

## Pathological Analysis of *Mut'ah* or Temporary Marriage in Iran

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### Abstract

According to Islamic law and jurisprudence, permanent and temporary marriage are the only forms of marriage recognised in Iran. A form of temporary marriage known as *sigha-ye mahramiyat* or simply *sigheh* is commonly practised in traditional parts of society. Temporary marriage, which is often used as a justification for early marriage and can have significant social and psychological consequences, particularly for girls, is not regulated by law and has received little attention. Studies conducted on the topic have largely supported the practice of temporary marriage and have not comprehensively examined its effects on society. This research is the first to examine the historical, religious, legal and social foundations of temporary marriage or *sigheh*. It comprehensively examines the phenomenon of temporary marriage/*sigheh* in Tehran, Mashhad and Isfahan in the years 2016 and 2017, using both qualitative and quantitative methods and grounded theory. The research findings indicate that temporary marriage/*sigheh* is driven by a desire for pleasure and its creation of circumstances that accommodate child marriage. This practice has negative effects, including joblessness, particularly for women, and a negative view of permanent marriage among men. The aim is to objectively and impartially examine the hidden and visible aspects of temporary marriage and *sigheh*, to provide a clear and accurate understanding of this social phenomenon and provide practical and realistic solutions for

policymakers and lawmakers. It is hoped that, based on these solutions, the institution of temporary marriage in Iran will be regulated in a way that respects the rights of women and children and preserves the foundation of the family and the status of permanent marriage.

### **Abstrak**

Menurut hukum dan yurisprudensi Islam, pernikahan permanen dan sementara adalah satu-satunya bentuk pernikahan yang diakui di Iran. Suatu bentuk perkawinan sementara yang dikenal dengan sebutan *Sigha-ye Mahramiyat* atau *Sigheh* biasa dilakukan di masyarakat tradisional. Pernikahan sementara, yang sering dijadikan alasan untuk melakukan pernikahan dini dan dapat menimbulkan dampak sosial dan psikologis yang signifikan, khususnya bagi anak perempuan, tidak diatur oleh undang-undang dan kurang mendapat perhatian. Studi yang dilakukan mengenai topik ini sebagian besar mendukung praktik pernikahan temporer dan belum mengkaji secara komprehensif dampaknya terhadap masyarakat. Penelitian ini adalah yang pertama mengkaji landasan sejarah, agama, hukum dan sosial dari perkawinan *mut'ah* atau *Sigheh*. Mengkaji secara komprehensif fenomena kawin kontrak/*sigheh* di Teheran, Masyhad dan Isfahan pada tahun 2016 dan 2017, dengan menggunakan metode kualitatif dan kuantitatif serta grounded theory. Temuan penelitian menunjukkan bahwa kawin kontrak/*sigheh* didorong oleh keinginan mencari kesenangan dan terciptanya keadaan yang memudahkan perkawinan anak. Praktek ini mempunyai dampak negatif, termasuk pengangguran, khususnya bagi perempuan, dan pandangan negatif terhadap pernikahan permanen di kalangan laki-laki. Tujuannya adalah untuk mengkaji secara obyektif dan tidak memihak aspek-aspek yang tersembunyi dan terlihat dari kawin kontrak dan *Sigheh*, untuk memberikan pemahaman yang jelas dan akurat tentang fenomena sosial ini dan memberikan solusi praktis dan realistis bagi para pengambil kebijakan dan pembuat

undang-undang. Berdasarkan solusi-solusi tersebut, diharapkan institusi perkawinan *mut'ah* di Iran diatur sedemikian rupa sehingga menghormati hak-hak perempuan dan anak-anak serta menjaga landasan keluarga dan status perkawinan tetap.

**Keywords:** *Mut'ah* marriage, reinterpretation, Shia, Temporary Marriage.

## Introduction

Sexual desire is a fundamental human drive that should be properly fulfilled in a balanced and moderate way. If it is suppressed or expressed in a distorted or disrupted manner, it can take the person out of a state of balance and harmony and lead to mental, emotional and even physical illnesses. Sexual norms exist in all societies. These norms confirm some sexual functions and prohibit others. Human sexual behaviour is always meaningful, and society members learn sexual norms during socialisation.

Based on this, the sexual behaviours accepted in one culture will be different from the sexual behaviours accepted in other cultures, showing that humans learn sexual reactions from their cultures. In the two-thousand-year history of the West, different paradigms have dominated sexual cultures. The oldest of them is the religious and moral idea that originates from the teachings of the Christian religion that it is sinful to attempt satisfaction of the sexual instinct outside of the conventional framework (marriage) and thus attempts are made to deny or strictly control it. Until the emergence of the Age of Enlightenment, i.e. the 18<sup>th</sup> century, religious and moral concepts still dominated sexual relations. But from the 19<sup>th</sup> century onwards, with the advent of the modern era, emotional love as the modern and individualistic form of sexual behaviour gradually replaced the pre-modern model. Because of this development, some researchers consider love in the modern era

to be a secular product of the West.<sup>1</sup> Alongside traditional attitudes, more liberal attitudes toward sexual orientations emerged, especially in the 1960s.

Some people, especially those influenced by Christian teachings in Western culture, still believe that sex outside of marriage is wrong, although they agree that sexual pleasure is a desirable and important aspect of life. On the other hand, some approve of extramarital sex and have tolerance for sexual behaviours outside of formal marriage and reproduction.

There has been a shift in favour of more permissive attitudes towards sexuality in many Western countries in recent decades. This is evident in the portrayal of previously taboo content in media, as well as the widespread availability of pornography for adults.<sup>2</sup>

Monotheistic religions have sought to regulate this human desire and, in various ways, prevent their followers from violating their commandments. Islam places a significant focus on regulating sexual behaviour and addressing any deviations or problems that may arise. This is because religion views the care and purity of sexual behaviour as crucial for the personal growth and progress of individuals, the proper education and upbringing of future generations, the preservation of family lineages and the overall purity and stability of society. The prevention, correction and treatment of sexual deviations and problems are therefore seen as important for the overall well-being and flourishing of individuals and communities.

According to Islam, there are two main ways to manage and protect one's sexual behaviour: by practising self-control and sexual restraint and by choosing a suitable spouse to fulfil sexual desires and needs within a committed, monogamous relationship. In Islam, maintaining sexual purity and self-control is seen as important for overall spiritual and physical health, but it is recognised that humans have natural sexual desires and needs that should be satisfied within the confines of marriage. By

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<sup>1</sup> Glenn Beck, *The Normal Chaos of Love* (Cambridge: Polity Press, 1995).

<sup>2</sup> Anthony Giddens, *Sociology*, trans. Hasan Chavoshian (Tehran: Ney Publishing, 2010).

choosing a spouse who is compatible and committed, an individual can achieve a sense of satisfaction and fulfilment in their sexual life while upholding the values of chastity and morality.

The Islamic model for managing sexual behaviour includes a range of principles and systems that cover the whole lifespan, from birth to old age. These principles and systems are designed to provide care, guidance and education about sexual matters, as well as prepare individuals for healthy and fulfilling sexual relationships within marriage. They may also address issues of sexual abnormality and provide support for correcting and treating them.<sup>3</sup>

Islam views the fulfilment of sexual desire within the context of marriage as a desirable and acceptable thing. In Islam, a person is allowed to satisfy their sexual desires through intimate relations with their spouse, within the confines of a committed, monogamous relationship. This emphasis on the importance of satisfying sexual desire within the framework of the family system is a key aspect of the Islamic model for managing sexual behaviour.

According to sociological definitions, marriage is a bond between two people of opposite sexes that is based on a stable sexual relationship.<sup>4</sup> When it takes place at the right time and under the right conditions, marriage and the formation of a family can have positive effects on the entire social system. However, if it takes place under inappropriate circumstances, it can have negative personal and social consequences and cause harm.

In Iran, marriage is guided by Islamic religious principles and values. According to the country's civil law, which is based on Islamic law, two types of marriage are legally and religiously

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<sup>3</sup> Mohammad Noor Alizadeh Mianji, "Islamic model of protection of sexual behaviour with emphasis on prevention and treatment of deviations and sexual problems," *Quarterly Journal of Psychological Science* 3, no. 5 (2009): 107–142.

<sup>4</sup> Bagher Saroukhani, *Introduction to Family Sociology* (Tehran: Soroush Publishing, 2015).

recognised: permanent marriage and temporary marriage (also known as *sigheh*). In a permanent marriage, the spouses enter into a covenant of marriage based on Islamic principles and Iranian legal regulations, without any time limitations or a predetermined duration. However, in a temporary marriage, which has been a source of significant controversy within Islamic and social circles, the spouses enter into an agreement based on Shia Islamic beliefs and Article 1075 of the Civil Code of Iran, thereby becoming temporarily married or engaged in conjugal relations for a specified period of time. After the prescribed time, the marriage is automatically terminated, and there is no need for divorce.

Temporary marriage is the same as *sigheh* and can be used as a way to alleviate social pressures and reduce stress in situations where men and women mix frequently. For example, in environments where there may be a high risk of sexual misconduct, temporary marriage can provide a way for individuals to establish clear boundaries and expectations within their relationships, which can help to reduce stress and prevent misunderstandings. Additionally, in societies where there may be significant social pressures related to issues of sexuality and relationships, temporary marriage can offer an alternative way for individuals to fulfil their needs and desires without feeling the burden of long-term commitments or facing social stigma.

Temporary marriage is similar to dating and is commonly practised among adults over the age of 18, arranged by the parents or elders of the family or by a cleric. Temporary marriage is also practised privately by families to prevent wrongdoing in public places by children and young adolescents. In this context, the relationship between a girl and a boy becomes informal within the framework of temporary marriage, without any specific legal or regulatory effects. It should be noted that temporary marriage and *sigheh* are not the same, and sexual relations during temporary marriage are considered permissible from a Sharia perspective.

In recent years, due to the cultural, social and economic conditions in Iran, there has been a large gap between sexual

maturity and marriage. As a result, in situations where permanent and continuous cohabitation with a spouse is not possible, temporary marriage has been presented as a solution to sexual desires and the continuation of the family lineage. However, the legal and social consequences of temporary marriage have caused various debates and controversies.

After the victory of the Islamic Revolution, Ayatollah Hashemi Rafsanjani, the fourth president of the Islamic Republic of Iran, made efforts in various arenas to defend temporary marriage. He spoke about the solution for preventing moral harm in society through temporary marriage for the first time in a Friday Sermon on 3 December 1985, saying, 'The Government that expects chastity from young people must also provide the conditions for chastity.' Rafsanjani also stated that those who had been contaminated under the previous regime could be reformed, adding, 'If they did not prevent *mut'ah* and let needy people marry temporarily, no one would be infected with adultery.'

According to him, the culture of the past society considered adultery unacceptable, following Western models, but considered temporary marriage forbidden.

On the same Friday Sermon, Hashemi Rafsanjani put forth an idea, presenting it in the following terms:

Our society recognises permanent marriage as a sacred reality, but views temporary marriage as disgraceful and undesirable. I have said that even unmarried women can benefit and establish a one-year, two-year, five-year, or shorter or longer relationship, and if this is not common, our society will suffer.

For young girls, this must be done with the consent of their fathers and temporary marriage has all the conditions of permanent marriage and must be registered in the relevant offices and be clear and specific.

The term *mut'ah* refers to benefiting and enjoying something that is not permanent and will soon come to an end. In this sense, *mut'ah* is a specific contract – entering into a

temporary marriage relationship in exchange for a specific dowry.<sup>5</sup>

The jurists of the Shia rely on qur'anic evidence from Verse 24 of Surah An-Nisa for the permissibility of temporary marriage: 'Then as to those whom you profit by, give them their dowries as appointed; and there is no blame on you about what you mutually agree after the duty. Surely Allah is Knowing, Wise . . .' They also refer to the traditions of imams and followers.

It is narrated by Imam Sadiq that it is recommended for a man to engage in temporary marriage: 'I do not want your men to leave this world without having at least once engaged in temporary marriage.'

From the perspective of Ahl al-Sunnah, temporary marriage is allowed in Islam, especially in specific circumstances such as wars. However, the prophet prohibited it. Others base their prohibition of temporary marriage on the command of the second caliph and do not consider it permissible. Therefore, the existence of certain verses and the prohibition of temporary marriage by the prophet and the command of the second caliph are the reasons for the prohibition by Ahl al-Sunnah.

From a legal perspective, marriage is a legal and social institution. There are no legal bounds for temporary marriage in the laws of foreign countries. Even the laws of some Islamic countries, such as Article 55 of the Lebanese Family Law, explicitly mention the corruption of temporary marriage. However, the Iranian legislator briefly discussed the legal institution of temporary marriage in the Civil Code and the Family Protection Act passed in 2012.

The parties to a temporary marriage are referred to as 'the husband' and 'the temporary wife' or 'the *mut'ah* wife', and the duration of the temporary marriage is agreed upon in advance. In the case of non-compliance with the provisions of the temporary marriage contract, the provisions of the Civil Code and the Family Protection Act apply. Temporary marriage is

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<sup>5</sup> Mohammad Haji Esmacili, "Temporary Marriage and its Consequences," *Quarterly Journal of Civil Jurisprudence* 6, no. 6 (2011): 65.

established through 'offer and acceptance', which indicates the intentions of the parties. Article 1062 of the Iranian Civil Code states that 'marriage is established through offer and acceptance by explicit words indicating the intention to marry.'

In temporary marriage, the proposal is made by the woman and the acceptance is made by the man. If the woman is a Muslim, her marriage to a non-Muslim man is not valid, according to Article 1059 of the Iranian Civil Code. This rule is absolute and mandatory for both permanent and temporary marriage.

One of the essential elements of temporary marriage is the statement of duration because, according to Article 1075 of the Iranian Civil Code, 'marriage is temporary when it is for a fixed period' and, according to Article 1076 of the Iranian Civil Code, 'the duration of temporary marriage must be completely specified.' However, if the duration of temporary marriage is not specified, according to the fatwa of Ayatollah Khamenei in the *Al-Wasila* treatise, temporary marriage is converted to permanent marriage.

Unlike in permanent marriage, the determination of the dowry is also an essential condition for temporary marriage. According to Article 1095 of the Iranian Civil Code, the failure to specify the dowry in the marriage contract results in the invalidation of the temporary marriage. Also, according to Article 1097, if the stipulated duration is not met and the man does not fulfil the duration of the temporary marriage, he must pay half the dowry.

The age of marriage for girls in temporary marriages is the same as in permanent marriage, 13 years. Article 1041 of the Civil Code (passed on 27/9/1379) states:

The marriage of a girl before the age of 13 full lunar years and a boy before the age of 15 full lunar years is subject to the permission of the guardian, subject to the interest of the court.

However, many human-rights organisations and legal and social activists have strongly criticised this minimum age, because it leads to child marriage.

According to the law, in the case of a girl's marriage, whether temporary or permanent, the consent of the father or paternal grandfather is required. In the event of an undue refusal by the father to give consent, if the father is absent at the location and engaging an attorney proves impossible, the girl may request permission to marry from a special civil court, by introducing the desired man and the conditions of the marriage (Articles 1043 and 1044).

There is no specific rule on the age of betrothal/temporary marriage. Because betrothal takes place in private family ceremonies without legal registration, even cases where the parties are below the age of 16 have been observed. However, the betrothal of a girl under the age of 13 is considered void according to the provisions of the Civil Code.

The topic of temporary marriage (*sigheh*) has not been legally debated or discussed in academic or university circles. This is because this type of marriage and sexual relationship is secretive and takes place within a religious framework. Couples who enter into temporary marriages are aware that they do not have any commitments or responsibilities at the end of the temporary marriage period.

Temporary marriage is intended to increase familiarity and understanding before marriage, to a certain extent, but it should be noted that, in the absence of agreement, if this type of marriage ends in permanent marriage upon pressure from the family, it may end in family breakdown in the future.

On the other hand, during the temporary marriage period, sexual relations and the removal of the veil are not necessarily limited, and, as there is no legal record, it is not possible for the parties to fully assert their rights. Temporary marriage, which is often recommended to children and young people to prevent sin, has various problems, including a lack of legal protection and a lack of clear definitions and regulations.

Relationships between young girls and boys are often sexual when, although they may have reached puberty, they do not have the mental, economic or social readiness for sex and marriage.

If, in childhood and adolescence, relationships are sexual, due to social pressures families seek to formalise the marriage of the couple. If the man agrees to make the temporary marriage permanent, it can lead to child marriage. In most cases consequences such as dropping out of school, physical and sexual abuse (especially for girls), mental damage and, ultimately, child abuse are discussed in relation to marriage. However, if the temporary marriage period ends and the man does not agree to make it permanent, more serious consequences often occur and the girl or adolescent can be severely mentally harmed.

A critical examination of some religious customs is something that many people abstain from, for various reasons, but when some customs, due to temporal and spatial requirements, cause damage, they must be carefully evaluated.

### **Research Methodology**

This research was conducted from an interpretive perspective, using a qualitative research approach and grounded theory ('GT'), in the three major cities of Tehran, Isfahan and Mashhad. The data and information were collected through semi-structured and in-depth interviews. Due to the cultural and religious sensitivity of the topic and the difficulty of accessing the sample, purposeful sampling was used. After conducting 100 interviews, the GT was obtained and further interviews were conducted for greater assurance. After conducting 216 interviews, we concluded the GT and the generalisability of the research. Of course, we also benefited from the supervision and guidance of experts in qualitative methods. Of the 216 people studied, 35% were male and 65% were female. To enrich the study, religious scholars and theologians, legal experts, lawyers and marriage- and divorce-registration officers were also interviewed.

### **Findings**

During this field study on the psychological impacts of temporary marriage, or *sigheh*, religious figures, particularly those in the Razavi Shrine in Mashhad, expressed the view that

sigheh is a means of allowing the parties to become more familiar with each other before making a permanent commitment.

One male religious figure in the Razavi Shrine stated,  
We don't have anything called 'sigheh'. It's just a temporary marriage that you can dissolve and turn into a permanent marriage. About 90% of people who get married have a temporary marriage.

So sigheh is just a kind of temporary marriage that is intended to eventually lead to a permanent marriage, but this religious behaviour, without taking into account its legal aspects, can become dangerous and harmful.

In a situation where sigheh involves sexual relations and the man does not wish to marry permanently, upon the end of the engagement period, the woman likely will suffer socially, legally and emotionally, and since this behaviour is legally acceptable, damages cannot be pursued legally.

In such situations, girls are more vulnerable. Another type of traditional behaviour is the reading of *mahramiyat* words and the engagement of young boys and girls. Traditional families tend to engage their young boys and girls to control their sexual behaviours, to facilitate family mobility and to prevent social pressures such as the judgmental looks of others at young people in mixed social gatherings. This is most commonly practised by the parents themselves, and the young people have no say in the matter. This type of engagement is prevalent in families that have a closed social system and believe that the only way to prevent sexual issues is to 'engage' their children.

Although sometimes this is done with the 'consent' of children and teenagers who understand the advantages of the arrangement in fulfilling their sexual needs more easily, sometimes it is met with opposition from the child.

Additionally, this traditional behaviour ultimately leads to the marriage of children.

A 22-year-old woman from Mashhad was entered into a temporary marriage at the age of 12. She says,

What did I understand at that age? One day I came home from school and they told me I had to marry this guy. I didn't go back to school after that. I'm just a little bit more educated now. But really, the man

I was married to was so old. Whatever he said, I had to listen to him because I was just a child.

Another girl describes her situation in following words: I'm 16 years old and live in Tehran. My family arranged a temporary marriage for me, but I wanted to get married on my own terms. but now I'm stuck in this marriage. At least I can still go continue my studies; I felt my husband is nice.

When girls and boys considered to be under the age of puberty engage in sexual relations and are considered to be married because of this, they may then be permanently married. Therefore, the concept of *sigheh* legally facilitates the marriage of children. Children and adolescents at this age do not have mental, economic or social maturity and can be controlled and managed by their families, which can lead to conflicts and disputes and certain family problems.

The inability to manage a household and family life, as well as specific personal problems, are not the only consequences of *sigheh* at a young age. Unwanted pregnancies, physical injuries and dropping out of school are among the most prominent effects of *sigheh* and early marriage, as clearly seen in interviews. It should be noted that the consequences mentioned become more severe for both parties when *sigheh* leads to permanent marriage. However, if *sigheh* does not end in a permanent marriage, it can bring increasingly negative psychological, physical and social consequences.

Although a girl's relationship with the opposite sex (regardless of whether it is sexual or non-sexual) during *sigheh* is considered to be within the framework of traditional and religious customs, families do not generally prefer marriage to someone who has previously been married to someone else, especially if they have lost their virginity.

Meanwhile, the civil law of Iran is silent on the issue of *sigheh* and its different status compared to temporary marriage. It considers all legal matters, such as age of marriage, inheritance, alimony and dissolution, to function in the same way as they do in temporary marriage.

Given the consequences and impacts of sigheh on children, this issue should be given attention by policymakers in the country. Since, according to law, sigheh is a form of temporary marriage, temporary marriage, along with the reasons for and consequences of it, will be examined alongside sigheh.

According to research findings, economic, psychological and sexual factors are the main and underlying drivers of temporary marriage. However, these reasons vary between women and men. The main reason for men's inclination towards temporary marriage is their sexual need. The top three priorities of men in regards to temporary marriage are sexual needs, at 61%, followed by emotional needs, at 31%, and material needs, at 9%.

However, the most important driver for women is economic needs, at 50%. Emotional and sexual needs come in second and third at 35% and 15%, respectively.

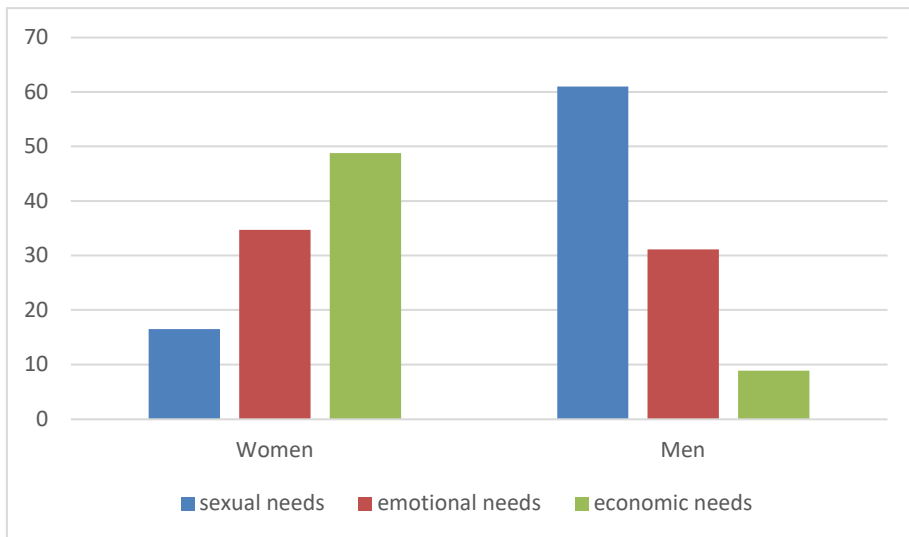


Chart 1: Frequency distribution of respondents' drivers towards temporary marriage

Therefore, according to the findings of this research, the emotional and economic needs of women and the sexual needs of men are the most important drivers of temporary marriage. In addition, the experience of loneliness and unhappiness among

women, and the experience of failed marriages in the past, dissatisfaction with their spouses, and a lack of understanding with their spouses among men are other reasons for temporary marriage.

Factors that intervene in temporary marriage and *sigheh* may be religious, familial or societal. Family attitudes towards temporary marriage depend on the structure of the given family. In families with traditional attitudes, temporary marriage is acceptable as a legal process, and people at young ages are privately engaged in *sigheh*.

Also, according to the research interviews, in families that do not have a history of temporary marriage, when men enter into temporary marriages, they are received negatively by their families and there are consequences such as 'being expelled from the house'.

In families where there *is* a history of temporary marriage, the reason the interviewees mention turning to temporary marriage is the history of the practice in the family.

A 29-year-old Tehran resident who has a history of many temporary marriages talks about his family's reaction after finding out about them:

After they found out, my father threw me out of the house. I am here now. It's not good at all. But, these days, when are you going to live your life? Now I pay my expenses from this supermarket. It's good.

A 26-year-old resident of Tehran who has a permanent wife and has experienced multiple temporary marriages said:

My father also had two wives. My uncles are also doing their way with the same approach. In general, this [custom] is in the family. It wasn't just me being the first. Since then, my uncle divorced a woman because of this *sigheh* and these stories.

Thus, the history of temporary marriage in the family is one of the main factors in its continuation. In some families that are not necessarily religious, if this behaviour is observed among some family members, it is repeated as an accepted norm by others. Based on the theory of social learning, family members, through learning and modelling this type of marital relationship, without paying attention to the effects and consequences that can

follow, consider it to be a logical and legitimate way of satisfying their sexual needs. In the interviews that were conducted, 81 (38%) of the interviewees had a history of temporary marriage in their family. This study identified hedonism and the facilitation of child marriages as the main problems associated with temporary marriage.

As previously mentioned, temporary marriage is typically sought out by men for cohabitation and to satisfy their desires for variety and freedom, as well as their sexual needs. Additionally, in traditional and religious families, temporary marriage is often chosen as a legal and religious solution for regulating the sexual behaviours of young children and adolescents.

In addition to these drivers, based on field observations and specific interviews, some young people who do not have financial independence use temporary marriage/concubinage to solve legal issues with girls and boys being in illegal relationships in public spaces in Iranian society. This makes it easier to reserve a hotel room, etcetera, even though they do not believe in temporary marriage and do not adhere to its obligations, such as waiting 45 days between marriages.

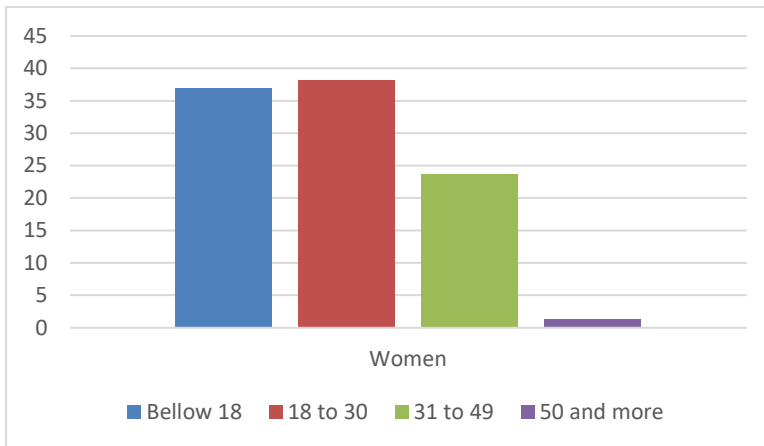


Chart 2: Frequency distribution of respondents' age at the time of temporary marriage

The quantitative findings of the research indicate that 36.84% of respondents, at the time of entering temporary marriage, were less than 18 years of age, 38.15% were between 18 and 30 years of age, and 23.68% were between 31 and 31 years of age. 49 years of age and 1.31% of people over the age of 50 had experienced temporary marriage. These statistics show that a significant percentage of *sigh*eh and temporary marriages take place before the age of 18 and thus facilitate child marriage.

According to Article 1041 of the Civil Code, the marriage of a girl before reaching the age of 13 years (nine years is also possible) and the marriage of a boy before reaching the age of 15 years is subject to the permission of the parents, and on the condition that it is expedient, upon the decision of a competent court.

In many cases, though, *sigh*eh, which is the same as temporary marriage and has no difference according to Sharia law, is practised even under the legal age. There are inherently unequal economic, legal and social-power dynamics between men and women in temporary marriages.

The law considers inheritance to be a permanent right of a woman, but does not provide for inheritance for a *mut'ah* woman (Article 940 of the Civil Code). According to Article 1113, the *mut'ah* wife does not have the right to alimony, and the marriage ends with the expiration of the term, the termination of the term by the man, or with his death. That is, there is no divorce as with a permanent marriage (Article 1139 of the Civil Code). All these legal articles ignore the rights of women in this form of marriage.

In terms of inheritance and annulment of the marriage, the woman has no rights, and an unequal legal, economic and social relationship is therefore established between the parties, which benefits men and abolishes the rights of women. Meanwhile, websites and social media channels, hotels, travel tours and a variety of social and virtual spaces use the economic market that surrounds *sigh*eh to make a profit from the pleasure economy.

A 30-year-old, divorced male resident of Mashhad says:

About a month or two ago, one of my friends introduced me and I came to this website. At first, I just came and it didn't work. I came once and saw that I have a dozen of messages and views. I came and I was engaged. I was slowly amused. I [went] inside and it started.

The unequal distribution of power in economics and the law is explainable from a sociological perspective. The economy of Iran is male-dominated; therefore, women choose temporary marriage to meet their economic needs. On the other hand, the male-dominated power structures are visible in the legal system.

The consequences of temporary marriage have different dimensions. According to the research findings, early marriage of children, stigma, scepticism towards permanent marriage, the disintegration of families and violence against women are among the consequences of this style of marriage.

To summarise, when children get married at early ages, even if they feel mentally prepared, certain consequences such as early pregnancies or having to drop out of school will affect them. A 16-year-old resident of Tehran said of her temporary marriage, 'My family introduced it. I wanted to marry on my way. There will be time to continue my studies. I feel I like the boy.'

Temporary marriage has no place in social customs and public culture, and the people who enter into it are seen as hedonists and capricious people who destroy the family structure. They may be labelled as promiscuous. According to Erwin Goffman's theory of stigma and labelling, an individual desires to present a positive image of themselves in society and may avoid taking legal action after violence or harassment, to prevent being stigmatised by their community. This is especially true of women. Additionally, when a form of marriage is practised easily and without legal registration and has less responsibilities than a permanent marriage, the tendency to permanently marry decreases. A 30-year-old male resident of Tehran who has experienced several temporary marriages said:

I am totally against permanent marriage and I don't want to have a permanent marriage any more. I do not sign a contract with anyone and I tell them this too. [Laughing out loud.] I'm not in the mood at all.

Using in-depth analyses of interviews and categorising concepts, an analytical model of the causal factors, main phenomenon, strategic actions, and outcomes of temporary marriage was developed. This model is shown in Chart 3.

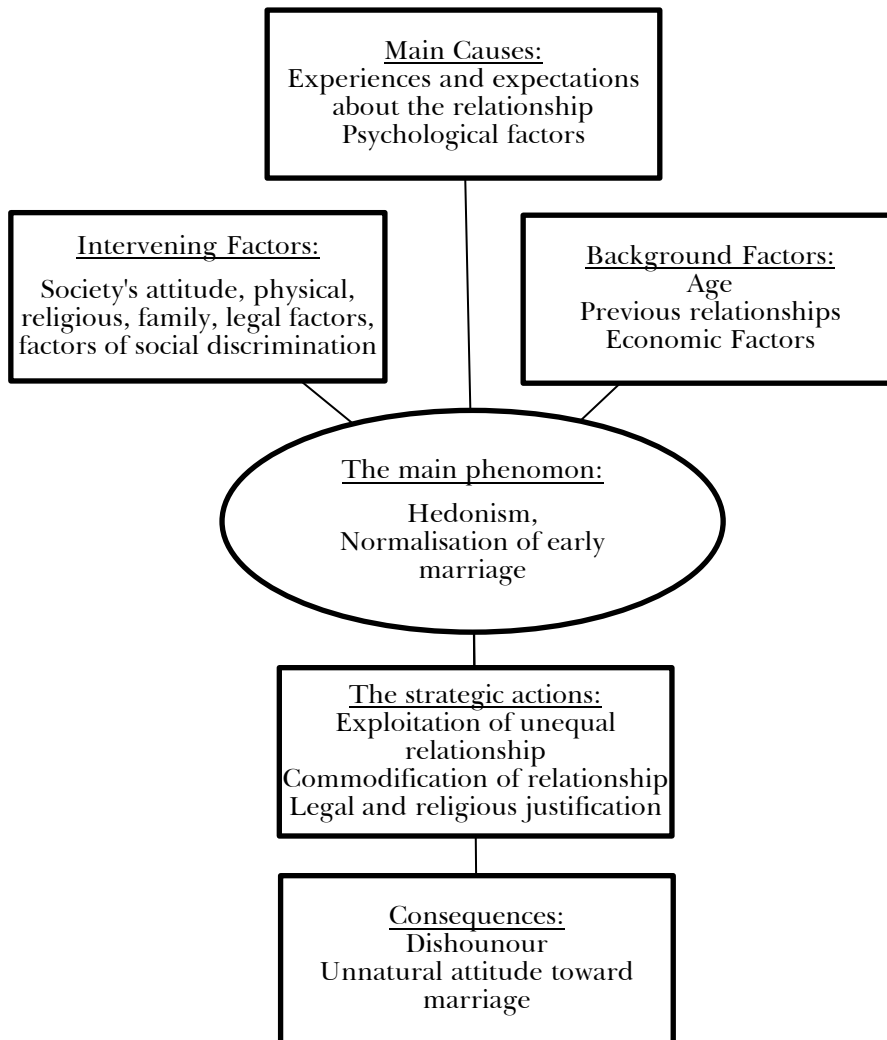


Chart 3: An analytical model of temporary marriage/sigheh in Iran

## Conclusions

Marriage is a social institution in which a man and a woman live together as husband and wife through a legal, religious and moral commitment. Marriage plays an important role in the functioning of society by providing a platform to satisfy the emotional, economic and psychological needs of the members of that society. Marriage and the method of choosing a spouse are always subject to social values and norms. In the Islamic Republic of Iran, marriage is subject to Shia jurisprudence, which is the basis of the legal system. According to the legal and jurisprudential rules in Iran, two types of marriage are recognised – temporary and permanent. Some Iranian politicians and religious figures, such as Morteza Motahari and Akbar Hashemi Rafsanjani, have suggested that temporary marriage (*sigheh* or *mut'ah*) can help prevent promiscuity or celibacy in young people. These individuals, along with others like Mostafa Pourmohammadi and Mohsen Qaraati, have publicly argued that temporary marriage is a necessary measure to maintain chastity within society. On the other hand, some high-ranking experts like Ayatollah Saneyi consider *mut'ah* to be permissible only during war times and during the early days of Islam. In contemporary society, Saneyi believes it will eventually lead to the decline of the family institution. Women's-rights activists consider temporary marriage to contribute to gender discrimination against women, violations of women's rights, a weakening of the family foundation, and the prevalence of polygamy, sexually transmitted diseases and prostitution, and they strongly oppose it.

*Sigheh* is considered the same as temporary marriage from religious and legal points of view. It occurs between boys and girls and is practised by religious and traditional families, so that families can control their children's sexual behaviours. Some young people in traditional and religious families who want to get to know each other better before marriage may consider temporary marriage as a legitimate and acceptable form of intimacy. Temporary marriage can be registered in the case of a pregnancy or if it is specified in the contract, as stated in Article 21 of the Family Protection Law of 2013. However, while

temporary marriage and intimacy are different, there are no laws regarding intimacy.

While temporary marriage can serve as a way for couples to get to know each other before marriage, it can also have negative consequences, such as social pressure to permanently marry the temporary spouse, which can lead to weak marriages that will easily break down in a short while. If sexual relations are established, the negative consequences of a temporary marriage increase for the woman. Since the marriage has not been registered in any legal or systematic way and has been performed according to traditional customs and ceremonies, the man has no responsibilities or commitments in that situation.

Additionally, if the temporary marriage occurs during childhood or adolescence, due to specific age conditions of puberty, sexual relations are likely to result in child cohabitation and marriage. Among the most important effects of this type of marriage are children and teenagers dropping out of school, unintended pregnancies, early pregnancies, mental and physical illnesses and child abuse. Accordingly, the writer suggests, as follows, solutions based on the cultural, religious and legal conditions of society to reduce the damage of this type of marriage.

*1) Enactment of laws to increase the minimum age for temporary marriage and concubinage to 15 years*

Under Iranian civil law, the legal age for temporary marriage is specified in Article 1041: 'A girl's marriage contract before reaching the age of 13 full lunar years (from the age of 9) and a boy's before reaching the age of 15 full lunar years is subject to the permission of the guardian, but it is valid subject to the satisfaction of the court's interest.'

This law is also applicable to temporary marriage. However, temporary marriage occurs at ages lower than those mentioned in the law; this is because it is performed in religious and private contexts, without formal registration.

Since there is an effort by political and social activists to reform the marriage laws to raise the age of marriage to 15 years for girls, it is suggested that the law on the age of temporary marriage and concubinage be increased to 15 years.

2) *Official and legal registration of the contract of sigheh/temporary marriage in formal registration offices*

Currently, according to Article 645 of the Islamic Penal Code, failing to register a permanent marriage is considered a crime. Additionally, according to Article 21 of the Family Protection Law of 2013, if there is a pregnancy and agreement between the parties, the marriage should be registered.

However, for a temporary marriage, no legal provision has been made. That is, even though we consider sigheh and temporary marriage to be the same, only the marriage of children and adolescents is registered in the event of a pregnancy!

The writer, who has approached the topics solely from a scientific and sociological perspective and without any biased views, believes that the legal registration of temporary marriage and sigheh will provide access to basic legal services and protect the rights of the parties involved in these relationships. The non-registration of it causes many rights, especially of women, to be violated.

Khutbah of temporary marriage or sigheh is done in such a way that it can be issued secretly; therefore, it should be issued in the registration offices, in the presence of at least two witnesses. Additionally, a man can make more than one sigheh at the same time.

3) *Making education compulsory and free*

While traditional and religious families may have social norms that discourage or forbid sexual activity among their children and teenagers, Sharia law permits it because the individuals involved are legally married, even if they are married at a young age. Adolescents and children who get married, if

sexual intercourse and pregnancy occur, will usually get permanently married after a time.

The negative impact of *sigheh* on education is significant, as it often leads to a lack of motivation to continue studying and ultimately results in children dropping out of school. However, by making education mandatory until the age of 18 and providing resources such as training and support from legal and educational institutions to both students and families, it is possible to delay the occurrence of *sigheh* and early marriage. This can not only improve educational outcomes, but also can help to address issues related to the negative consequences of *sigheh*, including early pregnancy and potential harm to familial relationships.

4) *Provision of legal and health consultations for sigheh*

The findings of the research indicate that the legal knowledge of people who entered into temporary marriages was very low. This means that women face problems such as the husband leaving before the end of the *sigheh* period without making the appropriate payments.

However, if temporary marriages are registered in official offices, legal advice can also be provided and the parties made fully aware of their rights in the marriage. Violations of people's rights will then be limited.

Temporary marriage has a condition that a certain period of time (usually 45 days) be observed after one marriage ends before the parties can enter into another marriage. However, society is witnessing a variety of temporary marriages wherein wealthy men marry women who want re-marry without observing this period; thereby this tradition has become a source of income for women and entertainment for hedonistic and promiscuous men.

Also, unwanted pregnancies, abortions and sexually transmitted diseases occur due to ignorance of sexual health matters. Couples who have temporary marriages should go to health centres and learn about the principles of disease-

prevention and sexual hygiene. For women and men who frequently practise temporary marriage, health certificates should be issued.

5) *Legally restricting sigheh*

According to the findings of the research, temporary marriage is generally used to satisfy men's desire for variety and to use women as sexual instruments; for example, men who are married turn to temporary marriage to satisfy their promiscuity. Therefore, it is suggested that temporary marriage should be subject to the consent of the existing spouse, and that it should not be possible for a man (married or single) to have more than one sigheh at the same time. This legal condition would prevent the abuse of temporary marriage.

To further prevent the abuse of temporary marriage, it is recommended that it should only be allowed in certain circumstances, such as when a couple is unable to have a permanent marriage due to financial constraints or when a couple is unable to get married for religious or cultural reasons. Additionally, the duration of a temporary marriage should be limited to a certain amount of time and it should be monitored by a third party to ensure that the rights of both spouses are respected.

6) *Legislation: alimony and the right of dissolution for women*

Since there is legal and regulatory inequality in temporary marriage and women face more inequalities than they do in permanent marriage, it is suggested that regulations be formulated so that women in temporary marriages are entitled to maintenance. Research findings have shown that many women enter into temporary marriage to meet their material needs, but the law does not recognise maintenance in temporary marriage as a woman's right.

Also, the right of termination and dissolution should be given to women in case of hardship and embarrassment, just like in a permanent marriage, so that, in cases where women

experience harm or violence and find it impossible to continue, they could unilaterally terminate the marriage contract.

7) *Improving economic conditions, employment opportunities and entrepreneurship*

In the interviews, many women and men who had experienced temporary marriage cited the lack of a job and poor economic conditions as the reason for the marriage. In addition, in the structure of Iranian society, the economic-participation rate of women is lower than of men, and this situation intensifies the poverty of women and their bad economic conditions.

Therefore, it is suggested that such organisations and state bodies as the Ministry of Labour and Cooperatives, city municipalities, the Ministry of Industry and Mines, etcetera provide job opportunities so that the economic conditions of young people are suitable for permanent marriage. The rate of economic participation of women, especially self-supporting women, should also be increased through empowerment programmes, so that they are discouraged from agreeing to temporary marriages because of economic poverty and unemployment.

8) *The role of clerics in changing the shape of temporary marriage in Iran*

Clergymen, as some of the most important agents of social change in Iran, can reduce the damage of this type of relationship by issuing a religious fatwa and explaining the true philosophy of temporary marriage/sigheh.

Temporary marriage, which was originally intended to prevent prostitution and moral decline in certain circumstances, has had unintended consequences in contemporary society. These include the birth of unwanted children, illegal and unsanitary abortions, the further spread of prostitution, the facilitation of child marriage and the destabilisation of family foundations. This is partly because

temporary marriage is often practised privately and without registration, as the law is silent on the issue.

Therefore, the form and appearance of temporary marriage have deviated from its nature and objectives. A religious fatwa based on the official registration of all temporary marriages is one of the most important factors in minimising the negative consequences of temporary marriage.

9) *Provision of social and cultural settings through mass media and non-governmental organisations*

To effectively address the negative consequences of temporary marriage/sigheh, it is important to prioritise education and awareness-raising efforts. This can be achieved through a variety of means, including national media, news agencies, magazines and especially virtual social networks. By highlighting the social harms caused by unregistered temporary marriage/sigheh and providing information about the legal rights and conditions surrounding temporary marriage/sigheh, these media outlets can play a significant role in reducing negative impacts.

In addition, non-governmental organisations, such as children's and women's-rights advocacy groups, can be important in providing public awareness and education for families, which of course require the cooperation of government agencies.

In recent years, actors and celebrities have also played significant roles in relation to social issues and have been able to effectively use films and social media platforms like Instagram and Twitter to raise awareness and take action on matters such as protecting children from sexual abuse and preserving the environment.

Artists, through artistic productions and social activities that address the issues of sigheh, can significantly contribute to the reduction of negative consequences associated with the practice. They can do so by engaging and collaborating with civil society organisations and utilising virtual social networks

to spreading awareness and promote positive change. The artistic and creative elements of their work can effectively communicate important messages and ideas to a wide audience, potentially influencing attitudes and behaviours related to *sigheh*. By actively participating in these efforts, artists help mitigate the negative impacts of temporary marriage on society.

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