who is pregnant will be until she gives birth to a child.'
- Article 1154: 'The period of Iddah in the case of death (of husband) in both permanent and temporary marriages will be four months and ten days, unless the wife is pregnant when the Iddah comes to an end with the birth of the child.'
- Article 1158: 'Any child born during the marriage belongs to the husband.'
- Article 1159: 'Any child born after the dissolution of the marriage belongs to the husband.'

Mut'ah Foundations

Mut'ah 'foundations' include the contract's sigheh ('special words'), marital parties ('husband and wife'), mahr and duration, as elaborated below.

Mut'ah Contract: Sigheh

Like other contracts, mut'ah takes place through 'proposal and acceptance', which explicitly implies the intention of the parties (Kelson, 1999). Article 1062 of Iranian Civil Code stipulates, 'Marriage takes place by proposal and acceptance in words which explicitly convey the intention of marriage.'¹²

As in a permanent marriage, in a temporary marriage the proposal is made by the woman and acceptance is declared by man.

Parties of A Marriage Contract

Parties of the contract are referred to as 'the man' and 'the woman' who meet the conditions for practising temporary marriage.

If the woman is a Muslim, she cannot practise mut'ah with a non-Muslim man (Ahmed, 1992; Jones, Leng, & Mohamad, 2009). Article 1059 of Iranian Civil Code states, 'Marriage of a female Muslim with a non-Muslim is not allowed.'¹³ The decree is absolute, and it is essential for both temporary and permanent marriages.

Despite the decree being absolute, Dr Mohsen Shafayee, in the book *Mut'ah and its Social and Legal Effects*, interprets Article 1059 of the Iranian Civil Code as saying to the contrary: the Civil Code does permit the marriage of a Muslim man with a non-Muslim woman. Thus, under Article 1059, a Muslim man would be allowed to marry a non-Muslim woman (Valojerdi, 1992).

There are, therefore, disputes over this issue among jurists and religious scholars (Jones, Leng, & Mohamad, 2009). Some Sunni and Shiite Islamic religious scholars do not consider a marriage with a Christian and/or Jewish woman to be permissible. Other Shiite scholars, such as Muhammad Jamaluddin al-Makki al-Amili and Zayn al-Din al-Juba'i al'Amili, consider temporary marriage with 'people of the book' permissible, and permanent marriage with the same people as *haram*.

Mut'ah Duration

The specification of a duration is a distinguishing feature of temporary marriage. This is in accordance with Article 1075 of the Iranian Civil Code, which holds, 'Marriage is discontinuous when it is practised for a specific duration.'¹⁴

Under Article 1076, 'The duration of the temporary marriage must be definitely determined.'¹⁵ If the duration is not specified, the marriage will transformed into a permanent one, according to the *fatwa* issued by Imam Khomeini in Tahrir Al-Wasilah. However, other jurists, such as Sheikh Morteza Ansari in

12 *Iranian Family Law: Unofficial Translation of Portions of Iran's Civil Code*. Available at <http://www.international-divorce.com/Iran-Family-Law.htm> (accessed 18 April 2018).

13 *Iranian Family Law: Unofficial Translation of Portions of Iran's Civil Code*. Available at <http://www.international-divorce.com/Iran-Family-Law.htm> (accessed 18 April 2018).

14 *Iranian Family Law: Unofficial Translation of Portions of Iran's Civil Code*. Available at <http://www.international-divorce.com/Iran-Family-Law.htm> (accessed 18 April 2018).

15 *Iranian Family Law: Unofficial Translation of Portions of Iran's Civil Code*. Available at <http://www.international-divorce.com/Iran-Family-Law.htm> (accessed 18 April 2018).

Moteajer, Zayn al-Din al-Juba'i al'Amili in *Sharh La'mah and Masalek Al-Afham*, believe that a temporary marriage is annulled when a duration is not specifically mentioned (Motalebi, 1965).

According to the Civil Code and well-known anecdotes, temporary marriage depends on a specified mahr and duration. However, the determination of the partners prior to signing the contract is equally important. The marriage will be annulled if the partners intend to have a temporary marriage but a permanent marriage is *de facto* practised. Thus, as marriage contracts are subject to the intentions of the partners, the Iranian Civil Code and the contemporary jurists, such as Seyyed Hussein Safayee and Dr Hussein Emami, do not believe in such contracts and consider them void.

Mahr for Mut'ah

Contrary to permanent marriages, in discontinuous marriages, specifying mahr is an essential provision. Article 1097 says that mahr must be given in a temporary marriage, or the contract is void (Valojerdi, 1992). Moreover, under Article 1097, if the husband waives his right to the whole period of a temporary marriage before having any sexual relations with the wife, he must pay half of the mahr.

Mut'ah Provisions

This section will discuss legacies, nafaqa, the annulment of mut'ah and iddah.

Legacy

Islamic jurists have various interpretations of the laws in relation to legacies. Some, like Al-Hilli and Ayatollah Khomeini, believe that there is no legacy in temporary marriage, whether it is or is not set as a condition in advance. Some other jurists, such as Sheikh Morteza Ansari, refer to the narrations in the book of Moteajer and say that a legacy will be legitimate in a temporary marriage, provided that it is mentioned in advance. Some articles support this viewpoint. Article 1077 of the Civil Code states, 'In the case of temporary marriage, provisions concerning inheritance of the wife and her dowry are the same as fixed in the chapter on inheritance and in the following chapter.'

However, Article 940 of the Code states, 'A married pair, married permanently, and not restrained from inheriting, take inheritance one from the other.'¹⁶ Therefore, the adverb 'permanently' is the pre-condition for being an inheritor. In this article, the legislation does not address the issue of legacies in temporary marriage. Based on this absence of discourse and well-known quotations, legacies are not, apparently, considered legal and legitimate in temporary marriages.

Nafaqa

According to Article 1107 of Iranian Civil Code, nafaqa includes 'Cost of maintenance including dwelling, clothing, food, furniture in proportion to the wife's situation on a reasonable basis, and provisions for

¹⁶ *Iranian Family Law: Unofficial Translation of Portions of Iran's Civil Code*. Available at <http://www.international-divorce.com/Iran-Family-Law.htm> (accessed 18 April 2018).

the servants if the wife is accustomed to [having] servants or if she needs one because of illness or defects of limbs.’¹⁷

Furthermore, under Article 1106 of the Code, ‘The cost of maintenance of the wife is at the charge of the husband in permanent marriages.’ In this article, once again, the adverb ‘permanent’ is a precondition for paying nafaqa to the woman. Therefore, nafaqa is not allocated to a woman in a temporary marriage.

However, Article 1113 of the Civil Code specifies, ‘In the case of a temporary marriage the wife is not entitled to the cost of maintenance, unless provision has been specially made for this, or the marriage has been arranged on this condition.’¹⁸ Thus, if nafaqa during marriage is mentioned in advance as a condition of the marriage, the man is responsible for paying nafaqa.

Annulment of Mut'ah

Dissolution of marriage: According to Article 1152 of Iranian Civil Code,

The period of Iddah for divorce or dissolution of marriage or waiver of the remaining period or its expiry in the case of temporary marriage for a non-pregnant woman is the expiry of two monthly periods unless, contrary to the nature of her age, she no longer has such periods, in which case the period will be 45 days.

This article approves of the possibility of dissolving temporary marriages. The legislator has agreed on dissolving the marriage and waiving the remaining period if continuing a temporary marriage would be harmful to the man’s family or cause serious difficulty for the woman.

Expiry of the period: After expiry of the temporary marriage period, the partners will be separated and the marriage will be annulled automatically. If the partners want to continue a matrimonial relationship, they have to sign another temporary or permanent marriage contract.

Waiver of the remaining period: The man can terminate the matrimonial relationship by waiving the remaining period, effectively annulling the temporary marriage.

Death: The death of one of the partners will terminate the partnership automatically. Article 1139 of the Civil Code elaborates on this: ‘Divorce is specially appointed for cases of permanent marriage: a temporary wife is relieved from marriage by the expiry of the period of marriage or by waiver of the remaining period by her husband.’

Iddah of Mut'ah

As previously discussed, Article 1152 of the Civil Code elaborates on temporary marriage. According to Article 1153, if the woman is pregnant she has to wait until the birth of the child: ‘The period of Iddah

17 *Iranian Family Law: Unofficial Translation of Portions of Iran’s Civil Code.* Available at <http://www.international-divorce.com/Iran-Family-Law.htm> (accessed 18 April 2018).

18 *Iranian Family Law: Unofficial Translation of Portions of Iran’s Civil Code.* Available at <http://www.international-divorce.com/Iran-Family-Law.htm> (accessed 18 April 2018).

for divorce or dissolution of marriage act or waiver or expiry of the period of marriage in the case of a woman who is pregnant will be until she gives birth to a child.¹⁹

Also, under Article 1154, *iddah* for the death of the man in a temporary marriage is similar to that for a permanent marriage:

The period of *Iddah* in the case of death (of husband) in both permanent and temporary marriages will be four months and ten days, unless the wife is pregnant when the *Iddah* comes to an end with the birth of the child provided that the interval between the death of the husband and the birth of the child is longer than four months and 10 days; if not, the period of *Iddah* will be the same four months and 10 days.²⁰

Differences Between Temporary and Permanent Marriage

This section will elaborate on the essential differences between *mut'ah* and permanent marriage (see also Mirkhani, 2000).

Specific Period for Temporary Marriage

The first difference between these two types of marriage is their inherent attributes – being of either a temporary or permanent nature. In temporary marriage, the partners can extend the contract after termination of the period; otherwise, they can separate from each other (Haeri, 2014). A designated time period is among the provisions of a temporary marriage, but in a permanent marriage, a period of time is not mentioned. The contract wording of *sighah* indicates a *constancy* of marriage (Mirkhani, 2000).

Economic Responsibility

Both men and woman have more freedom in a temporary marriage because of the underlying special conditions.

According to Shiite *fiqh*, a man who has entered into *mut'ah* with a woman is under no obligation to provide for her, even if she falls pregnant.²¹ The man is not in charge of subsistence costs, including clothing, housing and other requirements or treatments for the woman.

The man will not undergo such responsibilities after signing the contract unless the conditions are mentioned in advance.

19 *Iranian Family Law: Unofficial Translation of Portions of Iran's Civil Code*. Available at <http://www.international-divorce.com/Iran-Family-Law.htm> (accessed 18 April 2018).

20 *Iranian Family Law: Unofficial Translation of Portions of Iran's Civil Code*. Available at <http://www.international-divorce.com/Iran-Family-Law.htm> (accessed 18 April 2018).

21 Ayatollah Sistani, Al-Islam.org: <http://www.al-islam.org/laws/marriage2.html>.

Type of Submission and Leadership

In a permanent marriage, as the man is the leader of the family, the woman has to submit to him with respect to her spousal and conjugal responsibilities. Starting a family quickly and avoiding disobedience for the purpose of preventing the collapse of the family are paramount and compulsory.

In a temporary marriage, unless a contract is signed between the parties explicitly laying out the terms and conditions of their respective duties, as stated by the Prophet, paying attention to these issues is not defined as a duty for the partners. The parties fulfilled their commitments. But in a permanent marriage, the partners undertake responsibilities that are implicitly understood as soon as they sign the marriage contract.

Reproduction

In permanent marriages, partners are not allowed to prevent reproduction and the conception of children without the consent of their spouse; in a temporary marriage, asking for the partner's permission is not required.

Nonetheless, children born of temporary marriages are not different from children born of permanent marriages (Haeri, 2014).

Mahr

In both temporary and permanent marriage, mahr is compulsory (Black, Esmaeili, & Hosen, 2014) and paying the complete amount of mahr is a requirement.

Several Quran verses confirm this. Verse 4 of An-Nisa Surah states, 'And give the women [upon marriage] their [bridal] gifts graciously. But if they give up willingly to you anything of it, then take it in satisfaction and ease.' According to the interpretation of Shiite Muslims, Verse 24 of An-Nisa Surah explains about temporary marriage: 'So for whatever you enjoy [of marriage] from them, give them their due compensation as an obligation.'

Therefore, a further difference between temporary and permanent marriage is orientated around mahr. In temporary marriage, not mentioning mahr annuls the contract (Murata, 2014), while in permanent marriage, if mahr is not specified, *mehrolmesl* (an amount specified by the court as mahr) is identified (Mirkhani, 2000). In a narration from Zurara, Imam Sadigh (PBUH) is quoted as saying, 'Mut'ah contract will not be signed without two essentials: one is specifying the duration and the other is specifying mahr' (Black, Esmaeili, & Hosen, 2014). If the man waives the remaining time of sigheh and wants to separate from the woman before having sexual intercourse, he has to pay half of the mahr (Mirkhani, 2000) cited in Jawahir Al Kalam by Allameh Sheikh Mohammad Hassan Najafi and Wasail Al-Shia by Al Hur-Al Aamili).

Inheritance

In temporary marriages, wife and husband are not mutual inheritors, but if a child is born of the marriage he/she will be the inheritor of both of them (Parenti, 2016).

Whether or not a man or woman can prescribe conditions on inheritance in a temporary marriage is subject to debate in narrations and hadiths. Accordingly, some jurists believe that setting a condition that is not legally permitted is unacceptable. The saying 'the believers commit' is about conditions permitted, not prohibited and rejected, by religious laws. Therefore, this includes issues in relation to inheritance. Something that is prohibited by religious laws cannot be mentioned in contracts. For instance, Imam Sadigh (PBUH), when asked about mut'ah limitations, is quoted as saying, 'Mut'ah limitations ban man and woman from being inheritors to one another.' In another narrative, Imam Sadigh (PBUH) states, 'A man signed a temporary marriage contract with a woman without any legacy conditions mentioned in it.' Imam Sadigh states that there would be no legacy for any of them, whether they mention it or not (Parenti, 2016).

Divorce

There are no divorces in temporary marriages, as both spouses are automatically separated after the expiration of the designated time period, when the remaining time is waived by the man or when the man 'returns' the remaining time to the woman (Bøe, 2015; Murata, 2014). After the deadline, the partners are no longer *mahram* and they cannot resume their previous sexual intimacy. The saying from Imam Ja'far is as explicit as possible. He was asked if the husband and wife married by mut'ah become separated without divorce. He nodded in agreement.²² Moreover, there is no *Ila'* or *Le'an* in discontinuous marriage.

Being Co-Religionists

Although a Muslim man can have a temporary wife whether she is Christian, Persian Jewish, Assyrian, Armenian, Zoroastrian or a woman of the books in general,²³ being co-religionists is a pre-condition for permanent marriage. The Quran stipulates, 'Do not marry polytheist women, unless they start believing in God.' Therefore, accepting Islam is necessary in permanent marriage if one of the partners is not Muslim.

Although a Muslim man is not prohibited from marrying a Christian or Jewish woman, based on precaution, it is obligatory for him to refrain from joining with a non-Muslim woman in permanent marriage. The underpinning rationale is that Muslims do not deny the preceding Abrahamic religions, but they know Islam as the absolute and last divine religion.

The main verse in the Holy Quran that discusses marriage with non-believers says,

Do not marry idolatresses until they embrace faith. A faithful slave girl is better than an idolatress, though she should impress you. And do not marry [your daughters] to idolaters until they embrace faith. A faithful slave is better than an idolater, though he should impress you. Those invite [others] to the Fire, but Allah invites to paradise and pardon, by His will, and He clarifies His signs for the people so that they may take admonition (Al-Baqra: 2:221).

22 Wasa'il, XIV, 478-79, hadith 1.

23 Najafi, Mohammad Hassan. Javahir Al-Kalam (summarisation), Vol. 30.

On the other hand, Muslim women can temporarily marry only Muslim men. Both Sayyid Sistani²⁴ and Sayyid Khamenei²⁵ state that a Muslim woman cannot marry a non-Muslim man, either permanently or temporarily (Adib-Moghaddam, 2014).

Type of Contract

Permanent marriage is entered into by saying the Arabic words *ankahto va zavajto*. Permanent marriage is based on notions of eternity. A temporary marriage is entered into by saying the word *mata'to* and signing the contract. Temporary marriage is based on sexual joy.

Iddah

Another difference between temporary and permanent marriage is seen in the context of iddah. In both types of marriage, a wife has to observe a period of iddah after the termination of the agreed period of the marriage or its dissolution.

In a permanent marriage, the iddah period is three menstrual cycles for women who have not reached menopausal age and have had sexual intercourse. In temporary marriage, the iddah period ends after two menstrual cycles (Nasir, 2009). Even for young women who have yet to commence their monthly cycles, there is still an obligation to undergo three months of iddah for a permanent marriage and 45 days for a temporary one.

Similarities Between Temporary and Permanent Marriage

The similarities between temporary and permanent marriage are as follows.

- In both temporary and permanent marriage, the wife's mother and daughter are *mahram* to the husband (he cannot marry them). Likewise, the husband's father and son are *mahram* to the wife.
- In both types of marriage, other people are forbidden from making proposals to marry the wife.
- Marrying two sisters simultaneously is not permitted in both types of marriage.
- Committing adultery with a permanent wife or a wife undergoing iddah causes eternal marriage problems and, thus, is prohibited. Committing adultery with a temporary wife has the same prohibition.
- According to the well-known recitals of reputed Islamic scholars and one interpretation of Article 1043 of the Iranian Civil Code, the marriage of a girl who has never married is dependent on the permission of her father or her paternal grandfather, even if she has reached the full age of majority (Katoozian, 1999). In a temporary marriage, the woman needs her father's or her

24 An Iranian Shia marja in Iraq and the head of many of the seminaries (Hawzahs) in Najaf. Biography: The Official Website of the Office of His Eminence Al-Sayyid Ali Al-Husseini Al-Sistani. Available at www.sistani.org (accessed 22 December 2017).

25 A marja and the second and current Supreme Leader of Iran, in office since 1989.

paternal grandfather's permission as well, if she is a virgin. However, the topic of parental permission has raised acerbic disputes among jurists, given that a mature person is supposed to be autonomous. Therefore, many contemporary Islamic jurists have agreed upon autonomy, but still recommend obtaining the parent's permission, which plays a pivotal role in family health and solidarity. Parental permission reaps several benefits, including protecting social interests, avoiding impulsive and fleeting emotions, eliminating excessiveness and paying attention to the girl's suitability and fitness (Mallat & Conners, 1990).

- Stating a contract word is compulsory for both temporary and permanent marriages. After specifying mahr and its duration, the parties or a person speaking on the parties' behalf has to recite the words to commence the union. When reciting the words, the woman represents the proposal and the man represents the acceptance of the contractual arrangement.
- In the event of the husband's death, the iddah period is four months and ten days in both temporary and permanent marriage (Trichal & Pandey, 2018).
- A pregnant woman's iddah period terminates after the birth of the child in both temporary and permanent marriage (Trichal & Pandey, 2018).
- Whether a second marriage is permanent or temporary, the renewal of permanent marriage for a woman in a temporary marriage is not correct. In other words, a man practising temporary marriage cannot marry again before termination of the contract (Murata, 2014). If the parties of a temporary marriage desire to have a permanent marriage, the man has to waive the remaining period or the parties have to wait until the termination of the first marriage. Otherwise, the second marriage is annulled. In practice, this rule is often given short shrift.
- A child born of temporary marriage belongs to the husband during the marriage, just as a child born of permanent marriage. Effects and provisions related to the child are the same as those in a permanent marriage (Müller, 2006).

Age and Parental Permission

In both temporary and permanent marriage, the age of consent for a girl is 13 years (Sadiqi & Ennaji, 2013). Article 1041 of the Civil Code (approved 27.09.1379) states, 'Marriage before the age of 13 for girls and 15 for boys depends on the permission of the parent on the condition of expediency and recognition of the court.'²⁶

Not surprisingly, many human-rights organisations and social and legal activists have severely criticised this minimum age, arguing that such a tender age effectively promotes child marriage (Ahmady, 2016). This civil provision is in direct contradiction of the Convention on the Rights of the Child, to which Iran is a party. The Convention holds that anyone from birth to the age of 18 is a child. The United Nations

²⁶ *Iranian Family Law: Unofficial Translation of Portions of Iran's Civil Code*. Available at <http://www.international-divorce.com/Iran-Family-Law.htm> (accessed 18 April 2018).

Population Fund considers any marriage before the age of 18 to be child marriage, since it occurs before the girl is mentally and physically ready to cope with nuptial and child-care responsibilities. Accordingly, when a child gets married permanently or temporarily before the age of 18, early child marriage occurs, and the marriage is entered into by the father or grandfather on behalf of the child (Ahmady, 2016).

According to Article 1041 of Iranian Civil Code, the girl's parents not only are permitted to betroth their daughter at the age of 13 or even younger, but also are able to enter their daughter into a permanent or temporary marriage.

This is a point of disagreement among Islamic jurists. Many jurists and religious scholars disagree with the minimum age and the parents' authority, which have been incorporated in numerous religious declarations. Mamusta Abdul Karim Shahrikandi opposes imposed guardianship. He asserts that parental guardianship of a woman is necessary as far as there is no obstacle or cruelty, but imposed guardianship is never acceptable according to Islamic sources, and a parent cannot make a woman marry without her consent, whether she is virgin, a widow or an adult. When one imposes marriage on a girl at such a young age, because she is young, her consent and permission are not valid. The marriage is null according to religion, even if it is practised by the father or paternal grandfather.

These underage girls do not need a husband and the parent's permission is not valid.

Permanent marriages, not temporary ones, have to be based on love and the interests of the parties. This sort of deviation from natural and logical principle and giving the right of imposed guardianship to the parent has led to early divorce, the dissolution of family relationships and the invasion of evil and corruption (Shahrikandi, 1989, pp. 6–25).

On the other hand, Akbar Hashemi Rafsanjani stated in the book *Temporary and Permanent Marriage from Islam's Perspective*, 'A woman at the age of 9, who is not reached the age of puberty has to undergo *Iddah* in case she practices Mut'ah for one or two months, her husband has sexual intercourse with her, the time duration has lapsed, or the husband waives the remaining period (Hashemi Rafsanjani, 1998, p. 53).

It should be mentioned that temporary marriages are not registered, and in comparison to permanent early marriage, the ensuing consequences are severe. The predominant driving forces behind ECM are sustained poverty, lower levels of education and higher levels of illiteracy, a lack of legal support, social pressures, patriarchy, and traditional and religious beliefs. ECM is alarming for both sexes, but by and large the phenomenon harms more girls than boys. A rise in divorce rates, child widowhood, greater numbers of parentless children, bad parenting, the sexual abuse of girls, the prostitution cycle, and a rise of mental, physical and sexual illnesses in women are among the deluge of negative outcomes of ECM (Ahmady, 2016).

If the girl is virgin and her guardian, who is her father or paternal grandfather, is available, seeking their permission is a precondition for the validity of the marriage contract. Thus, under the law, the permission of the father or paternal grandfather is required for both permanent and temporary marriage. However, if one is not able to reach the guardian or he is deceased, permission is not required. If the father or paternal grandfather denies permission without justification, the girl can refer

to the Special Civil Court, giving full particulars of the man she wants to marry and also the terms of the marriage (Articles 1043 and 1044).

Shiite scholars are divided on the issue of the father's permission for temporary marriages. There are four modes of thought: some Shiite scholars believe that the father's permission is necessary for the marriage of a virgin girl at the age of puberty who knows her expediency. Another group considers the father's permission to be a precautionary measure. According to religious provisions, one can refer to another *marja'* ('religious source') in such situations. On the other hand, some other religious sources hold that the father's permission is obligatory, *taklif*, in temporary marriage. This obligation means that the marriage contract is legitimate if it is signed with the father's permission. Not obtaining permission is construed as a sin. However, there are some Islamic jurists who believe that the father's permission is not required, but recommended. In essence, some scholars think the father's permission is not required for the temporary marriage of a girl who is independent and autonomous. Below are the comments of some religious sources in this regard.

- Religious statements from Imam Khomeini (PBUH), Shabiri Zanjani and Tabrizi manifest their collective belief that the father's permission is essential for temporary marriage. Ayatollah Sistani has the same thought; however, he considers the father's permission more of a precautionary measure, and not a *fatwa*, for a girl who is in charge of her own life and is autonomous.
- Some scholars, such as Ayatollah Khamenei, Makarem Shirazi, Araki, Khoiee, Golpayegani, Fazel Lankarani, Safi and Wahid Khorasani, also believe the father's permission for temporary marriage is more a precautionary measure. However, the late Ayatollah Bahjat considered the father's permission in temporary marriage to be compulsory. A follower of Ayatollah Bahjat asked him, 'Is it possible to practise mut'ah with a virgin girl who is at the age of puberty without her father's permission?' He replied, 'As a precautionary measure, she has to obtain her father's or paternal grandfather's permission[; otherwise] it is religiously corrupt.' Therefore, if the marriage contract is signed without the father's permission, the marriage is legitimate, but the person has committed a sin. Article 1043 of Iranian Civil Code cites the father's permission or that of the paternal grandfather as necessary for marrying a virgin girl. Before the amendment of 1992, the article read, 'Marriage of a virgin girl depends on the father's or paternal grandfather's permission, although she is over 18.'

Parental permission is no longer valid in some cases and, in that situation, the virgin girl can marry without the permission of her father or her paternal grandfather. Such a marriage is proper according to the decree of law. There are, however, constraints:

- The parent should be alive; otherwise his permission is not required.
- The parent should be present. If he is absent or on a trip, his guardianship is no longer valid and his permission is not required.
- The parent should be legally competent. If the parent is voluntary or judicially interdicted, he is not allowed to interfere.

- The parent has to recognise the girl's autonomy, as his authority is limited to her interests.
- He has to be sympathetic to and recognise the girl's autonomy. Unreasonable disagreement with the girl's marriage annuls the parent's guardianship.

If the girl's father or paternal grandfather is voluntarily or judicially interdicted or for some reason incarcerated, the permission of another person, such as her guardian, is not required (Esposito & DeLong-Bas, 2001). Moreover, if the girl's father or paternal grandfather is deceased, the girl does not have to seek permission from another person, as the parent's permission is no longer considered necessary. The Civil Code is silent on the invalidation of the parent's permission in the case of interdiction or death; however, before the amendment of 1991, Article 1044 of the Code explicitly invalidated the parent's permission in the case of interdiction. Article 1043 stipulates, 'With respect to the pervious article, the father or paternal grandfather should give permission and if for some reason they are incarcerated the permission of their guardian is not required.'

In 1991, regarding certain jurisprudential foundations, Article 1044 of the Civil Code had to be amended in a way that took into consideration the parent's unavailability, as voluntary or judicial interdiction could be considered a mitigating factor that would invalidate the parent's permission in the marriage of a virgin girl. Unfortunately, the legislator omitted the interdiction condition and instead replaced it with the issue of unavailability. Nonetheless, there is no doubt about the invalidation of the parent's permission at the time of death or interdiction.

Accordingly, legal authors presume the decree of this issue before the 1991 amendment, by looking at the legislative and jurisprudential background. The underlying principles governing the Civil Code, the opinions of the Twelve Jurists and the integration of the topic within the Civil Code article all point to a singular fact: in the case of the absence or unavailability of her father or paternal father, a girl can marry a co-religionist, decent spouse without her parent's permission. This line of reasoning aligns with the modified Article 1044 of the Civil Code, which states, 'If the father or the paternal grandfather are not present in the place and obtaining their permission is customarily impossible and the girl is in need of marriage, she can marry.'

As previously mentioned, the legislation aims to protect the expediency of the girl, family and society when validating the parent's permission in the marriage of a virgin girl. Nevertheless, if the parent wants to take advantage of his authority and prevent his daughter from marrying a decent husband without valid justification, his permission will no longer be valid. Therefore, Article 1043 of the Civil Code states, 'If, however, the father or the paternal grandfather withhold the permission without justification, the girl can refer to the Special Civil Court giving full particulars of the man whom she wants to marry, the terms of the marriage, the dowry money agreed upon, and register her marriage.'²⁷ Before the 1991 amendment, the virgin girl had to petition the court for marriage, and the court would issue the marriage permission after recognising the parent's prohibition to be unreasonable.

²⁷ *Iranian Family Law: Unofficial Translation of Portions of Iran's Civil Code*. Available at <http://www.international-divorce.com/Iran-Family-Law.htm> (accessed 18 April 2018).

Nevertheless, petitioning the court to prove the unacceptability of the prohibition goes against the Twelve Jurists' opinion, as it is more compatible with those of Sunni jurists. When voting on the amendment to the Civil Code approved by Iran's Parliament, the Guardian Council pronounced Article 1043 invalid, as the article still required the girl to petition the court for permission (Sedghi, 2007). In 1991, The Guardian Council announced in correspondence addressing Iran's Parliament that 'Obligating the girl to petition the court and seek permission, in case her parents refuse to give permission without justification, is against legitimate principle.' Consequently, Iran's *majlis* (officially the Islamic Consultative Assembly, which is comparable to the Western elected parliament) (Borden, 2016) modified the article as follows: in cases where the girl marries a co-religionist spouse, her marriage cannot be deemed void. In fact, under Article 1043, registering the marriage and obtaining permission from the Special Civil Court are not among the pre-marriage conditions, and not observing these issues is a mere disciplinary infraction. Given that the law considers the marriage of a virgin girl to be dependent on her parent's permission, it is concluded that the parent's permission is only a conformational condition of the marriage, not a pre-condition for the validity of the marriage. Thus, if the father or the paternal grandfather confirms the marriage afterwards, the marriage is legally valid and proper. The modification of Article 1043, which considers the marriage of a mature virgin girl to be dependent on her parent's permission, indicates that permission of any of them is adequate for the marriage to be valid (Kelly & Breslin, 2010). Nevertheless, if the father avoids confirming the marriage, there are disputes over annulling it. Some Islamic jurists regard the marriage as proper (Sedghi, 2007).

Registering Temporary Marriage

In 2007 the Family Protection Bill was presented to the *majlis* by the Government and approved by the Guardian Council, so that it was enacted as law. The Family Protection Bill went through several readings and modifications, including the omission of certain articles, before becoming law (Bøe, 2015).

Without abrogating the previous Family Protection Law that had been approved in 1974, the new law only partly resolves the legal ambiguity present in that former law. There remain ambiguous legal nuances that have not been addressed. For example, some articles of the 2007 Family Protection Law support some rights of women in temporary marriages. For instance, Article 21 of the Law stipulates, 'Islamic Republic of Iran supports permanent marriage, which is the foundation for family formation, in line with solidarity of family relationships.' Temporary marriage is also subject to legitimate principles and regulations of the Civil Code (Bøe, 2015), and registering the marriage is necessary under the following conditions: (1) the pregnancy of the wife; and (2) the agreement of the parties.

Social and Psychological Foundations of Temporary Marriage

Organising sexual relations has always been a concern for religious institutions in various societies, as perceived abnormalities in sexual relations cause disorders in social organisation. In most countries

worldwide, marriage is a highly esteemed, societally approved union and is considered to be an acceptable, legitimate, moral and logical practice to organise the sexual behaviours of men and women.

According to the law of the Islamic Republic of Iran and the Twelve Jurists, permanent and temporary marriage are the only two forms that are legal. While permanent marriage is customary within Iranian culture, temporary marriage is not a customary, publicly accepted norm. Temporary marriage is considered to be taboo, despite its many advocates.

Mut'ah: Solution or Threat?

In the perspective of advocates who support temporary marriage, such as Ayatollah Tabatabayee, temporary marriage is a solution for preventing free sexual relationships between boys and girls (Walbridge, 1997). The practice possibly emerged to help Muslims avoid illegal sexual relationships while they were away from their homes or regions (van Zanden, Rijpma, & Kok, 2017).

In the book *Woman's Rights in Islam*, Tabatabayee states that either we have to say no to the sexual instincts of boys and girls or accept temporary marriage. Their studies at universities are accompanied by periods of prolonged solitude that pave the way for free sexual relations. Temporary marriage is a solution for this problem. It is a social necessity that not only protects society from prostitution, but also prevents temporary monasticism and sexual communism (Motahhari, 1997, pp. 45–50).

Statistics indicate that, in the 1390s (2011–2022); the marriage age increased in Iran due to economic, social, political and cultural factors, thus extending the period of solitude for men and women over the age of 30 (Katouzian & Shahidi, 2007). Due to the promotion of modern patterns of relationships between men and woman and the initiation of things like cohabitation and the contemporary lifestyle, political, religious and cultural officials try to replace the free relations of men and women with temporary marriage through the national media. They consider it to be a social necessity and an excellent, legitimate situation (Haeri, 1986). Many religious experts and scholars have voiced their agreement. For instance, in 2007 Mostafa Pour Mohammadi, Iranian Minister of the Interior stated, 'If we do not respond to the sexual needs of the youth practically, we have to expect the consequences accordingly.' He further emphasised renewing the custom of temporary marriage. Moreover, in 2017 Ali Motahari, a member of the Majlis Cultural Commission, said that he believed temporary marriage contributed to people's health (Motahhari, 1997). Their mental and spiritual problems would be solved and sexual issues would turn into ordinary subjects and that sexual issues would no longer be problematic for them, as Islam paved the way for them in this regard (Landau & Blyth, 2009). Head of the Prayer Headquarters in Iran Haj Ghera'ati stated that temporary marriage is not aimed at female university students. He further added that 'male university students, who cannot afford marriage, can marry young widows ready for wedding, so that they can get married after graduation.' An examination of the statements of officials and religious scholars reveals that they consider temporary marriage to be a functional necessity, while openly acknowledging their unilateral attitudes towards male and female relationships, and mostly focusing on the benefits for men.

Contrary to the people seeing a social function for temporary marriage, some consider it to be a threat. Opponents do not speak of mut'ah as 'temporary marriage', instead reasoning that temporary marriage's aim is sexual enjoyment, while marriage's aim is family formation, based on love and loyalty (Landau & Blyth, 2009; Katouzian & Shahidi, 2007), given that the modern, post-industrial family is not formed for the purpose of satisfying sexual needs, but for the purpose of love. In this context, 'love' means corresponding commitments, responsibilities and respect, as defined by Erich Fromm (Fromm, 2000). (In *The Art of Loving*, Erich Fromm starts with the same premise and extrapolates what this means for marriage.)

At the same time, critics believe that mut'ah instigates social and legal discrimination against women, as the benefits for men clearly outweigh the benefits for women. Men's benefits are ahead of women's in mut'ah principles, as only the sexual joy of the man is taken into consideration. For instance, in temporary marriage, women do not have inheritance rights and the man does not have to pay nafaqa (Murata, 2014). One of the spouses may be named heir to the other, in which case the inheritance is one-sided; or it may be stipulated that, if either spouse should die, the other will inherit. However, if no such conditions are explicitly mentioned, there is no inheritance. According to the Imam Ja'far, 'Among *mut'a*'s statutes is that you do not inherit from the woman, nor does she inherit from you.'²⁸ Moreover, mut'ah plausibly triggers the oppression of some women, given that it can lead to polygamy (Afshar, 1982). In addition to the aforementioned problems, the family units of the men who practise sigheh often deteriorate (Sedghi, 2007).

There is also the very-much-heightened risk of exposure to and/or infection by STDs such as HIV/AIDS; the numbers of cases would then increase (Setel, Lewis, & Lyons, 1999). As public awareness of STDs is not adequate, promoting temporary marriage would not contribute to structuring sexual relations, but would expose many other vulnerabilities in society. In addition, some opponents think that permanent marriage is the dominant cultural entity of Iranian society, and the problems with youth and permanent marriage should be solved, rather than encouraging them to practise temporary marriage. Promoting sigheh instead of permanent marriage and making relationships between girls and boys legitimate would damage Islamic society.

From a sociological point of view, throughout history, marriage has been one of the important and basic events of a human life, which serves a vital need in human society. Sociologically speaking, marriage has a positive function within the whole social system – only if it is practised at a proper time with a suitable person. The tranquillity and security of society is a healthy consequence of marriage and the comforting environment of family. Creating human relationships is one of the fundamental emotional needs of human beings. Marriage is counted as the most intimate relationship, responding to financial and spiritual needs, and a stage of human evolution. This religious view has been expressed in a wide variety of disciplines, such as the sciences, history, sociology, anthropology, law, economy, psychology, education and philosophy. Thus, some social theories are studied below for the purpose of clarifying marriage.

42 Wasa'il, XIV, 486, hadith 8.

Theoretical Basics of Sociology

Exchange and Modernisation

Marriage has always been highlighted in the public eye, being the basis of family formation, a transitional path from adolescence to adulthood, and considered the most important event in an individual's life (Booth, Crouter, & Shanahan, 1999). Marriage is an important social and legal entity that supports nuptial relations by providing a special collection of rights, privileges, responsibilities and commitments. It brings with it new role-expectations, leading to the perseverance of the family entity and society's structure. Marriage has been an enduring institution that shows few signs of disappearing. Indeed, while many decide to leave marriage, many others continue to enter into it or seek to at least have that right (Clarke & Finlay, 2004). As a complement to other disciplinary mechanisms, marriage is one of the most significant social, cultural and biological phenomena that both affects and is affected by societal transformations. From biological and social perspectives, no entity is as global, steady and long-lasting as marriage. Therefore, no entity is as influenced by social transformations as the institution of marriage (Bakhsh, Mostafa, & Esmail, 2011).

Cascading waves of social and economic change in modern communities have created a distance between sexual puberty and economic maturity, resulting in an increased age of marriage (Oppenheimer, 1988) and prolonging the years of solitude (Therborn, 2004). Particularly, economic factors influence the timing of marriage by either facilitating or impeding assortative mating (Oppenheimer, 1988). A rising age of first marriage, particularly for women, is a hallmark of broader demographic transition in rapidly developing economies (Rosenzweig & Stark, 1989). Compared to the past, today's youth are less willing to enter or capable of entering into permanent marriages (Egel & Salehi-Isfahani, 2007). Intensifying sexual temptations because of modern communication technologies have caused individuals and families to by-step this long period of life. Such conditions pave the way for relationships outside of the family framework. This phenomenon of out-of-family relationships is nothing new.

These relationships have become prevalent in modern communities with different natures to those in Iran. They have become part of the culture in Western countries, which bears its own consequences. But in Iran, these relationships have never been accepted socially or religiously, despite being common privately. Such interactions are often considered to be out of step with the public culture. Accordingly, it is necessary to find solutions for resolving the need to satisfy sexual desire and the obstacles against satisfying that need legitimately. Certainly, some governmental and religious policymakers consider reviving the custom of temporary marriage and making it legal and practical to be one of the most important and controversial solutions presented for solving youths' marriage problems.

Talcott Parsons' theory of social action is based on his concept of society and the three main types of social-action systems: culture, personality and social. Each has a distinctive coordinative role in the action process and, therefore, has some degree of causal autonomy. Deeming marriage to be something exchangeable is an important aspect of Parson's action and functional theories. Some people believe that exchange is the basis of human social life. In social exchange, individuals in relationships are motivated by the goodness of the expected outcomes (Blau, 1964). Human beings are in cycles of

reciprocal social relationships, and exchange is the basis of those relationships. These principles have created the exchange of marriage. Therefore, many sociologists such as Claude Lévi-Strauss and Henri Mendras regard marriage to be a social exchange. This exchange takes place between two families and two individuals (Douglass, 1993).

According to the foundational principles of social Exchange Theory, a behaviour changes according to the rewards and the costs it creates. Actually, the individual compares what is spent and what is gained in the relationship. Later, he/she compares the result with what he/she thinks the partner has gained through the relationship (Blau, 1964). After this comparison, the relationship is potentially in jeopardy if the person feels there is an imbalance. Therefore, it is estimated that the availability of temporary marriage and its sexual and emotional benefits is more important than the value of permanent marriages. Some people are more willing to practise temporary marriage (such as men, the middle-aged, the married, the busy and high-income individuals).

Some people, however, such as women, singles, youths, the unemployed and people from the lower economic stratum, hold permanent marriage with the opposite sex in such esteem that they are less willing to be involved in a temporary marriage process. Moreover, based on the theory of social exchange, it is assumed that singles, youths, the unemployed and people from the lower economic stratum consider the costs and disadvantages of temporary marriage to be greater than its benefits. These disadvantages include disgrace, young girls' losses of virginity, only a temporary guarantee of the spousal subsistence, and the necessity of accepting the responsibility of a child born out of the temporary marriage. However, according to a survey conducted by Riahi (2013), in the opinion of employed, high-income people, enjoying the advantages of temporary marriage is better than the costs of permanent marriage, remarriage or illegitimate relations. For instance, there is no legal obligation to register temporary marriage officially on ID certificates or even in marriage-registry offices, and no obligation for men to provide housing and the other necessities of life. Clearly, the benefits of this type of marriage are really valuable to those who are financially able. Therefore, these men and women compare the benefit-cost ratio of temporary marriage for themselves and their partners with the benefit-cost ratio of permanent marriage. Eventually, they will choose the type of marriage and relationship with the opposite sex that is more beneficial and less costly (Riahi, 2013).

Modernisation theory relates changes in marriage patterns to structural changes in social life, emphasising the structural changes that occurred during the transition from an agricultural economy to an industrial economy (Elder Jr., 1994). Modernisation theory posits that this largely affected the selection of a spouse, marriage patterns and the structure of families, as people were more inclined towards nuclear-family set-ups (Bélanger & Barbieri, 2009). These structural changes have taken place because of people's submission to new social forces including industrialisation, urbanisation and public education. Accordingly, marriage and family changes are considered to be an organised mechanism or environmental social system; in other words, they adjust in response to the changed socio-economic conditions (Abbasi Shovazi & Sadeghi, 2005).

In the modernisation process, integrated social factors will erode and eventually weaken, causing individuals to appear as separate atoms who are trying to maximise their own benefits. Individual concerns will take priority over tribal social benefits as the family base takes second place to

individuality. People will also be inclined towards materialism, individualism and solitude (Elder Jr., 1994). As dismal as this sounds, marriage and family patterns will somehow adjust to the new conditions. Changes in marriage and family entities are the signs and symbols of social change. Although socio-economic changes are related to the decline of tradition, the evaporation of adherence to religious authority and the promotion and expansion of mental and individual morality, at the same time, there appear public education for both sexes, a rise in gender equality, an increase in infant survival-rates, and the promotion and expansion of consumption culture (Blau, 1964). William Good also agrees that the effects of modernisation on various social and individual levels, as well as its effects on marriage, are part of a global revolution in family patterns (Good, 1963).

In his Modernisation theory, McDonald explains that, although modernisation has brought more freedom and independence to individuals, it has also increased their distrust of the future. People do not enter into marriage and form a family if they do not have steady, permanent jobs and the ability to shoulder family responsibilities (McDonald, 2006).

This is clear when we view Maslow's Hierarchy of Needs, which comprises a five-tier model of human needs, often depicted as hierarchical levels within a pyramid. As the function of marriage is to meet some human needs, the phenomenon is justifiable, according to Maslow's theory. Maslow analyses human needs in terms of being materialistic or not. He divides them into five categories: 'physiological', 'safety', 'belonging and love', 'esteem' and 'self-actualisation'. 'Cognitive' needs, such as understanding, meaning and exploration, as well as 'aesthetic' needs, such as the search for beauty and balance, are often added to the classifications, placed before self-actualisation, as are 'transcendence' needs, such as mystical experiences or sexual experiences, which are placed at the very top of the pyramid. Physiological needs, such as food, oxygen, sex, water and shelter, are the primary needs of mankind; however, as soon as these needs are met, they are no longer motivators and the person starts satisfying other needs (McLeod, 2018).

Anthony Giddens' notion of the Pure Relationship added a new dimension to debates among sociologists about the catalysts and effects of social transformation. Giddens elaborates on the changes that occurred in the latter decades of the twentieth century in terms of the patterns of sexual relationships (Giddens, 1991). Giddens saw the emergence of a pattern of relationships between men and woman that he called 'liquid love' (Bauman, 2013). These relationships were intimate, brief and optional. Intimacy, as Giddens understands it, extends far beyond the realm of sexual interaction. It encompasses the spheres of family, kinship and mutual friendship (Giddens, 1991). Ironically, the attributes of 'brief' and 'optional' are also found in temporary marriage.

Sociologist Zygmunt Bauman studied Giddens' liquid love postulate. Bauman argues that the most common, sensitive and troubling aspect of the liquid condition of modern life is the incongruity and plurality of relationships. He refers to these as 'top-pocket' relationships. They are carried along like a handkerchief in the top pocket, taken out when required and put away whenever it is not proper to display them. These relationships flourish while needed and are hidden in the pocket when needs are met after marriage (Bauman, 2013). Temporary marriage is one example of this.

Postmodern Feminism

As the push for gender equality and equal representation of men and women in the public and private arenas gains momentum, some feminists consider men's dominance over women in the family to be the reason for women's oppression. Therefore, marriage and its status is a core subject in discussions of feminism. Liberal feminism calls for complete gender equality and the entitlement of women to social, political and legal rights. In liberal political philosophy, human beings are of one sex in nature, and their physical differences should not be a reason for attributing different behaviours (McFadden, 1997). Thus, the differences caused by fertility, giftings and the gender roles of woman are ignored. Feminists consider the degrading attitude of men towards women to be the main cause of women's oppression; moreover, they think women's efforts to look for the 'ideal man' are essentially another type of oppression (Sharoni, Welland, Steiner, & Pedersen, 2016).

Radical/revolutionary feminists believe that gender inequalities are triggered by a powerful patriarchal system and are the most important elements of social inequality (Sharoni, Welland, Steiner, & Pedersen, 2016). According to Firestone, a radical feminist, the division of men and women has a biological reason (Firestone, 2003). Women are physically weaker than men because of the demand of the physical features required for reproduction and the responsibility of taking care of children. These features triggered a type of social relationship in which women became subordinate to men in exchange for physical security (Firestone, 2003). Afterwards, social entities, and particularly the common frameworks of sexual relationships and child-caring, fomented men's dominance. According to Firestone, however, men's dominance no longer matters as culture paves the way to erasing the biological foundation of women's oppression (Firestone, 2003). Women are now released from child-bearing, and the care of children can be the mutual responsibility of both men and women.

The newer generation of feminists rejects the idea of there being any biological foundation for women's oppression. The victim (women) should not be blamed; rather its men's biology that is to be blamed. Being violent is in man's nature, and men often take advantage of this innate attribute by controlling women (for example, through rape). Mary Daily gives a documented report on the calamities in which men have taken advantage of their aggression to control women. She refers to the custom of *sati* (burning a woman simultaneously with her husband's corpse) in India, the foot-binding of female babies in China, female genital mutilation in some African countries, the witch-hunts in Europe and certain methods of curing women's illnesses in the USA as some examples of men harming women by using their aggression to control them – something which still has not abated (Sharma & Bilimoria, 2000).

New radical feminists think that giving birth is not a biological trend or innate, but a sort of 'compulsory production' flourishing within a socio-historical background (Firestone, 2003). Procreation is an expectation, and women are trained for procreation by society. The structure of society is built on the belief in two opposite sexes – man and woman (Abbott & Wallace, 2008). Women are forced towards behaviours that are considered natural, and this issue has resulted in behavioural differences between the two sexes with different biological features (Firestone, 2003). Given that human community goes far beyond gender issues, the idea of the vast variety of humans and their countless sexual features will be tarnished by a binary classification.

In addition to the gender issues and procreation roles created by the community, which limit the identities and behaviours of women, the sexual roles generated by society make having sexual identity and sexual desires difficult for women. Many radical feminists see sexual desire as a topic in feminism, because penetration and male dominance is the accepted form of masculine sexual desire (Firestone, 2003). Men are supposed to be the natural invaders and dominators, and women are deemed to be objects and obedient. This assumption legitimises and normalises men's violence against women (Johnson A. G., 1997, p. 294). Because man's dominance and woman's obedience are common in the sexual arena, they are considered ordinary in other arenas, as well. Radical feminists believe that women will enjoy political, economic and social equality with men only when sexual relationships between men and women are practised on equal terms. This idealistic model will not come to fruition as long as woman's sexual desire is introduced and interpreted in accordance within the constraints of men's desires (Butler, 2011; Tang, 2008).

Some feminists go so far as equating marriage with prostitution, in both of which the woman is treated as a sexual commodity. In 1987, Catherine MacKinnon, a Michigan University professor, asserted that feminism does not distinguish marriage from prostitution and sexual abuse (MacKinnon, 1987, p. 59).

In existential feminism, inequality is rooted in sexual relations. This group of feminists believes that men do not understand phenomena like pregnancy, menstruation and breastfeeding, and these biological factors have made women weak and subordinate to men. Being a woman is the result of sexual clichés, in their opinion, and love and marriage are the factors preventing women from being as creative as men; therefore, women lose their independence as they are in chronic need of men (Butler, 2011).

According to social feminism, gender, class, race, age and nationality are all regarded as oppressive factors for women. Social feminism deems patriarchy to be something beyond history. Men have ruled women throughout history. The theory also holds that such a system will take a special form in capitalist communities. It further considers that men and capitalist regimes take advantage of women at home, free of charge. Consequently, this places a strong emphasis on women's social participation. Therefore, social feminists have disregarded family affairs. They believe that, although women undertake various responsibilities, they have been introduced as mothers throughout history because of their sexual productive function (Sharoni, Welland, Steiner, & Pedersen, 2016) – the fact that half of the world's farmers are women is ignored. They believe that separating women into the reproductive arena and considering them as only mothers has contributed to woman's exploitation in industrial society. Consequently, gaining a proper understanding of the status of women in capitalist communities is achieved by studying the reciprocal effects and influences of capitalism and patriarchy (Rutherford, Capdevila, Undurtil, & Palmayr, 2011).

Postmodern feminists believe that contemporary knowledge is basically masculine. Their main concern is the recognition of non-masculine and other types of knowledge (Bell & Klein, 1996). Thus, the knowledge phase is of significant importance in this approach. In this point of view, neither marriage nor the role of motherhood, but a bundle of imposed relationships on women has made them slaves. Distinguishing behaviours between girls and boys since birth is the main reason for men's authority over women (Lorber & Farrell, 1991). They suggest a 'redefinition of man and woman', believing in the similarity of men's and women's rights in family and society (Lorber & Farrell, 1991). Postmodern

feminists point to the effects of several discourses and theoretical frameworks within stories narrated to introduce gender, assuming that these stories play a role in specifying identity and identifying sexuality. Accordingly, even the introduction of gender identity is subject to social and political power relations (Stevens, 2001). Postmodernism has created a new field of feminist thought by bringing up questions in relation to sex and identity, and this has had a major effect on the majority of trends in feminism.

Many sociologists have queried this. Perhaps gender is an institutionalised natural reality (which has become part of people's identities) (Lorber & Farrell, 1991). Bringing up the topic of sex and gender, Butler asks some basic questions of postmodernism: does being female contain 'a natural reality' that is affected by a cultural function or a cultural performance? Is it fundamentally a natural reality and not a cultural function? Reality is under the influence of a discourse that introduces sexual classifications. According to Butler, the separation of men and women into sexes must be rejected; then gender and sexuality can be taken into cultural consideration. She further believes that the topics of femininity and masculinity can be better studied by disregarding traditional sexual classifications (Butler, 2011).

In contrast, Michel Foucault, who was a major figure in two successive waves of popularity in twentieth-century France, thought that the body and sexuality were cultural constructs, rather than natural phenomena (Felluga, 2002). Butler felt that Foucault went beyond the knowledge of gender and sexuality as something cultural to say that our needs, desires, personal experiences and orientations on love, fear, etcetera are all formed under the influence of power relations. Self-identity and attempts made to control and interpret oneself do not move towards release and freedom; rather, they are features and outcomes of various forms of social regulations, which are called 'discipline'. This is why discourses should build our desires, interests, orientations, love and capabilities (Foucault, 1993, p. 12).

Postmodernists try to lead feminism and feminist movements to place more emphasis on the social aspects of men's and women's issues (topics of gender and sexual identity), the equal division of dignity between men and women, and taking action against existing discriminations, rather than merely putting emphasis on sexual equality. There are two major attitudes among feminists towards gender equality. One is referred to as 'liberal feminism' and the other as 'radical feminism'. Although both highlight the topic of gender equality, radical feminists believe that women should be in absolute authority (having unequal power and priority over men). Liberal feminists believe that governments have to guarantee gender equality between men and women (Tang, 2008).

Thus, the question that arises is, how can feminists be led towards the more comprehensive picture (social harmony)? Hall thinks that feminists can be guided by emphasising the following points.

Firstly, society should be considered as a whole, in which people can only achieve social harmony if they are united.

Secondly, sex should not be limited to particular features and characteristics, and 'equal rights' should be dealt with instead of 'gender equality'. As gender equality is a given, indisputable topic, equal rights should be taken into consideration instead. Gender equality (equality and parity of the male and female sexes) is something undeniable; while equal rights for men and women is something that should be reached for and can only be achieved through social harmony.

Thirdly, one should have an 'open mind'. When social harmony or a harmonised society is the bigger picture, it is impossible to regard individual aspects of that picture and put them together, unless the whole image is kept in mind. Postmodern feminists believe that marriage is not prostitution or an entity for exploiting women or giving privilege to men over women (Lorber & Farrell, 1991). According to the postmodern attitude, marriage can have a new meaning – a socially harmonious arrangement in which women are not ruled (Frug, 2014).

Women's Submission to Temporary Marriage

That all human beings need reciprocated love is a given. Women have hidden needs in a patriarchal society, in which one's identity as a woman is seen through one's marriage and reproductive capacity. These hidden needs may be met through permanent, steady marriages and, in theory, continuous loyalty. Some needs are inseparable from the essence of being a woman or a man, but they are difficult to satisfy within temporary marriages, because the emotional identities of women in Iranian society are so tied up in marriage, which is the venue for identity, intimacy and sexual relations. Many women lose their individualities in their marriages and are represented in Iranian society through the male-headed family unit. Mut'ah wives, however, may enter into temporary unions with idealistic images that are derived from permanent marriage, while their own needs and desires are often suppressed. The risk is that, shortly after the temporary marriage, those dormant, suppressed desires are awakened, potentially leading to depression and anxiety once the marriage is terminated as contractually agreed upon. This may leave women isolated and alone (Bartkowski & Read, 2003).

Love and emotional relationships, social acceptance, children and economic stability are among these needs (Rafei, 2003), which are elaborated on below.

The Need for Love

One of the most important needs of women is the desire to be loved and appreciated by another person. Women seek the steadiness of love, strong loyalty, continuous affection and a permanent husband. For women, marriage is more than passion and sexual desire; according to the Quran, marriage creates love and friendship between partners (Haeri, 2014). Within a temporary marriage, she will plausibly experience insecurity, angst and emotional turmoil when she is treated in a commercial manner. Sexual joy may end one day, but there is no ending to women's love and emotional needs. For women, therefore, mental, spiritual and social disorders can often be the residue after a temporary marriage is terminated. The price to be paid may be steep.

The Need for Social Acceptance

The social aspect of marriage is of significance for women (Cutrona, 1996). As previously mentioned, in Iranian culture, women consider marriage to be a stabiliser. In many communities and cultures, particularly in traditional communities, a woman is identified by her husband's last name after marriage. If the husband has a suitable socio-economic status, the woman's social acceptance increases, and she will gain more respect than before from her family and friends.

In many cases, none of women's needs are met, as temporary marriages are not disclosed. As a result, women's levels of social acceptance are much lower (Shahrikandi, 1989).

The Need to Have Children

Many people believe that becoming a mother is the greatest and most beautiful creative event of a woman's life. Women desire to have children so that they can teach love and affection.

Although it is possible to have a child born from a temporary marriage, it is often not recommended because of the risky and often bitter consequences. In addition to the problems with getting acknowledgement of paternity, there are legal quandaries in registering the child's birth, securing identification, etcetera. Children born out of these marriages sometimes face a complicated system. This can produce mental trauma for the child, as well.

Birth control is usually one of the hidden, unspoken pillars of temporary marriage and an implicit condition of it. If a pregnancy occurs, abortion is often done through various illegal and unhygienic methods (Faúndes & Barzelatto, 2006).

Economic Needs

Economic concerns are a major part of a woman's life, alongside worries about her financial future. Thus, some women attempt to protect and build up their economic security by purchasing valuable goods, such as jewellery. In traditional societies, men or boys (fathers, brothers, husbands and grandfathers) have been women's caretakers, supporting women financially. But the female caretaker has to pay for the subsistence of herself and her family (children and perhaps a father and elderly mother). Some female caretakers who are not able to secure steady employment, or lack viable skills that are in demand, usually find that the best way out of this situation is temporary marriage. Temporary marriage may, therefore, occur as a response to economic insecurity.

This, of course, leads to the criticisms that temporary marriage is an offspring of poverty, and that women's poverty is taken advantage of by rich men. The *quid quo pro* of temporary marriage is a fact, as it is an essential part of any contractual arrangement. Analyses and field studies have revealed that rich men are more willing to have temporary marriages and that mut'ah women are eager to marry wealthy men. Many of these mut'ah women marry wealthy men and, after experiencing a brief period of economic upturn, are once again left alone when the man tires of the relationship. Women's economic expectations may increase after temporary marriages, and separations can lead to repeated poverty cycles and increases in women's economic needs (Swain, 2013).

Consequences of Temporary Marriage

According to the official religion and laws of Iran, temporary marriage is a legal and social entity. Naturally, there are both positive and negative consequences of temporary marriage.

The positive consequences of temporary marriage are as follows.

- It can satisfy the sexual desires of men and women who are not able to have this in permanent marriages. If this were the only objective, it could be considered a positive benefit of temporary marriage. Generally, if the legal/contractual requirements are met, the marriage is legally registered, birth control and hygienic issues are taken into consideration, and the marriage is practised only for the purpose of sexual satisfaction, temporary marriage can be deemed positive.
- Certain individuals may find temporary marriage attractive. Single men; widowers; men who cannot marry permanently because of work, or financial or family constraints; older women; and women who do not have economic needs will find temporary marriage suitable.

The negative consequences of temporary marriage are as follows.

- There may be emotional and psychological harms such as anxiety, fear, feelings of guilt and physical fatigue for mut'ah women.
- As previously discussed, the legal uncertainty for children born from mut'ah marriages, such as birth-registration issues, is problematic. Considering that a birth certificate is an essential identity document, a lack of documentation potentially adds another layer of horror to the already dismal consequences of ECM and polygamy. Children sometimes do not possess birth certificates until they enter school and are deprived of the civil protection that naturally comes with identification. Moreover, in cases where the father is unwilling to accept the child or acknowledge paternity and the mother is unable to take care of the child, state and welfare organisations must intervene.
- There is a risk of causing turmoil in the family atmosphere, particularly in the permanent-marriage family if a married man has practised mut'ah. The relationship of the permanent partners may be damaged by this temporary vulnerability, and the family environment may turn into a source of stress and acrimony.
- Sometimes, an individual simply does not desire or is not willing to have a permanent life with another individual. Their preference is temporary relationships, vis-à-vis a temporary marriage. This situation may be undesirable psychologically if an individual is seeking permanence and stability from someone who is not.
- Temporary marriage may prevent girls and women from continuing their educations. This problem is mostly created for young, school-aged girls, particularly when the sigheh contract is signed before they are 18. Women often lose the chance of having even a minimum level of education. As many brides are actually school-aged girls when they are married, investment in their educations is curtailed as their mere existence is seen through the prism of marriage, rather than the prism of what they could potentially achieve.
- Temporary marriage may promote ECM. As many ECMs are arranged between families, the legalities of marriage registration are bypassed, increasing the risk of ECM and laying bare the vulnerability of little girls.
- The transmission of STDs adds another layer of risk – real-life physical consequences. The failure to have proper protection, the lack of knowledge about preventing STDs and the fear of disclosing

relationships increases STD risks and prevents people from seeking treatment (Setel, Lewis, & Lyons, 1999).

- There may be rises in prostitution among women because of economic desperation and the prevalence of lewdness among men.
- The acceptability of temporary marriage is likely to cause higher levels of polygamy.

It is pertinent to mention that temporary marriage/sigheh mahramiat is combined with traditional culture within the framework of religion. It is promoted in society as having a function that is not looked upon positively by contemporary society. Therefore, temporary marriage is followed by and fraught with destructive consequences. These consequences are triggered by a lack of legislation and the ambiguity of legal and religious regulation. The hidden and visible implications of temporary marriage/sigheh mahramiat will be examined in detail in respect of the field research discussed in Chapter 3 of this book. In the final chapter, practical solutions will be presented for minimising the problems with this phenomenon.

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Chapter Three: Field Study Results

Research Methodology

As stated in previous chapters, temporary marriage is a multi-dimensional topic that eludes a singular study approach. Therefore, all aspects of the topic need thorough analysis so that possible harms and other issues can be highlighted. This research study represents a step towards a more insightful and comprehensive understanding of the mechanics of temporary marriage. Equally, this study's overarching aim is to clarify various aspects of temporary marriage by exposing the consequences that often escape detection and remain hidden from the public eye and even from researchers.

This discussion of temporary marriage was conducted within the frameworks of interpretivism theory (also known as 'interpretivist theory') and qualitative research theory. Using a field-theory approach, the study was undertaken in the three largest metropolises of Iran, namely Tehran, Isfahan and Mashhad.

In field studies, the research question cannot be laid out precisely in advance. Moreover, the number of participants cannot be predicted, as the sample size is specified through the collection and interpretation of the data. Due to the cultural and religious nature of the topic of temporary marriage and the difficulty of reaching the samples, probability sampling was used. It should be noted that sampling was continued without any limitation on the number of participants, so that theoretical saturation was achieved (Parvizi, 2014, p. 146). The researchers agreed on the theoretical saturation and comprehensiveness of the research; theoretical saturation and data saturation were achieved after 100 interviews. Nevertheless, 126 additional interviews were conducted to ensure that the results were more solid. This resulted in a sample of 216. Of those, 35% were men and 65% were women. For the purpose of enriching the research and providing a multi-dimensional approach, religious experts, legal experts and marriage-registry officers were also interviewed. Data of the present study were collected using a free and in-depth interview technique. Experts in the qualitative method contributed by supervising and providing guidance throughout the study.

At the first stage, interviews were conducted, then analysed and finally interpreted through theoretical coding (open, axial and selective). In order to collect data and for the purpose of obtaining key concepts and the demographics of the participants, an informal interview method was utilised.

At the second stage, the concepts and demographics discovered during the interview process were pursued with in-line sampling.

When the overarching themes of the interviews were formed through concepts and categories, the interview questions were standardised by a semi-structured interview method. This process continued until theoretical saturation was accomplished.

Subsequently, major categories, sub-categories and concepts were effectuated simultaneously by implementing open coding and data collection. Through axial coding, each sub-category became agnate

Field theory is the 'proposition that human behaviour is the function of both the person and the environment' (Martin, 2003).

to each other and to the major categories. The types of categories were also identified as being causal, procedural or consequential.

Causal Conditions

Causal conditions are the occasions and events that affect other happenings (Corbin & Strauss, 2011, p. 152). In this study, economic factors, emotional factors and sexual factors are recognised as the principal underlying factors, or reasons, for temporary marriage. Details of each factor are given below.

Economic Factors

A study of economic factors indicates that men who cannot afford the costs of permanent marriage are more willing to practise temporary marriage. Several studies have been conducted on the economic

A 35-year-old man living in Mashhad shared his experience of divorce and temporary marriage:

'I do not have the financial means of getting married permanently. Wherever you go, they ask you to buy four or five home appliances as dowry. They also ask for 200 gold coins as mahr. As if they want to sell their daughter. They would ask for 100 coins, 200 coins, etc. They never ask if you say your prayers, practise fasting, believe in right and wrong, if you are good tempered or not, play sports or not. "Do you smoke or gamble?"'

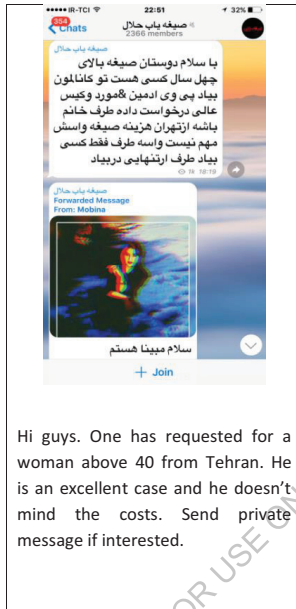
factors affecting marriage, such as the research conducted by Eltejaee and Azizzadeh (2017). The results of their research, obtained using multiple methods in 28 provinces of Iran during 2004 to 2014, all indicate one concrete fact: because of inflation and the growth of employment insecurity, there has been an increase in the age of marriage for both men and women (Eltejaee & Azizzadeh, 2017). Job-searching, technological changes, jobs demanding particular skills and training, the contribution of women to the labour market, the decrease in economic growth, and migration from agricultural areas towards urban cities have all had significant impacts and effects on permanent marriage. Additionally, socio-demographic changes, such as a clear increase in the age of first marriage, lower fertility rates, growing educational attainment and tertiary enrolments, and the acceptance of rising divorce rates have signalled a change in social dynamics that has transformed the patriarchal nature of Iran (Moghadam, 2004). However, as men are

deemed to be the head of the home in patriarchal, developing countries such as Iran, inflation and employment insecurity are central factors and play more crucial roles in decision-making in relation to permanent marriage.

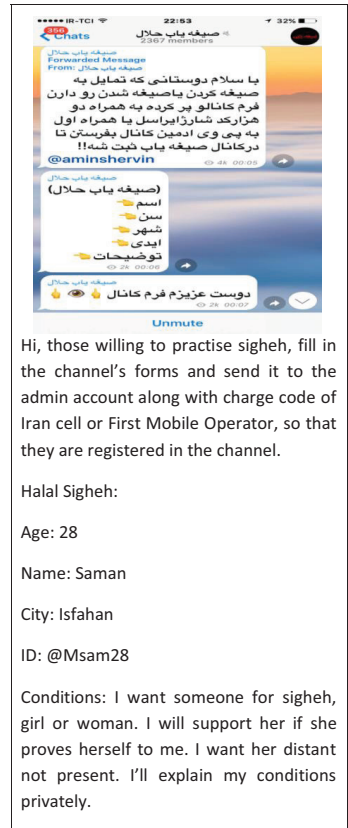
Recently, these variables have been studied to assess their impact on the institution of marriage in Iran.

The Misery Index in Iran²⁹ consists of inflation and unemployment indicators. The rise of the Misery Index shows increasing economic difficulties in Iranian society. Between 2001 and 2005, the marriage rate increased due to the decline of the Misery Index in Iran. But, in 2006, the marriage rate decreased due to the rise of the Misery Index. However, in 2007, despite the continuing rise of the Misery Index, the marriage rate increased in the country. This may be in part attributed to the establishment of the marriage-and-housing Fund of Mehr-Imam Reza, which was approved and communicated in a meeting of the Administrative High Council in April of 2006 (Afary, 2009). The Fund came into existence during the fourth month of the Iranian calendar, commonly referred to as Tir, which spans parts of June and July in the Gregorian calendar. It commenced in Tir of 2006 and continued until the end of 2007, distributing marriage loans to over one million people. The loan amount also increased from IRR 5 million to IRR 20 million (Talebeydokhti & Zarie, 2014). Therefore, this Fund is considered to have bolstered the marriage rate in 2007.

The Misery Index helps to determine how the average citizen is faring economically. It is the sum of the inflation, interest and unemployment rates, minus the annual percentage change in *per capita* gross



Hi guys. One has requested for a woman above 40 from Tehran. He is an excellent case and he doesn't mind the costs. Send private message if interested.



Hi, those willing to practise sigheh, fill in the channel's forms and send it to the admin account along with charge code of Iran cell or First Mobile Operator, so that they are registered in the channel.

Halal Sigheh:

Age: 28

Name: Saman

City: Isfahan

ID: @Msam28

Conditions: I want someone for sigheh, girl or woman. I will support her if she proves herself to me. I want her distant not present. I'll explain my conditions privately.

29 Misery index (economics), or 'the Misery Index', is an economic indicator created by economist Arthur Okun. The Misery Index is the sum of the inflation, interest and unemployment rates, minus the annual percentage change in per capita GDP. It provides a clear picture of the economic conditions of a specific country.

domestic product ('GDP'). It provides a clear picture of the economic conditions facing nations (Mehdevi, 2017).

For decades, the Iranian economy has been cobbled together by religious-bureaucratic regimes that have employed mandates, regulations, price controls, subsidies, a great deal of red tape and a wide variety of other interventionist devices in an attempt to achieve their goals. It has been kept afloat, barely, by oil revenues. This is not new. Every country aims to lower inflation, unemployment and lending rates, while increasing GDP per capita.

In August 2005, when Mahmoud Ahmadinejad first became President of Iran, the country's economy went from bad to worse. In 2012, Iran ranked near the bottom (144 out of 183 countries) of the World Bank's *Doing Business Report 2012*, an authoritative report that measures the vitality of free markets and the ease of doing business in a country (Hanke, 2012).

The five 'most miserable' countries in the world at the end of 2014 were, in order, Venezuela, Argentina, Syria, Ukraine and Iran (Hanke, 2015). In the year that ended with the presidential elections, 2009, Iran's Misery Index modified, but the decreasing trend did not abate. Instead, it carried on down its descending path (Dadgar & Nazari, 2018). Its decline may not be attributed to one single cause, but to a confluence of factors that shaped the trajectory: political improvements in the years ending in elections, a rise of sanctions and the political events of 2009. Therefore, after the said date and until the end of 2013, what was observed was not the natural, exponential marriage rate, but a visible decreasing trend. Overall, these conditions did not present a pleasant landscape to those individuals who wanted to embark on new lives. From 2011, the downward trend intensified and the marriage figures decreased in correlation with Iran's negative economic growth.

However, it is worth mentioning that, after the Misery Index decline in 2014 and its simultaneous decline in marriage figures, the decrease has lessened, moving towards an improvement in marriage figures. Since the beginning of President Hassan Rouhani's mandate in August 2013, Iran's Misery Index has had a 40% improvement, as it dropped from 48.8 in 2013 to 29.3 in 2016, according to data released by the Cato Institute (Rezaei, 2017).

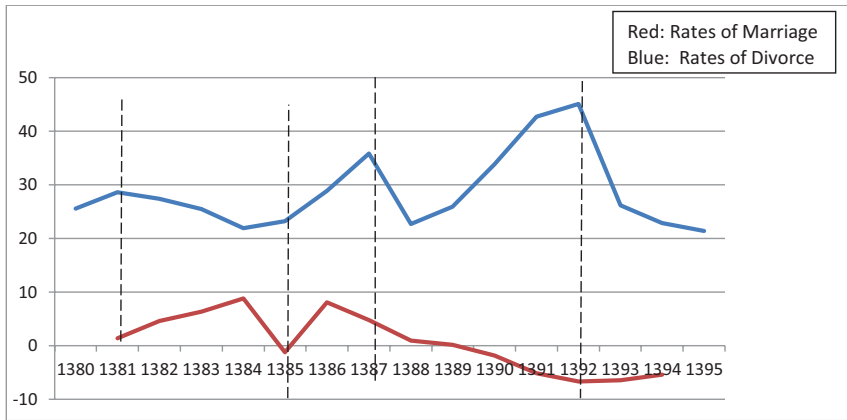


Figure 1: Analysis of rates of divorce and marriage, with emphasis on economic situation of Iran (Iranian calendar; 2006–2016)

Misery and Women

Iranian women are forced to navigate a dual web of restrictions imposed by law and custom. Every aspect of women’s existence, from how they must dress in public to the subjects they can study at university and the jobs they are allowed to do in the workplace, is closely regulated (Blair, 2015). Many women are also navigating an existence within their economic spheres, as they face numerous struggles related to their relative economic disadvantage in society, from economic inequality amid discriminatory attitudes and policies, to family economic needs. Many factors are at play, such as the weak economic status of the family, divorce, spousal neglect and/or irresponsibility, an incarcerated husband, or

husbands who are drug addicts, old, ill or disabled. Some women have husbands who have left the family to find work in the city or abroad, or have fled Iran for political reasons. Women also face gender discrimination in the labour market while straddled with young children, and receive no financial support from either their families or the

A 38-year-old woman living in Tehran, who has twice experienced temporary marriage, shared:

‘The cost of living is high. It helps. After the first *sigheh* ended, my financial status was awful. But it is okay now with this guy. I could not even buy rice then, but now I have everything. I have chicken and my refrigerator is always full. Even my friends mention these things to me – of course, my intimate friends who come to my house.’

A 27-year-old woman shared:

‘Well, he paid for most of the things. I tried not to waste money, as well, but he paid for most of the costs. Because I didn’t have a job then. I got an insignificant salary from my father’s pension, after his death.’

government welfare system.


Naturally, woman existing and struggling under these financial constraints will view temporary marriage positively, as it will be a solution to their financial needs. It is, therefore, not surprising that temporary marriage is practised more commonly by divorced or widowed woman (Sayeh, 2011). This is nothing new. Despite sigheh's religious sanction and its low popularity in Iran, historically woman who enter into it do so out of financial need (Moghadam, 2004). In fact, the most common type of temporary marriage occurs between a wealthier man and a poorer widow or divorcee (Vocativ Staff, 2014).

The dominating patriarchal ideology in Iran views the husband as the provider and the head of the family. Men are responsible for the economic and social wellbeing of women and families. If a man (or boy) is not present (i.e. a husband, brother, father or paternal grandfather), there is shift in responsibility to the woman. Such women are called self-care women or women without guardians.

According to the Statistical Centre of Iran, 'self-care women' or 'woman without guardians' refers to households in which there is an absence of a male figure, due to various reasons ranging from divorce, to immigration, to death; or households in which the man does not contribute economically to the family income because of illness, addiction, etcetera. Despite the current visibility and growing public participation of women in the production, industrial, educational and service arenas of Iran's transiting society and women's rising economic independence, these women are considered to be a minority in comparison to the whole population. Their current condition and overall status are the result of their prevailing poverty and their low economic status.

In the latest census conducted in Iran in 2015, Adel Azar, Head of the Iran Statistical Centre announced that there were 2,500,000 female household-caretakers in Iran. The vast majority of these women are jobless, at a staggering rate of 82%, while only 18% are employed (NCRI, 2015). The latest figures published by the Iran Statistical Centre indicate that the average rate of unemployment of women in 2013 had risen to be twice as high as that of men (Saremi, 2014).

Figures on female household-caretakers are classified into three groups: women younger than 35 years of age, women between 35 and 64, and woman older than 65 (NCRI, 2015). The statistics indicate that the majority of middle-aged women are household caretakers. Layla Mahmoudi, a welfare expert of Women and Family Affairs in Zanjan Province, said,



Monthly

Code 1510, Tehran

Age: 35, Weight: 65, Height: 165

Olive skin, black eyes

City: Tehran, Pasdaran

Duration: monthly

Number of sessions: 1 to 7

Mahr: IRR15,000,000

Consultation fee: IRR3,000,000

Available time: 10-20

A 42-year-old man with experience of temporary marriage shared:

'A man who is not in need does not do these things. Maybe he plays a trick sometimes; maybe he has his own naughty reasons. But if you are in need, you will do that. Maybe someone's wife is sick or she doesn't sleep with him; or maybe she is not the same size physically and does not respond to him. These are the reasons.'

caregivers. As previously mentioned, immigration is one reason for the surge in the number of female household-caregivers. Although women did not previously immigrate to other cities, today, they immigrate to access education and workforce resources. Given the difficult economic situation in Iran, *mut'ah* is a viable solution to meet their pressing economic needs (Ghavamshahidi, 1995). Financial distress and necessity equates to a benefit-cost ratio that is inherently unequal, skewed in favour of men and full of drawbacks. Women who undergo *mut'ah* out of economic need psychologically pay much more than the men pay in *mahr*, without having to pay *nafaqa* and other expenses to the woman. Generally speaking, temporary marriage is recommended to men with low incomes, who cannot afford permanent marriages, but the discontinuous *mut'ah* does not seem to be a solution for solving women's financial problems.

32.5% of those women have no guardians and 41% are women who have guardians but have become the breadwinners because their husbands are now disabled. The poverty rate of single-parent women shows that women still have a higher poverty rate in comparison to men.³⁰

It seems that, in Iran, the rate of self-care women is increasing significantly. This statement has been echoed by demographer Dr Shahla Kazemipour, who also shares the belief that the number of female household-caregivers has increased in the country.

The definition of 'household caregiver' has also broadened. Previously, only divorced or widowed women were deemed to be household caregivers, but, owing to change that has its roots in the social and economic conditions of Iran, this definition now encompasses another group of women who are also called 'household caregivers'. Women/girls living alone or women/girls living with their siblings in houses without their parents are also considered to be household

A 24-year-old woman living in Tehran, who has experience of temporary marriage, shared:

'I can't make people understand. I'm afraid. It has only been one year that I have gotten divorced. I may be endangered by temptation and many other things. Although there are a few men; but being with one is good until I find a suitable man and get married. I would never enter temporary relations if I was a virgin.'

30 State-run Mehr news agency – August 1, 2014.

Emotional/Psychological Factors

In addition to financial needs, emotional and psychological needs are also factors that cause women to enter into temporary marriages.

In a study conducted by Tal'at Rafei and her colleagues, 13.2% of mut'ah women consider sexual needs to be the reason behind their temporary marriages; 28% cite economic issues; and 58.5% cite emotional, family and psychological loneliness (Rafei, 2003).

Feelings of loneliness; a lack of joy and bad experiences in previous, unsuccessful marriages; disappointment in current partners; and a lack of mutual understanding are additional reasons given for entering temporary marriages. Loveless marriage is also a principal factor that prompts men and women to search for their emotional and sexual needs outside the home. Men state that not having a mutual understanding with their spouse and having a loveless marriage has caused them to have extramarital relationships parallel to their permanent marriages.

For some, a traditional marriage to one spouse and not having the freedom to choose their spouse also contribute to the waning of the marital relationship. Men will often try to satisfy their needs outside the marital home.

Rafei believes that not having mutual and reciprocal understandings with their partners, midlife crises, and the penchant of some men for polygamy are among the psychological reasons that men practise temporary marriage (Rafei, 2003).

Temporary marriage cannot be deemed a life-long lifestyle choice; some people choose temporary marriage for a specific period or as a parallel and/or simultaneous relationship. Notably, people who are struggling with midlife crises or with the upheavals of identity and self-confidence may discard all that was once important and be willing to leave their formal relationships to experience parallel ones. The need for adventure and change becomes urgent. They consider their current relationships to be inadequate, disappointing and wrong, and seek new people from whom they can receive respect, affection and attention.

A 36-year-old man living in Tehran, who is married and has experience of temporary marriage, shared:

'You cannot get divorced without reason. I'm not satisfied with my wife. I swear to God I haven't eaten her cooked meals even once. But I cannot get separated. I have a four-year-old son. The woman I am with now owns a house. I often visit her.'

A 38-year-old man living in Tehran, who has had several experiences with temporary marriage, shared:

'She couldn't respond to me even when she was young, let alone now. You have to search for someone who is as hot as you. I have a child now. I can't do anything. My poor wife, where can she go, with no father and mother? This is good. I have practised sigheh again for six months now. My wife is also aware of it.'

On the other hand, self-care women, widows, divorcees and women who have experienced domestic violence or unsuccessful marriages may initiate temporary, short-lived relationships to mitigate the loneliness felt after the losses of their husbands. They undergo such relations either because grounds are not paved for permanent marriages, due to a lack of proposals, the existence of children or because of their negative attitudes about permanent marriage with a widowed or divorced man.

Sexual Factors

Sexual need is the third factor identified among the reasons for practising temporary marriage.

It is possible to consider that not all women who agree to enter into *sigheh* marriages are economically impoverished, but are sexually deprived or dissatisfied. If satisfying the sexual instinct instigates guilt or disorder, it can cause the individual to lose focus and, quite plausibly, experience spiritual, psychological and even physical illnesses. Therefore, a human needs a behaviour pattern and methodology for having a healthy, proper sexual relationship, similar to the other needs and dimensions in his/her life.

When the situation presents itself, and where permanent marriage is not feasible, people regard temporary marriage to be the answer to satisfying their sexual needs. Although sexual instinct is a fundamental desire in humans, many feel it should be satisfied in a legal and religiously legitimate manner. As sex outside marriage is a crime in Iran, punishable by one hundred lashes or, in the case of adultery, potentially a sentence of death by stoning (Hawramy, 2012), temporary marriage for sexual gratification operates as a way of avoiding the serious sin of *zina* and Islamic penalties for extramarital sex, as it is defined within an Islamic framework (Kern, 2013).

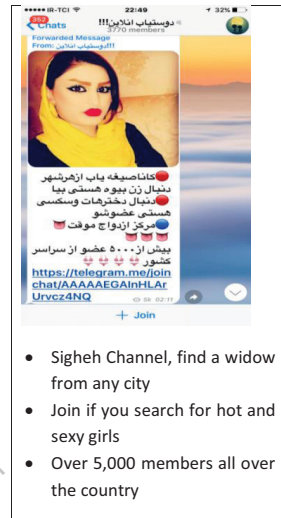
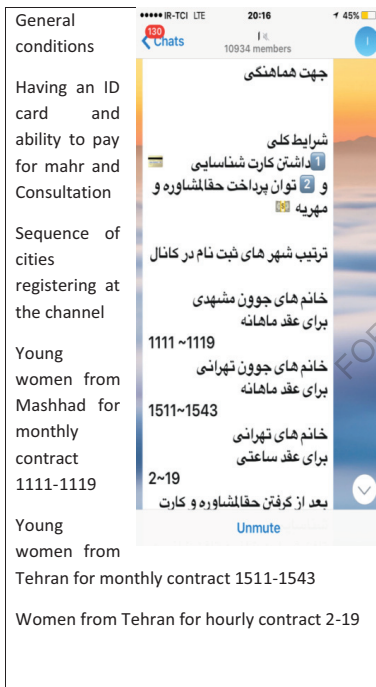
A 38-year-old woman living in Isfahan, who is divorced and has experienced temporary marriage, shared:

‘A widow is alone; she likes someone to be with so that she is not alone any more. On the other hand, you are not limited any more – you know what I’m saying. [Not being virgin,] you are more relaxed. And it’s not a sin.’

This study found that men who practise temporary marriage give numerous reasons for their practice, including sexual dissatisfaction, the reluctance of their wives to engage in sex, physical illness, menopause, a decline of sexual desire, etcetera.

Results indicate that satisfying sexual desire is the principal reason given for practising temporary marriage.

This holds true for women. Women who are sexually unfulfilled or dissatisfied by their husbands have found an avenue to receive a proper response to their sexual needs. At the same time, their sexual needs are purified through Islamic custom, which unites a man and a woman as ‘husband and wife’ for a limited period of time.



- Sigheh Channel, find a widow from any city
- Join if you search for hot and sexy girls
- Over 5,000 members all over the country

According to the principles of the Exchange Theory by George C. Homans, behaviour changes based on the rewards it generates and the costs it imposes (Homans, 1958). The more rewards a person receives for his/her behaviour, the more the person repeats the behaviour. Moreover, when a person's behaviour receives an expected reward, receives something more than what was expected, or is not punished as expected, the person will take delight in the result and will perform the behaviour more than before. The results of the behaviour will also be of a higher value to the individual.

In the context of temporary marriage, women with financial, emotional and sexual needs undergo temporary marriage in order to receive a reward, which is satisfying those financial, psychological or sexual needs. The more they are rewarded and find advantages

in temporary marriage, the more they will practise this type of marriage. If they do not receive the expected reward, they will likely refuse to practise it again.

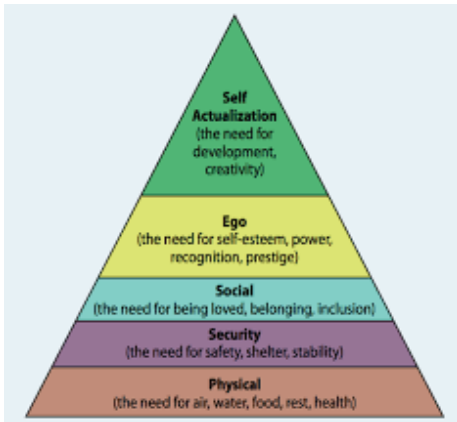


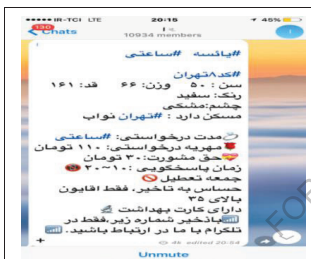
Figure 2: Maslow's Hierarchy of Needs

As mentioned previously, Maslow introduced a hierarchy of five human, innate needs that instigate and direct human behaviour, as laid out in Figure 2, Maslow's Hierarchy of Needs.

These needs include: physiological needs (food, water and sexual desire), safety, love (to love and be loved), belonging, esteem and self-actualisation.

Maslow relates these needs to instinct; however, they manifest differently under the influence of learning, social expectations and the fear of not being accepted (Maslow, 1954).

The lower steps of the pyramid represent simpler, more vital needs, and the upper steps represent more complicated, but less vital needs. People pay attention to the upper steps only when their needs on the lower steps have been met and satisfied. Whenever a person moves towards the upper steps, the lower-step needs are no longer main points of consideration. If he/she feels the lower-step needs, temporary priority will be given to them.



Menopause – hourly

Code8 Tehran-

Age: 50, Weight: 66 Height: 161

Skin: White, Eye colour: black

Accommodation: Tehran, Navvab St.

Demanded duration: hourly

Demanded Mahr: IRR1,100,000

Consultation fee: IRR300,000

Available time: 10 to 20

Fridays are holiday

Dislikes delay, only men older than 35

Financial and sexual needs, which are the same as physiological needs, are two of the most fundamental needs of mankind. One cannot reach a satisfactory social life and self-actualisation unless one's basic needs are met.

Emotional needs are located on the third step.

An analogous process occurs in the expectations of marriage. As the expectations of marriage ascend Maslow's hierarchy, the potential psychological payoffs increase, but achieving those results becomes more demanding (Finkel, 2014).

According to this study's interviewees, three factors are at play when a person decides to enter into a temporary marriage: economic and/or financial needs, emotional/psychological needs and sexual needs are the main reasons given by both men and women in Tehran, Mashhad and Isfahan. Logically, one can extend Maslow's Hierarchy of Needs to marriage, to help clarify and understand the practice of temporary marriage. If men's and

women’s basic physiological needs, according to Maslow’s Hierarchy, are not being/cannot be met in permanent marriages, they may be met and satisfied (albeit for the moment) in temporary marriage. Given that temporary marriages do function to satisfy human needs, people will continue the practice.

According to Michael Hechter’s Rational Choice Theory, as marriage is a nurturing and beneficial relationship, temporary marriage can be viewed in relation to financial, emotional and sexual needs (Hechter & Kanazawa, 1997). According to those sociologists who adhere to the Rational Choice Theory, people are inclined to engage in activities that are beneficial to them. Followers of this theory believe that the aim of a person is to increase their benefits at any price. Therefore, those men and women whose basic needs can be met in temporary marriages without incurring additional costs will navigate towards and eventually choose temporary marriage. Practising this type of marriage is easy on a practical level. Temporary marriage allows two people to have sex, access birth control and have an easy divorce if desired, as long as no children are involved.

Background Factors

‘Background factors’ refers to a special collection of current conditions gathered in one time and place in which social interactions are meaningful (Corbin & Strauss, 2011, p. 154). In this study, religious factors and attitudes, social factors (the viewpoints of society and family and sexual discrimination) and laws are identified as background factors that influence the practise of temporary marriage. Such factors have significant effects on temporary marriage and on society’s attitude towards it. They are elaborated on in the following sections of this chapter.

Background Factor: Religion

<p>Temporary marriage Hadith</p>	
<p>Prophet : A penny spent on sigheh is worth 1000 pennies spent for God.</p>	
<p>I swear to God that sigheh is the best as it is mentioned in Quran and based on which tradition is practised. La’ali Al-Akhbar, Vol. 1, p244.</p>	

‘Twelvers’ are followers of the Twelve Imams, who they consider to be the only rightful successors of the Prophet Muhammad, beginning with Ali ibn Abu Talib (600–661 CE), Muhammad’s cousin and son-in-law, and ending with Muhammad ibn al-Hasan (born 869 CE). Many Shiite Muslims believe that the last of these twelve successors to Muhammad, Muhammad ibn Hasan al-Mahdi, will begin in a new era of righteous rule over the earth. He is the first imam who, according to Twelver belief, will emerge and bring peace and justice to the world, becoming the ultimate saviour of humankind. The Twelve are seen as divinely guided leaders and are the holiest people in the Islamic religion.

A clergyman in the Imam Reza holy shrine said:

'Imam Ali (PBUH) stated that, Omar did not prohibit sigheh people would not commit adultery, [except] the worst of them.

'It is recommended in our narrations; even men and religious scholars practise sigheh with their wives previously. They practise sigheh with their permanent wives for some days first, and then they got married. Practising sigheh is *mustahabb*, even if it is not for sexual joy. There is no problem.'

In this study, the interviewees were either individuals who had had experience with temporary marriage, religious/legal experts, or those with religious, legal or psychological opinions on temporary marriage or sigheh mahramiat.

A religious belief or attitude is one that is deemed to be synonymous with beliefs in Twelver jurisprudence principles and the official religion of the country. The traditional Twelver Shiite jurists defend this custom and believe that Islam has designated certain rights for men in the Quran, one of which is mut'ah or sigheh. Basing their position on certain verses and interpretations, they believe that the Prophet Muhammad considered this custom to be permissible for men (Sadeghi, 2010).

Verse 24 of An-Nisa Surah states,

So for whatever you enjoy [of marriage] from them, give them their due compensation as an obligation. And there is no blame upon you for what you mutually agree to beyond the obligation.

Consequently, Shiite belief is that mut'ah/temporary marriage is considered by God to be legitimate. Moreover, Twelver Shiite Imams recommend this type of marriage to Shiite Muslims as a tool for preventing prostitution and adultery in society. Based on their recommendations, Shiite imams view temporary marriage to be a good deed for a person while they're alive and after their death.

Shiite Islam recommends temporary marriage, with a specified mahr and duration, as an easy marriage for regulating the sexual behaviours of those who cannot practise permanent marriage. Given that male clerics and jurists consider temporary marriage to be a legitimate and religiously sanctioned entity, they look upon it casually and promote its existence and continuation by encouraging people to practise it.

This was clearly evident from the overwhelming results of the interviews. From a religious perspective, mut'ah is recommended for young people who do not have a suitable economic statuses and for widows who either do not have prospects of receiving proposals or do not possess the utopic conditions necessary for permanent marriage.

In recent years, religious experts and government policymakers have encouraged temporary marriage, particularly for university students and young widows. Temporary marriage is highlighted by clerics and government policymakers as an acceptable religious solution for fighting against prostitution and many other sexual corruptions. The Government views this form of marriage to be a pragmatic way for individuals to satisfy their sexual desires within legal confines. Legal control of individuals' sexual relations, officials believe, will promote family stability and, ultimately, social harmony (Ghodsi, 1994).

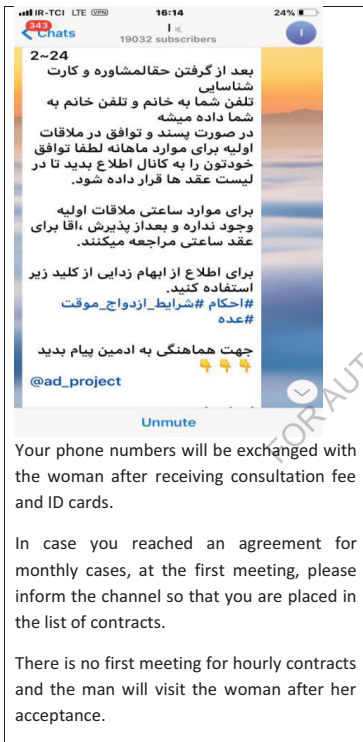
Several prevailing attitudes among religious experts can be discerned. Some defend temporary marriage strictly from the vantage points of men's sexual rights, young people's sexual needs and delayed marriages due to economic difficulties. Conversely, some religious experts denounce temporary marriage from the vantage point of women's sexual rights.

Many clergy support temporary marriage. Their collective beliefs indicate support for temporary marriage from a Shiite religious perspective. Ayatollah Makarem Shirazi, a source for Shiite Muslims in Iran, elaborates on the philosophy and necessity of temporary marriage in a passionate plea for its existence:

In general, in those cases where humans' natural needs are not met properly, man will be corrupted in trying to satisfy his needs. The fact that natural instincts cannot be (and should not be) destroyed is undeniable; only adhering to sexual instincts should be monitored. Therefore, the correct way for fighting against social corruptions is to identify human instinct and its physical/spiritual needs and satiate them logically. Obviously, any mistake made in this regard eventually leads to social corruption and crisis. Now, let us analyse this general rule about 'sexual instinct', which is considered the most powerful human instinct (or at least one of the most powerful instincts) by many psychologists. Meeting the sexual needs of youths (especially in today's climate) is a matter of utmost seriousness that warrants and needs analyses. On one hand, the lack of financial ability of almost all youths, and particularly teenagers, to afford the heavy costs of living and, more importantly, the continuance of education thwart the possibility of marriage. Their educational period often lasts from the age of 20 to 25, which coincides with the peak of sexual awareness. On the other hand, 'mere devoutness' and ignoring the powerful sexual instinct, which is unfortunately intensified by current provocative scenes, is very difficult and sometimes impossible. Now what should one do? Of course, unrestrained people resolve the problem by resorting to prostitution centres. What is the solution for chaste and faithful people?

This acute problem of wrestling with the powerful sexual instinct and religious adherence to societal norms that sexual relationships only take place within the esteemed sanctuary of marriage is not only confined to youths. Likewise, there are occasions in which married people have to go on business trips for several months at a time, resulting in prolonged absences from their wives and children. These occasions are not limited to the abovementioned situations, as other social necessities may also occur. Actually, they have always existed, but in today's society they are intensified, further entangling and tempting youth. Can these obvious facts be ignored or forgotten? Can the reality be disregarded by giving ambiguous and unsatisfactory responses to the abovementioned questions? Those who consider temporary marriage to be a legitimate licence for unbridled, rampant sexual behaviour that belittles woman's dignity should explicitly answer to youths. Have they ever thought of a solution for the sexual problem of young people? They sometimes say temporary marriage should be omitted from the Iran Civil Code, as it is not compatible with the Universal Declaration of Human Rights! But we say that the conglomerate of articles that you call human rights, such as fighting against racial discrimination, have not had a

concrete, practical effect in most modern countries of the world. In which article specifically does the Declaration not permit prostitution and ban temporary marriage?! In the spirit of the Declaration, which you have summoned after death, how should the sexual problems of youth be resolved? In the spirit of pessimism? Do you not think entering into a temporary marriage for those who want to be in contact with each other, with all the concomitant benefits and advantages of a permanent spouse, is better than having free, reckless and illegitimate sexual relations? Which one is unfair and irrational? It is better to belong to one another other for a limited time, to live in the clean environment of matrimony and to declare paternity of the child conceived out of marriage.



Your phone numbers will be exchanged with the woman after receiving consultation fee and ID cards.

In case you reached an agreement for monthly cases, at the first meeting, please inform the channel so that you are placed in the list of contracts.

There is no first meeting for hourly contracts and the man will visit the woman after her acceptance.

As this quote makes clear, Islam has put forth a solution for what is perceived to be sexual wantonness, particularly for sex-starved youths and for those who, for whatever reason(s), cannot practise permanent marriage. Islam suggests that men and women who are fond of one another practise temporary marriage for a limited time without the ponderous commitments of permanent marriage. In all likelihood, they are also asked to respect temporary marriage in the same way as permanent marriage. Obviously, temporary marriage would not be such a burden as permanent marriage, as the partners can practise it under easy conditions, with only one caveat – the woman is obligated to follow iddah after the termination of the marriage. On one hand, the spouses in this type of marriage are not ‘until death do us part’; therefore, there is no need for partners to choose each other meticulously. On the other hand, there is no official nafaqa in this type of marriage, as there is only mahr, which is agreed upon by the partners. In addition, if they do not get on well with one another, temporary marriages do not carry the risk of protracted legal battles and potentially acrimonious divorces, which often leave the spouses and children emotionally battered. After termination of the specified duration, the marriage is dissolved; the man can even waive the remaining time and separate if he so desires. The marriage is also easily re-

established by renewing the contract for another duration. These simplistic rules deem the signature on the temporary marriage contract to be analogous to the rules of a commercial contract under law: agreement to the terms and conditions; intent to enter into the agreement; all parties legally authorised and mentally competent to do so. A verbal acceptance of mahr and marriage by the wife makes temporary marriage legitimate without it having to be officially registered. Undoubtedly, the sparse legal obligations for registering temporary marriage is another advantageous factor.

Nevertheless, there are opposing intra-religious and extra-religious viewpoints on temporary marriages. Jurist Ayatollah Sanei does not recommend temporary marriage for the following reasons:

Temporary marriage is legitimate only under constrained circumstances. Its legitimacy, anchored to these said constrained occasions, is ostensibly to prevent prostitution and sexually immoral behaviour. However, the real prevention of prostitution and sexually immoral behaviour can be attained by saying prayers.

The Quran explicitly says, 'Indeed, prayer prohibits immorality and wrongdoing' (Al-Ankabut: Verse 45). Sanei personally believes that mut'ah cannot prevent corruption; on the contrary, temporary marriage poses a genuine threat and endangerment to the family union if it is practised unnecessarily or with permanent marriage. The resulting undisciplined chaos will render the collapse of the moral fibre of society.

One of the partners can say sigheh words if he/she knows them. Otherwise, an attorney should say it on their behalf. Duration and mahr should be specified. There is no obligation for registering the marriage at marriage-registry offices. No witness is needed. For instance, if a Shiite man and woman want to marry each other from the farthest places of the world or in Tehran, they only have to specify mahr and duration.

Nevertheless, a majority of jurist and religious sources approve and have voted for mut'ah's legitimacy, notwithstanding the points of disagreement, such as obtaining the father's permission for marrying a virgin girl. (Most religious experts believe in the necessity of securing the father's permission.)

Religion plays a monumental, if not pivotal, role in society. Generally, social entities break into five classifications: education, family, religion, policy and economy. As religion is a mass phenomenon corresponding to other social units, it is expected to affect and be affected by the other classifications, such as the family and marriage. Undeniably, as the function of religion can be clarified and controlled with respect to its role in human behaviour and life, religion can be considered the primary leader of a human in relation to God, himself, nature and others.

Provisions of temporary marriage:

Women with the following conditions:

- Widow or divorced with no Iddah commitment
- Virgin with permission of father or paternal grandfather
- Mature independent virgin (with court's permission)
- Can marry men at coming of age.

Duration of intimacy (one hour, one day, one year or whole life)

Mahr should be specified (either a bobby pin, a cellphone, a gold coin, or an amount of money)

Hi, channel of Shia guy 'Bache Shia' congratulates Nowrooz holiday to all fellow countrymen.

The channel thanks all you religious men with any kinds of beliefs for practising sigheh with widows and divorced women and those at menopause period. God will hopefully pay you twice the amount you paid for sigheh so that you can help women with their subsistence costs again.

Women with strong beliefs are also appreciated as they promote tradition of prophet (PBUH) in an Islamic country, so that men in need of marriage do not commit sins.

Men who have practised temporary marriage through our channel can introduce the case they were with to another single adult person. There is no problem (in case the woman is OK).

The practice is beneficial for you now and hereafter. Let's be middlemen for marriage not the ones for friendships.

What can a Shia guy do in case he cannot practise sigheh?

Some people define religion as a collection of beliefs, morals and legal principles that is presented to mankind by God for the purpose of administrating the individuals and human society and also the nourishment of human beings (Faghihi, 2013). Others, such as Stark, postulate that religion is the sum of beliefs, senses and group and individual actions settled around the ultimate reality concept, or the sacred matter (Stark & Glock, 1968). Still others see religion forming entities, affecting social values and controlling human relations and behaviours under its guise (Zuckerman, 2005, p. 175).

Max Weber deemed religion to be a society director (Käsler, 1988), and Auguste Comte considered religion to be the foundation of social prosperity, of which humans are always in need (Seidman, 2016).

Émile Durkheim viewed religion as a collection of beliefs and values that contain the action system and practical ceremonies, as well. Durkheim wrote that individuals who make up a social group 'feel bound to one another because of their common beliefs'. Belief, as he argued, is not a matter of personal opinion or private religious experience, but it 'belongs to the group and unites it' (Durkheim, 1912).

Peter Berger believes that, in traditional societies, religion is like an umbrella of symbols opened for the purpose of integrating different sectors (Berger, Davie, & Fokas, 2008).

Religion has a recognisable structural norm that evokes feelings of solace, shelter and safety for mankind. In traditional societies, different values and beliefs are eventually integrated through a

comprehensive religious interpretation that connects human life to the system of existence; all human deeds are also interpreted under the title of 'religion' (Rezadoust, 2012).

Peterson believes that religion is the sum of beliefs, senses, and group and individual actions that are settled around the ultimate reality concept, or the sacred matter (Stark & Glock, 1968, p. 32). As a social entity, religion has fundamental functions including discipline, coherence, and otherworldly happiness.

Moreover, religion forms the entities, affects the social values and controls the human relations and behaviours under its supervision (Zuckerman, 2005, p. 175).

The abovementioned definitions and functions of religion indicate that the various religions tend to dictate principles to mankind in order to regulate human behaviours. Unsurprisingly, sexual behaviour is one of the behaviours religion tries to normalise, or at least put constraints on. The religious influence and its structural characteristics shape individuals' actions. Additionally, when a substantial proportion of the population adheres to Islamic religious beliefs, adherents can influence the macro-cultural climate and enact formal restrictions that may shape the behaviours of all residents of a nation. Much research has been devoted to understanding religion's influence on sexual behaviours (Meier, 2003). The role of religion in shaping Muslims' sexual behaviours can provide some insight into what demarcates the boundaries between what is and is not acceptable. Premarital sex crosses the line. There is a heavy emphasis on virginity until marriage. This is nothing new, as all major religions have some proscriptions regarding sex.

Law, religion and society give marriage special significance in Iran. In law, marriage is a contract between the husband and wife that creates rights and responsibilities between the parties. In religion, marriage as an institution leads to the uplift of mankind and is a means for the continuance of the human race.

Certainly, religious norms and regulations can act as pressure tools or facilitators. Legal borders specify the statuses of people's actions and the principles on which the dos and don'ts should be implemented. The borders also indicate the punishments for violating these principles. Many experts, scholars and jurists agree.

When religious norms and values receive enough support, individuals may mobilise and create formal restrictions. Individual preferences become collective choices. Once created, laws, policies and regulations can increase the likelihood that all residents behave in ways consistent with the larger religious cultural norms. The chronic exposure to religiously inspired norms that discourage premarital sex and limit young people's interest in having sex before marriage will shape the likelihood that Muslims will abide by religious proscriptions regarding sex outside of marriage. Due to social-control mechanisms, young people who are strongly bonded to their beliefs, Muslim parents, friends and fellow religious adherents are less likely to violate their faith's tenets because it could jeopardise those bonds. It not surprising that an individual may adopt attitudes that support sex only within the framework of a legal marriage. Thus, the deep and wide-reaching influence of religion, powerful and working in conjunction with formal constraints to shape individuals' sexual behaviours, is readily apparent in temporary marriage.

Consequently, temporary marriage, seen with a religious hue, is regarded as a religious behaviour approved by the command of God and adhering to religious norms and the custom of imams. This is readily apparent with pious individuals – ones who accept religion and shape their behaviours within the framework of religion. As a result, pious individuals who seek the regulation of sexual behaviour not only for themselves, but also for their relatives, view temporary marriage to be a positive solution. Accordingly, the constancy of temporary marriage can be clarified inside the framework of religion.

From a sociological point of view, based on the theories put forth by Weber, Comte and Durkheim, temporary marriage can be considered a religious behaviour that regulates sexual behaviour in society. It is also one highly regarded social ceremony: the marriage, the bonding of familial linkage, the gift, and the festivals and festive atmosphere. Peter Berger also believes that, in traditional Iranian society, human behaviours are deemed to be religious because actions related to religion bring about security for people. Therefore, temporary marriage, which is seen as a religious behaviour, will continue in society as long as it remains under and is framed by the auspices of the powerful tentacles of religion. It will also become the foundation of reciprocal actions and interactions in human beings.

Background Factor: Civil and Legal Structures

The relevant civil and legal structure in Iran is the Iranian Civil Code and the Family Production Law that was approved in 2012. It is indisputable that Iran's laws are derived from Islamic jurisprudence. Iranian laws are based on Sharia, and Sharia was formed from rules developed 15 centuries ago. Furthermore, Iran's legal structure is derived from Islamic principles and the Shiite Twelver religion. Many of the legal clauses and structures are framed in religious contexts, rooted in a male dominance, and have a patriarchal tone.

Article 105(3) of the Civil Code clearly recognises men as the head of the family. The use of the word 'master' in the law, particularly with regard to family relationships, leads to one conclusion – complete and total obedience and loyalty to the 'master'. The foundation and basic tenets of a relationship based on feelings and shared values in a couple's lives is reversed by the male-dominant structure set out in Article 105. It encourages a self-centred perspective in men and reframes a potentially loving relationship between a couple into one tested by unrestrained male dominance.

Article 1108 of the Civil Code states, 'Should a woman fail to perform her duties as a wife, she will not be entitled to receive alimony.' Article 1117 of the Civil Code states, 'The husband is able to deny his wife her choice of profession which in his estimation is against his, her or the family's interest.'

A woman cannot file for a divorce due to her husband's temporary marriage. Women can only divorce their husbands when certain legal justifications are proven in a court of law, including (among others) addiction, failure to pay alimony, disappearance, incurable disease, sterility or a prison sentence. Proving any of the above in a court is a challenging task for women. However, Article 1133 of the Civil Code simply states, 'A man can divorce his wife whenever he chooses to do so' (Ghaderi, 2014). Moreover, the legislator specifies inheritance only for permanent wives, and temporary couples do not receive inheritance from one another (Article 940 of the Code). The woman has no right of nafaqa,

either, and the marriage will end after the annulment of mut'ah, the expiry of the period, the waiver of the period by the man or the decease of the man. There is no divorce as there is in permanent marriage (Article 1139 of the Code).

The inheritance laws applying to permanent marriage are clearly tilted in favour of men. When a father dies, his son is entitled to twice as much as his daughter, according to Article 907 of the Civil Code (Taheri, 2017). The inheritance laws entitle women to only half of what men are entitled to. In this regard Islamic jurists have once again tried to justify such discrimination on grounds such as the impact of a woman's dowry in offsetting the inequality, or men's role in managing the economic affairs of the family, portraying Islamic laws as just without addressing the realities. Such explanations might have applied to women who lived during the early years of Islam, as they were paid their dowry at the time of entering matrimony (Ghaderi, 2014).

The inheritance laws within a temporary marriage are troublesome. According to the most widely held view, there is no inheritance between husband and wife in mut'ah unless it is specifically mentioned as a condition of the contract. If no such condition is mentioned, there is no inheritance. According to the Imam Ja'far, 'Among Mut'a's statutes is that you do not inherit from the woman, nor does she inherit from you' (Wasa'il, XIV).

A 16-year-old woman living in Tehran said, during the period of a marriage contract:

'Pregnancy occurred at the time of sigheh. Now I am seven months pregnant. We had complete penetration. I may continue education after the baby is born. My husband said it's OK. The problem is that we are in our mother-in-law's house now. We have to obey them. My husband has a job, but, because he is too young, they asked us to stay with them for some years.'

Article 1075 of the Iranian Civil Code clearly recognises temporary marriage legally. It states, 'Marriage is temporary when it is for a predetermined period.' In fact, Iran is the only country that recognises the validity of temporary marriage, *vis-à-vis* Articles 1075 to 1080. At any given point in time and with no legal impediment, a man can marry any number of women. Islamic laws and provisions set no limitations on such marriages, and Islamic jurists agree that there are no such limits (Ghaderi, 2014).

Article 1075 sets out the basic conditions and foundations of discontinuous marriage, which are the same as the provisions of permanent marriage. Only the conditions of setting a specified duration and a specified mahr for the woman are added. Obstacles against temporary marriage are also the same as the ones hindering permanent marriage. As temporary marriage is legal and legitimate under the Iranian Civil Code and the Family Protection Law, these religiously proscribed regulations can be regarded as factors affecting temporary marriage.

Although the provisions and foundations of temporary marriage have been elaborated on from various legal perspectives, the interviews conducted for this study boldly illustrate that the participants and even religious sources are not completely informed and only minimally aware of temporary marriage's legal ramifications and its legal context. This has undeniably resulted in an unacceptable situation where

the very people who are affected remain in the dark. This void of awareness can be plausibly attributed to legislators' own silence, due to executive limitations. On the other hand, the legal context of temporary marriage sets the scene for its continuation. For instance, Article 1076 of Civil Code stipulates that the duration of mut'ah be mandated. Particularly for men, mut'ah's date of termination, easy divorce and lack of obligation to pay nafaqa or inheritance heighten their predilection for temporary marriages rather than permanent marriages. On the contrary, the process of divorce in permanent marriage can be a ponderous, time-consuming legal process, particularly ironing out the issues of mahr and child custody.

A 35-year-old man living in Tehran, who was in a temporary marriage at the time of the interview, shared:

'Whatever happens, we can get separated. You have no responsibility. You don't need to remain with her. No need to waste your life. This is not good. But it is not so bad for us. You don't struggle. I have bad experiences. Now I'm satisfied that I do not expect much from someone.'

Minimum Age

Article 1041 of the Civil Code states, 'Marriage of girls before the age of 13 and boys before the age of 15 is contingent upon the permission of the guardian and upon the condition of the child's best interests as determined by a competent court.' In other words, not only has Iranian law determined the age of 13 for girls and 15 for boys, but also the same Act legally permits girls under the age of 13 and boys under the age of 15 to wed, conditional upon the consent of their fathers and the permission of a court.

A woman living in Mashhad who experienced sigheh mahramiat at the age of 11, said:

'We didn't have a problem, but the adults made us quarrel. When I came to my house, I didn't listen to my husband because I was too young. I performed better later after listening to the advice from my family.'

There are not many official statistics published about marriages before the minimum age. However, official statistics released by the Islamic Republic between 2006 and 2011 involving girls below ten years of age, 10 to 14 years of age and 15 to 19 years of age in a number of Iranian provinces indicate a staggering increase – by 6,448 – in marriages among the three abovementioned age groups. Within the same period, the ratio of marriages involving girls compared to those among adults grew by 45%. In September 2012, the chief of the Personal Status Registration Office of the province of Tehran revealed that, in the Iranian year 1390 (2010–2011), 75 boys and girls younger than ten years of age were married. Also, in the same period,

3,929 boys and girls between the ages of 10 and 14 years of age were married. However, the real number of child marriages in Iran could be much higher, as many marriages are not officially registered.

Article 23 of the 1974 Family Protection Act changed the provisions of the old Article 1041:

The marriage of girls before they are 18 and boys before they are 20 is not allowed. But if it is justifiable, an exception can be made for a girl, as long as she is not younger than 15 years of age, provided that she is physically and mentally ready, a legal official recommends it, and its recommendation is approved by the court in the relevant municipality.

The article goes on to say that anyone who marries a person 'who has not reached the legal age for marriage' is acting in violation of the provisions of the Article and can be prosecuted and punished according to Article 3 of the 1937 Marriage Act. Eventually, in 2002, the Expediency Council, which has supervisory power over all branches of the government, approved a new legal provision. It reads,

[T]he marriage of a girl before she is 13 solar years old or a boy under the age of 15 solar years can only take place with the permission of the boy or girl's guardian. The relevant court must decide that the marriage is prudent (Justice for Iran, 2015).

Traditional religious families practise *sigheh mahramiat* for children even before they attain the legal age. *Sigheh* is the same as temporary marriage, and it is not legally or religiously different from *mut'ah*. *Sigheh mahramiat* is presented as a means of entering into a period of courtship, aimed at helping a boy and girl get to know one another before permanent marriage, and respecting their Islamic beliefs to engage with the opposite sex in a manner that is proper, thus avoiding sins and moral corruption. *Sigheh mahramiat* is seen as an effective measure for curbing wanton free sex. Controlling the sexual behaviour of children is an important reason for practising *sigheh mahramiat* and child marriage at young ages.

A 35-year-old man living in Tehran, in a temporary marriage at the time of interview, shared:

'Whatever happens, we can get separated. You have no responsibility. You don't need to remain with her. No need to waste your life. This is not good. But it is not so bad for us. You don't struggle. I have bad experiences. Now I'm satisfied that I do not expect much from someone.'

The teachings of several major faiths, including Islam, have been used to justify the marriage of girls (Warner, 2004). In fact, the laws of the Islamic Republic of Iran have ratified and sanctioned child marriage, adding another layer of approval to families who adhere firmly to their traditions. It is now legally wrapped in an Islamic cloak of approval and blends in with the traditional fabric.

However, although temporary marriage is spun positively, its effect on young girls is dark, dramatic and irrefutable (Ahmady, 2017). Child marriage in Iran forces girls into lives of oppression. Sanctioned and protected by Iranian law, the practice leads to broken families and generations of children lacking

prospects or wider perspectives. The consequences are deleterious. Due to the gaping age differences, couples in such marriages are usually sexually incompatible, and this often results in extramarital affairs. They often face child-bearing problems. Child marriage also exposes girls to sexually transmitted diseases and sexual infections. It can also lead to suicide, self-immolation and running away from home, in some cases (Ahmady, 2017). The tender age and even the reluctance of the child are virtually ignored, but this forced relationship, essentially with a stranger, does affect them mentally and psychologically. Young girls are often powerless to resist family and community pressure. The child's consent is of little, if any, importance. Despite their starkly youthful appearances and bodies, the majority of female children forced to get married consider themselves to be women after a while, rather than children. This issue causes numerous spiritual, psychological and social losses.

The Iranian lawyer Nayyeri (2013) has opined,

[T]he best interest of children mandates that they never marry prior to reaching the age of maturity. It goes against the personal freedom of an individual for someone else to enter them into a marriage before the mental and physical abilities of the former are developed. Taking sexual pleasure from children, before they develop into an adult, is a clear instance of child abuse and must be strictly banned. The modern world cannot endorse Bedouin and tribal traditions that condone such behaviour, nor immoral religious opinions that take this position. Child marriage, as well as the sexual abuse of children under the cover of marriage, must be ended without any reservation.

Despite the Iranian Government's push for more couples to wed and have children to reverse the country's declining population growth (MacDonald A. , 2015), one in three marriages fail in Tehran. In its northern quarter, home to the more affluent, Western-leaning, metropolitan elite, the figure is more than 40%. According to an annual report released by the country's Registration Office, in 2014 more than one in five marriages in the country ended in divorce, an increase of 4.6 percentage points from the previous year (MacDonald A. , 2015). The official reasons for splitting up in Iran are a lack of affection, family interference, domestic violence and drug addiction. Most divorces are by mutual consent.

In the country's latest move to tackle the rise in broken marriages, Iran has ratified a law to make divorce by mutual consent invalid unless couples first undergo state-run counselling. The enactment of the compulsory counselling measures coincides with broader concerns in Iran about family breakdown and rising ages of those who get married. It has been reported that, without this mandatory counselling, it will be impossible to register divorces of mutual consent. After counselling, a state-appointed adviser assesses whether or not either partner has behaviour or character disorders. If so, the counsellor can rule that the couple needs more sessions. It is his/her word that a judge must act on when deciding whether or not to approve a divorce (NDTV, 2015).

The new law's aim of forced counselling is 'to consolidate the foundations of the family and prevent an increase in family conflicts and divorce and try to create peace and reconciliation' (NDTV, 2015). Paradoxically, if the Government's objective is to curb the divorce rate and increase marriage figures, child marriage defeats this objective. The law seems to overlook the fact that children marrying at this

age are more likely to get divorced, as their tender age in and of itself leads to marriage instability. Official statistics show that the number of child marriages has been increasing in recent years, and the dire consequences have also risen (NCR Iran, 2017). Child marriages are accompanied by a correspondingly high teenage divorce rate. Some 15,000 girls/women aged 15–19 divorced their husbands every year between 2007 and 2010 (Tait, 2012). Parliamentarian Tayebeh Siavashi, a member of Women's Fraction of the Iran Parliament, also noted that the number of child marriages in 2015 increased by ten thousand in comparison to 2014 and the number of divorces correspondingly increased. She stated that child marriage and its implications, including divorce and abortion, are increasing. The legislator has neither specified a red line for the age of *sigheh*, as *sigheh mahramiat* can be practised with parents' permission, nor taken serious action toward ratifying laws against early marriage. Child marriage has prompted numerous child-protection experts to warn of a surge in mental illness, suicides, teenage runaways and girls turning to prostitution, as the nuptials frequently end in divorce.

Unpopularity of Temporary Marriage

Not only is there a sectarian divide among Muslims on temporary marriage (*mut'ah* is practised by Shiite Muslims while temporary marriages are forbidden for Sunni (Fernea, 1985)), but also there seems to be a crisp social-class divide. The schism between Iranians who believe in the legitimacy of the Islamic Republic and those who never will is also reflected in attitudes toward *sigheh*. Not all Iranians commonly engage in it. Many individuals reject this institution as religiously illegitimate and morally reprehensible (Ghodsi, 1994). Temporary marriage grants a lower social status than permanent marriage (McGlenn, 2001) and may be a social taboo. *Sigheh* has been very unpopular, particularly among educated, middle-class families. Many have turned against temporary marriage because the practice has become increasingly stigmatised (Unknown, 2021). The lack of formalism and the presence of great ambiguity in the institution have contributed to its lack of collective acceptance in Iranian society. The parties themselves may perform the acts of contractual formation and the marriage ceremony, as there is no requirement for a witness (Ghodsi, 1994).

The Iranian middle class also considers 'temporary marriage' to be a euphuism for prostitution, which has been given a religious cover by fundamentalist authorities (Haeri, 1986). Critics of temporary marriage argue that it allows a person to have multiple sexual partners while using an 'Islamic cover' for prostitution or the exploitation of women, notably when one enters into a temporary marriage for as little as 15 minutes as a justification for casual sex. Additionally, many secular Iranians are irked by what they perceive to be the hypocrisy of clerics, who have made ample use of temporary marriage over the years, but are adamantly opposed to premarital or extramarital sex (Sciolino, 2000). Many argue that, while Iranian mullahs and officials criticise premarital sex in the West and bash the Western concept of having a boyfriend or girlfriend, they are acquiescent to temporary marriage (Rafizadeh, 2016).

One of the positive signs of the new era in human history is the improvement in social, economic and legal rights for women. Through their struggles in European countries, women have been able to bring about political changes in male-dominated societies, enabling them to attain equal rights (Ghaderi, 2014). Today, the visibility of women and the way they play roles in different arenas is an index of human development that can no longer be ignored, whether those roles be mother and spouse, co-

worker, politician or head of state. Despite obvious achievements in both developing and developed countries, women continue to be underrepresented in decision-making and leadership. The consequence of this gender gap is that women do not participate fully in decisions that shape their lives and communities, and countries are not capitalising on the full potential of one half of their citizens.

The road to women's rights in Iran has been and is arduous, from the decline in their legal status and social position in the name of religion, to the emergence of policy shifts, to new leadership, to rising societal expectations, to changes in family dynamics, to educational attainment, to cultural politics and to their roles and value. This analysis of the role of women in Iranian society illustrates their precarious position. Their rights are consistently subject to both Islamic rules and to Shiite interpretations. The Sharia and its interpretations have resulted in women having fewer rights and a lower status (Gharia, 1994). Women's legal status is especially problematic in those articles of the Civil Code that pertain to women and the family; in the Labour Law, which prohibits women from being employed as judges; and in the Penal Code, which places the value of women at half of that of a man. Women in Iran are speaking out about their grievances and their second-class citizenship in both the private sphere of the family and the public spheres of the state, culture and employment (Moghadam, 2004). Nevertheless, as a result of the Islamification of the ruling system, new legislation affected the judiciary in such a manner that, after three decades of an Islamic Republic, there are increasing objections and new social movements spearheaded by women (Ghaderi, 2014).

There have also been objections to temporary marriage – challenges largely by secularly educated, urban Iranian women and men and by the West. There have been calls to address the implications of this custom for modern Iranian society and to respond to the charges that *mut'ah* is legally equivalent to hire or lease, that it is abusive of women, and that it is in fact legalised prostitution (Haeri, 2014).

Women's rights are fundamental human rights that were enshrined by the United Nations for every human being. These rights include the right to live free from violence, slavery, and discrimination; to be educated; to own property; to vote; and to earn a fair and equal wage. These are expressions of freedom and equality in the regulations relating to women at all levels.

The Constitution of the Islamic Republic of Iran is a declaration of the social, cultural, political and economic foundations of the Iranian society, based on Islamic principles and norms that reflect the heartfelt desires of the Islamic community – particularly those women who have the crucial and revered responsibility of motherhood. In addition, Islamic feminists have advocated for women's rights, gender equality and social justice, grounded in an Islamic framework. Although rooted in Islam, pioneers of Islamic feminism have also used secular and Western feminist discourses and have sought to include Islamic feminism in the larger, global feminist movement. Islamic feminists seek to highlight the teachings of equality in Islam to question patriarchal interpretations of Islamic teachings (Madran, 2002).

An examination of some of the articles of the Constitution does reveal, at least on paper, a gender equality approach. Wording such as 'everyone', 'men and woman', 'people', 'all individuals' and 'members of the nations' is routinely employed. Article 3 of the Constitution obligates the Government of the Islamic Republic of Iran to observe the rights of all individuals, including men and women, and

provide fair judicial security and equality for everyone. It also emphasises removing unfair discrimination and creating unbiased facilities for men and women in all financial and spiritual fields. Article 20 of the Constitution states that members of the nation, whether man or woman, are equally protected by the law. This is akin to the Article 14 equal protection clause in the US Constitution ('no state shall deny to any person within its jurisdiction the equal protection of the laws') and the preamble of the Universal Declaration of Human Rights ('all members of the human family').

Although Article 20 of the Constitution accords women equality with men, nonetheless, the equality granted women in the Constitution is subject to Sharia, which theologians have traditionally used to limit women's rights. The Constitution views women through the lens of Islamic ideology, and, upon closer scrutiny, it is clear that these Constitutional provisions do not recognise women as individuals, but as 'family' and 'women as mothers and wives'.

Article 21 of the Constitution asks the Government to secure the rights of women in all respects, according to the Islamic criteria. It is laid out in precise detail.

The Government must do the following:

1. create an apt environment for the growth of woman's personality and restore her material and spiritual rights;
2. protect the mothers, especially during the child-bearing and child-rearing periods, and protect children without guardians;
3. create competent courts to protect the integrity and subsistence of the family;
4. establish a special insurance for widows, elderly women, and women who are without guardians; and
5. bestow the custody of children on qualified mothers, whenever in the interests of the children, and in the absence of a legal guardian.

An analysis of the language of Article 21 of the Constitution reflects the deeply rooted patriarchy that views women as human beings with undeveloped personalities who only fit traditional roles in families (Nayyeri, 2013).

These articles of the Constitution indicate that men and women are equally supported by the law and the context indicates that women are deserving of the protection of the law, no matter their age. Notwithstanding this laudable and positive reading of the aforementioned articles, the brutal reality is that gender roles in Islam are, at the same time, coloured by several strands of interpretation, including the concept that women are meant to exemplify femininity, and men, masculinity (Eaton, 2000), and that the rights of women are often trumped by religious requirements. Legislators have practically kept silent on the topic of inheritance, and there is no right of nafaqa for a woman in temporary marriage.

The Iranian Constitution calls for gender equality under Article 20, although this is negated by the enforcement of discriminatory civil and criminal laws that subordinate women. This is in violation of Article 21 of the Constitution, which underlines creating an environment suitable for the growth of

women's personalities and the restoration of their material and spiritual rights. Iranian women face serious legal discrimination on issues such as marriage, divorce and child custody. Married women are not allowed to leave the country without their husbands' permissions. Women have been sent to jail for publicly speaking out in favour of equal rights for women. Women's rights are severely restricted in Iran, to the point where women are even forbidden from watching men's sports in stadiums. The lack of force behind Article 21 is emblematic of the repression of Iranian women (Human Rights Watch, 2017; Burkova, 2017) and in contradiction and violation of the Civil Code.

Family law in Iran was codified in 1928 and 1935 as part of the Iranian Civil Code. The law sets a legal age requirement for marriage, prohibits the marriage of girls under 13 and requires court permission for the marriage of those under 15. In 1967, the Family Protection Law was enacted. This law was considered a departure from the traditional Islamic Sharia. It abolished the husband's rights to extra-judicial divorce and polygamy and increased the age of marriage to 15 for female persons and 18 for male persons. In 1975, the Family Protection Law was replaced by another law carrying the same title. Following the Iranian Revolution of 1979 under Ayatollah Khomeini (1902–1989), the Family Protection Law was annulled and replaced by the Special Civil Court Act. As the new law was entirely enacted in compliance with the Shiite law of Ithnai Ashar (Twelvers), the courts were empowered to deal with a wide range of family issues, including divorce (Sawma, 2015).

Iran has adopted a set of progressive family laws, the Family Protection Act, which grants women familial rights that were subsequently expanded in the Family Protection Law of 1975. Article 22 briefly expounds on temporary marriage by stating that temporary marriage is subject to Sharia law and regulations stated in the Civil Code. Article 22 of the Family Protection Law approved in 2012 stipulates:

The judicial system of the Islamic Republic of Iran supports permanent marriage in order to strengthen and make pivotal the familial relations. Thus the supremacy and support of permanent marriage in the Iranian legal system and adherence to family relations are underscored, even if the law considers temporary marriage within the jurisdiction and purview legitimate standards and regulations of the Civil Code.

Marriage Registration

Article 22 unequivocally states the binding legal obligation to register permanent marriages, even more so when certain conditions arise such as pregnancy, or if a mutual agreement between the parties or a pre-condition are written into the contract. There are significant differences between permanent and temporary marriage, and no more is this evident than in the matter of the registration of temporary marriage, which is another example of a violation of women's rights (Haeri, 2014). Temporary marriage seems to be designed to meet men's needs and sexual urges, and women are given fewer rights than men when contracting into these relationships (Ghods, 1994). Temporary and permanent marriages have different objectives and confer different rights and obligations (Sharifi, 2018). Female persons engaging in temporary marriage are usually widows or divorcees. As such, they are not subject to a father's guardianship and have the autonomy to contract voluntarily into marriage. A virgin, however, must always obtain her father's permission before contracting into any marriage.

Legislators have set no obligation to register temporary marriages and has made registration subject to pregnancy or written conditions. Additionally, no witnesses are required (Haeri, 2014). Indeed, the duration of a temporary marriage has no bearing on the obligation to register it (or not), although in practice both conditions have been subjected to variation and local requirements (Haeri, 2014). The marriage can last for a few minutes up to several years without needing to be officially registered. This lack of a legal obligation to register essentially means that no woman can be sure her husband is not in a sexual relationship with another woman (Hawramy, 2012).

The interviews conducted for this study indicate that the majority of the participants who had entered into temporary marriage were not aware of the legal ramifications and, therefore (unsurprisingly), most of the temporary marriages took place without being registered. On the other hand, registering temporary marriage is obligatory after the pregnancy of the wife, yet most of the men abandoned the wives after they became pregnant, or left the marriages upon the termination of the marriage periods. In cases where paternity is contested, establishing paternity in the court is quite difficult and time consuming and requires the guidance of legal experts and efficient attorneys. Here lies the uniqueness of temporary marriage, which distinguishes it ideologically from prostitution. Although an apparent legal safeguard is provided for mother and child, the law almost negates its own spirit by supporting the father, should he deny the child's legitimacy (Haeri, 2014).

A 16-year-old woman living in Tehran said, during *sigheh mahramiat*:

'The family suggested for it. I liked to get married as well. I will continue my education later, but I liked the boy.'

The woman is, therefore, alone at the very time she needs physical, psychological and spiritual protection – before, during and after the pregnancy. In temporary marriage, these issues are not met. There are already tens of thousands of children from temporary marriages whose fathers will not acknowledge them and are, as a result, considered illegitimate (Harrison, 2007). Even if a woman succeeds in establishing paternity for a child conceived during a temporary marriage, the financial and psychological costs and her legal status as a woman mean that she will take a battering. Additionally, her *nafaqa* will remain suspended during the long process.

As the realisation of justice and the preservation of human dignity and values are at the core of all legal jurisprudence, the above cases contradict not only the fundamental axioms held in the Constitution, but also the basic tenets of human-rights values.

Background Factor: Social Structures

In this section are analyses of how family dynamics factor into temporary marriage as well as sexual discrimination that contributes to social inequalities, and public attitudes towards temporary marriage within a framework of social norms.

Family Dynamics

The rise of temporary marriage in recent years was among the factors that prompted a research study into this topic. There are no thorough governmental statistics on temporary marriage; nonetheless, the growth of this type of marriage cannot remain unacknowledged by experts in this field.

Since the Iranian Revolution of 1979, the regime has conducted an intensive campaign to revitalise this form of marriage, and Shiite *ulama* ('religious scholars') support it as positive, self-affirming and appropriate to human needs. Indeed, the Iranian Government has made an orchestrated effort to educate the public on the benefits of temporary marriage by stressing its divine roots, its contemporary relevance and its positive effects on individual and social moral health (Haeri, 2014).

A 22-year-old married woman living in Mashhad, who practised sigheh with her husband at the age of 11, said:

'What does one know at this age? One day I came back home from school; they said, "You have to marry this guy." I didn't go to school any more. I think you should get more mature. When you are a child the man bullies you. You have to obey whatever he says.'

In contemporary Iran, the rise in the age of marriage is one of the buzz topics in the media. According to a report released by the Statistical Centre of Iran, the average age of marriage in Iran for both men and women has increased during the past four decades (Tehran Times, 2018). Plausibly, it is the influence of social norms and expectations surrounding the roles of spouses and parents that people are responding to, alongside globalisation, urbanisation, and rising levels of educational attainment. If men are postponing marriage because of greater expectations in relation to job status, employment stability and the acquisition of material possessions needed to form a household, and women are delaying marriage because of shifting gender roles, it becomes imperative to underscore the corresponding age increase and its invisible link to temporary marriage. Arguably, the increase in the age of marriage is a reason for the increasing number of temporary marriages. Additionally, as temporary marriage is forbidden for virgin girls without their fathers' permissions, the number has increased mostly among men.

In fact, because of the heavy costs of marriage and the fear of entering a binding relationship, people prefer to have short-term, yet legitimate, relationships. This study revealed that temporary marriage, both in the form of sigheh practised by adults and sigheh mahramiat practised by children before permanent marriage, is more commonplace in traditional areas of society. The family lifestyle and methods of social training of children are among the fundamental reasons for sigheh mahramiat's

acceptance. The following generations who support sigheh mahramiat have internalised and practise this type of marriage as an accepted social behaviour.

A 26-year-old man living in Tehran, who has one permanent wife and several experiences of temporary marriage, said:

'My father had two wives too. My uncles were playful and not loyal either. Generally, it's a custom in our family. I was not the first. My brother also got divorced because of sigheh and the pertaining stories. We don't talk about it everywhere, but we know how we are. I want to tell you something: we men know well about what we really do. We are all the same.'

Religious tendencies and the pressure to be married are also more evident. In many families with traditional and, to some extent, biased beliefs, sigheh/temporary marriage is commonplace and recommended. Temporary marriage lays the foundation for the legitimate and progressive way in which Islam deals with the sexual nature of human beings, while preserving traditional Islamic values that are consistent with Iranian legal rules and social norms. Having religious legitimacy and legal support is the first and main feature and, in fact, is a special characteristic of this type of marriage. Mut'ah is permissible legally as a recognised behaviour sanctioned by religion. The fact is, temporary marriages are legitimate, religiously encouraged and easily contracted in Iranian puritanical and patriarchal society. For some families with sons or divorced children, temporary marriage is more than welcome as an impermanent, discontinuous mechanism for nuptial relations. These families are more flexible in this regard compared to other families (especially families with daughters).

A 29-year-old man living in Tehran, who has experience of several short-term sighehs, talks about his family's reaction after learning about his temporary marriage:

'I came out of home after that story. They asked me to leave – lol. Well, it's bad if one cannot control himself.'

For religious families who are less open towards sigheh as a readily-available tool for the joy of their children, sigheh is mostly for the purpose of creating religiously acceptable intimacy between children of the opposite sex, until they are permanently married. Nonetheless, children may disagree with such a solution. Some of the participants in the interviews had experienced sigheh mahramiat between the ages of 11 and 18, and many spoke of three- to eleven-year age gaps with their spouses. In almost all cases, the spouse was chosen by the family, and the individual had to accept the situation. In fact, for the purpose of the sexual training of their children, families try to make them enter into legitimate common relations at a very young age, to avoid the consequences of wanton sexual behaviour. In this type of marriage, the family makes the decision for the child, and even if the child is satisfied, their

satisfaction cannot be deemed a consequence of an appreciation and understanding of what they are entering into. They normally do not have an understanding of marriage and accept it, without any reason, due to the desires of their parents. Sigheh mahramiat is often imposed on children by force.

Despite its religious sanction, temporary marriage has never been very popular in Iran. Although temporary marriage is accepted in Iranian law and the official religion of the country, many families do not agree with it. On the whole, there is still a strong taboo against the practice. Some interviews clearly reveal this belief.

Socialisation

Socialisation is the process of reciprocal social action. Within the process, an individual assimilates and learns norms, values and other social, cultural and political norms particular to his/her group or environment that are eventually internalised and individualised (Davari & Salimi, 2006, p. 144). The family entity as a mediator is significant in the socialisation process of the child and his/her deep conformity to social standards (Vosooghi & Nikkholgh, 1995, p. 173). Family sociologists consider the training and socialisation process of children to be the major function of the family. They believe that the family is the first place in which social behaviour is internalised by children.

The theory of broad and narrow socialisation puts particular emphasis on placing family socialisation in its cultural context.

Sociologist Arnett's theory on broad and

narrow socialisation notably emphasises the cultural aspect of familial social acceptance (Arnett, 1995). He believes that, in cultures that are characterised by broad socialisation, the socialisation is intended to promote independence, individualism and self-expression. In contrast, cultures characterised by narrow socialisation hold obedience and conformity to be their highest values and discourage deviation from cultural expectations. Individuals are socially geared toward conformity of a certain cultural standard.

Moreover, from the perspective of social-learning theory, it is theorised that the majority of social events are derived from experiences learnt by observing the behaviour of others and the resulting consequences. The process of patterning and modelling is located at the core of this theory, according to which the person learns the social and cognitive behaviours of others through observation, either accidentally or consciously. The human ability to learn through observation enables an individual to obtain general patterns of behaviour. Learning will be improved in the observant by the reward-and-punishment system. Therefore, every person obtains an enormous trove of knowledge, skills and values, and learns the consequences of their behaviours through the observation of acceptable and non-acceptable behaviours, and the performance and speech of parents, friends, teachers and others.

A 29-year-old man living in Tehran, with experience of several short-term sighehs, talks about his family's reaction after learning about his temporary marriage:

'After they understood, my dad threw me out of home; I am here now. It's not good in general. No one is good these days. Now I meet my financial needs from my supermarket. It's OK.'

The family is the premier institution for the socialisation of children, adult intimate relationships, lifelong economic support and cooperation, and continuity of relationships along life's trajectory. The family provides an opportunity for primary socialisation under which children are able to learn how to appreciate the values and norms of society.

According to Arnett's socialisation theory, in families that have narrow socialisation, *sighah mahramiat* can thus be interpreted as an individual's obedience and conformity to his/her parents. As the independence and individuality of children are discouraged and, therefore, lesser in traditional families, submission of children to temporary marriage can be understood according to Arnett's socialisation theory. Moreover, when temporary marriage is a common occurrence within a family, other family members and the succeeding generations internalise this behaviour because it takes on shaded nuances of custom. For those families who do not practise or frown upon temporary marriage, as seen within middle-class Iranians, this type of marriage is taboo. In cases where a person goes through temporary marriage, he/she will face the very real possibility of family disruption, punishments and being disowned by relatives.

Common Law

Iranian culture is patriarchal. Legally and culturally, male persons have more rights and privileges than female persons. Centuries of gender discrimination and segregation of sexes has created distinct roles and codes of behaviour for both the sexes, and many are still practised today. Gender roles are normally well defined and clear. The priority for girls/women is marriage and childbearing (Price, 2001).

Temporary marriage's predominate feature is that it can be undertaken without the imposition of conditions and formalities, in contrast to the rigor and demands of permanent marriage. Permanent marriages evolve around the selection of a marriage partner (normally determined by customary preference, economic circumstances and geographic considerations). Marriage arrangements in villages and among the lower and (traditional) middle classes in urban areas tend to follow traditional patterns. Parents will visit the parents of a girl whom they believe to be a suitable match. In many cases, the man will have already expressed an interest in the girl and asked his parents to initiate the formalities. If the girl's parents show similar interest in the union, the conversation quickly turns to money. There must be an agreement on the amount of the bride-price that will be given to the bride's family at the time of marriage. In principle, this payment is supposed to compensate the girl's family for her loss, but in practice it is used primarily to finance the cost of the wedding. The exact sum varies according to the wealth, social position and degree of kinship of the two families. Once the two families have agreed to the marriage, the prospective bride and groom are considered engaged. The courtship period now commences and may extend for a year or more, although generally the engagement lasts less than twelve months. The actual wedding involves a marriage ceremony and a public celebration. All of this is absent in a temporary marriage, making it much easier than a permanent one.

Therefore, considering the social necessities and increasing individualities of people, *mut'ah* can be seen as an effective and pragmatic modern solution.

Iran has gone through tumultuous change, yet is still apparently caught in a cycle of transition. The looming demographic shifts in Iran, women's childbearing patterns, the age-structural transition and, notably, the change to a population numerically dominated by children, adolescents and young adults have set in motion a demographic process in Iran that continues to reshape the age distribution of Iran's population. The cultural dualism of society, found in many societies, was especially acute in pre-revolutionary Iran. On the one hand, there is a highly Westernised elite and a new middle-class elite, many having Western educations and being overwhelmingly secular and Western in dress, culture and politics. Many follow ideologies like nationalism, liberalism or various schools of communism or socialism. On the other hand, there are the urban popular classes and the traditional middle-class, with close family and ideological and practical ties to the clergy, who follow what they consider to be Islamic norms, including top-to-toe chadors for women and traditional marriage, divorce and family practices (Keddie, 2000). It is within this polarising division that temporary marriage comes under scrutiny.

It is the researchers' belief that the transiting society of Iran welcomes temporary marriages more than permanent ones, owing to the special economic and social conditions of the time (1390s). The religious legitimacy and ease of temporary marriage and the current, special conditions of society invite people who are more willing to venture into it. The co-existence of temporary marriage and the paradigm of sexuality may seem paradoxical at first. They are complementary: containing sexuality within religiously sanctioned boundaries by providing an alternative legal and religious boundary that makes sex easily attainable (Haeri, 2014).

A 28-year-old man living in Tehran, single, with experience of temporary marriage shared:

'The second time we lived together was a very good experience; we found it both good and weird. Before that I could not understand what a burden [there was] on my father for the cost of living. During the time I rented a house, I had the responsibility of payments for rent, utilities and other stuff. The woman living with me sometimes needed some things, sometimes like clothes. It was a very good experience. It seems easy: you work, make money and done. But it is really different. It was an experience like marriage and forming a family for me. But I don't know how to say – it was something like simulation of a real life – like when they create [a] humanoid.'

Changes within marriage and family are viewed as organised compatibility, or modifications in an environmental social system, or an agreement with changed socio-economic conditions. Modernisation processes create disintegration and weakening in correlated social factors. Therefore, people are seen to be separated atoms, trying to maximise their personal benefits. It means that personal concerns will be preferred to group and tribal expediency, pushing the public mentality towards secularity, individualism, aloofness and materialism; consequently, family orientation turns into individualism. Simultaneously, a type of adaptability occurs within the family and marriage patterns change under the

new conditions. That is why changes in the family and marriage entities are symbolic reflections of societal changes. Quite likely, the institution of marriage has evolved to better respect the individual autonomy that is highly prized in society. Economic changes are also a primary example. There are differences in the family systems in which people live and have opportunities. Social and economic changes in society are related to the reduction of traditional religious power, the promotion of rationalism and individualism behaviours, public education for both sexes, the rise of gender equality, a growth in the probability of childhood survival, and the promotion of consumerism (Nazoktabar, Jelodar, & Husseini, 2015).

Professor MacDonald's extensive research on the demography of the family in both developed and developing country settings and how it relates to family change explains that, although renovation has presented more freedom and independence to people, it has increased their distrust of the future. Therefore, people do not get married and form a family as long as they do not have steady, permanent jobs and the capacity to be in charge of a family (MacDonald, 2006).

Modernisation theory emerged in the 1950s as an explanation of how the industrial societies of North America and Western Europe developed. The theory posits that societies develop in fairly predictable stages, through which they become increasingly complex. Development depends primarily on the importation of technology as well as a number of other political and social changes believed to come about as a result (Crossman, 2019).

According to Modernisation theory, in half-modern, transiting Iran, the cumulative effect of behavioural and cultural changes brings a transformation of Iranian society. Industrialisation is emerging: the demographic surge has been accompanied by rapid urbanisation; seven out of ten Iranians now live in cities; two out of three Iranians are under the age of 30; the number of women graduating from Iran's universities is overtaking the number of men, promising a change in the job market and, with it, profound social change. Well over half of university students in Iran are now women (Baktiari, 2009). Urbanisation has increased public education equally for men and women.

Consequently, individualism, independence and personal welfare and benefits are seen as fundamental, cherished values. Looking at temporary marriage within the discourse of renovation theory, it is believed to bring about greater freedom, independence and benefits for the person in comparison to permanent marriage.

Giddens elaborates on the societal changes and the sexual-relations patterns that took place in the latter decade of the 20th century (Giddens, 2013). Due to social and technological changes, the solidity and security once provided by life-long partnerships has been 'liquefied' by rampant individualisation and technological change, transforming modern courtship into a type of commodified game. With changes in the way society is structured from more formalised institutions to reflexive practices, the formal processes of relationships have fallen away, resulting in a new bedrock of relationships. Accordingly, this emerging pattern of relationships has resulted in a new classification called 'liquid love' – relationships that are intimate, short and optional.

The resemblance between liquid love and temporary marriage is striking. Both have the attributes of being short and optional with quick and easy termination (Giddens, 2013). The person can also start another relationship without any legal or religious responsibility. Liquid love and temporary marriage can replace the quality of relationship with quantity. Both can have a curious absence of love. It is here where the similarities veer into separate paths.

Despite temporary marriage being legal and legitimate under common law, temporary marriages are often hidden in society, shrouded in secrecy and lacking any positive status or esteem. Consequently, there are no accurate statistics on the rates of mut'ah, partly because there is no separate entry in the marriage bureau distinguishing between permanent and temporary marriage, and partly due to its shroud of secrecy and the social stigma surrounding the practice. The majority of people who undertake the experience of temporary marriage conceal the relationship. Although temporary marriages are religiously permissible, they are frowned upon by society. If the relationship is unveiled, the couple will be questioned by family and relatives, and they risk ostracisation and stigmatisation. Social stigmatisation leads to a decrease in the mental and social health of these people. Interviews with participants indicated that, when the relationships were unveiled, the couples were often punished or thrown out of the house (Giddens, 2013). The fleeting moments of intimacy and financial gains come at the steep price of social stigmatisation. Essentially, individuals are contracting into a marriage that their society does not respect.

Social Stigmatisation

The low status of temporary marriage in common law, its questionable moral ethics, society's perception and the cultural-economic divide among the populace and between families has resulted in a shroud of negativism and stigmatisation over temporary marriage. There simply is no sweeping societal approval. One commentator notes, 'Traditionally there has been a social stigma associated with the "sigheh" for women. The result has been that mainly women from working class or peasant origins have consented to this type of marriage and then usually to men of higher social status and wealth than themselves' (Azari, 1983).

Adding to this already gloomy litany is a lack of the necessary educational, communicational, social and cultural structures and mechanisms for practising temporary marriage as well as the concern of and stress on families, especially girls, on its probable adverse consequences, its societal implications and its short- and long-term effects. Public discourses on family and marriage usually centre on the permanent marriages of boys and girls; the tempestuous topic of mut'ah is considered an anomaly, unacceptable and a moral vulnerability. There is no doubt that the volatile subject of temporary marriage as an institution overlaps with time-honoured norms, sexuality, culture, religious rule, secular law and cultural practice. Despite the Islamic regime's positive attitude towards mut'ah, many practising it in Iran keep their marriages secret (Haeri, 2014). No doubt, some types of marriage, such a temporary marriage, are not yet accepted by the public. Temporary marriage, with a thousand-year history beyond even the geographical boundaries of Iran's borders, has not had a positive function in a modern world possessing special economic, social and mental conditions.

A female lawyer shared:

'There are both law and common law. Iranian common law is derived from morality and, accordingly, temporary marriage is a taboo. Nonetheless, the law and the Sharia do not oppose the marriage. Primary relationship is good for a while, but the relationship will face challenges after a while. As patience is decreased in society to some extent, the arguments turn physical. Many women have visited me several times complaining that the man has hit them after an argument. The woman is the one who is really injured in such cases. But she has to forgive because of her respect and validity in society, so that she is not stigmatised as a mut'ah woman. She can file a lawsuit if she wants, but she prefers to remain silent. If she files it in her region where she resides, she will be scandalised as sigheh woman. She will be stigmatised as the act is not accepted in common law.'

Challenged by educated, urban Iranian women and by feminist discourse, temporary marriage, many have opined, treats women as commercial sexual objects, and is the legal equivalent of hire or lease. There has been categorical condemnation of temporary marriage. Some men who resort to using mut'ah as an acceptable modicum for their sexual desires have turned women and girls into tools for meeting sexual needs, akin to legalised prostitution. This is abuse of women. These lines of argument have increased the pessimism towards this type of marriage. Moreover, families with male offspring want daughters-in-law who are virgins and single, rather than daughters-in-law who are no longer virgins and have previously entered into temporary and/or permanent marriages. Many Iranians regard sigheh to be little more than legalised prostitution, especially since it is an advertisement that a woman is not a virgin (Sciolino, 2000). Normally, no one will permanently marry a woman who was once in

sigheh, even if she was forced into it. The word 'marriage' here belies the fact that sigheh is solely 'a pay for sex' contract (Rafizadeh, 2016).

This study's interviews revealed that many women who have undertaken mut'ah remain mute on the problems they dealt with during temporary marriage. Women are not vocal and do not protest out of fear of society's derision and of social stigmatisation. This social stigmatisation coincides with sexual immorality under a common-law perspective. The interviews showed that sigheh is considered to be a factor in corruption and the promotion of prostitution in society.

Public attitudes and the common law have pushed mut'ah into the category of taboo, and those who practise it are identified as aberrant and deviant. In other words, public opinion in Iran considers sigheh to be an unethical behaviour that falls under the category of 'the economy of pleasure'.

Although some practise it, sigheh is not considered sanctifiable. As a result, defence of the practice of sigheh under any justification or basis represents an undemocratic and patriarchal attitude contemptuous of the demands of the majority of Iranian women and the ethical judgment of society (Sadeghi, 2010). Therefore, to avoid the appearance of immorality and subsequent stigmatisation, people conceal sigheh.

A 52-year-old man in Tehran, whose wife is deceased, was interviewed in his shop. He shared:

'It's nothing more than the promotion of corruption in society. It is the cause of the rise in corruption in society and such situations occur. It is full of deficiencies. It is not just the issue of sigheh in society. Nowadays, no one practices sigheh; everyone lives with each other through mutual understanding. There is no need for a clergyman to state the words any more. They live freely with each other and they call it white [unregistered] marriage! They say it is much better.'

Goffman's Dramaturgical Theory elaborates on this dimension of temporary marriage (Gronbeck, 1980; Goffman, 2017). The theory is, in fact, a metaphoric explanation of reciprocal actions among human beings in social relationships. Goffman believes that human beings play roles, as actors and actresses, on the theatre scene of social relations, so they can have the best impression on their audience or addressees. Each individual in society is either playing his/her role or is watching the roles of others. In both scenarios, the human performance is an active and effective participant in the formation of social relationships (Salasi, 1997).

Explaining the concept of impression management, Goffman says that the person tries to show a 'self' that is accepted by others (Goffman, 2017). The show takes place on the stage, masking the behind-the-scene realities. The person is constantly trying not to expose the reality to anyone. 'Behind the scenes' is full of contamination and dishonesty, which remain in the shadows, unrevealed to the audience (Goffman, 2017). Based on this theory, temporary marriage may be a behind-the-scenes institution for those who practise it. They camouflage their temporary marriage in their social relationships and daily activities.

A female cleric in the Imam Reza holy shrine shared:

'Many people come and ask about its harms and losses. I really don't advise everyone to have the same on duration of the marriage. Maybe two months is good for one, but two years for another one. It depends on their conditions. Many people come and ask us to introduce suitable cases.

There is no special place for these things. We don't know them if there are any. There is no such place in the shrine. Many people ask if we know somewhere, but there is no place for such things in the shrine.'

Social Inequality and Sexual Discrimination

Sexual discrimination and inequality controls the structured unfairness between men and women in various aspects of society. Temporary marriage is the quintessential example of sexual discrimination. In temporary marriage, masculine benefits are preferred, and it is even referred to as 'masculine enjoyment'. The institution of temporary marriage conveys the impression that it was designed to meet men's needs and their sexual urges; women are given fewer rights than men when contracting into these relationships (Ghodsi, 1994). Indeed, the need to gratify men's supposedly uncontrollable and unlimited sexual desires is the primary rationale for the institution of mut'ah. Women's sexual desires are not given serious consideration.

Analysing temporary marriage from legal, economic and social aspects indicates that masculine benefits surpass feminine benefits on every level and in every arena, a testimony of women's precarious position in a patriarchal society. For example, women may not contract to enter more than one temporary marriage at a time, as is the case with permanent marriage. However, men may contract to marry an unlimited number of temporary wives. In general, in a temporary marriage, a woman has fewer rights than her permanent counterparts and fewer rights than men. Even in permanent marriages, women often lack the bargaining power to negotiate beneficial contract terms and sometimes must give up their bride prices in order to obtain divorces. Temporary marriage explicitly favours men, and it is clear that the institution of mut'ah creates disparate rights between men and women. Therefore, this type of marriage can be viewed as a type of sexual discrimination and an institution that sustains social inequality.

In the Imam Reza holy shrine, several male and female clerics were interviewed. In all the interviews, male clerics encouraged temporary marriage and praised its positive functions decisively. As women are interpreting Islam in more gender-egalitarian ways, encouraged by the entry of more religious women into the public sphere, it is not surprising that female clerics were reticent and suspicious about temporary marriage. Although female clerics were aware that mut'ah is legitimate, they did not recommend temporary marriage. Feminine empathy and cognisance of gender discrimination has led

female clerics to discourage women and even young girls from entering into this type of marriage. Conversely, male clerics introduced several couples for mut'ah and presented suitable scenarios as positive examples.

As mentioned before, temporary marriage has been utilised as a way for some widows and poor women to help support themselves. But critics of the practice believe such arrangements not only undermine Iran's values but also exacerbate women's financial plights. Although financial need and prevalent poverty are among the main reasons for practising temporary marriage, especially for women, it is just a temporary solution. Many women agree to become sighehs mostly out of financial distress due to economic pressures and the inability to provide for their own needs. When a woman becomes a man's sigheh under such circumstances, she is, in essence, engaging in a fundamentally unequal exchange. It is her distress over her means of subsistence that forces her to agree to become a sigheh (Sadeghi, 2010).

Gender Gap and Poverty

There are clear links between gender, poverty and temporary marriage. Higher numbers of women than men live in poverty. Women are also more likely to experience both persistent poverty and hidden poverty. Men's risk of poverty is mostly connected to their exclusion from the labour market, whether due to few skills, previous unemployment or a lack of regional job opportunities. Stereotyping in the labour market may also lead men to reject the only employment available if it is identified as traditional 'women's work'. Labour-market exclusion is also a route to poverty for women, but they face the additional risks of lower wages, less access to promotion and occupational segregation. For women, this occupational segregation leads to low-paid and unsecure employment that can be fitted around domestic responsibilities. As well as labour-market exclusion, women's poverty is closely linked to their family status and caring roles. Women who are the heads of their own households, especially single mothers and single pensioners, have the highest risk of poverty. As the majority of caring remains unpaid, women's caring role has had a major impact on women's economic status. In addition, the true extent of women's poverty may be hidden by measurements of household poverty that overlook differences in individuals' control over resources (Rosenblatt & Rake, 2003). Ensuring the full development and appropriate deployment of half of the world's total talent pool has a vast bearing on the growth, competitiveness and future-readiness of economies and businesses worldwide (World Economic Forum, 2017).

Women in Iran confront an array of legal and social barriers, restricting not only their lives, but also their livelihoods, which contributes to starkly unequal economic outcomes. Although women comprise over 50% of university graduates, their participation in the labour force is only 17%. The 2015 Global Gender Gap report, produced by the World Economic Forum, ranked Iran among the last five countries (141 out of 145) for gender equality, including equality in economic participation (World Economic Forum, 2015). Moreover, these disparities exist at every rung of the economic hierarchy; women are severely underrepresented in senior public positions and as private-sector managers. This significant participation gap in the Iranian labour market has occurred in a context in which Iranian authorities have extensively violated women's economic and social rights (Burkova, 2017). It is a cruel paradox, particularly when one considers that many women, especially in rural areas and small towns, are the main providers for their families, often selling their home-made products (Wasilewska, 2006).

Poverty can be examined in terms of the gender economic gap. There are three concepts included in the economic gender gap: the participation gap (the difference between women's and men's rates of participation in the workforce), the pay gap (the ratio of pay received by women to pay received by men) and the progress gap (the ratio of women to men in three job groups – legislators, senior officials and managers, and professional employees). Women have a less significant role than men in the economic activities of Iran. In keeping with the 2015 Global Gender Gap Report, the 2017 Global Gender Gap Report ranks Iran among the bottom five countries, in terms of the gender gap in the economic sector, at 140 out of 144 (World Economic Forum, 2017).

Index	Rank	Weight	Average	Women	Men
Economic participation	140	0.357	0.586	—	—
Labour force participation	142	0.224	0.665	17	76
Wage equality	101	0.579	0.622	—	—
Earning	141	0.168	0.502	4,963	29,468
Status of managers and senior officials	100	0.223	0.358	18	82
Technical jobs	111	0.514	0.862	34	66

Figure 3: Table of Economic Participation Indices

The 2017 Global Gender Gap Report reveals that Iran has not made any progress towards closing gender gaps. An analysis of the sub-indices in the 2017 report indicates that Iran is still facing a wide gender gap in terms of the economy. Iran sits at 140th in terms of women's economic participation in general, 143rd in terms of their participation in the labour market, 103rd in terms of attainment of management positions and 112th in terms of expert technical jobs. These ranks require contemplation and analysis with regard to the great number of educated women in the country.

Other economic sub-indices in this section indicate that women's unemployment rate is 19.4% while men's is 9.3%. In other words, in the difficult conditions and economic depression of Iranian society (1390s), women's unemployment rate is almost twice that of men's. These high rates of unemployment among women mean that, for many women, their economic autonomy is limited. This raises the question: *How should self-care widowed women, divorced woman or elderly woman, who are alone without support due to their weak economic class, provide for themselves or their families?*

In 2016, it was noted that the number of female-headed households had increased as much as 100% in the previous five years (National Council of Resistance of Iran, 2016). The difficulty for the leaders of the Islamic Republic in allowing women complete equality in employment and public activity revolves around religious questions of female modesty that clash head-to-head with the exigencies of public life (Countries and Their Cultures, 2021).

While this daily reality occurs, the Government has abandoned these women, who are now unprotected in stark contradiction to Article 21 of the Constitution, which supports women in need of financial protection:

The Government must ensure the rights of women in all respects, in conformity with Islamic criteria, and accomplish the following goals: create a favourable environment for the growth of woman's personality and the restoration of her rights, both the material and intellectual.

These words are cold comfort for those woman who are dealing with the Iranian Government's pernicious indifference and struggling to meet their basic daily needs, let alone meet the cost of living. Iranian lawyer Shirin Ebadi, the first Iranian and the first Muslim woman to receive the Nobel Peace Prize laureate (in 2003), stated during her Nobel Lecture in Oslo in December 2003 that women constitute half of the population of every country. To disregard women and bar them from active participation in political, social, economic and cultural life is, in fact, tantamount to depriving the entire population of every society of half its capability (Ebadi, 2003).

Women constitute more than half the population, yet numerous statistics and reputable surveys have emitted one brutal fact: Iran is one of the saddest countries in the world (National Council of Resistance of Iran, 2016). Bearing this in mind, it is of no surprise that women feel this way. This sadness has trickled down to the general population. 48% of Iranians said they would not recommend their country to a friend searching for a place to live (Richinick, 2014).

During this study, it became rapidly clear that many women submit to temporary marriage because of unemployment, poverty and a lack of suitable job opportunities. The shortage is directly attributed to social inequality and sexism in the economic arena. Temporary marriage plays a significant role in gender discrimination and social inequality.

Gender Inequalities

Gender inequality and discrimination is pervasive in Iranian society under Islamic laws. Women continue to face new challenges to the exercise of their civil rights (Taheri, 2017). Gender inequalities are so deeply entrenched in attitudes and so acceptable to society that many see them as a natural extension of the plight of woman. Acceptance of gender inequalities is mostly seen among the very target of inequality, women themselves.

Women are so influenced by sexism that they are anchored to the very inequalities and discriminatory practices themselves. Responses of the study participants clearly indicate the high degree of sexism's influence. Many websites emphasise beautiful woman. In this regard, Iran is not alone. The emphasis on beauty and the physical appearances of woman can be seen in all cultures. Woman are judged first and

A 30-year-old divorced man living in Mashhad shared:

'About a few months ago one of my friends introduced this site to me. At first I didn't work with it. Once I saw I have 7/8 messages and visits, I read them and, little by little, I was entertained. I came in and it was started.'

foremost by looks instead of intelligence and are taught at an early age that beauty and being slim are indispensable tools to advance in many fields. In magazines, television, movies, etcetera there are relentless images of airbrushed and Photoshopped perfect bodies, sending most women into despair as they try to conform to what society says is optimal beauty.

Social platforms and the dominant world of cyberspace play roles. Although cyber-media is not the main reason for the influence of temporary marriage and sexism, it does facilitate conditions for reproducing gender inequality and discrimination. Loading photos of their faces and bodies, women represent themselves for temporary marriage (with men who have financial wealth) as possessing beautiful faces and alluring bodies and as being savvy. Women show themselves in the most advantageous way to attract men. Sometimes these photos become tools for teasing women after the termination of *sigheh's* duration. In temporary marriage, the desire for the qualities of savviness, a beautiful face and an alluring body in women and financial wealth in men reinforce gender clichés through the communication system. Women seeking hourly temporary marriages in Qom and Mashhad are often beautiful and attractive and meet the required sexual criteria for Iranian's standard of beauty. Men can easily select the woman they wish for *sigheh* on Telegram channels, Instagram and other social platforms.

Our researchers discovered an amplitude of social platforms or sites for the market of temporary marriage. These sites often make a profit through matchmaking. One highly favoured site for temporary marriage is called *Sheidayee*, on which people can register without paying any costs and only by giving their basic information. This allows one to connect to a wide communication network all over Iran. Anyone can be acquainted with another person anywhere in the country and eventually meet face to face. However, not all sites are free. For instance, specific memberships on some sites that allow more privileges for the addressees are not free of charge. Moreover, sometimes the manager of the site permits the acquaintance of two people only after paying the cost, which means the introducing site makes an income as a trader. This situation has created an economic cycle moving around a bilateral benefit. Men seeking these sort of marriages are often affluent Arabs who tend to practise *sigheh* after paying extremely high prices. They are often referred to as medical and religious tourists.

Pragmatically, there is another type of tourism, called sex tourism. Sex tourism is travel planned specifically for the purpose of sex, generally to a country where prostitution is legal and often in culturally interesting cities (Grant, 2017). Iran is a country where sex tourism flourishes, to the point where, amid increasing reports of Iraqi Shiite pilgrims in the holy city of Mashhad hiring sex workers during their stays, the head of the judiciary, Sadeq Amoli Larijani, warned the Iranian media not to cover sex tourism in Iran unless they wanted to face prosecution (Iran Human Rights Monitor, 2018).

There are myriad reasons why sex tourism flourishes. Iraqi tourism in Iran has increased as the decline of Iran's national currency, the Rial, has made visits cheaper (Iran Human Rights Monitor, 2018). This has resulted in numerous services operating simultaneously to support the supply and demand for sex tourism. Sex services are offered to Iraqi men and foreign tourists and pilgrims in up to 6,000 private accommodations called 'travellers' houses' in Mashhad by Khabar Online, the website affiliated with Ali Larijani (Iran Human Rights Monitor, 2018). The creation of a luxury market and flights from Kuwait have increased passenger traffic eight-fold (JAMnews, 2017). Four- and five-star hotels proffer services in these cities as informal dealers in the market. Drivers working around the holy shrines that boast a lot of

pilgrims and immigrants occasionally practise temporary marriage with these people themselves. The drivers also introduce them to individuals who are searching for quick temporary marriages.

Gender Discrimination

The inequitable plight of women in Islamic states, whether in the sphere of civil law or in social, political and cultural spheres, has its roots in the prevailing patriarchal and male-dominated culture. This culture does not tolerate freedom and democracy, just as it does not believe in the equal rights of men and women or the liberation of women from male domination (fathers, husbands, brothers), because that would threaten the historical and traditional positions of the rulers and guardians of that culture (Ebadi, 2003).

Lastly, gender discrimination is played out within the legal dimension of temporary marriage. This type of marriage reinforces social inequality from a legal perspective. In traditional societies in which there are fewer job opportunities for women compared to men and the subsistence of women depends on men, temporary marriage is a viable provider of women's costs of living, although men are exempt from paying nafaqa and inheritance to women in temporary marriages. After the annulment of a temporary marriage, a woman's subsistence and economic needs are not taken into consideration. She is unable to enter into another marriage until the end of iddah (45 days after the annulment of the marriage, or four months and ten days in the event of the husband's decease or childbirth, if the woman has become pregnant during the marriage). During this period, women have meagre, if any, financial means. Legislators have ignored the consequences of this unfavourable, gender-based imposition.

Gender Equality

Gender equality is not just about the law and women's formal rights. It is also about ensuring that women have equal access to power and its impact on society (Sigurdardottir, 2018), and about unequal treatment or perceptions of individuals based on their gender. It arises from differences in socially constructed gender roles; biology, through chromosomes, brain structure and hormonal differences; and social processes by which people are treated differently and disadvantageously under similar circumstances, on the basis of gender. Individuals are classified, humiliated, discarded and belittled because of their gender and sometimes restricted from certain job opportunities and equal social rights. Gender inequality represents a huge loss of human potential, with costs for men as well as for women.

As discussed so far, temporary marriage both affects and is affected by gender inequalities. One can see this in the light of three theories: Dahrendorf's conflict theory (Dahrendorf, 1958), Max Weber's theory of social stratification and feminist theory (Grusky, 2018).

From the perspective of Dahrendorf's conflict theory, inequality is a form of unequal distribution of power. He considers power to be the result of chance and opportunity, based on a specific discipline with a specified content that makes a group of people obey another group (Dahrendorf, 1958). There is legal and common-law justification for women to obey men and accept masculine authority in marriage, as mandated explicitly and implicitly in Iranian society. This masculine authority produces gender discrimination against women in temporary marriage.

A 26-year-old man living in Tehran, with one permanent wife and experience of temporary marriage, said:

'I appreciate another chance of temporary marriage, in case she pays for me. I don't spend money on women; she has to pay for my costs.'

From Max Weber's perspective, inequality is driven by unequal access to three factors: class, status and power (Grusky, 2018). Therefore, in temporary marriage, power, status and social class belong to men and women do not possess any special power and status compared to men. In this type of marriage, women submit to men due to poverty and a lack of social standing with which to achieve a suitable life. Based on Weber's theory of inequality, temporary marriage is the culprit that produces inequality and sexism in economic and social dimensions.

The most important theories with which to view gender discrimination against women in marriage are feminist theories. Generally, feminist theories seek to redefine women's identity so that it is equal to that of men in all affairs, including family and marriage. When conservatives and feminists view the same institutions, they draw dramatically different conclusions. Although vast numbers of people consider marriage and family to be the source of love, intimacy and tranquillity and where reciprocal needs are met, the feminist approach deems marriage and family to be the reason for exploitation, loneliness and inequality. On one side, conservatives champion marriage as indispensable to civilisations as a bastion of traditional values and a training ground for society's institutions. On the other side, there is the viewpoint that marriage is the foundation of patriarchal capitalism, which feminists claim is the source of women's oppression (McElroy, 1996). Radical feminists regard marriage to be an involuntary status in which violence, unemployment and unwanted sexual demands are imposed on women. Marriage is inherently hostile to women and oppresses women, and the family breeds patriarchy. Interviews conducted for this study revealed a high level of oppression and violence because men had exigent sexual demands in the temporary marriages and women faced the risk of domestic violence if they did not meet men's needs.

Strategic Action

The manner in which people manage a situation when facing problems is often anchored to various degrees of strategic action such as applied action, applied interaction, supervising basic tactics and methods of ordinary or daily doings. Tactics are behaviours and actions conducted by people (Corbin & Strauss, 2011, p. 152). In this research study, the interactions that are substantial and specified in temporary marriage are referred to as 'strategic action'.

Mut'ah, a Temporary Relationship with a Specified Ending

Temporary marriage cannot be the permanent choice of an individual; rather, some people choose temporary marriage either as a discontinuous or a parallel relationship co-existing with their other

relationships. Parallel relationships and midlife crises increase the tendency towards entering temporary marriage. Moreover, some study participants cite their spouses' reluctance to engage in sexual intercourse due to physical illness, menopause or libido reduction as the reason for practising temporary marriage. As indicated by the study interviews, temporary marriage causes these kinds of sexual, emotional and economic actions due to the partners' awareness of its eventual discontinuation and its restriction of satisfaction to a specified time period.

Women prefer temporary marriage because of previous, unsuccessful marriage experiences and also because of the fear of an unknown future in terms of securing a permanent marriage. Men prefer temporary marriage rather than permanent for a variety of reasons: midlife crises, loveless marriages, sexual dissatisfaction, the limitations of permanent marriage and the tedious process of dissolving a marriage in the family courts. That is why they are more willing to undergo temporary sexual and emotional relationships that are limited than long-term, permanent relationships with ambiguous futures.

Economic and Sexual Relationships

The results of this study revealed that gender discrimination and stereotypes are dynamic in temporary marriage. Among the studied cases, in the statements of the participants, men's economic support of women and women's obedience were readily observable, especially when young and beautiful women were dominated by middle-aged men. Both types of the abovementioned relationships reinforce sexual stereotypes of the femme fatale/vamp who dominates men through sexual strategies, and men who govern women using economic strategies. In this manner, an unequal relationship is formed. Although one of the parties considers himself/herself to be more passive, he/she takes advantage of the relationship's benefits and continues it, aware that the partner is receiving more benefit. All in all, temporary marriage does have an instant-reward component. In fact, temporary marriage meets the demands of a person exactly when he needs the rewards; while the rewards may be postponed in permanent marriages.

Inequality in relationships is more accentuated in sigheh mahramiat marriages, when one person is under the age of 18. Problems begin to surge when there is a significant age difference between the partners, sometimes as much as ten years, and the wife is still a schoolgirl. In such situations, the man is certainly trying to train his wife according to traditional customs and attempting to dominate all aspects of her life. In many cases, girls under the age of 18 are irritated by their spouses and mothers-in-law, because their youth makes them incapable of managing their relationships.

Although inequality in relationships holds true for a number of people, inequality is not a comprehensive explanation for all of the studied samples. Contrary to claims, a deeper analysis of the mechanism of such relationships indicates that something far beyond a unilateral need is facilitating the relationship. It can only be surmised that either what is happening inside the relationship is bilateral or the efficiency of the communication system contributes to its steadiness in Iranian society. One of the perpetuating patterns of temporary marriage is reciprocal benefits for the partners, similar to the basic

tenets of *quid pro quo* found in commercial contracts. In this study, the majority of the participants were mutually satisfied with what was happening inside the relationship. In other words, either what was occurring was beneficial for both partners or the relationship carried on based on the satisfaction of the two families involved. The partners initiated the relationship implicitly or based on an agreement written in advance, which can be referred to as a kind of contract/treaty. Explanations and interpretations derived from a number of the interviews revealed that partners in these relationships meet their own needs in a give-and-take process. What is given and taken in the process may be referred to as 'commodities'. The woman reaches her economic objectives by presenting her beauty and sexual attractiveness. Depending on his financial status and economic power, the man enters into a relationship with a woman younger than himself, so that he can enjoy and take advantage of having a relationship with a younger woman. The feeling of joy in the man is accompanied by a sense of power that is a reminder of his conquest and competence in taking his pleasure. The drive is financial ability and (sexual) fantasy.

Therefore, although there is no genuine economic balance in many temporary marriages, considering the value of all the aspects reveals that the relative balance of economic and non-economic needs is what makes these relationships thrive. In fact, the woman's beauty and youth is deemed to be a commodity in an economic deal.

Such a situation was particularly observed in one of the interviews: a 26-year-old man living with his wife and three-year-old child started a relationship with a 50-year-old rich, alone and depressed woman. Being economically powerful, the woman entered a relationship by which she thought she could escape from the depression and loneliness. On the other hand, the man, having a meagre income as a hair dresser and being burdened with the responsibility of paying for his family upkeep, took advantage of the relationship economically and sexually.

Focal Topics

This section analyses two issues that are at the centre of the temporary marriage debate: hedonism and the conditions that facilitate or encourage child marriage. These two focal topics are discussed in the following sections.

Hedonism

Hedonism is a school of thought that argues that the pursuit of pleasure and the intrinsic good is the primary or most important goal of human life. This philosophy of life is referred to as a 'pleasure-seeking philosophy', which means that whatever is enjoyable and beneficial for the person is correct. The philosophy brings a materialistic, abusive attitude towards all human relationships and principles in society. Such pleasure-seeking relationships are clearly observed in temporary marriages where hedonism and pleasure are the starting point for the marriage (Mullings, 1999). Moreover, the lexical

meaning of 'mut'ah' refers to this reciprocal hedonism, as well. However, as was seen in the interviews, this pleasure-seeking is mostly for the benefit of men.

Legal expert Mashhad said:

'We mostly see cases in which the man has a wife, children – he is OK in his life. We ask him, "Why did you practise sigheh?" They say men seek variety. They do not marry divorced women as they mostly want girls. Well, maybe the woman is the man's secretary, which is very common. Attorney colleagues start a relationship with their clients who have divorced their husbands – practise sigheh with them or with their secretaries. This is common among physicians, but not among teachers, because they do not have the place. They do not have an office and a secretary. It's obvious.'

From the study participants' point of view, sexual pleasure-seeking is inseparable from temporary marriage – the core reason why it is practised. Although this holds true for both men and women, for woman, economics may be a more essential reason. In fact, temporary marriage renders mutual benefits, such as addressing sexual, psychological and, sometimes, economic needs. What makes these relationships thrive and endure is when the aforementioned needs are met while not being placed in the framework of responsibilities of the male partner. For a woman, however, the relationship may be fraught with anxiety due to realistic fears of inconsistency, the limited duration and social stigmas. A person is free to have interactions with her/his sexual partner with the knowledge that commitments for making the relationship eternal are not necessary. In temporary marriage, evidence of these factors abounds in the time-limited relationship, all of which factors do not impose the responsibilities inherent in permanent marriage. The relationship can flourish while needed and be hidden in the pocket when the partners' needs are met and the marriage ends.

Temporary marriage can be defined in the framework of this lifestyle, which is based on personal preferences, excessive pleasure-seeking and hedonism. In fact, hedonism and excessive pleasure-seeking are among the characteristics of a perilous lifestyle. Distinguished Professor Cockerham theorises that lifestyle has two dimensions – negative and positive, or healthy and perilous (Cockerham W. C., 2012). A 'perilous' lifestyle is a life pattern that a person chooses based on his/her values and preferences, but has negative consequences for other persons (Afrasiabi & Barati, 2015).

The marriage may encourage or trigger sexual deviations and disorders such as paedophilia. Paedophilia disorder is categorised as a sexual deviation in the 5th edition of the *Diagnostic and Statistical Manual of Mental Disorders*. Sexual deviations are a category of mental disorders in which uncommon sexual demands and behaviours cause actual or potential harm to others (Wakefield, 1992). Paedophilia is the most extreme type of sadism.

To be classed as a paedophile, the perpetrator is usually at least 16 years of age and his or her age difference with the child usually exceeds five years. The act can also be considered violence against woman (Gunn, Maden, & Swinton, 1991). According to the international definition, a 'human being' is deemed to be a child from birth till the age of 15–18. A paedophile has continuous, intense sexual fantasies, desires and arousals in relation to immature or pre-pubescent children. This sexual attraction to children is deemed to be a 'character or behavioural abnormality in adults' in which the ill person simply prefers immature or pre-pubescent children. This, tragically, is displayed in early marriages. For paedophiles, child marriage has become a front for having sexual intercourse with children and legally escaping criminal penalties.

Early Marriage

Any marriage under the age of 18 is referred to as 'child marriage' or 'early marriage', according to the definitions given by the World Health Organization (the 'WHO'), UNICEF and other international legal and human-rights organisations (Chandra-Mouli, Camacho, & Michael, 2013). In the Convention on the Rights of the Child, a person in the age-range of birth till 18 years is considered to be a child (UNICEF, 1989). The United Nations Population Fund deems any marriage under the age of 18 to be a child marriage, as the girl is not physically ready to accept nuptial and child-care responsibilities (UNICEF, 1989). Such marriages are organised by the child's father or grandfather, disregarding the minimum legal age of marriage (Ahmady K. , 2017, pp. 8–9).

Millions of little girls around the world are forcibly paired with older men when they are as young as 11. Child marriage has become a cover for paedophilia. Most of the girls are raped during the so-called consummations of these marriages. There is no marriage in the moral sense because clear knowledge, free consent and informed choice have to be present for such a union to be valid. Laws in place forbidding child marriage in most developing countries are generally ignored (Cullen, 2017).

The legal and religious legitimacy of practising temporary marriage with 13-year-old girls helps to facilitate a paedophilic disorder. Individuals who shield this type of disorder often find a legitimising refuge for their sexual needs in the framework of temporary marriage. When a person learns that there is no legal or religious limitation on the age of marriage, he tries to marry children. Under criminal laws in both civil-law and common-law countries, a man who has sexual intercourse with a nine-year-old would be guilty of rape. However, if a man has sex with a nine-year-old it is not considered paedophilia when it is approved by socio-cultural or religious customs. For people who have a sexual desire for young female girls, being allowed to practise sigheh is a way of masking paedophilia.

According to Iran's first Supreme Leader, Ayatollah Khomeini, sexual experiences, with the exception of intercourse, are permitted with

43 year old married man living in Tehran said:

'I had a problem with my first wife that I was compelled to practise sigheh: she was divorced and 20 years younger than me.'

girls of all ages. He issued a fatwa (religious edict) saying:

Anyone who has a wife less than nine years of age is not allowed to engage in sexual intercourse, whether she is his permanent or temporary wife. However, other forms of sexual pleasures are permitted, such as touching with lust, hugging, and rubbing the penis between the buttocks and thighs; even if she is nursing a baby.

Such an approach clearly encourages paedophilia. Paedophiles can practise temporary marriage and, as there is no limitation on the number of such marriages, a paedophilic person has free rein to have numerous sexual relationships with many teenage girls.

If conditions are not implemented to prohibit paedophiles from practising *sigheh*, at its extreme, grotesque and morally reprehensible incidents such as child rape can occur. In 2017, the rape and murder of six-year-old Setayesh Ghomeshi in the Iranian city of Varamin, south-east of Tehran caused intense public shock and anger. She was raped, murdered and covered in acid in a vain attempt to dispose of her body. Equally, the rape and murder of a seven-year-old Atena Aslani in the north-western town of Parsabad caused a wave of uproar and collective condemnation (Moore J. , 2017). These tragedies provoked calamitous public anger. In both horrendous cases, these young girls were sacrificial victims, slaughtered in the name of sexual pleasure.

According to reputable and respected Shiite religious quotes, the essence of temporary marriage is permitted in Islam, even if it may be counterproductive for some people. What is critical is the age of the girl who is in a temporary marriage.

Religious Legitimacy of Temporary Marriage

Twelver jurisprudence (the belief in twelve divinely ordained leaders known as the Twelve Imams) and the Iranian Civil Code of Iran specify the age of 13 as the legally permissible age of marriage – nine with the consent of the court and the parents.³¹ Based on the international definitions of ‘child’ and religious agreements, this age of marriage for children, and particularly for girls, is one of the pivotal enablers of early marriage. Akbar Hashemi Rafsanjani, in his book titled *Temporary and Permanent Marriage*, considers the end of nine years to be permissible for *sigheh mahramiat* and temporary marriage.

31 From the perspectives of some traditional Islamic scholars like Mamusta Abdul Karim Shahrikandi and Ahmad Moftizadeh, and some Shiite sources like Ayatollah Sanei, these ages and temporary marriage are not acceptable for today’s women.

A 27-year-old woman living in Mashhad who married her husband at 14 after two years of temporary marriage, said:

'Let me tell you, there is no difference. Sigheh is the same as marriage. It is fixed. Sometimes they marry later. It is not for knowing each other. They set the conditions the very first moment.'

Contributing to temporary marriage's sustainability is the religious legitimacy of temporary marriage, which also contributes immensely to the arguments for child marriage's validity, particularly when well-known religious leaders and authorities acquiescent and approve. According to the study questions that were posed about religious sources, such as Ayatollah Sistani, the spiritual leader of Iraqi Shiite Muslims and one of the most senior clerics in Shiite Islam, and Ayatollah Noori Hamedani, an Iranian Twelver Shiite Marja, there is no discernible difference between sigheh mahramiat and temporary marriage. Therefore, traditional families force their sons or daughters to marry another person through sigheh mahramiat with the aim of controlling their children's sexual behaviours and mitigating the imposition and pressures on their children imposed by others. The person they marry is usually also from a peer-group, religious family.

Results of the present study and interviews with traditional religious families indicated that child marriage is practised, with parental permission, in the framework of sigheh mahramiat and temporary marriage. However, in such cases, avoiding sexual penetration is implicitly set as a condition. This condition is unrealistic: the couple are in the throes of puberty and mentally and economically immature, but are expected to avoid sex. According to interviews, some children were not satisfied with such marriages. The researchers were cognisant that, as children do not have the knowledge or appreciation of the nature of marriage, their satisfaction may not be counted as a conscious choice.³²

The legitimacy of temporary marriage is significant in Iranian society, rendering it permissible only if the relationship is firmly planted within the framework of religion. Such an attitude weakens the necessity for legality. The collected data indicate that religious legitimacy is of much more importance than legal validity. This shows the significance of religion as an origin of the phenomenon and a factor in its continuation. Relationships formed under the title of sigheh mahramiat and in the framework of premarital familiarisation sometimes will not be formalised until

A 22-year-old married woman living in Mashhad practised sigheh mahramiat with her husband when she was 12. She shared:

'What does one understand at this age? One day I came home from school; they told me, "You have to marry him." I didn't go to school any more. I think it's better to get a little older. While you are a child the man dominates you. You have to listen, whatever he says.'

³² Woman's satisfaction is a custom practised by Islam's prophet, and an underage person does not need marriage for which a parent's permission is a condition.

two years after practising sigheh. The researchers for this study observed that the participants did not mention any special reason for these long periods of sigheh mahramiat; they only stated that sigheh mahramiat is practised for the purpose of fulfilling family commitments and marrying officially.

Most researchers who attempt to situate the broad milieu of parenting styles within the normal variations in parents' attempts to control and socialise their children look to the theories of Diana Baumrind. Baumrind observed three styles of parenting: (1) authoritarian, (2) permissive; and (3) authoritative (Baumrind, 1991). Normally, in authoritarian families, children are submissive to their families; therefore, traditional families would not take into consideration the child's opinion on marriage. As the parents genuinely believe that it is part of their parental duty to choose a spouse for their child, to control their sexual behaviour, the child's opinion and consent are inconsequential.

Consequences

The last paradigm within the temporary marriage framework is the consequences.

Whenever one undertakes or doesn't undertake a certain action in response to a problem, or for expediency, consequences do occur (Corbin & Strauss, 2011, p. 152).

Based on the interviews with participants and interpretations by experts, the study identified the consequences of temporary marriage to be as follows.

Economy of Pleasure, Corruption, and Prostitution

As discussed in previous sections, temporary marriage is a bilateral economic relationship and a booming commercial opportunity for dealers, hotel owners, website owners, bloggers and managers of websites. Managing women's bodies and turning them into a valuable commodity, this market makes the fragile status of womanhood into a money-making machine: women, particularly impoverished woman, submitting to men's sexual needs. The promotion of all forms of industrialisation centred on women and sexuality is exploitative, contributing to the disastrous 'feminisation' of poverty. These economic costs and expenditures are transacted in the framework of temporary marriage, especially in religious cities.

As previously mentioned, dual entities that operate in synchrony have a profound effect on those who practise temporary marriage: its religious legitimacy and its legal justification. Religious legitimacy dilutes or eliminates the pangs of guilt. As one man said, you follow all the Islamic codes and regulations and everyone is happy, except, truth be told, his permanent wife of 29 years (Labi, 2010). Legal ratification produces immunity from potential legal action. For instance, many interviewees in cyberspace practised sigheh without undergoing iddah and were unaware of the strict instructions to do so. This situation indicates that the mere word 'sigheh' translates into 'automatic legal immunity'. In fact, the person makes his/her prostitution legitimate and legal by practising sigheh. However, these

realities are not hidden from the public eye, as many consider temporary marriage to be a vehicle for promoting corruption in society. Its sole purpose is for sexual gratification in a licit manner.

Negative Attitudes to Permanent Marriage and Promotion of Scepticism

The modern family is formed based on love and affection. Destruction of trust between members of a society is therefore a social calamity that can create havoc. The rise of distrust and hypocrisy in social relationships and the development of various moral deviations in society will eventually trickle down to the family, as they contradict the spirit of the Islamic law of marriage. Their perverse effects can be seen on women, communities and human interactions. They will also render the quality of relationships shaky and uncertain. Therefore, people are less likely to trust each other and, instead, seek out transitory, temporary relationships. That way, if they make a mistake in choosing someone for a sexual relationship, they can leave him/her easily, without assuming any responsibility.

A 30-year-old man living in Tehran, with experience of divorce and various temporary marriages lasting only a few months, said:

'I totally disagree with permanent marriage; I no longer want to have permanent marriage anymore. I do not sign an agreement with anyone and I tell them as well. LOL, I'm not in the mood at all.'

A 52-year-old man in Tehran, whose wife is deceased, was interviewed in his shop. He shared:

'It's nothing more than the promotion of corruption in society. It is the cause of the rise in corruption in society and such situations occur. It is full of deficiencies. It is not just the issue of sigheh in society. Nowadays, no one practices sigheh; everyone lives with each other through mutual understanding. There is no need for a clergyman to state the words any more. They live freely with each other and they call it white [unregistered] marriage! They say it is much better.'

Individualism, liquid relationships and distrust are among the characteristics of modern society. Social interactions like temporary marriage are a confluence of such behaviours. The difficulty of placing trust in someone translates into a stubborn wall of resistance to taking steps towards permanent marriage.

Seyed Mohammad Ali Mousavi Mobarakeh, a member of the Majlis who sits on the parliament's social committee, although defending *sighah* on specific religious principles, acknowledges that, because the connection between the concept and religious edicts has been lost, temporary marriages in fact contribute to marriage breakups (Ghoreishi, 2012). When one has several relationships with *mut'ah* women, a sort of distrust and boredom can develop. If one then does decide to enter into a permanent marriage, it will be destroyed due to the unlimited number of previous relationships.

Still, there are a few people who retain positive attitudes towards temporary marriage, as they consider *mut'ah* to be a trial marriage – an opportunity to get ready for permanent married life.

A 35-year-old man living in Tehran, with experience of divorce and temporary marriage, said:

'The worst thing is that one loses trust. You don't like to marry someone anymore, as you think everyone is like the ones you were with.'

Instability of Family Foundations and Rise of Divorce

Previously, in the Western world, marriage, the family, the home, and the economic independence and specialisation of women were essential to the improvement of marriage and motherhood. The psychological effects of this dependency and conflict were a lack of self-esteem, a lack of confidence, anxiety and an inability to function in the workplace. Charlotte Perkins Gilman, a prominent American feminist and social reformist, wrote that, when women fulfilled their dual roles of mother and martyr, those roles were mimicked by and passed down to their children, reinforcing the image of women as unpaid workers and nurturers. Often, their cultural identities were firmly anchored to their statuses as wives (Gilman, 1898). It was when a swelling number of women entered the labour force that a new definition of themselves emerged (Hill, 1980).

A 28-year-old man living in Tehran, single, with experience of temporary marriage shared:

'The second time we lived together was a very good experience; we found it both good and weird. Before that I could not understand what a burden [there was] on my father for the cost of living. During the time I rented a house, I had the responsibility of payments for rent, utilities and other stuff. The woman living with me sometimes needed some things, sometimes like clothes. It was a very good experience. It seems easy: you work, make money and done. But it is really different. It was an experience like marriage and forming a family for me. But I don't know how to say – it was something like simulation of a real life – like when they create [a] humanoid.'

Although far from being a utopia, the 21st century does allow women to enjoy more freedom and power than ever before. More and more women are economically independent, meaning they, individually, have access to the full range of economic opportunities and resources to shape their lives and can meet their own needs and those of their dependants. Today, women are recognised as economic players who contribute to economic activity and should be able to benefit from it (Government of Canada, 2001). The economic transformation that has changed the face of the world over the past few decades has had a profound impact on the lives of women. Many of these changes have been positive.

For Iranian women, the economic trajectory has been much lower. The stronghold bonds of patriarchy, subordination and discrimination against women restrict them from enjoying their economic and social rights. Within the past four decades, Iranian women have become half of the country's university graduates. Iranian women's achievements in higher education demonstrate their capabilities and passion to be equal partners in building a better country, but discriminatory laws are holding them back. In the period between March 2016 and March 2017, only 14.9% of Iran's women were in the workforce, compared to 64.1% of men. This is lower than the average of 20% for all women in the Middle East and North Africa. The current unemployment rate for women is 20.7%, which is double that of men. A lack of adequate legal protection also contributes to obstacles for women in the workforce. Although there are more international companies and foreign investments in Iran, the benefits to Iran's economy will be limited unless the barriers women face in the job market are addressed (Human Rights Watch, 2017).

Many factors are at play here. The recent changes in economic conditions, social norms and values (such as the emphasis on togetherness shifting to an emphasis on individuality) have contributed to the abovementioned increase of divorce. The advancement of women in the social, educational and economic spheres has produced less reliance on men. It is suggested that an overall improvement in women's position in terms of financial and social status has changed the scenario. Women have become financially independent and are able to raise their own social statuses. As a result, people are readily pointing to women's independence as the reason for the increased divorce rate (Rabbani, 2011).

Lastly, modernisation may also be playing a role. Although on the surface it is not acceptable for married men to have affairs, some do, and many wives prefer not to know. However, in the modern generations, women are losing their tolerance for such behaviour and divorce based on adultery charges has become more common than it has been in the past (Price, 2001).

Nevertheless, although the role of women has changed, traditional ideas about the role of women have not changed at an equally rapid pace.

Measures of marital commitment and satisfaction are better predictors of marital dissolution than measures of economic independence. 'Weddings in Iran have long been over-the-top affairs, with families spending thousands of dollars to celebrate a union' (Dehghanpisheh, 2014). But there is an undeniable trend: divorce in Iran is soaring. Since 2006, the rate of divorce has increased such that around 20% of marriages now end in divorce. Some of the causes of divorce in Iran, as in many other countries, include economic problems, adultery, drug addiction and physical abuse. Experts say that the increase in the divorce rate points to a more fundamental shift in Iranian society, particularly the

substantial growth in individualism in Iran, especially among women. Women are more educated and have increased financial empowerment (Dehghanpisheh, 2014).

Marriages can end when one member of the couple discovers that the other has had an adulterous relationship. Nowadays, infidelity is the most important reason for divorce. According to research reports, 90% of all divorces involve infidelity (Zare, 2011).

On the other hand, those individuals who are struggling with loveless marriages, but do not want to be accused of infidelity, will choose the safe and legal entity of temporary marriage to meet their needs and fill the void. Dissatisfaction with their nuptial lives has made some men find solutions out of the house, instead of solving the problems within the family environment. Mut'ah's temporary aspect denies the formation of a family. A man who chooses it runs the risk of agitating the family foundation, disturbing its main function as an institution that does define human social relations, and endangering the mental health of himself, his family and others in society.

Child Marriage, Child Widowhood and Ending Children's Educations

The multifaceted discrimination and exploitation faced by women often starts when the woman is still a child or a pre-pubescent, and is sanctioned by the Shiite religion or the Iranian Civil Code. The age of 13 and even younger, under Article

A woman living in Mashhad who experienced sigheh mahramiat at the age of 11, said:

'We didn't have a problem, but the adults made us quarrel. When I came to my house, I didn't listen to my husband because I was too young. I performed better later after listening to the advice from my family.'

1041, with the court's and parents' permission, is deemed acceptable for marriage. Marriage at this age squarely contradicts the provisions of Iran's Child Protection Law, which purports to protect '[a]ll individuals below the age of 18 from any "exploitation" leading to "physical, mental or moral damage to the child endangering their physical or mental health"' (Justice For Iran, 2013).

Figures on child marriage are scarce because of its secretive, taboo nature. Nevertheless, in the past few years, the figures that are known in relation to child marriage have been devastating. The registered figures of marriage under the age of 15 in Iran from 2006 to 2011 clearly show that the number of these marriages has increased from 33,383 (in 2006) to 39,831 (in 2011). These statistics are not completely reliable because many such marriages are never registered due to their illegal nature. In most cases the spouses of these girls are much older and even already married. This means the only aim of these marriages is sexual pleasure, making these cases clear examples of rape.

Temporary marriage is often seen in religious, traditional families or marginalised families that are vulnerable to certain conditions, such as a weak economic status, deepening poverty, the need for economic gain, drug-addicted parents, poor education and bad guardianship. Poverty is especially stubborn in countries marked by violent conflict and broken healthcare and education systems.

Despite all its international obligations, Iran promotes the marriage of young girls under the pretext of carrying out religious conventions, hence facilitating rape, violence and psychological abuse against them, as well as depriving them of education (NCRI Women's Committee, 2015). There has been a rising chorus of national and international condemnation of these types of marriages from the general public, social activists and international human-rights organisations.

In August 2017, Iranian civil activists and politicians took steps to expose the damage caused by child marriage, issuing a statement urging an amendment to marriage law and an increase of the minimum age of marriage for girls and boys to 18. Part of the statement reads that early marriage is a form of child abuse and it violates children's rights – girls', in particular (Shakib, 2017).

Child divorce is one of the dismal consequences of child marriage. Forcing children to get married at young ages heightens the likelihood of divorce. Paradoxically, as Iranian marriage laws are intended to increase marriage, they are actually increasing the possibility of child divorce. In an exclusive report on child marriage in Iran, Zahra Rahimi, Iranian activist and expert on social affairs, revealed that more than 43,000 underage girls between 10 and 15 years of age are being forced into marriage in Iran. Zahra explained that the increase in child marriages is spinning out of control in Iran, while more than 2,000 of those 43,000 child marriages ended in divorce (Arabia Weddings, 2016).

The number of divorces during the past year shows that the truth is actually much worse. From March 2014 to March 2015, a total of 1,276 girls under the age of 15 divorced. Two of these innocent girls were married to men older than 40. Among girls 15 to 19 years of age, the Iran Census Centre registered 8,510 divorce cases, of which 290 girls were freed from living with men between the ages of 40 to 50 years old, and 37 girls were freed from living with men between the ages of 50 and 60. Moreover, 19 innocent girls who were wedded to men over the age of 60 during their teen years divorced them (NCRI Women's Committee, 2015).

Another dismal consequence of child marriage is that the child is prevented from having even the minimum education. In a report called *Stolen Lives, Empty Classrooms*, statistics gathered by the Islamic Republic Personal Status Registration Organisation and the Iran National Statistics Office between 2007 and 2012 are revealed. The report closely examines the number of marriages in various Iranian provinces involving girl-children under the age of ten; between the ages of 10 and 14; and between the ages of 15 and 19. In 2012 alone, at least 1,537 girls below the age of ten were forced to marry. During the same year, 29,827 girls between the ages of 10 and 14 faced the same fate. The report emphasises that the Islamic Republic authorities fail to record all cases of girlhood marriages. Accordingly, the report is limited in scope to statistics provided by state authorities and relies on reports, whereas the actual number of cases far exceeds those reported. *Stolen Lives, Empty Classrooms* also points out that the statistics in Iran from previous years show a significant drop in the number of students enrolled in an all-girl judicial-system school (Justice For Iran, 2013).

In these cases, in which these children – usually either from rural areas or traditional societies – are not allowed to prosper, they are unable to make educational strides as they are married off too soon. Their personal development and fundamental rights to health and wellbeing are at risk. Their isolation and limited freedom adds to the morbid feeling of disempowerment. A curtailed or complete lack of

education limits girls' opportunities for careers and vocational advancements and places them at increased risk of domestic violence. In other words, deprivation from even a minimum level of education prevents children's untapped talents and skills from blossoming.

The detrimental effects of child marriage extend far beyond the coming-of-age to a lifetime of deprivations and disadvantages. That has been supported by research, which demonstrates that the practice has an inter-generational, cyclic effect: reproducing poverty while reinforcing the subordination of women to men, through the very act of selling a girl according to her dowry price to the man she then must wed (Rangista, 2008). Certainly, child marriage has turned into an accepted fate, passed down from one generation to the next as part of 'the culture of poverty', thereby perpetuating poverty in a particular social class.

Violation of Rights and Discrimination Against Women

Gender violation resulting from patriarchy will not dissipate in Iran simply because of feminist research or even social and civil struggle (Ghoreishi, 2012).

Women's rights are violated in numerous ways by temporary marriage. Gender discrimination is one of the main criteria in evaluating whether or not women's rights are being violated. No doubt, women have social and civil rights, just as men do, and gender cannot limit women and prevent them from winning their rights. However, some factors facilitate the violation of women's rights, on which the legislator has kept conspicuously silent and the judicial system offers no suitable, lawful response to the problem.

A 27-year-old woman shared:

'Well, he paid for most of the things. I tried not to waste money as well, but he paid for most of the costs. Because I didn't have a job then – I got an insignificant salary from my father's pension, after his death.'

A man can practise temporary nuptial relations with several women. From a religious perspective, the lack of a limitation on the number of wives is not legitimately permissible, as Islam allows men to marry four wives when necessary, provided he can deal justly with all of them:⁴⁷

And if you fear that you will not deal justly with the orphan girls, then marry those that please you of [other] women, two or three or four. But if you fear that you will not be just, then [marry only] one or those your right hand possesses. That is more suitable that you may not incline [to injustice] (An-Nisa Surah: Verse 3).

This notion is so sacrosanct that men are forbidden from having more than one wife if they are not sure they can be just.

Many religious experts have voiced their comments on this particular verse, particularly Dr. Muḥammad Sa'īd Ramaḍān al-Būṭī. Many of his argument are framed within a pro-women's-rights agenda. He believes that the 'justice' adverb mentioned in Verse 3 of An-Nisa Surah should turn it into a legal issue that can be pursued legally, so that polygamy is not recreational, as it currently is (Ramaḍān al-Būṭī, 2010). He further points to verse 129 of An-Nisa Surah:

And you will never be able to be equal [in feeling] between wives, even if you should strive [to do so]. So do not incline completely [toward one] and leave another hanging. And if you amend [your affairs] and fear Allah – then indeed, Allah is ever Forgiving and Merciful.

He states that, as it is almost impossible to deal justly among several wives, the judiciary system should issue permission for having a second wife only after the man's request is legally proved to be a necessity and with the assurance that justice will be implemented (Ramaḍān al-Būṭī, 2010, pp. 207–209). Meanwhile, there is no limitation on men's temporary marriages under Iran's Civil Code.

A legal expert living in Mashhad shared:

'The process is so time-consuming that the complainant withdrew. Such an action does not deserve punishment. As I have personally seen that such hitting has caused deformation in women.'

He considers the judiciary system of Islamic countries to be inefficient, as there is disorganised 'unlimited polygamy'. He questions how justice can be served for women. The rights of some women are violated in this way. In fact, in addition to the promotion of polygamous marriage and the prevalence of STDs because of several, simultaneous marriages, justice will not be served for wives, either. Unlike men, women have to undergo iddah after the termination of a temporary marriage, while their economic needs during this period are ignored. This violates an important aspect of women's rights. The economic needs of women are vital in temporary marriages and are the main reason why woman practise it.

Being socially discarded is more serious for women in temporary marriages than it is for men. When women in temporary marriages are victims of domestic abuse, they usually do not pursue the problem legally. The stigma is daunting and the legal process is drawn out and precarious. In fact, women prefer to tolerate mental and physical harms rather than make complaints, so they are not stigmatised as being mut'ah women. This issue is another piece of evidence for discrimination against women, which is proven in interviews by experts and family counsellors.

The legal expert living in Mashhad continued:

'There are both law and common law. Iranian common law is derived from morality, and temporary marriage is a taboo, accordingly. Nonetheless, the law and the Sharia do not oppose the marriage. Primary relationship is good for a while, but the relationship will face challenges after a while. As patience is decreased in society, to some extent, the arguments turn physical. Many women have visited me several times complaining that the man has hit them after the argument. The woman is the one who is really damaged in such cases. But she has to forgive because of her respect and validity in society, so that she is not stigmatised as [a] mut'ah woman. She can file a lawsuit if she wants, but she prefers to remain silent since, if she enters the region in which she lives, she will be scandalised as [a] sigheh woman. She will be stigmatised, as the act is not accepted in common law.'

Moreover, the legal punishments for domestic violence against women in temporary marriages is not practical, as the process of legal pursuit is time-consuming. Interviews with legal experts indicate that there are many cases of mut'ah women going to attorneys and legal centres to complain about economic losses and physical harms. In the end, many withdraw the complaints and waive their rights because of the time-consuming process of proving their claims and the light punishments handed down by courts.

Conclusions

Temporary marriage is a social, religious and legal event that has been embroiled in dispute about its legitimacy across all sectors, even as it survived centuries of scrutiny. The polarisation and sectarian divide over the issue could not be more palpable: advocates consider temporary marriage to be a vital way of protecting society from prostitution and illegitimate relationships, and others claim it promotes corruption and prostitution in society. The feminist view of temporary marriage is that it hides behind the thinnest façade of legality and poses as a sacred element of a world religion for only one reason: to maintain men's domination over women.

Despite the various attitudes towards temporary marriage, the present study found that temporary marriage is increasing in the transitioning society of modern Iran. The increase is mostly due to social, economic and cultural circumstances. The divorce rate increases yearly; the number of men and women defiantly single grows every year, as well. The increase in the age of marriage and decided celibacy is the result of difficult economic conditions and breakdowns, the growth of individuality and independence and the corresponding unwillingness to accept responsibility for a group, a preference for short-term relationships, distrust, social belonging, an increase in the educational attainment of women, the visible

presence and involvement of women in economic, social and political arenas, and women's increased expectations. Therefore, the trend towards temporary marriage is acceptable to some people as a solution for meeting sexual needs that is in accordance with Iran's transitioning society, yet legally and religiously legitimate.

However, the ambiguous legal and religious conditions of temporary marriage and the pertaining legal deficiencies, such as the lack of compulsory registration and nafaqa, its annulment, iddah and the negative consequences of its social unseemliness and stigma warrant a re-evaluation of temporary marriage in the 21st century. Its negative aspects shake the family foundation and increase corruption, prostitution, STDs, child marriage, etcetera.

Thus, legislative, executive and judiciary bodies and religious experts need to study this issue in cooperation with university professors, legal experts, family advisers and human-rights activists. Accordingly, solutions should be presented and implemented to remove the legal, religious and social deficiencies of temporary marriage.

At the end of the following chapter, solutions will be presented for removing the limitations of this social entity, based on the comprehensive field study and several interviews with those who have experienced temporary marriage, and heeding the advice of legal and religious experts and family counsellors.

Quantitative Results of Temporary Marriage Study

The grounded theory (qualitative) method was used for the purpose of analysing the profound experiences of people who had practised temporary marriage and sigheh mahramiat in Tehran, Mashhad and Isfahan. When applying this method, a researcher is interested in producing a theory, a model or, particularly, a conceptual framework when there is a lack of empirical evidence and information on a topic. This approach is a type of public-psychology study for developing a theory based on the gathered data and its interpretation, which is constructed through the research process. As no model has been presented so far for explanation and clarification of sigheh mahramiat/temporary marriage, grounded theory was used.

The sampling method was meaningful, and theoretical sampling guided the continuation of the research afterwards to find a theory. The study carried on until it reached theoretical saturation after 100 interviews. Then, additional interviews were undertaken to ensure greater clarity of the results, and, after 216 interviews, the comprehensiveness of the study and the theoretical saturation seemed convincing. 35% of the 216 participants were men and 65% were women. Moreover, 82.7% of these people had some educational achievements, *vis-à-vis* a diploma or a lower educational level. In addition to the interviews with people who had experienced sigheh mahramiat/temporary marriage, religious experts and scholars, legal experts, attorneys and marriage registry officers were also interviewed.

Economic, Psychological, Emotional and Sexual Needs

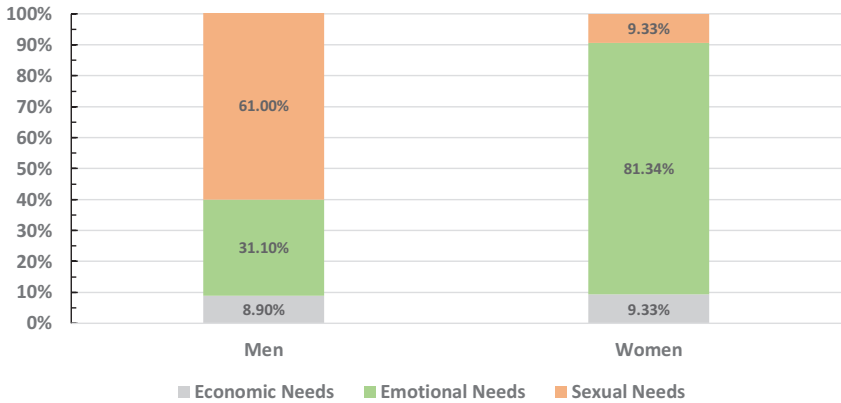


Figure 4: Percentage distribution of participants' needs given as reasons for entering into temporary marriage

The findings of the interviews conducted in the field study with individuals who have experienced either temporary marriage or *sighah mahramiat* elicited various reasons for entering the marriage. The results were informative. From the 216 participants, several consistent themes emerged. Men and women differed in their reasons for entering into temporary marriage. A factor constantly seen in the majority of the interviews was a specific need, be it sexual, emotional, psychological or economical.

According to the study results, the main reason for men practising temporary marriage is their sexual needs. In terms of priorities in the statistical population of men, sexual needs was cited by 61%, emotional needs by 31.1% and economic needs by 8.9%.

The main thing that encouraged women to practise temporary marriage was their emotional needs (cited by 81.3%). These women wished to gain an additional emotional connection or validation. Sexual and financial needs were ranked, respectively, at second and third place, both at 9.33%.

According to the data from this study, emotional needs in women and sexual needs in men are the driving forces and principal reasons behind the practice of temporary marriage. In other words, sex or emotional sustenance are prevalent reasons. Embedded in each of these voids were equally contrasting factors: for women, loneliness, unhappiness, unsuccessful previous marriages and dissatisfaction or lack of emotional intimacy between them and their partners; for men, a lack of mutual understanding.

This feedback mimics Maslow's Hierarchy of Needs, from physiological (the first level of needs) to love/belonging (the third level), which are among the primary needs of human beings. Humans will not reach self-actualisation unless their basic needs are met.

Men whose sexual needs are not met within the framework of permanent marriage tend to practise temporary marriage. In conjunction with the abovementioned needs are further reasons that men are driven towards seeking and finding satisfaction outside the home and marriage, such as a lack of interest in their spouse, illness, sexual dysfunction, personality problems of their spouse, family problems and spousal arguments. Temporary marriage conveniently paves the way for men, due to its ready availability, lack of legal formalities, religious legitimacy and absence of legal responsibility.

On the other hand, despite being aware of societal disapproval and stigma, widows and divorced women prefer temporary marriage to permanent marriage because of loneliness and emotional problems, economic needs and the fear of repeating previous, bitter marital experiences. Additionally, widows may fear losing pension benefits if the state learns that they have remarried. Based on Hechter's sociological Rational Choice Theory and Homan's social Exchange Theory, it is concluded that men and women enter into temporary marriages because of the benefits they receive. Thus, they consider temporary marriage to be more rational and cost-effective than permanent marriage.

Family and Individual Religious Beliefs

As it is indicated in Figure 5, about 32% of the statistical population have strongly held religious beliefs, 50% have average-strength beliefs and 18% have low-strength religious beliefs. Therefore, the majority of the respondents in the study considers religion, religious instruction and the questions asked by religious scholars to be important norms in their personal and social lives. These results yielded no surprises. Iranian culture is class-based, traditional and patriarchal. Tradition is mostly rooted in religion, and class and patriarchy have been constant features of Iranian society since ancient times (Price, 2001).

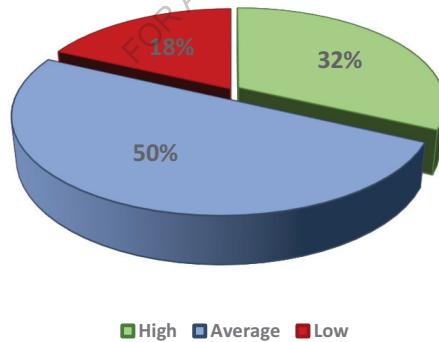


Figure 5: Percentage distribution of strength of participants' religious beliefs

Temporary marriage and *sigheh mahramiat* are among the religious beliefs of Shiite Muslims, but not those of Sunni Muslims. Shiite Muslims consider temporary marriage to be a religious, traditional act that is not illegitimate, but something deserving of a worldly reward. According to Shiite hadiths and

narrations, mut'ah is a tradition that should be practised to prevent corruption in society. However, the tradition is specifically targeted at men who are unable to practise permanent marriage because of their difficult economic status. According to Shiite jurisprudence, temporary marriage and sigheh mahramiat are permissible. The majority of religious sources and scholars in the Islamic Republic of Iran also believe that sigheh mahramiat and temporary marriage are permissible after puberty. They recommend it to their followers.

However, clergy such as Isuikie Ayatollah Sanei consider temporary marriage to be a relic of the past related to specific conditions of battle at the onset of Islam. He asserts that temporary marriage is a contributing factor in the collapse of the family in today's society.

People practise temporary marriage because of their economic, sexual and emotional needs. They undergo this type of marriage without pangs of guilt as they consider it religiously permissible. On the other hand, economic, sexual or emotional needs are sometimes not the driving force. Instead, it can be religion.

In this study, 'sigheh mahramiat' refers to a type of temporary marriage that is practised by religious, traditional families, the driving force of which is not to meet needs, but to control their teenagers' sexual desires.

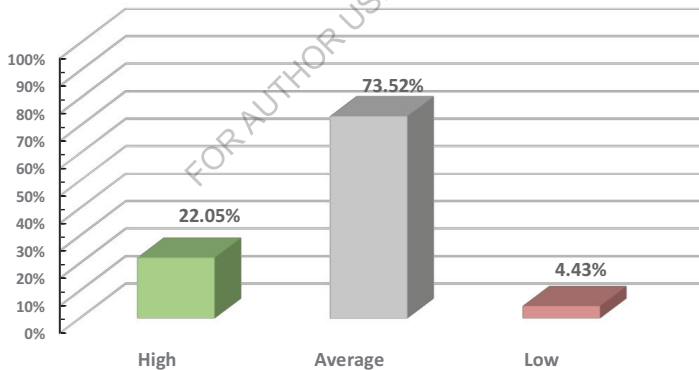


Figure 6: Percentage distribution of religious beliefs in families with a background of sigheh mahramiat

The data collected in this study showed that 22.05% of the families who have practised sigheh mahramiat have strong religious beliefs; 73.52% have an average level of belief and only 4.43% have a low level of religious belief.

Families with strong and average-level beliefs justified sigheh mahramiat by citing religion. However, families with lower levels of religious belief considered this type of marriage to be a tool for organising

the sexual behaviours of their children in relation to traditional norms and patriarchal culture, reducing social pressures and militating against temptation. For religious scholars, *sigheh mahramiat* is the same as temporary marriage, but geared towards children and teenagers (although *sigheh* is practised by older people as well, in this study, the statistical population includes people under the age of 18). In fact, religious, traditional families practise *sigheh mahramiat* as a solution for reducing social pressures imposed by society and controlling sexual behaviours that may start at the beginning of puberty.

However, the practice usually leads to sexual relations and facilitates the conditions of child marriage.

Family Background and Temporary Marriage

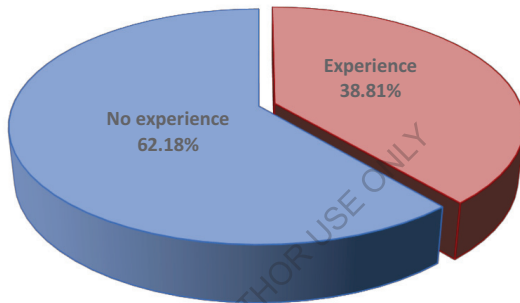


Figure 7: Percentages of participants with and without a family experience of temporary marriage

Family lifestyles and methods of children's social training are among the basic reasons for the acceptance of *sigheh mahramiat* and temporary marriage. For families who practise *sigheh mahramiat* and temporary marriage, they are practices reflecting an accepted social behaviour that are internalised and followed by future generations.

In this study, 62.18% of the participants were from families who did not practise *sigheh mahramiat* as an accepted social behaviour, while 31.81% were from families in which this type of marriage was common. Furthermore, according to social learning theory, family members learn and repeat patterns of behaviour that do become family norms. Thus, if they see other members of the family practise temporary marriage, they learn that it is an accepted norm and readily repeat it when there is an opportunity.

Revealing Temporary Marriage, Opinions of Marriage and Duration

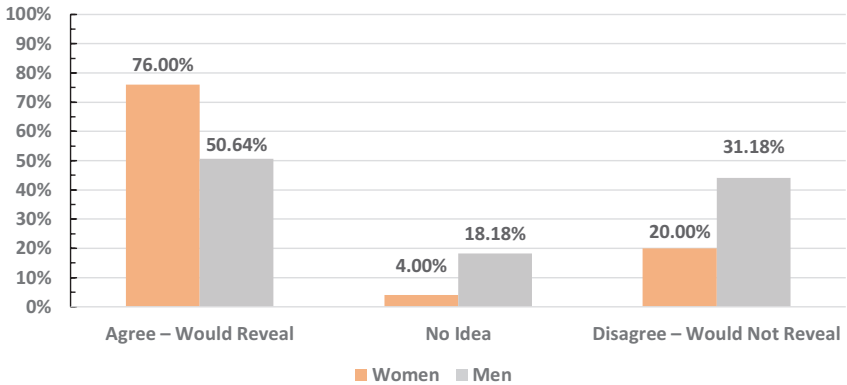


Figure 8: Percentage distribution of participants according to their opinions on telling others about a temporary marriage

Due to society's negative attitude towards temporary marriage, people practising it usually try to hide it. The specific reasons are numerous: social unacceptability, its being considered on par with prostitution, its contribution to the collapse of the family, and the possibility of being labelled as variety-seekers and sexually unrestrained.

Iran is in a transitional period from a traditional-norms-based society to a contemporary society. The demographic surge of the post-revolutionary period (which has resulted in a doubling of the population to 71 million) and, more specifically, the burgeoning of the youth population have largely produced the change. This demographic surge has been accompanied by changes in attitudes. The study findings revealed that, contrary to previously held negative feelings about temporary marriage, it is no longer of high significance for some people. Data shows that 76% of women and 50.64% of men agree that they would reveal a temporary marriage. In other words, 20% of women and 31.18% of men would hide a temporary marriage.

Obviously, men are less likely to inform others about their temporary marriages for their own set of reasons: they're already married; the difficulty of an open, but parallel life with one's permanent marriage; the devastating consequences for the first wife and their children; and avoiding heavier social pressures that are imposed on men. However, women's tendency towards revealing their temporary marriages may be due to hopes of turning the marriages into a permanent ones, or enjoying more financial and emotional benefits. In addition, women think that, if others become aware of their temporary marriages, the men will have to undertake more responsibilities regarding their mut'ah wives and children because of increased social pressure. However, this does not mean that women's attitudes towards mut'ah are more positive than men's. Undoubtedly, some women genuinely consider this type

of marriage unpleasant and engage in it only because of financial, emotional and sexual needs, as previously mentioned.

Marriage occupies an important position within the concept of a good Muslim life. It legitimises sexual intercourse, procreation and child-rearing, and the inter-temporal and inter-generational transmission of wealth and income within the family. The requirements of marriage are often closely linked to societal understandings of the roles of men and women within a culture. In many parts of the world, these relationships between men and women are often highly biased to favour men. Temporary marriage is no exception. Temporary marriage is just one example of the many misogynistic religious rules that have been made by men based on their narrow, selective interpretations of Islam. It gives men the right to have multiple sexual partners while stigmatising women who do the same. It encourages moral contradictions that allow men to avoid extra-marital sex laws, while not allowing women to do the same. Temporary marriage is favoured by men, and this was borne out by the study. The study indicated that 56% of women have a negative attitude towards *sigheh*, disagreeing with its objective, while 66.24% of men have a positive attitude towards it. Nevertheless, 33.76% of men disagree with temporary marriage's objective.

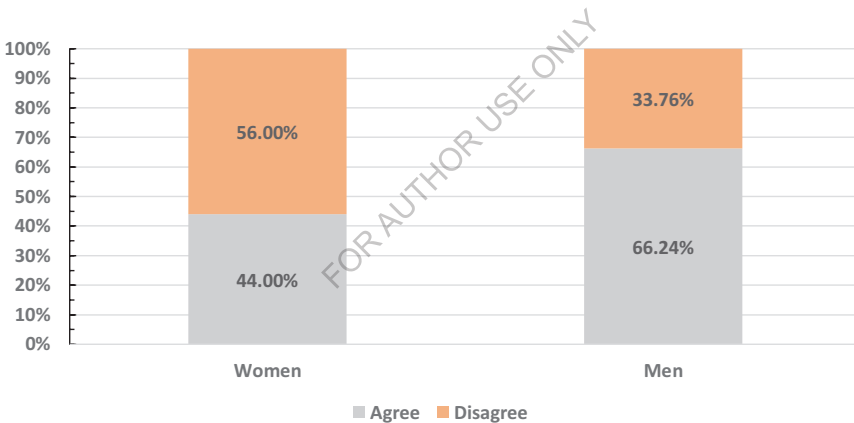


Figure 9: Percentage distribution of men's and women's attitudes towards temporary marriage

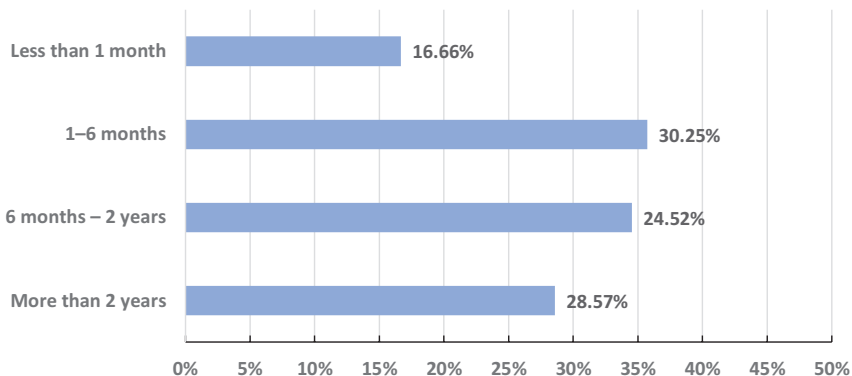


Figure 10: Percentage distribution of sigheh duration among participants

The quantitative results of the interviews revealed that, with respect to duration, 16.66% of respondents practised temporary marriage for less than one month, 30.25% for one to six months, 24.52% for six months to two years and 28.57% for longer than two years. The results clearly indicate that the majority of temporary marriages last for less than two years.

The negative attitude of the majority of women towards temporary marriage is a confluence of reasons such as previously unsuccessful temporary relationships, violations of their rights and previous marriages not meeting their financial or spiritual needs. The data indicate that women practise temporary marriage mostly because of loneliness and mental and/or spiritual crises, while men practise it because of sexual needs. As its name uncontestedly make clear, temporary marriage is temporary. When men seek women only for the sake of sexual satisfaction, it must, on a certain level, be rather unpleasant for women who know in advance that this is their value. Women face more emotional crises in such temporary relationships as, after the termination date, the fragile links are severed. When relationships end abruptly, women face more emotional and psychological harms. Men are less likely to extend relationships or turn them into permanent ones. Accordingly, whatever fleeting pleasure or satisfaction women feel, it is temporary. Moreover, these women are stigmatised by society as being immoral; therefore, their psychological and emotional problems continue to mount long after the relationship is over. It is not surprising that women's attitudes towards temporary marriage are more negative when compared to men's.

Pregnancy, Awareness of Regulations, Marriage Registration and Violence Against Women

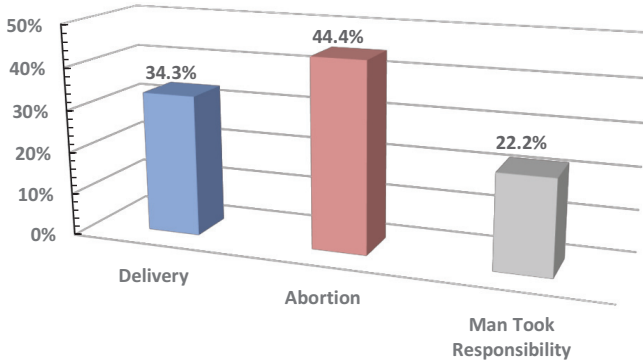


Figure 11: Percentages of participants who became pregnant during temporary marriage

Undeniably, the overriding objective of temporary marriage is sexual joy upon paying an agreed sum to the woman as mahr for a specific duration. Conversely, pregnancy is neither the overriding objective nor an anticipated event in temporary marriage; indeed, based on narrations and recommendations from certain religious sources, pregnancy is prohibited in temporary marriage.

In cases where a woman does become pregnant during the duration of a temporary marriage, the man has to pay nafaqa and assume legal responsibilities, such as obtaining an identification certificate for the child under his name – akin to the legal responsibilities assumed for a child born of permanent marriage. From this perspective, children born out of temporary marriage have all the rights of children born out of permanent marriage.

Based on the gathered data, 34.3% of women who become pregnant deliver their children, but 44.4% of them have abortions. On the other hand, 22.2% of men do not accept or take responsibility for the care of the child.

Under Article 21 of the Family Protection Law that was ratified in 2012, in cases of pregnancy, mutual agreement or a pre-condition in the contract, temporary marriages must be registered. Although the temporary marriage will have all the legitimacy of a permanent marriage, in reality, women's rights are violated because they are unaware of laws and there has been no public dissemination to bring this issue to the forefront and raise awareness.

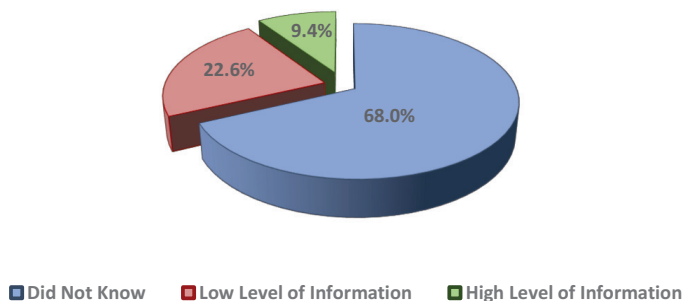


Figure 12: Percentage distribution of participants according to awareness of regulations on temporary marriage

Quantitative data from this study indicates that 68% of participants are completely unaware of temporary marriage laws. 22.6% have little information about the laws, and 9.4% have a high level of information.

Violations of people’s rights, specifically in temporary marriage, are the result of unawareness. Registering temporary marriage in marriage-registry offices and giving legal and psychological support and consultations to couples are possible solutions for fighting against the harms that potentially flow from this type of marriage.

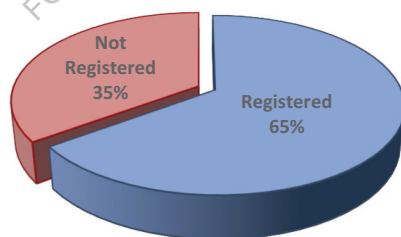


Figure 13: Percentage distribution of temporary marriage registration status among participants

Of the participants in the study, 65% had registered their temporary marriages and 35% had not. A reading of Article 21 of the Family Protection Law mandates the registration of temporary marriages.

Many woman who are unable to force the father to support their child are unaware of Article 21 and that the man has a corresponding responsibility for his mut’ah wife and child. Moreover, because of the

ease of practising sigheh, men often leave the women after some years without waiving the duration period. These men, ignorant of the law, leave the women in limbo. As there is no existing legal article for annulment of the duration of a temporary marriage, some religious sources do recommend that women go to family court to resolve such problems. Article 1139 of Iranian Civil Code stipulates:

Divorce is specially appointed for cases of permanent marriage: a temporary wife is relieved from marriage by the expiry of the period of marriage or by waiver of the remaining period by her husband.

However, difficulties and problems that women face are not specified in this article. Only in Article 1152 is it stated that

[t]he period of iddah for divorce or dissolution of marriage or waiver of the remaining period or its expiry in the case of temporary marriage for a non-pregnant woman is the expiry of two monthly periods.

Here, the iddah required upon annulment of the marriage is subject to the ability to cancel mut'ah, which rests on the condition that continuation of the marriage is impossible for the woman. Within this limited exception, she can refer the case to an Islamic judge and petition for a dissolution of the marriage under Article 1130 of the Code.

When the regulations for temporary marriage are a labyrinth only discussed ambiguously and in a clandestine manner, even by legislators, it boggles the imagination that an ordinary person is expected to be aware of their rights under the law.

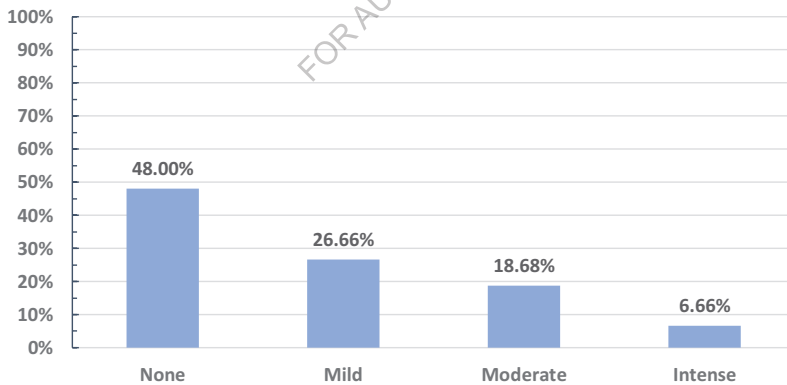


Figure 14: Percentage distribution of female participants who experienced domestic violence in temporary marriage, according to level of violence

Violence against women is a way of demonstrating power on the part of the strong against the weak, including those women who are either unaware of their rights or unable to stand up for themselves (The

Foreign Policy Centre, 2016). Domestic abuse is one of the most chronically underreported crimes worldwide. More than a third of women in Africa, the Middle East and Southeast Asia recount having been subjected to physical or sexual abuse from a partner at some point in their lives, a 2013 study by the World Health Organization found. In the US, 85% of domestic violence victims are women. One in every four women will experience domestic abuse in her lifetime (Abdellatif, 2014).

In general, research about interrelationships within the family unit is difficult because what happens behind closed doors is seen as a personal matter and there is a tendency to not talk about it. Violence and sexual mistreatment are seen as the most private, and the majority of people refuse to respond to questions about such matters. In most societies the assumption is that the family is a private unit and that society and government do not have the right to interfere in its affairs (The Foreign Policy Centre, 2016).

In Iran, domestic violence happens in private, and filing a legal complaint can destroy the life of a woman. If a battered woman calls the police, it is unlikely that they would intervene (The Foreign Policy Centre, 2016). The police and judicial system are therefore of little help. In addition, the law, environment and culture of Iranian society results in violence against women because of omission, meaning the lack of legal, moral and financial support, or through laws and cultural standards that force women to succumb to their circumstances. The traditional attitude toward marital conflict in Iran inclines people to mediate between the spouses. In many cases, the woman is sent back to her violent home (Esfandiari, 2003).

One key finding of the study is that the majority of women are exposed to domestic violence in temporary marriages, ranging from intense to mild violence. 6.66% of the female participants of this study admitted to experiencing 'intense' violence by their husbands, 18.68% stated that the violence was 'moderate', and 26.66% admitted to 'mild' violence. 48% were not exposed to domestic violence at all. Those who were exposed and tried to file a legal complaint ended up withdrawing the lawsuit because of ignorance of the law, the time-consuming process inherent in the lawsuit or an unwillingness to seek legal action due to temporary marriage's stigma. Given that they fear relatives and friends learning about their secret marriages, speaking up exposes women to a lack of familial and societal support that only worsens their situations, leaving them with nothing save for physical and mental harms and disgrace.

Age of Marriage, Type of Relationship and Quality of Relationship

The exact legal age of sigheh mahramiat and temporary marriage is not stated clearly, but under Article 1041 of the Civil Code the age of permanent marriage is 13 years for girls and 15 years for boys. However, as sigheh mahramiat does not need to be registered and it is covertly practised between families, the age of the sigheh marriage is normally under 18.

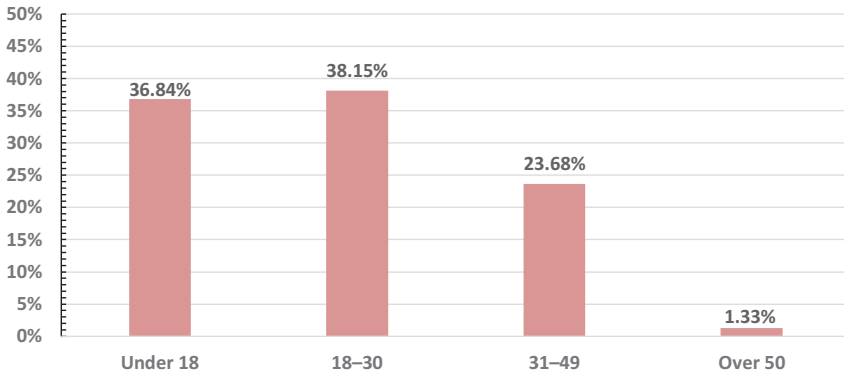


Figure 15: Percentage distribution of participants' ages at the time of sigheh mahramiat/temporary marriage

The quantitative data from the study revealed that 36.84% of the participants were under 18 at the time they entered a temporary marriage, 38.15% were between the ages of 18 and 30, 23.68% were between the ages of 31 and 49, and 1.33% were over the age of 50. The results also confirmed an already known and acknowledged fact – that young children enter into marriage.

According to the quantitative data gathered in the study, teenagers who had practised sigheh mahramiat or temporary marriage under the age of 18 were forced into the marriage by their families, in absence of meaningful consent. A new stage of life was thrust upon these teenagers before they had reached social, mental and spiritual maturity. Puberty is not on par with mental maturity, and teenagers in temporary marriages will bear the brunt of the unique social consequences, even if an adolescent's supposed consent is driven by a wish to satisfy family.

The type of relationship at the time of sigheh mahramiat is subject to family supervision, but pre-pubescent and or teenage boys and girls will take any opportunity to have sex because of their sexual drive and curiosity – natural aspects of growing into an adult. Certainly, having sex in this situation is not religiously prohibited.

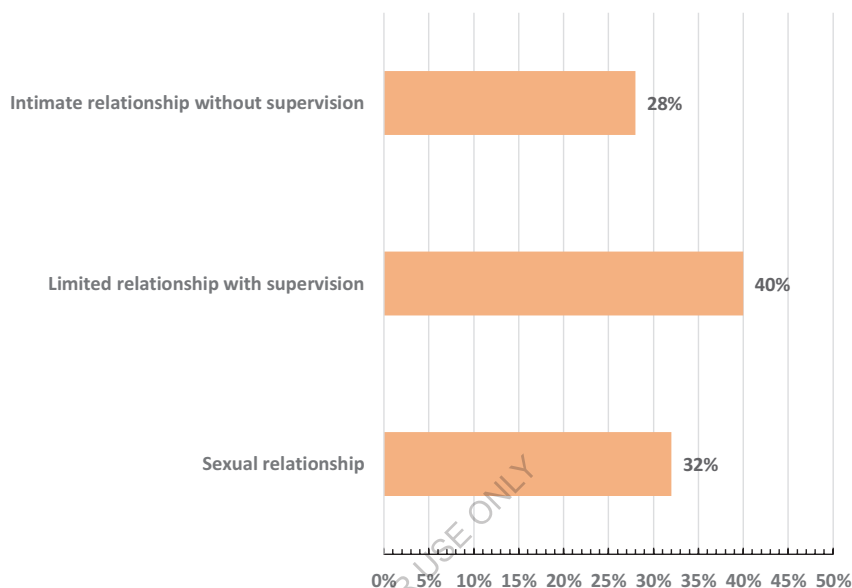


Figure 16: Percentage distribution of relationship type at the time of sigheh mahramiat/temporary marriage

Quantitative data from the present study show that 32% of the participants who had experienced sigheh mahramiat while under the age of 18 had continuous sexual relationships. 28% of the participants had intimate relationships without any limitations, including sex and other sexual behaviours. 40%, however, had limited, supervised relationships. The majority of the participants, 60%, had had sex within temporary marriage.

This lays the groundwork and gives a rationale for early marriage, with the unspoken bonus that temporary marriages are easily formed and obliterate the need for the formalities of permanent marriage. Sigheh mahramiat is stated orally, and a verbal proposal and acceptance is enough, without the need for drafting a document. The man himself, or a friend or relative, can pronounce the words for sigheh in temporary marriages.

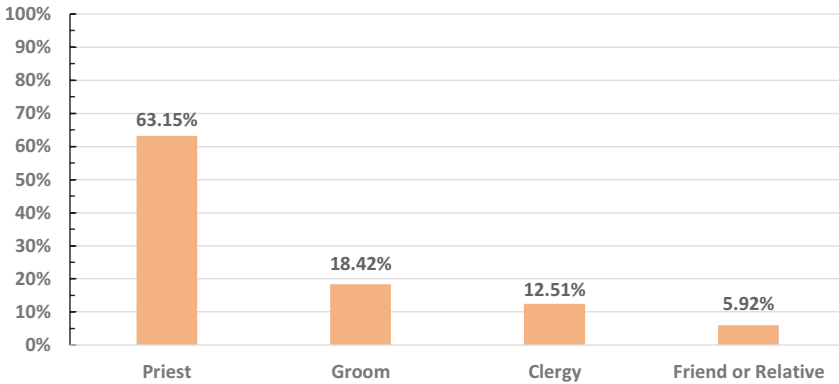


Figure 17: Percentage distribution of persons who pronounced sigheh words in temporary marriage

The collected data indicate that a relative or friend pronounces the sigheh words for 5.92% of cases. In 12.51%, the words are stated by the clergy or a man of the mosque; in 18.42%, the groom himself pronounced the words; and in 63.15%, the priest stated the sigheh words.

It is worth reiterating that registering a temporary marriage is not legally required as the registration process itself may cause harms and losses, especially for women. On the other hand, as religious, traditional families practise it privately, there is no legal or legitimate obstacle against this act. Not having to specify who states the sigheh words or register the marriage are among the main deficiencies of temporary marriage.

Education

Teenagers, who, in the vast majority of cases, lack mental and social maturity, will face extreme consequences of temporary marriage, such as becoming a child widow and having to drop out of school when they are forced to enter the new arena of life that is entailed by marriage. Their education, one of the most important factors in life, is crucially affected or postponed by temporary marriage. Sometimes, their education is never resumed.

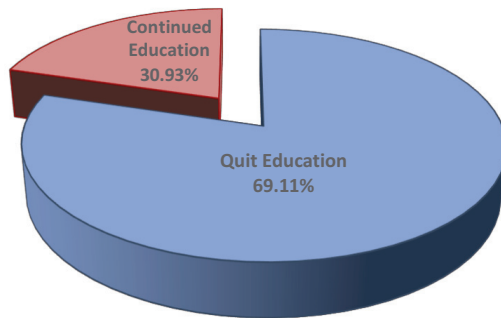


Figure 18: Percentage distribution of participants' education status after sigheh mahramiat during teenage years

For the participants who had experienced sigheh mahramiat, sigheh may be considered the main factor that prevented them from continuing their education (especially for girls). 17.64% of the participants had continued their education after sigheh mahramiat, while 69.11% of them had quit their education, accepting the roles of spouse and mother forced upon them. The role of a spouse or early pregnancy rapidly demolishes the possibility of receiving an education. Very few young teenagers return to the classroom. The conflict and overlap of these roles, for which the teenager is wholly unprepared, dramatically hinders the education trajectory.

A great number of children are married to each other in the framework of sigheh mahramiat (Ahmady, 2017). Early marriage is a complex social issue with numerous root causes, many of which overlap and intertwine. Cultural norms and extreme poverty are two of the dominant forces underlying the existence of early and child marriage.

Driving much of the problem with temporary marriage are cultural customs and social norms that devalue girls. The community is central to challenging gender norms and changing deeply entrenched traditional practices such as child marriage. Some parents from traditional communities believe child marriage to be a way of protecting their daughters: providing for them economically so they will be taken care of; safeguarding them from harassment and sexual violence before they reach puberty; and preventing premarital sex, which is still considered the ultimate sin in many countries across the world.

Although the practise of child marriage is rooted in tradition and culture, neither culture nor tradition are immutable, and there is hope for change. Such parents will benefit from being educated on the very serious harmful effects of forced early and child marriage.

Poverty is an equally strong driver of child marriage and disproportionately affects girls from lower-income families. Child marriage is most common in the world's poorest countries, and is often

concentrated in the poorest households within those countries. Girls are often seen as economic burdens. Many communities in low-income countries have marital customs wherein a girl's family receives a 'bride price' of money or livestock, so marriage also becomes a way of bringing much needed resources into the family. Girls sometimes serve as currency. In families with limited resources, child marriage is often seen as a way to provide for their daughters' futures.

The litany of problems escalating from child marriage warrants government intervention to integrate societal changes that militate against the abovementioned factors. And while there is no easy, one-size-fits-all solution to the problems, existing data underscore one critical fact: poverty and lack of education often go hand in hand with practices that harm girls before they even become women. Sigheh mahramiat and/or child marriage continues to disproportionately affect girls in certain cultures and communities, having significant consequences on their educations, health and social lives.

Lax enforcement of laws forbidding child marriage, a lack of legal protections to prohibit child marriage and an education system that discriminates against girls are additional grim factors. The lack of appropriate policies, platforms and discourses about child marriage and its repercussions needs to be addressed openly to remove the taboo that overshadows any progress towards galvanising laws forbidding child marriage. Supporting families with economic problems can militate against such traditions. Requiring that sigheh mahramiat be registered legally and specifying an age for sigheh are two policies that will curtail, or at least postpone, child marriage until girls reach adulthood.

Making education compulsory, so that girls will have access to both primary and secondary education, will improve their chances of access to employment and a means of supporting themselves (and, in turn, their families). Naturally, education and socio-economic empowerment of students and their families should be considered macro-policies of the country, and legal/operational solutions should be developed for them. Thus, social harms will be reduced and fewer consequences will be imposed on people and society as a whole in the cultural, social, economic and even political dimensions.

Chapter Four: Conclusions, Solutions and Recommendations

Introduction

Although the definition of 'marriage' varies from one culture to another, principally it is an ancient, universal, cultural institution in which interpersonal relationships are acknowledged. Marriage is a social contract for the purposes of legalising intercourse and procreation and regulating social life in the best interests of society. In almost any given culture, it is a legal entity recognised by the state's legal system, and its religious and moral commitments are solely designed to safeguard the interests of humanity as a whole. It functions as a socially or ritually recognised union between spouses that establishes reciprocal rights and obligations between those spouses (Haviland, Prins, McBride, & Walrath, 2011) and for the children born out of the aforesaid union (Mandal, undated). This social entity allows two individuals to live together as husband and wife.

Marriage is an important, desirable and universal social custom, recognised in almost all human societies. Marriage is an acceptable norm in most countries around the world and an important ideal in nearly every society worldwide, with sex and the family structure at the core of the marriage construct. Nuptial unions are the most sacred of the various unions that connect human beings to one other. It is principally an institution wherein a relationship is acknowledged. It is a conscious, cultural, universal action, subject to individual attitudes and preferences.

Throughout history, although its definition around the world varies between cultures and religions, marriage has evolved to simultaneously expand and constrict who and what is encompassed by it. Marriage is not straightforward. In all communities, marriage is subject to societal, legal and religious values. Getting married requires a special social position, and selecting a type of marriages depends on the person's social situation. Such influences have caused experts in a wide variety of fields to consider marriage a multi-dimensional topic. Human social life and its complicated relationship with the environment places marriage under the influence of evolving definitions of marriage and bilateral relationships that operate forcefully within economic, social, population and even political restrictions and variables.

The institution of marriage plays a crucial role in how people function, harbouring the conditions to meet emotional, economic and psychological needs. The union is revered because it regulates economic needs, social and cultural communications, and responses to individuals' sexual and emotional needs. In Iran, marriage offers the legitimization of sexual intercourse, procreation and child-rearing, and the inter-temporal and inter-generational transmission of wealth and income within the family (Fadel, 2016).

Many experts believe that sexual and instinctive behaviours are regulated within the framework of marriage to assure the moral health and perseverance of society. Significantly, monotheistic religions have tried to present patterns of safe sexual behaviour throughout history, paying special attention to preventions, reformations, deviations and perceived abnormalities. This is because religions consider human happiness, the attainment of utopic perfection and the continuation of the familial lineage to be the appropriate way of maintaining the family's ancient position of stabiliser, while steadfastly

maintaining innocence by reinforcing the idea of avoiding what are deemed to be sexual deviations that will weaken the family structure. In temporary marriage, couples who indulge in sexual intercourse are not violating Islamic codes and regulations. They are acting within the religious framework, and there is nothing dishonourable about it.

Re-examinations of individuals' relationships and social institutions has produced profound changes within the family structure in every society in the world. Various changes in the ways that marriage is perceived and practised have been observed through the passage of time. Such changes have been reflected in modern and urban societies. One of the most contentious effects of these forces of upheaval has been a retrospective probe of the long-cherished and time-honoured institution of marriage and its effect on familial bonds. The nature, function and structure of the family has been thrown into question as the definition of 'family' begins to encompass an unmarried couple, a single parent and an LGBTQ+ couple as legitimate expressions of family entities. The issue of family stability in a rapidly changing society has always given scholars and researchers a reason to ponder about marriage and its emerging norms.

The family is a fundamental institution of overriding and immense importance for humankind. One of the essential functions of the family is to establish and manage sexual relationships within the framework of marriage. Marriage and the method of choosing a spouse are subjected to social values and norms that relate to not only the union of two people, but also the union of two families. Clearly, marriage and establishing a family are crucial strategies for the interactions between men and women and their sexual relationships.

In Islam, a marriage is not viewed as a joining of two 'soul mates', as is often said in Western societies. Rather, it is a social contract and a religious duty with rights and obligations according to the Sharia, the code of law that governs Muslim behaviour (Parker, 2017). Islam clearly demarcates between legitimate and illegitimate human relationships. In the Islamic Republic of Iran, marriage is the only institution in which sexual relationships are permitted to take place (Saroukhani, 1991, p. 234). As an overwhelming majority of Iran's population are Shiite Muslims, Islam is the predominate source for social norms and values in relation to marriage. *Fiqh* rulings, which expand and develop Sharia through interpretation of the Quran and Sunnah by Islamic jurists, also play a significant role in defining marriage's proscriptions and sanctions. *Fiqh* dominates marriage regulations and the customs of Shiite living areas.

According to legal and jurisprudential laws, two types of marriage are officially recognised in the Islamic Republic of Iran: temporary (*mut'ah*, or *sigheh* and *sigheh mahramiat*) and permanent. Both are legal and religiously legitimate. Temporary marriage is generally believed to have originated from regional customs within the Arab Middle East associated with traveling merchants, predominantly men, who would often engage with local women in *mut'ah* ('pleasure marriages') for pre-established time periods. On the other hand, temporary marriage in Iran has, throughout history, roused heated discourse as its legitimacy and acceptability have been approached in various ways.

The author of the present study believes that Iranian society is accepting and welcoming temporary marriage more than before, both within the framework of *sigheh mahramiat* and temporary marriage. This acceptance reflects the religious teachings that encourage marriage at an early age, societal

conditions and the structural changes caused by modernity in Iran, including the secular trend to marry late and make lifestyle choices not available in more traditional cultures (Anwar, 1994). 'Temporary marriages must be bravely promoted,' the interior minister said at a clerical conference in Qom in 2007. 'Islam is in no way indifferent to the needs of a 15-year-old youth in whom God has placed the sex drive' (The Economist, 2014).

This type of marriage can be analysed and interpreted from various social and economic perspectives. Despite temporary marriage's religious and legal validity, in reality it is practised secretly and is socially unacceptable. Up till now, the consequences of this type of marriage have not been studied adequately because of the accompanying stigma, shame and secrecy. In considering the special attributes of Iranian society and disregarding religious preferences, the researchers on the present study have undertaken a comprehensive study of temporary marriage (sigheh mahramiat and mut'ah) for the first time, taking an anthropological perspective.

Summary and Conclusions

This study was conducted in three metropolises of Iran: Tehran, Mashhad and Isfahan. The overriding objective was to analyse temporary marriage in its various legal, historical, social, psychological and religious dimensions, taking a scientific approach. The conclusory rationales for and consequences of temporary marriage were derived from field studies and in-depth interviews with people who had experienced it, rather than resorting to a 'desk review'.

The advantage of this type of study over those in other articles and books written about temporary marriage is the comprehensiveness of the research and the unbiased attitude of the researcher. Historically, in articles and books, a number of people have studied the matter to prove the necessity of mut'ah; others have tried to study it through a religious prism. However, the author of the present study has analysed it as a social phenomenon with multiple causes, showing both its clear and clandestine aspects, without emphasising its polarising religious aspects.

More emphatically, the other prominent feature of this study is the identification of a pivotal issue at the heart of temporary marriage. (This also distinguishes it from previous books and articles.) That pivotal issue is child marriage, or early marriage, which is practised in the framework of sigheh mahramiat, and its mishmash of ambiguous regulations. The negative consequences of sigheh mahramiat can be countered by presenting legal and religious solutions to avert and prevent the harm inflicted on young girls. Certainly, multilateral cooperation of legislative and international human-rights organisations, judiciary bodies, executive bodies, and social/non-governmental entities supporting the rights of children and women is part of the global concern about sigheh mahramiat.

Taking into account society's rapid development, what emerges is a new concept of familial relationships that responds to the demands and dictates of new norms. This study has provided insight into how temporary marriage arrangements are being used contemporarily and how experiences within these arrangements can differ between individuals. Moreover, this study analyses the Iranian Civil Code

and the Family Protection Code provisions with respect to temporary marriage. Lastly, the researchers propose recommendations and policy changes in response to these issues.

As described in Chapter One, prevalent attitudes and generalities about marriage were analysed in this study, including methods of regulating the sexual behaviour and relationships of couples within Islamic and Western frameworks, the evolving concepts of marriage and temporary marriage, and the social theories underlying modern-day marriage.

Sexual behaviour and relationships are key components of one's wellbeing that are enormously influenced by social norms, attitudes and health. Over the last thirty years, in the majority of Western countries, the loosening of sexual values has come in waves, substantially shifting sexual attitudes towards the more liberal.

Analyses of changes to the timing of marriage generally see a normative shift in decision-making from a family orientation to a more individual orientation. With the age of industrialisation and urbanisation, as well as the growing shift from joint families to nuclear families, many families have to reside in neolocal residences, instead of depending on their parents for their earnings. Modernisation theories argue that women's delaying of marriage is a consequence of the increase in educational opportunities, economic independence through employment opportunities and exposure to alternative norms and values. It is also argued that modernisation leads to changes in societal perceptions of women's roles.

This is not necessarily the case in Muslim countries. Empirically, the family and marriage systems are complex and extremely variable. These systems do not lend themselves quite so easily to a dichotomy of traditional versus modern arrangements. In Islam, there is a tension between the very basic human sexual drive, the key mechanism in society's ability to reproduce itself, and culture's attempts to control and channel this amazingly powerful instinct: it continues to be viewed as something to be controlled, hidden or mastered, and most often by men (Muslim Women's League, 1995).

The need for controlling sexual desire becomes an especially important preoccupation in early marriage, particularly the guarantee of virginity before marriage and preventing girls reaching an age in which they lose their sexual attraction. The Islamic model of immunising against sexual behaviours has two dimensions: chastity (modesty and sexual self-control) and marriage (desirable satisfaction of sexual needs by choosing a spouse). These two dimensions contain a wide range of plans and principles for use in one's life, from birth till death (including protection, control, sexual training and guidance, sexual preparation for marriage, instructions for nuptial ceremonies and treatment of sexual abnormalities). Islam considers satisfying sexual desires within the family structure and under the umbrella of marriage to be an acceptable deed. By placing emphasis on marriage, Islam allows people to meet their sexual wants by having sex with their spouse.

Many theorists emphasise the sexuality component in marriage. According to sociologist Saroukhani, marriage is defined as continual sexual relations between opposite sexes, which requires a social contract. Claude Levi Strauss defines marriage as a dramatic encounter of culture, nature or social regulations and sexual attraction. In general, sexual relationships, opposite sexes, consistency and social

contracts (law and religion) are the most common factors commentators identify when defining marriage.

Mut'ah marriages stray from these widely adhered-to definitions. A man marries a woman for a specific time with a specified mahr. The marriage can be terminated without a court intervention of dissolution of marriage or on the mere happenstance of a mutually-agree-upon termination date. Whereas the institution of marriage in the classic sense is entered into for romantic notions of love till death do us part, the Iranian Government and legal and religious policymakers introduced sigheh, or temporary marriage, as a solution for preventing prostitution and the promotion of illegitimate relationships outside of the marriage framework. Sigheh, in particular, is found under specific conditions of Iranian society. It undeniably creates a gap between puberty and the age of permanent marriage and usually is accepted in certain Iranian geographical areas. While the institution of marriage has been uniformly accepted, in contrast, temporary marriage has produced vigorous and sustained protests and denunciations that have polarised and divided religious thought and irked women's-rights activists. The modern nuclear family, which is idealistically formed on the basis of love, will not tolerate temporary marriage, and this type of marriage can potentially lead to the collapse of the family entity.

Iran is in a period of transition from a traditional society to a modern society, and this transition has affected its sacred familial social structure and the institution of marriage. On the macro level, the more a society transforms and navigates towards modernity, the more one witnesses a rise in the age of marriage. Social attitudes to marriage have changed dramatically over the past hundred years. Nowhere is this more evident than in the changing attitudes towards the age at which people get married. This increase in the age of marriage developed as a result of educational opportunities, changes in the workforce, the demands of modern life and rapid urbanisation. Seven out of ten Iranians now live in cities. Consequently, this transition has postponed marriage, as it increases expectations of post-marriage life. From a sustainable-development perspective, late marriage is an indication of increased participation of girls/women in education and, consequently, higher levels of social and economic independence for women.

The Iranian Revolution, which took place from 1978 to 1979, had a substantial impact on the role of women and created a fertile environment for change. Women, primarily from traditional backgrounds, participated in demonstrations that led up to the Revolution. When the Revolution came to an end, the role of women drastically changed aspects of their daily lives, especially socially (Iranian Mystique, undated). In the realm of education alone, the number of women graduating from Iran's universities has overtaken the number of men, virtually promising a change in the job market and, with it, profound social change. Well over half of university students in Iran are now women (Baktiari, 2009). As the role of women advanced due to the rise in women's enrolment to more than 80% of people accepted into universities and higher-educational institutions, the percentage of men fell during the same period by more than 38% (Iranian Mystique, undated).

In addition to middle-class women's higher levels of educational attainment, changes in the economic, social, and cultural autonomy; freedom of choice and action; and the freedom to act independently from parents' decisions are additional factors that have changed women's perspectives.

Major social changes in Western countries have also led to changes in the demographics of marriage, and, with the age of first marriage increasing, fewer people are marrying and more couples are choosing to cohabit rather than to marry. Postponing marriage is more common in geographical locations that reflect a higher level of modernity. Iran is no exception. Currently, this rise of the age of marriage is more commonly witnessed in the metropolitan cities of Tehran, Mashhad and Isfahan compared to other Iranian cities. Additionally, the gap between puberty and marriage has widened, due to structural and mental changes as a result of modernity and the renovation of Iranian society and family.

Still, while some positive steps have been taken, much more needs to be done. In the 21st century, there continue to be controversies regarding the legal status of married women and the legal acceptance of or leniency towards violence within a marriage. Additionally, social and economic chaos in society diminishes economic opportunities and guarantees and adds to social disappointments and changing expectations. Despite economic unrest and changing culture, expectations related to marital costs and the standards of marriage and mutual life have not changed.

The turbulence and the upheaval that prevail in society are reflected in the demographics of youth. Although this turbulence can also be seen as characteristic of adolescence, a lack of employment opportunities is a contributing factor. Youths may also be frustrated by institutional and systemic weaknesses, potentially opening a wide range of perspectives that are critical of Iranian policy positions and ways of life (Etling & Kelly, 2008). Internet exposure is a contributory factor that allows internet-savvy Iranian youths to have access to another world. Indeed, the increased access of young people to mobile phones and the internet has been cited as one of the causes of the moral corruption among young people, which leads to engaging in risky behaviours. Societal turbulence and upheaval have also propelled intellectual arguments by lay intellectuals such as Abdolkarim Soroush, who argues for the separation of religion from politics in Iran, implicitly hinting at the problems caused by clerical involvement in politics (Matin-asgard, 1997).

As the effects of Iranian modernity vary in different areas, religious scholars and policymakers have recommended temporary marriage as a solution, but this solution is not without controversy and dissent.

The historical, religious, legal and social foundations of temporary marriage were analysed in Chapter Two. Chapter Two also analysed the problems with and the disputes over this type of marriage.

Historically, temporary marriage was defined in different ways in ancient Iran. Some historians referred to a type of sexual relationship called *gaddar-i* practised by Zoroastrians, which was limited and temporary. Equally, mut'ah existed among Arabs before Islam. Mut'ah was considered to be a pre-Islamic practice that continued afterwards. In addition to these cited examples, it is important to stress that temporary marriage is not a newly crafted social phenomena. There are similar cases in countries such as Japan, under the title of 'trial marriage'. Some people, such as British philosopher Bertrand Russell, recommended something named 'friendship marriage', which may be similar to mut'ah in nature.

Chapter Two elucidated on the polarising religious disputes over temporary marriage between Shiite and Sunni scholars. Briefly, Sunni Muslims consider mut'ah to be a forbidden (*haram*) type of marriage. Sunni Muslims cite a narration from the Prophet that forbids temporary marriage. Although Sunni religious experts agree upon the prohibition of temporary marriage, they do not consider it as ominous as adultery. The person practising it will only face punishment, rather than a whipping. That is because of an uncertainty brought up by Ibn Abbas about forbidding mut'ah. However, it is worth mentioning that Ibn Abbas issued a verdict banning mut'ah later. In contrast, Shiite Muslims consider mut'ah to be permissible, citing Verse 24 of An-Nisa Surah and narrations by Imams. They believe that temporary marriage is legitimate based on its primary objective; thus it remains religiously permissible.

Temporary marriage, or sigheh mahramiat, was then discussed in relation to legal jurisprudence. In contrast to the Western world, in which age is a restrictive barrier to sexual relations, in Islamic and Arab societies there is no restriction on sexual relationships, provided the two people are married to each other. This legal policy sets new, permissive standards. It was noted that the societal acquiescence to temporary marriage is solidified as a legal entity only in Iran, under Articles 1075 and 1076 of the Iranian Civil Code; no other country boasts of this sort of legally recognised, legitimate arrangement. However, there is neither nafaqa nor inheritance for women in temporary marriage. Under Article 21 of the Family Protection Law approved in 2012, the marriage can be registered in the case of pregnancy or as a written pre-condition.

The gender-biased nature of social and cultural norms was evident from this study. The loss of respectability, shame, stigma and humiliation of going against social and cultural norms affects girls more than men.

Chapter Two also exposed the highly contentious fact that, in a sigheh mahramiat marriage, it is legally possible to marry someone who is 13 years old (girls) and 15 years old (boys), as stipulated in Article 1041 of the Civil Code. This already-permissive age can be waived with the court's permission and parental consent. The chapter elaborated on the double-edged sword inherent in temporary marriage: while technically legal, it has produced legal gaps, uncertainty and loopholes. Sigheh mahramiat leaves a trail of problematic consequences. It has left unresolved questions, as a collective religious consensus is lacking and there are continual public scrutiny and divisive opinions. This marriage trend is favourable to men, but not a suitable legal solution for women, as it heightens sexual discrimination.

Sociological theories were elaborated on as underlying rationales for the prevalence of temporary marriage. These theories shed light on a spectrum of justifications of temporary marriage, from its social necessity (from the perspective of its advocates) to its inefficiency (as voiced by opponents). Iranian cleric Morteza Motahhari, who is considered to have a significant influence on the ideologies of the Islamic Republic, recommended mut'ah to thwart the monastic lives of youths. Other religious experts, such as Akbar Hashemi Rafsanjani, Pour Mohammadi and Ghera'ati, have supported and advertised this solution several times. On the other hand, Ayatollah Sanei considers mut'ah permissible only in times of war and conflict. He is of the opinion that temporary marriage is a factor that destroys the social entity of family in today's times.

For more than three decades, temporary marriage has been, and still is, a controversial topic in the Islamic Republic of Iran. In 1985, when Ali Akbar Hashemi Rafsanjani promoted it as a way of strengthening 'chastity' in Iranian society, as part of his Friday Prayers sermons, it became more widely discussed and debated (Bahrami K. , 2018). Women's-rights activists and prominent philosophers consider temporary marriage one of the prevailing factors that violate the human and civil rights of women, as it festers sexual discrimination and exploits poor woman. They have voiced the opinion that temporary marriage impacts negatively on the family foundation, increases the spread of STDs and promotes polygamy and prostitution.

A great number of children are married within the framework of *sigheh mahramiat* (Ahmady, 2016), but it should be underlined that *sigheh mahramiat* is similar to *mut'ah*. Legal and religious experts are in unanimous agreement that there is no difference between the two topics. Early marriage is a complex social issue with numerous root causes, many of which overlap and intertwine. Cultural norms and extreme poverty are two of the dominant forces underlying early child marriage's existence. It is closely linked with poverty and low levels of economic development.

The international community, in particular, has loudly condemned *sigheh mahramiat* and its harrowing impact on young girls. No matter what euphemism is employed, it is child marriage, a phenomenon familiar in many countries in Asia and Africa. Though child marriage also involves young boys, invariably girls, rather than boys, are forced into marriage, usually at very early ages, when they are incapable of expressing consent. This study found that *sigheh mahramiat* affects girls more than boys and reflects gender biases and discriminatory attitudes in families and communities. It is a violation of girls' human rights. In addition to putting a girl's health at risk, it hinders her from exercising her right to choose who, if and when she marries and her right to pursue education. In many cases, it may also impede her legal and economic rights. Many have voiced, including this author, that child marriage ultimately violates a girl's aspirations and achievements. It also opens the door to the issue of sexual abuse of children and for paedophiles to have access to a ripe field of opportunity. *Sigheh mahramiat* flouts safeguards designed to impede paedophiles from insinuating themselves into children's innocence.

The author of the present study has analysed temporary marriage *vis-à-vis* the framework of the following theories: Modernity and Renovation theories, Hector's Rational Choice theory (Michael, 1987), Homan's social exchange (Homans, 1958), Goffman's dramaturgical model (Pettit, 2011), Maslow's Hierarchy of Needs (McLeod, 2018), Sutherland's social learning (Sutherland, 1947), Pierre Bourdieu's lifestyle (Bourdieu, 1977), Bauman and Giddens' liquid love (Bauman, 2013), Dahrendorf's theory of authority (Dahrendorf, 1959), and feminist theories.

In Chapter Three, data gathered from the research field was used to systematically describe and illustrate the dynamics of temporary marriage within the three major capital cities of Iran. The study also looked at the social and cultural dimensions of temporary marriage and its drivers, trends and impact. The research was designed to better grasp the scope and root causes of temporary marriage by those who have experienced it.

Questionnaires set in the framework of Muslim law formed the basis of this study. In order to collect the required data, a number of skilful researchers interviewed 216 people under the supervision of legal, social, religious and psychology experts. The author does acknowledge that this research does not provide data that can be generalised to a large population, but it became evident that the consequences of temporary marriage and child marriage are contrary to international concerns that have dominated 21st-century discourse on the rights of woman and children: access to education, exploitation of children, domestic abuse, disregard for woman, exploitation of woman in poverty and a patriarchal system designed to appease the sexual needs of men. It is the author's hope that the study's findings will trigger more research into this phenomena.

Field work was conducted and limited to three Iranian cities. It consisted of in-depth interviews. The interviews were interpreted comprehensively through a qualitative approach and grounded theory. Accordingly, causal and field factors, strategic actions, pivotal issues and the consequences of temporary marriage were meticulously identified.

Careful interpretation of the interviews indicated that economic concerns, emotional needs and feelings of loneliness are the main reasons for women entering into temporary marriages. In contrast, the sexual needs of men are the main reasons for their practise. According to social behaviour attitudes, Homan's Exchange Theory (Homans, 1958), and Hector's Rational Choice theory (Michael, 1987), people are more likely to repeat a behaviour that has little cost and significant reward (which means it meets basic needs). Moreover, according to Maslow's Hierarchy of Needs, sexual and biological needs of human beings are the foundation of the hierarchy/pyramid, and a person will not attain self-actualisation unless those needs are met. Temporary marriage meets those needs.

However, temporary marriage and child marriage can also be viewed in terms of the following problems:

- ignorance of the legal implications;
- lack of leverage to negotiate with the family and society;
- unwanted pregnancies;
- age discrepancies between partners;
- powerlessness to aggressively pursue legal actions;
- denunciation of temporary marriages within the landscape of the human rights of women;
- increasing scepticism and pessimism about permanent marriage; and
- stigmatisation among many Muslims.

As previously mentioned, this study also looked at the social and cultural dimensions of early marriage and its drivers, trends and impact. Religious factors, legal structures and social structures were scrutinised in the sections headed 'Background Factors'.

The interviewees considered religious legitimacy to be one of the primary factors that allowed them to meet their needs (financial, psychological, emotional and sexual) through sigheh. Hadiths and narrations by Imams introducing sigheh as a good deed that deserves reward, and citations by other religious sources play an important role in legitimatising this type of marriage. People do not feel religious guilt and damnation after practising sigheh. This is of utmost importance for pious people. According to data collected for the study, a critical reason for the marriage of children under 15 and 18 in Iran is the religious/traditional value of sigheh mahramiat, for which there is no special age. On the other hand, the legal structure of Iran is based on Twelver Shiite Fiqh. Therefore, people enter into temporary marriage as a legal act. Nevertheless, the study revealed a startlingly high degree of unawareness among the participants of the legal conditions of temporary marriage.

Social behaviours, common-law factors and social inequalities were analysed in this section on background factors. Familial factors of the interviewees indicates that, in tune with social learning theory, sigheh mahramiat is practised within family lineages and continued by future generations of families who have previously practised this type of marriage as a norm. Given the high degree of acceptance of temporary marriage in these families, and that social and familial behaviours are internalised, these results yielded no surprises. Equally and unsurprisingly, families with no background of temporary marriage consider it to be an undesirable deed. If a family member practises this type of marriage, he/she will be disowned. In the section 'Background Factor: Civil and Legal Structures', which looked at common-law attitudes toward temporary marriage, it was noted that, as temporary marriage is not accepted in common law and as it is dependent on sexual needs, this type of marriage is regarded by these families, and many others, as the pinnacle of corruption and variety seeking.

According to Bauman's and Giddens' theories of liquid love, the short-lived relationship of modern society is connected to individuals' transitory pleasures (Bauman, 2013). The features of the short-lived modern relationship are obvious in temporary marriage – features that are unaccepted by the public because the romanticism and vows of love that society has elevated to a revered position and sees as an achievable goal are absent.

Additionally, the study and the literature review revealed that temporary marriage reinforces social inequalities and sexual discrimination already prevalent in Iranian society. Despite the fact that universities have seen a surge in women's enrolment, the stark reality is that women have fewer job opportunities because of sexual discrimination in Iran's labour market. Sometimes, women have to resort to temporary marriage in order to meet their economic needs. This condition of dire economic need has translated into a highly profitable sexual market in Iran for middlemen, cyber-social networks and some Arabic men from neighbouring countries. It has also translated into a prospering sex industry that is religiously 'purified' through an ancient practice. In this regard, temporary marriage is a boon to a financially strapped widow. Women who resort to temporary marriage in order to meet their economic needs have unintentionally bolstered the pleasure economy and sexual tourism. This, of course, has not been hidden from condemning public opinion, which further heightens the already negative attitude towards mut'ah women because of common law. One of the main attributes of marriage is publicity and the celebration of it. This is seen in all cultures. Women who enter into temporary marriages, however, never flaunt them.

On the other hand, many women, out of economic desperation, exacerbate the deplorable inequality they face in temporary marriage by advertising their availability, heavily decorating themselves to be pleasurable for men, exposing their bodies provocatively and exposing themselves to men who will, potentially, sexually abuse them. Although these men will make large payments to the middlemen, the economic benefit does not trickle down to the women themselves. Physical and spiritual losses are what they ultimately receive. It is true that temporary marriage may bring fleeting contentment to the woman as well as the man, if both are satisfied with their choices. However, an analysis of the strategic action, the interpretation and the interactions in temporary marriage reveals that such relationships are defined as transitory, limited and short-lived, with specified endings. Such interactions have negative effects on both parties, but especially on women. Furthermore, emotional, economic and sexual interactions in this type of marriage unabashedly bolster inequality for women and benefits for men.

In the section 'Focal Topics', two subjects were analysed that were considered most critical by the researchers and interview interpreters: hedonism and early (child) marriage. These two factors were obvious in the whole gamut of research on temporary marriage.

The study yielded some surprising and not-so-surprising results. First of all, the research unequivocally revealed that temporary marriage is based on the ideology of pleasure (the word 'mut'ah' itself means 'pleasure'). The overwhelming evidence and feedback from the interviews showed a lack of reciprocity: men are the ones who receive a higher level of enjoyment. There were even some cases in this study in which the women had to pay for their partners' financial needs, in addition to satisfying their partners' sexual needs. This type of one-sided pleasure-seeking can be construed as a perilous lifestyle derived from the individuality and autonomy of modern life.

It has been confirmed by numerous child-marriage studies and the researchers' personal observations that age is a determinative factor in choosing a partner and in the satisfaction of sexual needs. Virginity is highly esteemed. For many men, the younger the woman, the more joy and sexual pleasure obtained. Leaving aside the argument that young girls' bodies are still underdeveloped, young, sexually inexperienced girls are ignorant of the mutual benefits of a healthy sexual relationship, as they become sexually submissive pawns. Horrifyingly, this type of pleasure-seeking encourages sexual deviations such as paedophilia, paving the way for those with this sexual inclination or with mental disorders to sexually abuse young girls. As perpetrators, they are often not held to account because the marriage is legal. These individuals are able to satisfy their desires for young, prepubescent girls by raping innocent children within a legally permissible framework.

The lack of age specificity for temporary marriage, its legal ambiguities and the erroneous assumptions that force a little girl to be married at the age of nine are abhorrent. A young girl who is nine is a child. Temporary marriage practised in the framework of *sigher mahramiat* facilitates child marriage. At this very tender age, where the ability to appreciate and understand the consequences are non-existent, teenagers' parents may force their children to marry someone, under their supervision. The couple may start having sex after a while and become unintentionally pregnant. Data indicate that children's educations will be put on hold, and often permanently cast aside, once their families insist on early marriage.

From the study interviews and interpretations, several undesirable consequences of temporary marriage were identified. It is worth mentioning that, out of 216 interviewees, only *one* claimed that their temporary marriage had a positive function. For 215, temporary marriage produced nothing positive. The interviews revealed that most of the important consequences of temporary marriage are dire; they include the economy of pleasure, corruption and prostitution in society, negative attitudes towards permanent marriage, the eroding of the family foundation, a rise of divorce rates, child marriage, child widowhood, the curtailment of education, violations of women's rights, discrimination in the economic, legal and emotional spheres, and the promotion of scepticism. The study interviews indicate that many of the interviewees harbour a kind of scepticism and reluctance in relation to permanent marriage, even as they engage in transitory relationships with unfaithful characters, perhaps multiple times.

The horrific truth that stands out is that temporary marriage permits men to satisfy their sexual cravings without committing adultery. We can only surmise that the negative repercussions of temporary marriage wreak havoc on almost all women, yet have no discernible, if any at all, negative effects on men. Women are hard hit and bear the brunt of it.

The economy of pleasure in Iran stems from the exorbitant payments exchanged during sexual tourism between middlemen and affluent Arabs or other pleasure-seeking, wealthy men who wish to practise mut'ah. The profitable and simple commercial aspects cannot be ignored. This sex-for-money market is not subject to governmental regulation, oversight or commercial scrutiny. It is financially lucrative and easy. All involved in this – what is essentially a sex trade – create high turnovers, whether they be middlemen, who retain significant profits (often in cash); the matchmaking sites that offer and advertise Iranian girls and women; wealthy men who have the means to marry for thirty minutes; tourist agencies that promote temporary marriage; or hotels that cater to travelling men seeking pleasure.

Moreover, as this sort of tourism is not regulated or subject to supervision, women may enter and re-enter these sorts of relationships with impunity, often out of a tragic necessity to meet their economic needs. Recidivism and noncompliance with the mandated iddah waiting period render these relationships paid-for sex arrangements. Such relationships are, therefore, thinly veiled prostitution. One cannot turn a blind eye to this, and it should be curbed to bring an end to gender discrimination and promote gender equality, a concept hardly seen in male-centric, patriarchal Muslim law (Mandal, undated). Temporary marriage, therefore, leads to a rise in prostitution in society. Such a practice is despised and disapproved of by feminists, who regard it as a form of Islamic prostitution (see the section below headed 'Women').

Some supporters seek to carve out a distinction, arguing that mut'ah is different from prostitution, even though the objective of both is sexual satisfaction. Mut'ah is legally sanctioned and religiously blessed, while prostitution is legally forbidden and religiously reprehensible (Mandal, undated). Remain safeguarded (Nagar, 2000).

An altogether regrettable occurrence is the unintended pregnancy that brings lifelong negative consequences. Temporary marriage becomes more complicated when an unintended pregnancy occurs. If a man does not admit paternity or undertake responsibility for a child born out of temporary

marriage, numerous financial, social and spiritual obstacles may await the wife and her family, such as a worsening of her financial conditions, which may already be fragile, abandonment and, in cases where the man is significantly older, child widowhood.

Discrimination against women is one of the most significant consequences of temporary marriage. There are countless limitations for women that result from different legal dimensions of temporary marriage, including inheritance, nafaqa, marriage registration and economic issues. The legal system is wholly inadequate on the issue of domestic violence. This study revealed that many women experience various degrees of domestic violence during temporary marriage. The legislative response has been one of deafening silence. Moreover, the sanctions for violence against women in temporary marriage are not clear, as legislators continue to ignore the issue.

There are numerous legal difficulties for women. Recourse to the legal system is not always an option. Many women entered into temporary marriage out of financial need. It defies the imagination that those very same woman would have the financial means to pursue a long, drawn-out, contested paternity suit or child-support legal action. As many woman are afraid of being disowned and socially stigmatised, they are either discouraged from registering a complaint or they eventually withdraw lawsuits in relation to their violated rights.

Based on the study results, a model is herein presented (Figure 19) in which temporary marriage is a dependent variable, while the factors affecting it are considered independent variables.

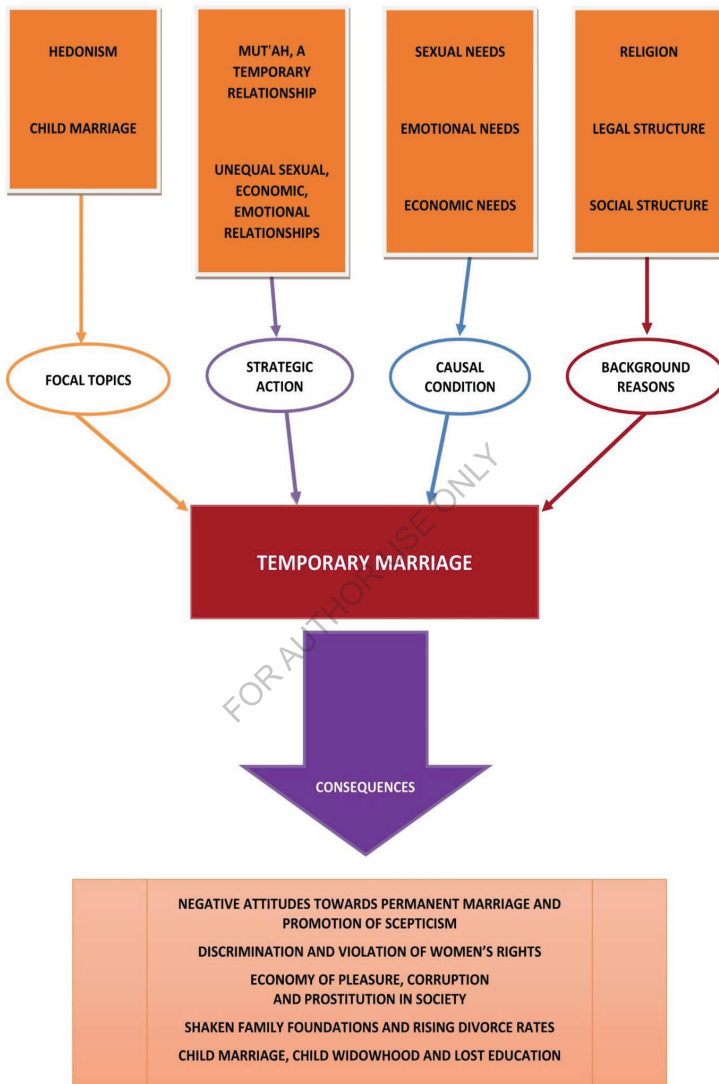
Crystal clear from the study are the oppressive and harmful consequences of temporary marriage, whether for children or adults. From the data collected in this study, one can only conclude that temporary marriage is not only unacceptable, but also operates negatively. Simply put, there is no positive function or redeeming purpose for this type of marriage in Iran. Mut'ah has transformed into an open licence for men to seek sexual pleasure whenever and from whomever they desire. The role of love and the tender young age of many of these brides is virtually ignored.

This lack of a positive function or purpose can be attributed to the inefficiency of old-fashioned legal and religious definitions of marriage that still exist in contemporary Iranian society, operating within the 21st century's communication technologies, the recognition of the human rights of women and children and the prolific use of social media platforms. The absence of a concrete legislative response, coordinated and sustained public messaging or any educational programmes fosters temporary marriage. The use of mut'ah as a channel for excessive hedonism by men has turned young girls and financially strapped or desperately lonely women into tools to satisfy men's sexual needs. The glaring absence of social and economic supports for self-care women or woman with unqualified guardians has made mut'ah a solution for income-generation and, accordingly, promotes corruption and prostitution. Family foundations become unstable because these things are sought outside the family structure.

Therefore, solutions are presented in the following section in response to temporary marriage's negative repercussions, because of the necessity of re-evaluating this type of marriage to reduce its consequences. The solutions are derived from the results of the study and interviews with family

experts, psychologists, legal and religious experts, human-rights activists and social entities. It is hoped that the solutions offered by this study will contribute to the constant development of equality and dignity in different cultures and social dimensions. Studies such as the one at hand present effective solutions to decision-makers by revealing the hidden and clear aspects of this social issue. In particular, the Government and influential religious sources play pivotal roles. Given the powerful influence of the Twelver *fiqh*, it is imperative that religious sources be included, to work with the three branches of government (judiciary, executive and legislative) in setting appropriate regulations and implementing them, to regulate temporary marriage and mitigate its consequences. Thus, the solutions are presented in keeping with the framework of *sigheh mahramiat*, involving children, and the distressing situation of temporary marriage involving financially impoverished woman.

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Solutions and Suggestions

In common law, the word 'sigheh' is generally a reference to widows who have practised mut'ah with a man. These widows are not held in high esteem, and their social status in Iranian society is due to temporary marriage's stigma. Mut'ah is a marriage for a temporary, but fixed, period between a Muslim woman and a Muslim man, following the specification of a *dowar*. The Arabic word 'mut'ah' means 'pleasure', but critics point out that the majority of women who enter these marriages are impoverished, divorced or widowed women who need financial assistance, not pleasure. As the law does not compel official registration, it is highly conceivable that a 'permanent' wife may be unaware that her husband has carved out another marriage alongside their permanent one. It beggars belief that, if the man has a permanent wife, she would appreciate his temporary marriage. In most cases, the permanent wife is not even informed. It would threaten the union of a permanent husband and wife who have a family together by creating discord between them (Mandal, undated).

Sigheh Mahramiat

Sigheh mahramiat is similar to mut'ah, and legal religious experts agree on the fact that there is no difference between the two type of marriage. Early marriage is a complex social issue with numerous root causes, many that overlap and intertwine. Cultural norms and extreme poverty are two of the dominate forces underlying the existence of early child marriage. It is closely linked with poverty and low levels of economic development. A great number of children are forced into marriage within the framework of sigheh mahramiat (Ahmady, 2016). 'Early marriage' is a term applied to both young boys and girls, but the consequences of child marriage are more serious and perilous for young girls compared to young boys.

Around the world, primarily in developed democracies, there has been a general trend towards ensuring equal rights for women within marriage and legally recognising the marriages of interfaith, interracial and same-sex couples. The previous moral codes, reflecting bygone eras and belief systems, have proven entirely inadequate when faced with the challenges of modern societies in an age of transformation. These trends coincide with the broader human-rights movement. Driving much of the problem of temporary marriage are cultural customs and social norms that devalue girls. The community is central to challenging gender norms and changing deeply entrenched traditional practices such as child marriage.

Some parents from traditional communities believe child marriage is a way of protecting their daughters by providing for them economically so they will be financially taken care of; safeguarding them from harassment and sexual violence before they reach puberty; and preventing premarital sex, which is still considered the ultimate sin in many patriarchal countries. Although the practice of child marriage is rooted in tradition and culture, neither tradition nor culture is immutable, and there is hope for change. Such parents would benefit from education on the very serious harmful effects of forced early child marriage.

Like tradition, poverty is a large driver of child marriage in that it disproportionately affects poorer girls, particularly those from rural areas. This anecdotally conforms to a basic tenet of child marriage – that it is most commonly observed in the world's poorest countries and is often concentrated among the poorest households within those countries. Disadvantaged socio-economic communities in specific remote jurisdictions that are cut off from the norms of the modern world, or people in communities and industries where there is a lack of financial stability, often view young girls at the height of puberty from within a prism of economic burden. Many communities in low-income countries have marital customs that a girl's family receives a 'bride price' of money or livestock. In families with limited resources, no assets or negative wealth, child marriage is often seen as a way to provide for a daughter's future and the family's immediate financial needs and to escape the chronic struggle to make ends meet. The marriage is financial leverage to bring much-needed resources into the family. Save the Children UK found that, in many communities where child marriage is practised, girls are not valued as much as boys; they are seen as burdens on their families. Marrying off one's daughter at a young age can be seen as a way to ease economic hardship by transferring this 'burden' to her husband's family. If current circumstances endure, girls will continue to be bargaining chips and currency.

The litany of problems escalating from child marriage desperately warrants government intervention and the integration of policies to address the abovementioned factors. The negative impact of poverty and economic inequality is undeniable, but it is not impossible to reverse. The ongoing susceptibility to poverty necessitates strengthening economic opportunities, improving human capital investments to help individuals obtain employable skills, and proposing employment to thwart the selling of young girls to meet dire financial need. This is not farfetched. Previously, when the Iranian Government became concerned about dwindling population growth, a concerted effort was put into place. The Iranian president at that time, Mahmoud Ahmadinejad, inaugurated a new policy to encourage population growth. Broad, persuasive efforts were made to raise the birth rate, including granting birth-related loans, subsidies, six-months' paid maternity leave for mothers and a few weeks' leave, with pay, for fathers. Under Mahmoud Ahmadinejad's Government, incentives were given to families for every new child by depositing money into newborns' bank accounts until the children reached the age of 18. The same approach could be taken in relation to temporary marriage. The goal of improving the economic situation for financially strapped women is attainable, and, while there is no easy, one-size-fits-all solution to the problem, existing data underscores one critical fact: poverty and a lack of education often go hand in hand with practices that harm girls before they even become women. Sigheh mahramiat and child marriage continue to disproportionately affect girls in certain cultures and communities, significantly curbing their educations, health and social lives. The immediate consequence, borne out in the study, is the disruption to education.

Law enforcement of laws, a lack of legal protection to prohibit child marriage and an education system that discriminates against girls are additional grim factors. Legal operational solutions should be implemented. The lowering of the legal age of marriage to 13, which flagrantly violates numerous international treaties and norms, exposes the confusion that has been caused by the inability to distinguish between sexual abuse, consensual sex, teenage sex and sexual relations operating within the institution of marriage. Suggestions to lower the age of marriage reveal the erroneous perception that,

as long as sexual relations take place within the institution of marriage, they are acceptable – even for children as young as nine.

The lack of appropriate policies, platforms and discourses about child marriage and its repercussions needs to be addressed openly to remove the taboo that overshadows any progress towards galvanising laws forbidding child marriage. Advocating for the implementation of such laws and raising awareness among government officials and community members and leaders will help strengthen and better enforce legal initiatives to support families in recognising that such traditions no longer have a place in the 21st century. Requiring the legal registration of *sigheh mahramiat* and specifying an age for *sigheh* are policies that will curtail child marriage, or at least postpone marriage until girls reach adulthood.

Every year, an estimated 23 million girls aged under 15 are married worldwide with little or no say in the matter. Poverty, a lack of education, cultural practices and insecurity fuel and sustain the practice. Many girls are not educated because schools are inaccessible or expensive, or because parents do not see the value of education, because either they believe it to be irrelevant or that eventually the girl will be married. With sparse alternatives, parents often see marriage as the best option for their daughters. When a girl marries at such a tender age, it is readily assumed she will drop out of school during the preparatory time before the marriage, or shortly after. Many studies have shown that it is more than likely that a girl who marries as a child will come from a community where education for girls is not valued. More than likely, she will be illiterate (Olson, 2014). Child marriage and fulfil their potential, the longer a girl stays in school, the less likely she is to be married before the age of 18 and bear children during her teenage years. When girls have access to safe, quality secondary educations, the benefits are widely felt, not only by themselves, but also by ensuing generations, as their educations translate into income benefits. Educated girls develop skills, knowledge and confidence to make informed decisions, including if, when and whom to marry. Mandating compulsory education, so that girls will have access to both primary and secondary educations, will improve their chances of accessing employment and having the means of supporting themselves and, consequently, their families.

The ability to empower women to advance their economic statuses by emphasising educational attainment is naturally shaped by the overall economic environment and macro-economic policies. Empowering women to succeed and advance economically and to make and act on economic decisions is not only central to the vision of eradicating child marriage, but also forms a cornerstone of the Sustainable Development Goals ('SDGs'), which equally emphasise success and economic advancement (Macroeconomic Policy and Woman's Economic Empowerment 2017). P 132-133 Tehran: Rahdan Publications.

Naturally, education and socio-economic empowerment of young students and their families should be considered a priority macro-policy for Iran. This would result in fewer consequences imposed not only on individuals, but also on society within various cultural, social, economic and even political dimensions. It is the researchers' recommendation that family consultations experts teach social and communication skills to students in the early stages of their growth. Life skills such as respect for one another, making social connections, avoiding violence and different methods of communicating should be taught so that the effects are seen in adulthood. This is not a novel idea. For example, in recent

years, some books with the theme of 'contemplation and lifestyle' have been taught in secondary schools. However, usually, these skills are not taught by experts, but by school supervisors and teachers who have free time. Therefore, the courses are not as influential as one would expect. Thus, it is better to employ experts in this field to teach such lessons.

Many international organisations that are fighting early child marriage view any marriage under the age of 18 as a child marriage. WHO and UNICEF define 'a child' as a person under the age of 18. Some sociologists believe that, although UNICEF defines individuals under the age of 18 as children and marriage under that age as criminal, it is important to underscore that those who practise early marriage are not taking into consideration legal and international condemnations. Rather, these marriages take place with implicit societal consent or the overt approval of the father or grandfather of the child on behalf of him/her, disregarding the minimum legal age. As sexual activity outside of marriage goes against existing socio-cultural norms, the issue of child marriage in a vast majority of cases is approached from a moral perspective rather than as a violation of child rights. Under Islamic sexual values and norms, which ban any sexual relations outside of marriage, specifying 18 as the minimum age of marriage is unrealistic for many in (Muslim) Eastern societies. Indeed, the age of mut'ah or sigheh is specified as 13 for girls and 15 for boys, or even lower with parental or court permission. This is deemed to be both legally and religiously more appropriate. Therefore, although marriage under the age of 18 is considered to be child marriage by world organisations, the age may be different in some countries, depending on cultural and ritual norms.

Despite laws against it and near-universal commitments to end child marriage, the practice remains widespread. Child marriage is a global problem that cuts across countries, cultures, religions and ethnicities and ignores laws. Almost the majority of the one billion Muslims in the world consider the age of 15 (puberty) to be the demarcation of adulthood. Puberty and the first menstrual cycle are considered to launch adulthood. When a girl reaches this physical/biological stage, it is interpreted as her readiness to get married, regardless of her age. Although 'early marriage' is a term applied to both young boys and girls, the consequences of it are more serious and perilous for young girls than for young boys.

Sigheh mahramiat, normally practised by teenagers under the legal age of marriage with extensive planning between the families, is particularly observed in traditional, religious families who tend to control the sexual behaviours of their children. The aim is to regulate the sexual behaviours of the children and reduce social pressure, provided that they avoid sex and penetration. For many of these children, their marriages lead to pregnancies. Therefore, sigheh mahramiat is a contributing factor to the rising rate of child marriage. In patriarchal societies such as Iran, violence, power inequality and the lack of empowerment of girls in relation to their sexuality lies at the foundation of sigheh mahramiat. Girls/women are subjected to moral surveillance and sexual control far more than boys/men.

Endogamy is the custom of marrying within a specific social group, caste or ethnic group, or within the limits of a local community, clan or tribe. Generally, traditional families, which are seen less frequently in modern society, practise sigheh mahramiat for their children within the framework of endogamy, based on masculine traditional values and the customs of their ancestors. Sigheh mahramiat mostly occurs as endogamy, which means it is mainly practised within a specific group. As it is mostly practised

in the form of endogamy in religious, traditional families, this reemphasises its religious legitimacy. Mahramiat usually has taken place over the course of many generations, ostensibly for maintaining the purity and sanctity of the kinship lineage and preserving their territorial and linguistic heritage. The brutal reality is that it is based on masculine traditional values and the customs of their ancestors.

Child marriage is a globally relevant topic, but figures differ both inside a given country and between various countries. Nevertheless, based on existing statistics, early marriage is mainly practised in rural areas of South Africa and south Asia. Child marriage is the toxic product of poverty and gender inequality. Girls in child marriages tend to be less educated, and they are more likely to live in rural areas. Owing to the global attention paid to this topic, early marriage is decreasing, but progress has been uneven, and child marriage is not declining fast enough. A significant number of children still get married at ages lower than the legal age of their societies. Iran is a clear example of this.

Families struggling with economic poverty and families with unqualified guardians practise *sighesh mahramiat* for their children. This allows the family to push permanent marriage on them sooner and simultaneously decrease the economic burden on the family. Interviews in the field of study revealed that, often, people who experienced *sighesh mahramiat* during their childhoods eventually faced permanent marriages and pregnancies at young ages. Girls pressed into child marriage often become pregnant while still adolescents, increasing the risk of complications in pregnancy and childbirth. In the research study, some spoke about several losses and harms and the numerous serious consequences that have been associated with child marriage. Many voiced that they were unfamiliar with nuptial life and were abruptly exposed to sex or forced into sexual activity with their husband at an age when they were not physically and sexually mature.

From sexual- and human-rights perspectives, in Iran early marriage is the evidential consequence of sexual suppression and gender-destructive actions that prosper gender inequalities and increase societal suppression. In developing countries, the complex problem of early marriage is rising, because of the growing population of youth. Early marriage is a result of rising poverty, an absence of knowledge and education, submission to patriarchal cultures where obedience is automatic, the erroneous belief that early child marriage is protective, and a devaluation of the state of being a female. This type of marriage in Iranian families is the result of poverty growth and parents' tendencies to control their daughters' relationships (Ahmady, 2017).

Due to the absence of independent, reliable studies on child marriage in Iran, there is little information available on the actual number of child marriages in Iran and, thus, it is difficult to ascertain with precision. Nevertheless, official statistics of Iran show that tens of thousands of boys and girls under the age of 18 are annually forced to get married by their families. The real number of children forced to marry is much more than what is stated, as some families in Iran do not register these marriages or practise them with local priests. Between 2008 and 2014, UNICEF reported the rate of child marriage in Iran to be 3% of those under 15 and 17% of those under 18. However, based on the Iran Civil Registration Organisation's data, the figures of marriage for children under the age of 15 have decreased during the period 2012 to the first nine months of 2016. It is worth mentioning that the percentage of marriages of girls under the age of 15 with men who are twice their age and even older has increased, despite the decline of the overall marriage figure in recent years. These large age gaps reinforce power

differentials between girls and their husbands. Because men have to pay large dowries for girls, many must work for years to generate enough income. As a result, they are older when they marry. The age gap also reflects how, in some countries, the dowry decreases as the girl becomes older, which tempts parents to have their daughters married at younger ages, even when they are neonates. This is seen in the tradition *naaf bor*, which refers to the announcement of two babies as spouses of each other as soon as their umbilical cords are cut.

The demolition of child marriage requires a multi-action, holistic approach to all members of the community to stop high-risk girls from becoming more child-marriage statistics. Numerous, multi-faceted strategies are needed to target different aspects of the problem, including the deep-rooted social norms and behaviours, perceived low value of girls, limited access to education, exposure to violence, restricted freedom of movement and economic vulnerability.

Traditional practices that people deem acceptable, particularly when cast as religious sacraments, are unlikely to disappear because of legislation alone. Although we do acknowledge that legal enforcement alone cannot change deep-rooted traditions, nevertheless, a foundational step is to ensure that laws are carved within the framework for action against child marriage and gain traction over entrenched traditions. Governments must recognise the importance of addressing child marriage and integrating societal changes. As law enforcement to prohibit child marriage is relatively weak, firstly, existing laws against child marriage should be robustly enforced, especially when girls are at risk of child marriage or are already married and now seek protection. Where it is not yet the case, the legal age of marriage should reflect international norms and worldwide consensus and be raised to 18. Governments, civil society and other partners must work together to ensure girls have access to education, health information and services, and life-skills training.

As the tradition of early marriage reflects strong, overarching religious tones and centuries-old values, the recommendations and solutions given below are presented within the dual frameworks of religion and law. We have recommended numerous evidence-based strategies that could be adopted to reduce child marriage.

1. Marriage before the age of 18 is a fundamental human-rights violation. We recommend ratifying a law that specifies the exact age of marriage and *sigheh mahramiat*, raising the age to 18 for girls and boys. It is imperative that the age of 18 should be stated as it has normative and substantive value as a benchmark for implementing children's rights under the CRC, implementing CEDAW Article 16(2) and taking rights-based approaches to the wellbeing of families and communities and national development.
2. Implementing cultural and social work, especially in rural communities, the countryside and impoverished areas, with the involvement of people from the community, local capacities, NGOs and local religious leaders.
3. Advocating for women as community leaders would strengthen the recognition that women have voices that need to be heard. In many communities that practise child marriage, women are often kept out of the decision-making processes and are not allowed a voice in local politics. It is vital

that women are able to voice their concerns and advocate for women's rights in all spheres, as this is often what accelerates the elimination of harmful traditions such as child marriage or temporary marriage.

4. Training for public servants and the police should also clarify the laws on early marriage and the requirements for minimum age and registration.
5. Involving religious leaders is paramount to develop their understandings of scriptural support for girls' education and delaying marriage. In many of these communities, *sigheh mahramiat* is advertised by powerful religious men through the issuance of mandatory verdicts and the promotion of fatwas in religious ceremonies by clergymen at the mosques. Engaging and educating these powerful men is key to changing community attitudes on child marriage. This would require an introduction to psychological, religious and legal issues and the destructive consequences of *sigheh mahramiat* practised under the legal age. By working with religious leaders, one can develop their understandings of scriptural support for girls' education and delaying marriage, and build their capacities to communicate accurate information to communities on temporary and child marriage.
6. We recommend mandating and enforcing legal registration of *sigheh mahramiat* in official marriage registries.
7. Research demonstrates that young girls can benefit from the system to bolster their family's own interests if they are equipped with the appropriate tools. What often stands in their way, however, is their unequal power compared to men and the deeply rooted belief in patriarchal societies that education for girls is not valuable. This greatly contributes to children's lack of education. Making education compulsory and free of charge, or with low cost, up to the level of diploma would mitigate this weakness and arm women with the correct tools.
8. We recommend public dissemination through national media and cyber-social networks about the destructive consequences of *sigheh mahramiat* practised under the legal age. Raising awareness about the issue is vital because child marriage has been hidden away for centuries and needs to be publicly addressed by the community to end the daily suffering of adolescent girls and the continual violation of their human rights.
9. Community leaders, religious leaders, teachers, doctors and other stakeholders must be mobilised to build their capacities as champions of girls' education and the benefits of delaying marriage.
10. It is important to develop and support the domain of children's-rights activism and NGOs that work in various urban and rural areas to empower children and their families.
11. Widespread community awareness must be developed of the concept that sex with an underage girl is as serious a crime as any other grave crime, such as the murder or rape of an adult woman.
12. We suggest reaching out to new stakeholders, especially young gender activists working in rural areas, who are able to promote the message on a grassroots level.

13. Empowerment programmes for young girls are the key to preventing child or early marriage as they ameliorate girls' senses of self and self-efficacy by informing them of their basic human rights and their legal right to refuse a marriage, and educating them on health and sex (Olson, 2014).
14. Parents will equally benefit from being educated on the very serious harmful effects of forced early/childhood marriage that distort young girls' lives.
15. In some countries and cultures, early marriage is considered to be an economic tool, which can improve the economic status of the family and reinforce family ties. Providing economic support to families to find alternative means to stay financially secure (without resorting to selling their female children) by providing economic incentives, loans or livestock can aid in curbing child marriage. In certain cultures and communities, the provision of livestock can mean the survival and longevity of a family; providing this much-needed resource to a family trapped by poverty gives them more options, including refusing to marry off underage daughters.
16. Men and boys are central to challenging gender norms and changing deeply entrenched traditional practices like child marriage. There would be no child marriage if men in affected communities did not choose to marry children. It is, therefore, vital that men are educated on the rights of girls and how early marriage can be harmful to their health and happiness and destructive to the family unit.

Research studies and reports bear out what many experts wholeheartedly believe: early marriage and/or *sigheh mahramiat* negatively affects and dramatically complicates children's lives, as marriage has harmful consequences for their health and affects individual growth at any level of development.

In Iran, many poor families literally sell their underage daughters to rich families and merchants to save food for their male children. Handing over a daughter in marriage allows parents to reduce family expenses because they have one less person to feed, clothe and educate. Families may also see investing in their sons' educations as a more worthwhile investment. In some cases, the marriage of a daughter is a way to repay debts, manage disputes, or settle social, economic and political alliances.

Study after study overwhelmingly exposes a catalogue of complicated obstetric and gynaecological complications stemming directly from early marriage. If the husband has paid a hefty dowry, the young girl is under immediate pressure to prove her fertility. These children must start bearing children. High-risk pregnancies, life-threatening childbirth complications and obstructed labour are among the leading causes of death for girls in the age range of 15 to 19. In general, the most important consequences of *sigheh mahramiat* at young ages and early marriage include high rates of divorce and child widowhood; curtailing of education; suicide, especially among girls; isolation; increased health problems, including a greater risk of HIV and other sexually-transmitted infections; domestic violence; denial of access to social networks and support systems; and the perpetuation of cycles of poverty and gender inequality.

The significant link between crime reduction and better social and mental health and security is undeniable. It is imperative that a multifaceted approach be taken by legislative entities, such as parliament and the Government, policy-makers and the community to ensure the eradication of child marriage. The first step in taking responsibility in relation to this critical social issue is to ratify the law to

raise the sigheh mahramiat age to 18. Clergymen at the Guardian Council and other religious sources can announce sigheh mahramiat under the age of 18 to be illegitimate in order to revise Iranian common law.

All key players involved in legislative reform in relation to child marriage need to be involved; i.e.:

- policy-makers, when developing policies and strategies relating to child marriage;
- legislative drafters, when drafting national laws on child marriage (in particular, the situation of children bearing children warrants heightened scrutiny and provides an incentive to review the laws on the protection of children when drafters delineate laws to eradicate child marriage);
- researchers, when undertaking research into child marriage; and
- administrators, when implementing laws related to child marriage.

Such a collective action would send a universal message that boy and girls aged 18 and younger are too young for sexual, marital and reproductive transitions. To do otherwise is criminal.

Iranian society is religious, and its overt religious tones have, over the years, contributed to the acceptance of child marriage. Even if religious and worship rites are not followed, Iran is still considered a traditional religious society, due to imbedded religious training and the religious sociality of families, schools and the media. Religious elders and community leaders – nearly always men – are the decision-makers in communities where early or child marriage is prevalent. They wield enormous influence within these communities. Engaging these powerful men, local elders and religious leaders and educating them on the harmful effects of traditions such as child marriage on communities as a whole is key to changing the attitude of communities towards childhood marriage. As mosques are venues for a type of network, they can have a potential function in promoting sigheh mahramiat over the age of 18 and banning it under this age. In the current conditions of Iranian society, addressing the harms of sigheh mahramiat and early marriage in mosques can play a significant role in invalidating sigheh mahramiat.

As religion is one of the most influential factors on Iranians when settling social actions, legal support is inconceivable without religious support. The activeness of Shiite jurisprudence and its potential for issuing new verdicts that are compatible with contemporary, global gender consensus is within the realm of possibility. This will pave the way for the first vital step towards the abandonment of early marriage.

We recommend awareness-raising of the negative consequences of early marriage and early cohabitation. Age-appropriate and effective sexual- and reproductive-health education and services should be made available to children. Amendments to the law should be made to ensure that an underage girl who is a cohabiting partner can claim family support and maintenance for herself. Also necessary are amendments to ensure that children who are born of such relationships are not discriminated against. Major changes to the child protection laws and guidelines on sentencing for child marriages also need to be put in place. Publicity campaigns need to be undertaken to create public

awareness on these major policy changes. If not, effective enforcement of these changes in the law will be seriously hampered.

The Civil Registration Organisation in Iran is in charge of registering information such as births, deaths and marriages and issuing identity documents such as ID certificates. Making registration of sigheh mahramiat obligatory is a basic, minimum step towards eradicating it. As sigheh mahramiat facilitates and leads to the continuation of child marriage, mandatory registration of the practice can be highly effective. As the organisation is under the auspices and supervision of the Ministry of Interior and the Executive body, establishing this as a governmental policy may reduce its occurrence and the crimes and negative consequences related to sigheh mahramiat at young ages.

Apart from the violation of human rights that child marriage often entails, and apart from the negative impact of child marriage on health and the risk of disempowering girls who marry early, the fact is that child marriage has a large impact on education attainment. One does not see hordes of child brides in school. Education and marriage decisions are made simultaneously. There is substantial evidence that child marriage is an important factor in girls curtailing their educations, even though it may not be the main factor. Given that the incidence of child marriage remains very high, combating child marriage is an important area for policy – not just in terms of the impact of child marriage on education. Thus, the elimination of child marriage requires a cross-sectoral policy agenda that goes beyond education policies and programmes.

The role education plays as a tool for increasing the age of sigheh mahramiat and early marriage is indisputable. Therefore, a mandatory, free-of-charge education system should be available all over the country. Given the broader economic impetus for many early marriages, some forms of unconditional economic incentives to encourage them to stay in school could also be a successful way to reduce child marriage. Additionally, the dissemination of knowledge about sigheh mahramiat and early marriage can be done by teaching life skills to students and their parents via education classes under the umbrella term 'Family Education'. Holding courses on sexuality, knowing one's body and promoting kinship, and also holding entrepreneurship courses for students, advertising equality seeking attitudes and banning violence among students are measures that will likely cause mental/psychological excellence among them. Teaching these life skills heightens awareness of myriad topics such as respecting the rights of others, having a humane attitude, empowerment and self-sufficiency. Equally, these courses could cover a wide range of practical subjects from promoting kinship, entrepreneurship, respect for woman, gender equality, and the negative health and social consequences of sigheh mahramiat. They can be inspirational for students. As Family Education classes have been held in Iran's educational system in recent years, this would not come as a shock, particularly if some of the qualified teachers come from their villages. Although the classes are far from ideal, they may serve to inform parents on the negative consequences of this type of marriage and discourage them from practising it. The potentiality of such a programme's success and sustainability depends on community and parental participation and involvement at all levels of civil society, including women's associations, religious leaders, health officials, teachers and the girls themselves.

It is critical that young people learn about their sexual and reproductive health and rights. Opinions that are encapsulated within a sexual dimension and advocate controlling normal sexual desire by getting

married at a young age are a reflection of one-sided thinking that harms woman. Such opinions can be modified by teaching social skills to students. Sexuality and knowing one's body are subjects that are a necessity for all girls and boys, as they equip them with knowledge and skills in areas relevant to their lives, including sexual and reproductive health, nutrition and their rights under the law. This is a key area for intervention to ensure adolescents and youths understand their rights and are able to tackle the serious consequences of child marriage, including complications during pregnancy and maternal mortality and morbidity. While being educated about sexual and reproductive health and rights will not combat all of these issues, girls will be able to enter relationships better informed about their rights.

While reforms to the law and the strengthening of law enforcement are necessary, adequate attention also needs to be paid to ensuring that sensitive, effective and accessible support services exist for victims of early marriage. This requires a policy dialogue with religious and community leaders, who have a great deal of influence on those issues. Meeting with these leaders to critically examine the causes and consequences of early marriage can help in building support for policies against child marriage. In some countries, as appropriate, this dialogue can be part of broader discussions on family-law reform.

The printed media plays various roles in contemporary social life: political life is displayed, culture is developed, fashion paraded, and new styles and life values appear. The printed media is vital to share knowledge and negate often-veiled references to the devaluation of woman and conspicuously absent mentions of social and gender implications. Therefore, the media can be responsible for reflecting the dimensions, types and qualities of incorrect norms, to help members of society protect themselves against these vulnerabilities. Media should be used at national, provincial and local levels to create awareness among adults of the negative impacts of early marriage and cohabitation and the current prohibition on solemnising by official registration or custom marriages for people under 18 years of age. There is a need for an aggressive media and publicity campaign.

The printed media could be a positive vehicle to raise awareness of these issues. The media can disseminate information on *sigheh mahramiat*, its social and legal dimensions and its negative consequences through religious, psychological, social and legal experts. It can promote values in society that counter *sigheh mahramiat* from the angle of age and take steps towards implementing cultural work as a result. Mass media can warn the public about the ramifications of certain social abnormalities by exposing and disseminating the related social harms and reporting them to social activists or authorities, so that appropriate actions are undertaken. This promotes public awareness of various harmful cultural traditions that are masked as culture, but operate as violence against woman.

As with the printed media, social platforms also have a specific status as the most important tool in increasing awareness in society. Cyber-social networks are more effective compared to other communicational tools because of the modernism of communication, the ubiquity and popularity of smart phones and the easy access to the internet for people from various walks of life. A vast number of people are on at least one social media platform. Its potential as an available tool for researching and monitoring change is far reaching.

Traditionally, families and community elders are responsible for deciding when a young girl gets married. Educating them through community gatherings about how child marriage impacts a girl's health and future can spark change. People may be mobilised through education campaigns and networks, with information presented by experts, people from the community, social and religious leaders and public figures. NGOs' most vital function is public dissemination and encouraging participation to support vulnerable groups. Accordingly, the active presence of NGOs in different rural and urban areas of the country is significant in the social and economic empowerment of the children. These organisations can take steps towards implementing cultural work to garner respect for children's rights and prevent *sigheh mahramiat*, using policy statements and teaching life skills to children and their parents. As, according to the Iran Statistical Centre, 30% of Iran's population are under the age of 18, the presence of NGOs targeting this population is a topic of vital importance.

Women

Despite laudable progress, women's rights remain a critical issue throughout the world, especially in regions such as North Africa and the Middle East, where women are confronted with a systematic denial of their rights and equality with men, and where their existence is reduced to their attractiveness. The construction of gender roles and Iranian patriarchal control of women have produced a framework that demands women's obedience to their husbands, as its roots are in the ideology of male superiority and female inferiority. It clearly insists on roles and expectations based on gender stereotypes and results in the economic, social and political predominance of men and the dependency of women. Temporary marriage is a social custom and tradition that retains the bias of pre-modern and patriarchal social systems.

In Chapter Two, reference was made to the economy of pleasure, the promotion of corruption and the loophole for prostitution as some of the many consequences of temporary marriage. As temporary marriage is highly biased to favour men, the implications for equality, gender and ethics continue to provoke discourse within the gender landscape of the 21st century. In present day Iran, temporary marriage exists as a way of avoiding the religious sin of premarital sex. The *sigheh* law has long formalised temporary marriage in favour of men, giving them the right to have sex with women for as long as they wish, with the law on their side. Misogynistic religious norms formulated by men based on their narrow, selective interpretations of Islam have had few discernible, if any, positive benefits for women. Although temporary marriage is also a legal and religious way for couples to determine whether they are compatible living partners before agreeing to a permanent marriage, it is not the case that a temporary marriage will eventually transcend into a permanent marriage. It is still common for women from lower-class backgrounds to use temporary marriage as a means of financial support (Ahmady, Brari, & Fathollah, 2012; Haeri, 2014), hoping it will put an end to their poverty and financial misery. The strong hold of patriarchy and women's dire financial straits leave them with sparse choice. It has been said that some women who have no hope of real marriages also benefit from these marriage contracts, because of the companionship they offer (Abedi, 2017). The brutal reality is that most women who

have entered into these arrangements have little or no hope of a future life-long marriage because of the stigma placed on them for being in a temporary marriage.

We previously observed that this trade of 'renting' women involving some hotel owners, travel/tour agencies and sigheh sites has created the phenomenon of 'sexual trips' to Iran. As a result, Iranian girls and women temporarily marry wealthy Arabs from the region or other pleasure-seeking men who view women as sexual objects or are just in search of variety.

Women who cooperate with middlemen to enter into temporary marriages do not undergo iddah and disregard the underpinning philosophical and religious principles of mut'ah. A legitimate proposal and acceptance are not performed as part of the rites of the marriage, and witnesses are not necessary for the contract to begin. This way of practising sigheh does not adhere to any specific regulations; the person who is the beneficiary of the temporary state of marriage can unilaterally proclaim the words.

Many feminist discourses view temporary marriage as hiding behind the thinnest façade of legality and posing as a sacred element of a world religion for only one reason: to maintain men's domination over women. Temporary marriage is an inegalitarian practice that is simply not compatible with human rights and the dignity of women. The inequality that lies at the heart of temporary marriage is usually overlooked.

A natural extension of this argument is that temporary marriage is a euphemism for prostitution. It is little more than a subterfuge for illicit sex. Sexual intercourse is now legal with a woman who is not a genuine wife. It has also been said that most women in these very temporary relationships are being treated as prostitutes and the men are simply using the women as sexual objects. This situation exacerbates the likelihood of prostitution and corruption via temporary marriage, which contradicts the very nature of mut'ah. Undeniably, this has provoked a toxic religious discourse. Some scholars see it as a lustful act under a religious cover (Ahmed A. S., 2002). Other scholars assert that it is legalised prostitution that has been sanctioned by Twelver Shiite authorities (Parshall & Parshall, 2003).

The interface and connection between temporary marriage and prostitution is difficult to play down. This fixed-time arrangement between a man and a woman that dissolves after the duration increases the potential for corruption and prostitution in society. It is of no small wonder that men, particularly those who possess the financial means, embrace it enthusiastically. It allows a Muslim man to have innumerable sexual partners for sexual gratification in a licit manner, skewed in his favour. Consequently, many opponents view it as a euphemism for religiously sanctioned prostitution, especially since it is an advertisement that a woman is not a virgin. This is particularly troublesome in societies such as Iran, where virginity is of paramount importance and women are expected to be a virgin until marriage. As girls'/women's virginites prior to marriage are still very much coveted in Iranian culture, this adds an additional obstacle for women who decide to engage in temporary marriage (Haeri, 1986): they have advertised that they are not virgins.

As previously discussed in Chapter Two, the vulnerability of these women is, frankly, disturbing, as often they are young, vulnerable because of previous abuse, lonely or financially impoverished. Temporary marriage leads to the mistreatment and exploitation of women and deprivation of their rights to lead

normal lives. This is a frequent occurrence when men marry while travelling, then contractually cut off the relationships with their temporary wives and return home. They disappear (Fadel, 2016), leaving their wives in despair and disillusionment, the very state that invited temporary marriage in the first place. Temporary marriages, despite men's best efforts, are inevitably discovered by permanent wives, often with devastating consequences for those wives and their children. For the permanent wife, learning that her marriage is a lie is an incredibly painful experience. It almost inevitably leads to a breakdown of the marriage.

Those women who do not have financial need or any of the other common conditions that lead to practising mut'ah will likely not undergo the 45 days of iddah specified for non-pregnant woman and the four months and ten days of iddah set out for pregnant and widowed women. These women can sometimes be in a relationship with more than one person simultaneously. Men engaging in sexual relationships outside of their permanent marriages or men taking on a proliferation of temporary 'wives' (often underage girls) for a number of hours are at higher risk of contracting STDs and infecting either their permanent wives or successive temporary wives. With respect to reproductive and sexual health, these women often face several problems, among which are STDs, including AIDS. This is a tragic reflection of the lack of safe-sex awareness that was borne out by this study.

The litany of temporary marriage's destructive consequences, its perverse effects on woman, the family, and the community and its polarising sectarian divide warrants a review and assessment of sigheh's place in the 21st-century panorama. In summing up the destructive consequences of sigheh, this study exposed several issues discerned from a variety of intra-religious, extra-religious and gender-equality perspectives. Many of these issues are a result of sigheh's association with shame and stigma. The compendium of issues includes the ethical implications of this type of marriage; the inherent gender inequalities that actually led to the creation of such a legal instrument; the unequal bargaining powers of the two parties; the essence of sigheh that runs counter to the objectives and the spirit of marriage in Islam; the lack of legal protection that women in temporary marriages are afforded, meaning they have almost no rights compared to those they would have in permanent marriages; the potentially devastating social consequences for children born out of such unions, including the laborious establishment of paternity; single mothers who are already burdened with the inability to provide their own means of subsistence, let alone a child's; the potential for corruption and prostitution in society; the rising scepticism of and negative attitudes towards permanent marriage and the corresponding skyrocketing of the divorce rate; the collapse of the family foundation; and the patriarchal and discriminatory elements that flourish within sigheh, including the denial of basic women's rights.

Potential Solutions

1. *Ratifying a law to register temporary marriages, with criminal sanctions for violators.*

Non-registration must be considered a grave crime and the culture of impunity must be rigorously challenged. Registration of temporary marriage must be permitted only in government (licensed) registry offices or special electronic offices.

2. *Maximising efforts to provide support services.*

This would include reproductive- and sexual-health services and counselling to ensure that the negative health impacts are minimised or eliminated.

3. *Setting laws to limit mut'ah to men and women experiencing special conditions.*

For example, a single young person with an acceptable reason. Another option is to require those individuals already married to have proof of their permanent spouse's acquiescence. This, naturally, would reduce the number of temporary marriages, as it is far less likely that a spouse in a permanent marriage would agree to it.

4. *Identifying and closing down tourism/recreational packages that present temporary marriage to their customers as a service, by establishing criminal sanctions against managers.*

This would include identifying and shutting down tourist websites that offer sigheh as an optional extra.

Ratifying a Law to Register Temporary Marriages

The necessity of registering marriage goes back to 1931. At that time, the Iranian legislator had criminalised (for the husband and the priest) not registering a marriage, whether that marriage was permanent or temporary. In contrast, in present day Iran, Article 645 of the Islamic Penal Code of Iran criminalises the husband only if a permanent marriage is not registered.

Making mandatory the registration of temporary marriage and criminalising the participants (especially the couples, or the parents if either of the parties is underage) would send a robust message and be effective in reducing the harms of temporary marriage. Rigorously enforcing criminal sanctions on participants and priests practising temporary marriage without legal registration can serve as a deterrent and hinder temporary marriage's trend.

Therefore, it is recommended that a binding law be ratified to necessitate the registration of temporary marriage in marriage-registry offices, with the permission of the first wife.

Health and Hygiene Services for Women and Men Seeking Mut'ah

Women have special needs related to pregnancy and childbirth. Many women face unplanned pregnancies. This study undeniably revealed a lack of even basic knowledge of reproductive and sexual rights and the transmission of STDs. The risks of unprotected sex, unwanted pregnancies, STD exposure and childbearing are compounded with early marriage. Many study participants were ignorant of contraceptive use. Another significant finding was the lack of information that those in temporary marriages had in relation to their sexual and reproductive health and any available services. Awareness of sexual and reproductive health was largely absent.

In temporary marriages, as reiterated previously, it is conceivable that many of the women will be exposed to men who have had previous sexual relationships with other wives. Therefore, not only are they and any subsequent temporary wives at risk, but permanent wives who are unaware that their

spouses are engaging in sexual intercourse are also at risk. As temporary wives are acutely aware of the stigma and shame associated with temporary marriage, they may not feel comfortable accessing medical treatment or healthcare services. Women, particularly vulnerable young girls, encounter significant barriers to accessing quality healthcare, including provider bias, age restrictions and stigmatisation when seeking services, and concerns about confidentiality and stigma.

We recommend that appropriate and effective sexual- and reproductive-health education and services be made available.

At the same time, 'healthy' is a state of complete mental, physical, and social well-being and does not mean the mere absence of diseases or infirmities. One's mental well-being plays an important part in one's overall health. Some women view their prospects of marriage to be slim. Other women who are lonely, mentally overwhelmed, distressed due to their financial conditions or in poverty are vulnerable to men who can easily pay for such temporary marriages. When the contractual duration is met, the mental health problems remain – long after the man has left. As these sorts of marriage are kept covert, there is currently a sparse or non-existent number of studies on the mental-health effects on women who are in these fleeting, meaningless marriages. Their problems remain unknown or ignored by the community, and they become invisible victims. One can only speculate what it does to the mental well-being, confidence and sense of security of women to receive temporary affection for sexual intercourse. In Iran there has been a meagre supply of information on this subject. Very few individuals have conducted large-scale studies to try to identify the depth and prevalence of the problem. Government data are lacking. Iranian culture is sensitive about this issue, which inevitably makes conducting research difficult; nevertheless, this is an area that warrants more exposure and study.

Lastly, the most significant criticism of temporary marriage is the violation of women's rights and discrimination against them. Many social activists and entities supporting women's rights consider mut'ah to be a factor that violates women's rights in different legal, economic and cultural dimensions. They believe that temporary marriage reproduces gender discrimination, which belittles Iranian women. Critics reason that the issue of women's rights is neglected in relation to temporary marriage because it is regarded from a masculine point of view.

Setting Laws to Limit Mut'ah

As stated in Chapter Two, despite the Iranian Government's desire to see an increase in population, social and economic factors have led to a decline in the marriage rate, a delay in marriage age and a rise in celibacy attributable to difficult economic conditions, such as crippling sanctions and tremendous inflation, which further increase the already enormous pressure on Iran's population. Education opportunities for women, developing urbanisation, the modification of marriage values, pleasure-seeking and individualism are among the characteristics of Iran's transitioning society. Additionally, economic hardship relative to material aspirations has had an indirect effect. When temporary marriage is religiously and legally legitimate and religious authorities strongly promote it, permanent marriage gradually loses its primal importance. The increasing rate of temporary marriage is highly indicative of a general deterioration of the appreciation of marriage and the eroding of marriage values.

With the rise of temporary marriage, the sceptical attitude towards permanent marriage has intensified. On one hand, among widowed or divorced women, women with unqualified guardians who have tumultuous memories of permanent marriages, women who have experienced domestic violence, and woman who live with irresponsible or addicted spouses, there is a reticence towards and fear of remarrying. Some are lonely and vulnerable. Therefore, they take shelter in temporary marriage because of their emotional or spiritual crises. Some fall into patterns of recidivism, going in and out of temporary marriages. Repeated temporary marriage or having several temporary relationships is bound to produce jaded thinking and scepticism. Moral values are pushed aside and ignored as fleeting sexual pleasure takes priority; the trickle-down effect is an erosion of trust and a tendency to view human beings as sexual objects.

One the other hand, ease of access to temporary marriage for men and the absence of legal conditions for registering temporary marriages, alongside the fact that most of these relationship are kept hidden from neighbours' and family members' spying and judgmental eyes, are attractive attributes that cause variety-seeking men to entered into successive temporary marriages. Men who are dissatisfied with their permanent family-lives can search for distractions or solutions outside their house instead of solving their problems through family discussions. Temporary marriage is the perfect venue for a man to easily dodge the responsibilities and commitments that permanent marriage demands. Accordingly, emotional and distressing divorces may take place. This process, therefore, adds to the rising divorce rate in Iranian society.

Difficult economic conditions have made permanent marriage impossible for many young people. The lack of employment opportunities, the staggering number of educated yet unemployed people, the weakness of the Government in providing new job opportunities, and governmental economic mismanagement are realities that await many young, unemployed people with modern values. Low economic growth, an educated but untrained population, little capacity for employment in governmental organisations, unsuitable working environments, reduced investment in the private sector, inflation, and financial corruption in governmental offices are some of the main reasons for unemployment in Iran. These people do not choose to undergo married lives with difficult conditions; rather, they prefer solitude and to postpone marriage. Middle- and upper-class Iranian girls and women are enjoying equal education opportunities nowadays, reaching higher socio-economic ranks in society than previously seen. They are simply not willing to live with unemployed men. As a result, permanent marriage is not a suitable solution for meeting basic needs, as it was previously. Instead, permanent marriage is viewed negatively. This study's interviews indicated that many of the interviewees harboured a kind of scepticism of and reluctance towards permanent marriage, even as they engaged in transitory relationships with unfaithful characters multiple times.

Reciprocal distrust is a widely seen idiosyncrasy in today's world that has also penetrated family dynamics. With the frequency of social and economic problems and the prevalence of secrecy and hypocrisy in society, today's modern family no longer tolerates temporary marriage and betrayal. Divorce is a practical solution and is even, in some cases, celebrated. This gives credence to the argument that, plausibly, negative attitudes towards temporary marriage could be bolstered by psychological support and family therapy, particularly for mut'ah women who do not have clear

understandings of temporary marriage. Put simply, they need to be informed about its consequences. For that reason, making marriage consultation compulsory before practising *sigheh*, for couples and especially *mut'ah* women, is a basic principle for reducing these undesirable consequences.

The following solutions are recommended for militating against the abovementioned consequences.

1. *Providing proper economic incentives, loans and job opportunities to young people to encourage them to enter into permanent marriage.*
2. *Making psychological consultations accessible and compulsory for divorced women who have faced losses in permanent marriages.*
3. *Ensuring that the man who wants to have a temporary marriage presents to the marriage registry office a written letter of approval from his permanent wife, to prevent stealth and contentious divorces and to militate against the rise in the divorce rate.*

Mut'ah is temporary marriage that mostly benefits the man in the relationship. These practices should be seen by every sovereign government for what they are and should be prohibited. These types of 'marriages' are hiding behind the thinnest façade of legality and are posing as a sacred element of a world religion for only one reason: to maintain men's domination over women.

On a practical level, *mut'ah* disadvantages women, particularly when it is compared to permanent marriage. Temporary marriage grants women fewer rights and benefits than its permanent counterpart. The woman in a temporary union can claim neither inheritance rights nor maintenance rights and she cannot institute divorce proceedings against her temporary husband. Further, Iranian Islamic society favours permanent marriage and reveres women in their role as mothers. Because *mut'ah* is limited in duration, Iranians do not accord temporary wives the same level of prestige as women who enter into permanent marriages.

Under Articles 940 and 1113 of the Civil Code, women in temporary marriages will not receive *nafaqa* or inheritance. Moreover, the option to terminate the marriage is not sufficiently balanced, as only the man can terminate the relationship unilaterally, by waiving the duration (Article 1139). Many women who resort to temporary marriage are either self-carers or from poor families with deep financial need; their needs are not met with the *mahr* specified in temporary marriages, either.

Therefore, part of this inequality could be mitigated by ratifying a law to allocate to the temporary wife at least half of the *nafaqa* and inheritance that permanent wives receive. What is the logic in not paying inheritance and *nafaqa* in a temporary marriage, when the wife has the same sexual and emotional functions as a wife in a permanent marriage?

The delays and obstacles in legal proceedings that discourage woman from seeking relief must be addressed. As the couple in a temporary marriage scarcely knows one another, the man sometimes abandons the woman after having sex a number of times and within the specified contractual duration, whether they choose long-term or medium-term *sigheh* (one hour to 99 years). As these relationships are often covert and hidden from neighbours, there is little societal awareness. The woman remains in a limbo of legal and societal uncertainty, with no shelter. Thus, she must go to the family court for annulment of the marriage. However, the court process is not common and is sometimes protracted.

Women need to have the legal right to terminate mut'ah so that they do not have to undergo this intimidating, arduous process. This study bore out the fact that many women stop pursuing legal actions because the process is too difficult and expensive. If women are granted annulment rights, they can terminate the *sighah* by waiving the duration and can be separated, thus avoiding legal procedures and the acute stress and emotional distress of legally establishing that they were temporary wives. Ratifying the right of termination in mut'ah for women is a solution for administrating justice and preventing violence against women. This would be a positive first step towards recognising and acting against the harmful consequences of temporary marriage.

Islam has been the centre of criticism for allowing polygamy, which is viewed as unacceptable by Western societies. For many Christians, it is a licence for promiscuity, and feminists consider it a violation of women's rights and demeaning to women. A crucial point that needs to be understood is that, for Muslims, standards of morality are not set by prevalent Western thought, but by divine revelation. The Muslim scripture, the Quran, is the only known world scripture to explicitly limit polygamy and place strict restrictions upon its practise: '[M]arry women of your choice, two or three or four; but if you fear that you shall not be able to deal justly with them, then only one' (Quran 4:3).

Thus, according to the Quran, men are permitted to have four wives simultaneously. However, permission is granted only when a man can deal with the women justly. In other words, the Quran requires equal treatment of all wives and no differentiation between his wives in regard to sustenance and expenditure, time and other spousal obligations of husbands. Otherwise, they are recommended to have one wife (Ask A Muslim, 2018). In reality, most Muslim men do not have the financial means of maintaining more than one family. Even those who are financially capable of looking after additional families are often reluctant to, due to the psychological burden of relating to more than one wife. Nevertheless, legislators have remained mute on the number of temporary wives a man can have simultaneously. He may have many. Therefore, legally limiting the number of mut'ah wives would be effective.

Iranian women make up half of the country's population (Burkova, 2017), yet women continue to have less participation in Iran's labour market and a higher rate of unemployment. Due to gender discriminations in Iran's economy, women in Iran confront an array of legal and social barriers, restricting not only their lives, but also their livelihoods, and contributing to starkly unequal economic outcomes. Discrimination against women in the Iranian labour market is shaped in part by the political ideology that has dominated Iran since the Islamic Revolution, which pushed women to adopt perceived 'ideal roles' as mothers and wives and sought to marginalise them from public life (Burkova, 2017). As stipulated in Chapter Three, with reference to the 2017 Gender Gap report, legislators are expected to set the same economic rights for women who undergo mut'ah as for permanent wives and consider the low level of job opportunities for women compared to men. For instance, mut'ah women should be financially supported during the time of *iddah*, when there is no financial support for them legally, and during pregnancy. Iran must adopt comprehensive anti-discrimination laws to eliminate discriminatory provisions of the current legal system and extend equal protections to women who participate in the job market. That will only be possible when the legislation is supported by religious sources and implemented by the Government and parliament.

With respect to the needs and unemployment of the majority of mut'ah women, the Government and related organisations such as the Ministry of Labour, Cooperative and Social Welfare, the State Welfare Organisation of Iran, and the Imam Khomeini Relief Foundation need to implement serious reforms to Iran's legal code and labour regulations to financially empower mut'ah women. Giving loans to self-care women to help them be self-employed and have the opportunity to undertake stay-at-home employment; holding recreational/sports classes free of charge for divorced, poor women; holding classes for improving the psychological empowerment of women; and informing mut'ah women about the legalities related to temporary marriage can improve life skills in these women. This improvement would have an effect on the number of women who enter into temporary marriage, particularly as the vast majority do so out of financial distress. An elevation in their economic and social situations would augment and advance their lives.

The abilities of the NGOs that strive to ensure the 'voices of the marginalised' are heard, social associations, and woman's- and children's-rights activists should not remain unheeded. NGOs and women's-rights associations have been quite vocal in their disapproval of temporary marriage. Other entities, usually supported by influential companies or wealthy public figures, can play significant roles in exposing the conditions, the discrimination and the violence that mut'ah women endure. Cinema directors and filmmakers, especially women, are often in positions of influence to increase public awareness by exposing the stark realities and consequences for mut'ah women. The responsibility for increasing exposure should not be limited to organisations, but should include other communicational tools such as the media and cyber-social networks.

The untapped capacity of cyber-social networks to expose temporary marriage should not be overlooked. Internet and social-media usage in Iran is at an all-time high. There are some 40 million active social-media users in Iran, which indicates a 135% year-on-year increase (Financial Tribune, 2018). Through the availability of smart phones and easy access to the internet, people can be informed about mut'ah and its related legal, social and psychological dimensions.

The following is therefore recommended.

1. *The law in regard to temporary marriage should be amended to address some specific problems that have emerged during our literature review and research. For example, laws ratifying the right to receive an inheritance and nafaqa: the amount should be half of what is paid to the permanent wife if the man is married; if the man is single, the amount should be specified through a mutual agreement.*
2. *The delays in legal proceedings that discourage woman from seeking relief must be addressed.*
3. *A law needs to be ratified that provides for the minimum financial necessities or nafaqa during the time of iddah and any planned or unplanned pregnancy.*
4. *The option to annul sigheh must be made available to either of the partners.*
5. *There should be a limitation on the number of mut'ah wives a man may have.*

6. *Economic, social, legal and psychological support should be ensured for women hurt by permanent and temporary marriages, self-caring women, and woman with unqualified guardians.*
7. *It is necessary to introduce the teaching of life skills to those in permanent and temporary marriages and at school, and emphasise that such skills are fundamental.*
8. *Gender discrimination and violations of women's rights in temporary marriage should be shown by filmmakers and cinema directors of Iran.*
9. *Cyber-social networks should be used to inform others of the undesirable consequences of temporary marriage and the related legal challenges.*

Final Observations

This study supports the view that temporary marriage is a back door to sexual exploitation. According to the study's findings, mut'ah is a practice that lacks redeeming values and positive functions. Rather, it causes harms such as child marriage, the collapse of the family foundation, negative attitudes towards permanent marriage, the promotion of corruption and violations of women's rights. Many women agree to be subjected to sexual exploitation because they lack economic rights and a sense of security. As an institution, it is not without controversy.

Temporary marriage in Iran operates in conjunction with the Iranian view of women's role in society, which partly explains why it exists as an institution. To reconcile the goals of suppressing extramarital sexual relations and maintaining sexual segregation with the inevitability of human sexual desire, temporary marriage is offered as a pragmatic and viable solution (Ghods, 1994). Iranian legislators are neglecting their responsibilities to half of the country's population, and the abdication of these responsibilities means the flourishing of temporary marriage.

Since the Iranian Revolution of 1979, the regime has conducted an intensive campaign to revitalise this form of marriage. Religious leaders and clerics (who often utilise temporary marriage) support it as positive, self-affirming, and a solution to human needs. Challenged by secularly educated, urban Iranian women, human-rights activists, men, and the rising chorus of international condemnation in the West, religious experts have now been called upon to address with sobriety the implications of this custom for modern Iranian society and to respond to the assertions that mut'ah is legally equivalent to hiring or leasing a sexual quid pro quo, that it is abusive of women, and that it is, in fact, legalised prostitution.

On the whole, this analysis of temporary marriage indicates that society invariably selects culture over law. The laws put in place are mirrors or reflections of patriarchal, cultural beliefs. On the other hand, laws that are not aligned or harmonious with the cultural practices of society must be moulded to conform or they will be ignored. The characteristics of mut'ah correspond to traditional Shiite Iranian patriarchal views of women. They are designed to help satisfy men's sexual desires and abjectly fail to realise women's needs and fair treatment. The institution fundamentally disadvantages women, a characteristic that is consistent with Islam's traditional treatment of Iranian women.

Since constraints on girls' capabilities are often the result of gendered rules dictated by fathers and husbands, it is vital that men and boys be engaged in conversations about changing normative gender beliefs and practices. Helping men to learn about new norms and practices of masculinity through awareness-raising and education initiatives, led by professionals who have experience in working sensitively with boys and men, is crucial to bring about change. Efforts should involve collaborations with organisations that promote caring, non-violent and equitable masculinities and gender relations internationally, by taking effective approaches that reach out to men and boys to reduce violence against women.

Despite a lack of hard figures, anecdotal evidence indicates that the popularity of mut'ah marriage has grown dramatically in recent years. We hope that the findings and recommendations of this study will enable policy-makers and activists to take action, where required, to ensure the protection of vulnerable girls and woman, including revising laws related to temporary and child marriage, and that they will trigger further analyses and government responses.

Just as temporary marriage did not sprout overnight, the route toward its eradication will begin with many small steps and take some time. The first of those steps is the recognition that temporary marriage ultimately serves no one.

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Glossary

<i>dowar</i>	dowry/bride price
<i>fiqh</i>	a school of jurisprudence
<i>haram</i>	forbidden
<i>iddah</i>	the period of abstinence for a wife after a marriage ends
<i>mahr</i>	agreed allowance for the bride
<i>mahram</i>	a member of your family to whom it would be considered <i>haram</i> to be married
<i>majlis</i>	council
<i>makruh</i>	reprehensible
<i>mubah</i>	neutral
<i>mustahabb</i>	recommended
<i>mut'ah</i>	temporary marriage (<u>Arabic</u>) – also <i>nikah mut'ah</i>
<i>nafaqa</i>	alimony/pension
<i>sigheh</i>	temporary marriage (<u>Persian</u>)
<i>sigheh mahramiat</i>	non-sexual sigheh
<i>wajib</i>	compulsory

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