

"I got pregnant during the period of Nikah. Now I am 7-month pregnant. Well, we had full sex. Once the baby is born, I may go back to school. My husband said it's Ok. The problem now is that we live with my in-laws. Whatever they say, we have to obey. My husband does have a job, but because he is very young, they told us to live with them for a few years."

16 year old teenager from Tehran

T.me/AVAYeBUF

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Acknowledgment

In the past year and a half, I have allocated most of my time to this study to satiate my inner thirst for a more in-depth knowledge of temporary marriage and Nikah Muta'h (pleasure marriage) as well as the contributing factors behind it. This was a journey filled with wonder and learning both professionally and personally. My concern for the topic of this study served as a solid drive which helped me in this research. This document is a summary of a comprehensive study conducted on temporary marriage and Muta'h with the help of a talented and hard-working team in Iran. The full text which includes all literature review and field phases, the latest statistics, qualitative and quantitative analyses and solutions is under publication and will be available to avid readers in the near future through Shirazeh Publication.

My interest in the study of Muta'h and temporary marriage in Iran is rooted in my previous studies of Early Child Marriage¹ and Female Genital Mutation² in Iran which have been published both in English and Farsi. The initial idea of this research occurred to me when I first began my study on early child marriage in some rural areas of Iran. I was witness to child marriages and realized that the two phenomena of early child marriage and FGM are linked together and both manifest violence which at times targets children and women simultaneously. During the field work on FGM in Iran conducted in four provinces (West Azerbaijan, Kurdistan, Kermanshah and Hormozgan) with the highest prevalence rates, I noticed that many of the interviewees were married at an early age. I countered many young boys and girls who were mothers/fathers or a spouse. This motivated me to further explore child marriage and to find if there is a link between these two phenomena. Once data collection and analysis was over in these seven provinces, another issue, namely Muta'h and temporary marriage or sighe came to my attention. During the study on the early child marriage I realized that a number of cases were legitimately but "unofficially" married. In fact, I got to know that child marriage is the outcome of a tradition called Muta'h which is common among some Iranian families.

^{&#}x27; Ahmady, Kameel (2017). *An Echo of Silence: A Comprehensive Research Study On Early Child Marriage (ECM) In Iran*, New York: Nova Publishing.

Ahmady, Kameel (2015). In The Name of Tradition: A Comprehensive Research Study On Female Genital Mutilation/Cutting (FGM/C) In Iran, Oxford: Oxford Press.

The most important factors which make families go for Muta'h for boys and girls at the very start of puberty or even before, include supervision over the sexual behavior of the child and prevention of sins, getting away with cultural and social pressures of interactions of young boys and girls which is an issue in smaller environments, facilitating the relationships between the families of boys and girls and fear of unmarried girls at an older age. The very first consequence of sighe for children is that they are deprived of the right to choose a spouse as an adult. This is because as children they have no sound understanding of themselves and the marriage, marital duties and criteria. Moreover, although refraining from sexual contact or at least full sex (intercourse) is an unwritten condition of Muta'h, some of the children who are Mahram to each other based on sighe, do have sex given that they are in puberty age. Sex in such marriages comes with serious harms especially to girls; firstly, it happens at a very young age and secondly due to the unofficial nature of the marriage and the fact that it is not officially registered, the couple does not even receive a minimum education offered by health centers.

Losing virginity, unwanted and early pregnancy and abortion are main outstanding damages resulting from such marriages. Moreover, in some cases, sighe ends up in separation and in such cases more serious consequences such as loss of marriage opportunities in the future and turning into a child window threaten girls. There is a serious legal gap when it comes to sighe and temporary marriage. All these on top of inattention of relevant organizations to legal issues, cultural engineering and education, inspired me in this study. I hope that the findings and the solutions of this research can serve as an introduction to further studies and increased sensitivity and demands on the part of civil society so that the organizations in charge, the lawmakers in particular, pay more attention to this phenomenon.

This is indeed good news that early child marriage is many countries including Iran is on the fall. Yet, so much needs to be done to increase the age of marriage, uproot child marriage and lessen the vulnerabilities threatening children and women. Along with my like-minded colleagues, I express readiness to cooperate with the government to embark on a national effort in line with increased awareness of early child marriage and other similar issues in Iran.

I would like to take this opportunity to express my gratitude to all those who helped me in this project. I thank Shafagh Rahmani and my other family members who spared no efforts in supporting me all through the difficulties. I am also grateful to my close friends who inspired and encouraged me.

I am thankful to all those who got together and put this narrative together and analyzed it to get to a comprehensive report. My special thanks to my colleagues and assistants Ms. Aysheh Shilan Aliyar and Mr. Mohammad Hosseini who accompanied me all through this research and helping me with data collection. My thanks also go to Ms. Zeinab Pezeshkian who edited this work and made it precise and structured. I would also like to thank all those who preferred to remain anonymous but kindly cooperated with me.

So many individuals and organizations contributed to this study. This project, its field work in particular, was made possible through their exploratory research, field education, support and cooperation. I am thankful to the field team: Fariba Almasi, Aysheh Shilan Aliyar, Zhila Sedighi, Sabah Vatani and Vida Zafari. Thank you for Mr. Ayoub Mohammad Pour for designing the cover page and Mr. Mohammad Hosseini for assistant in preparing this summary and data analysis. I am much obliged to the following colleagues in Tehran, Mashad and Isfahan for their support, hospitality, wise views and suggestions:

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I would like to thank "Society for Protecting the Rights of the Child" for their help in releasing this research. I am grateful to the clerics, religious institutions and other personalities who helped me in this study. I would like to specifically thank the ministries and MPs as well as those in the medical universities, Islamic Azad University and Payame Noor University as well as social and health service providers; their knowledge and expertise greatly helped us in this research. We hope that we can assist the government in getting a more thorough and in-depth knowledge with regard to such issues as early child marriage with an emphasis on sighe as well as temporary marriage, reminding them of the necessity of shedding light on the issue.

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Abstract

Based on the Islamic Republic of Iran's Constitution and the Imamia Shiite jurisprudence, permanent and temporary marriages are the sole legal and legitimate ways to regulate sexual contacts between male and female. However, unlike permanent marriage, temporary marriage has never been warmly welcomed by the Iranian culture and norms and has always had opponents. The proponents see temporary marriage as a tool to prevent moral corruption and degradation in a society. This is while the opponents, consider temporary marriage as a means to male pleasure-seeking and sexualism and a violation of the rights of women and children. The religious and traditional stratum of the Iranian society has accepted temporary Nikah within the framework of sighe. Given the religious and legal complexities of these two phenomena and the fact that their explicit and implicit causes and consequences have been never fully studied, there is no clear understanding of temporary marriage and sighe. This issue has turned into a social matter for the country's lawmakers and executive entities. The law is silent on sighe which paves the way for early marriage leading to wide-scale social and psychological consequences, in particular for women. It has no supervision over such acts. The studies conducted so far are mostly in favor of temporary marriage and none have addressed this social phenomenon in its entirety. For the first time in this research, the historical, religious, legal and social foundations of temporary marriage/sighe are studied. Applying qualitative and quantitative methods and surveys, this phenomenon was studied in the three metropolises of Tehran, Mashad and Isfahan during 2016-2017. The findings show that the principal aspect in temporary marriage/sighe is pleasure-seeking and facilitating child marriage which in turn leads to consequences such as bad name, for women in particular, and a negative mentality among men toward permanent marriage. In this study we tried to shed light on the covert and overt aspects of temporary marriage and sighe without any bias and in an academic and anthropological fashion to present a detailed and clear image of this social phenomenon. We also aim to provide realistic and appropriate solutions to lawmakers and executive authorities. We hope that based on these suggested solutions, the act of temporary marriage can be legally and socially regulated in Iran so that the rights of women and children are not violated and the family foundation and the position of permanent marriage are maintained.

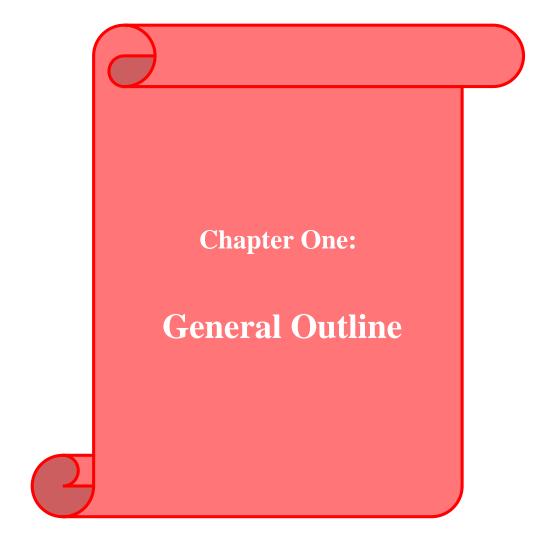
Keywords: Temporary marriage, sighe, early marriage, children, women

Prologue

Exploring social vulnerabilities of children and women with the aim of empowerment and presentation of legal and practical solutions have been the concern of the author who has been studying the topic for years inside and outside the country. I got to know about early child marriage as a social problem in the midst of conducting a research study on female genital mutilation which was conducted for the first time at a large scale. I realized that early marriage could pave the way for emotional and physical harms to children, in particular girls. The consequences include child widows, poor education, continued cycle of poverty and moral degradation. Thus, I embarked on a comprehensive research on early marriage. In doing so, I realized that a religious tradition called sighe is the main factor behind child marriage and violation of women's rights in Iran. Based on Article 1075 and Article 1076 of Iran's Civil Code, Muta'h or temporary marriage is a marriage for a fixed period of time and a fixed Mehr³. But what is worth pondering is that the law is silent when it comes to many issues pertaining to temporary marriage such as inheritance, annulment and alimony. This very legal gap contributes to the violation of women's rights in temporary marriages. Moreover, some children get married in the form of sighe and as a result, child marriage is facilitated while its most important consequence is school dropout, especially among girls. Legal gaps and the opportunities which arise as a result of abuse and pleasure-seeking through what can be called the "pleasure-dealers" have made the opponents of temporary marriage coming up with the term "a legitimate cover". The proponents, though, consider temporary marriage a contributing factor to the health of the society. This study tries to explore temporary marriage and sighe far from bias, observing the principle of impartiality in an academic and comprehensive manner. The study includes four chapters: Chapter 1: General Outline; Chapter 2: Historical-religious and Socio-legal background of sighe; Chapter 3: Field findings; Chapter 4: Conclusion and suggestions. Moreover, the causes and consequences of temporary marriage/sigh are elaborated academically and based on the various legal, social and psychological consequences, suggestions are made to executive entities and lawmakers who by applying them may succeed in regulating the intuition of temporary marriage.

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³. Mehr is a mandatory payment, in the form of money or possessions paid or promised to be paid by the groom, or by groom's father, to the bride at the time of marriage, that legally becomes her property.



Introduction

Social conduct is generated based on human motives and needs and is directly based on culture or lifestyle. Sexual contact between male and female is a natural human need which depending on culture, can be fulfilled in various ways. In the Iranian culture, any such relationship between male and female is legitimized in a religious framework either through permanent or temporary marriage. Other forms of relationships such as partnership, cohabitation and friendship lack legitimacy and are labeled as abnormal, illegitimate and non-customary. The Iranian culture, like many other societies, is based on its own religious and traditional customs and regulates human sexual behavior within a certain framework. What is of significance is that some cultural traditions such as temporary marriage and sighe which are followed in traditional families for the purpose of courtship and the intimacy of boys and girls during this period prior to marriage, require legalization and revision. Since this relationship is not registered and does not consider equal rights for boys and girls, it can facilitate early marriage and violate the rights of girls and women. This study seeks to shed light on the hidden aspects of such relationships far from any value judgment. The aim is to rectify and amend the shortcomings and to initiate a process that could give a new direction to the practices which are outdated.

1-1. Sexual behavior in Islamic and Western cultures

Sexual instinct is one fundamental human drive which has to be fulfilled properly and far from any extremism. In case this instinct is totally suppressed or is satisfied in a disrupted and deviated manner, the individual loses balance and faces problems in life including physical, emotional and psychological diseases. Sexual norms exist in all societies; some of these norms approve certain sexual functions and some others forbid them. Human sexual behavior is always meaningful and the members of the society learn these norms through the process of socialization. On this basis, the acceptable sexual behaviors in any given culture is difference from those of another culture. This shows that human beings learn sexual reactions through their own culture. In the two-thousand-year history of the West, various paradigms have dominated the sexual

culture; the most ancient of them is a religious-moral concept which is rooted in the teachings of Christianity which is principally based on a sinful attitude toward satisfaction of any sexual instinct outside the common frameworks (marriage) and tries to either negate or seriously control it. Up until the Age of Enlightenment that is the 18th century, the religious-moral concept was dominant on sexual relationships. However, from the 19th century onward, concurrent with the Modern era, emotional passion as a modern and individualistic form of sexual behavior gradually replaced the pre-modern notion. Given this development, some researchers consider love in modern era as the outcome of Western secularism.⁴ Along with traditional standpoints, some very liberal attitudes have emerged toward sexual tendencies which in particular gained momentum in the 60s. Some people specially those who are under the influence of the Christian teachings in the Western culture believe that premarital sex is not right although more people are of the opinion that sexual pleasure is an important and pleasant aspect of life. Some approve of the premarital sex and are tolerant of various sexual activities (sexual contact and reproduction outside official marriage). Over the past thirty years, in most Western countries attitudes toward sex have turned to be more free and open. Movies and plays depict scenes that were earlier totally unacceptable and pornography content is readily available to any adult looking for it.⁵

Monotheistic religions have tried to legalize this human instinct and have warned their followers against deviation and violation of their commands. In this midst, Islam has paid special attention to a safe sex model and has attributed great importance to prevention, correction and treatment of sexual disorders, deviations and problems. This is due to the fact that Islam sees the human growth, advancement, happiness and perfection, survival of the human species and reproduction through appropriate means as well as maintenance of the family system and in turn the health of the society dependent on freedom of all such deviations and problems. The Islamic model of sexual behavior immunization consists of two aspects of chastity (piety and sexual self-control) and marriage (the acceptable satisfaction of sexual needs through marriage).

⁴. Beck, G. (1995). *The Normal Chaos of Love*. London: Polity Press.

⁵. Giddens, Anthony (2010). Sociology, translated by Hassan Chavoshian, Tehran. Nev Publication

These two aspects cover a wide spectrum of principles and plans in the human evolution from birth to death (care, control, sexual upbringing and guidance, preparation and sexual education at the time of marriage, education of marital issues and treatment and correction of sexual disorders)⁶. Islam considers fulfillment of sexual desires acceptable as long as it is within the family structure and through marriage. The religion allowed individuals to satiate their sexual tendencies with their spouse. According to a sociological definition, marriage is an act which makes the union of two opposite sexes possible based on sustainable sexual relationships. Marriage and family formation, can lead to positive functions for the whole social system, once it occurs at the right time and under the right circumstances; otherwise it can lead to numerous personal and social consequences.

1-2. Marriage in Iran

Marriage in Iran is subject to Islam and religious values. Based on the Iranian civil code which is inspired by the Islamic jurisdiction, two types of marriage, temporary and permanent are considered legal and legitimate. In a permanent marriage, the couple agree on a marital life with no time limit or determining a fixed period of time, based on Islam and the legal regulations of Iran; In sighe/temporary marriage which is a controversial subject in the Islamic and social discourses, the couple conclude an agreement based on the Shiite branch of Islam and Article 1075 of the Iranian civil code to be *Mahram* to one another for a specific period of time. Once the specified time expires, the marriage is automatically annulled and there is no need for divorce.

Religious experts believe that sighe is the same as temporary marriage which is concluded for boys and girls for a variety of reasons such as providing them with an opportunity for pre-marriage courtship or to prevent sinful acts, control sexual behavior and decrease social pressures in places were many boys and girls mingle together. Sighe applied for courtship is almost like the engagement period and is mostly common among youth older than 18. This sighe is recited by the parents, the family elderly or a

⁶ .Nooralizadeh Mianji, Masoud (2009). An Islamic Model of Immunization of Sexual Behavior with an emphasis on prevention and treatment of sexual deviations and diseases, The scientific journal of Islam and Psychology, Third Year, Vol.5, P 107-142

cleric; But the sighe applied for the purpose of preventing sin in public places, is privately recited by families for their adolescent boys and girls. This way the relationship between the young boys and girls is normalized within the framework of sighe, but with no definite legal or judicial consequences. It is worth noting that there is no difference between sighe and temporary marriage and in the religious point of view, sexual contact is allowed as long as sighe in valid.

Due to cultural and social factors as well as economic hardships, there is a significant gap between sexual maturity and marriage. Thus, under conditions when permanent marriage is not a possibility, sighe/temporary marriage has been proposed as a solution. Prevention of sin and corruption, satisfaction of sexual needs and courtship before permanent marriage as well as emotional and mental calm and impossibility of permanent marriage are the major reasons why this solution came up. Following the victory of the Islamic Revolution, Akbar Hashemi Rafsanjani, defended temporary marriage in numerous occasions. For the first time in a Friday Prayer sermon in 1985 he referred to temporary marriage as a means to prevent moral corruption in the society. "A state which demands chastity from the youth, should provide the means of chastity, too", he said. Stating that those who went wrong under the former regime, can be corrected, Rafsanjani added: "If Muta'h had not been banned and they had allowed the people in need to go for temporary marriage, then no one would have gone for adultery. Emulating the Western culture, the culture in the former society considered adultery permissible but banned temporary marriage." In his memoirs, Hashemi Rafsanjani wrote: "Our society has accepted permanent marriage as a sacred truth; but the temporary marriage is portrayed as unpleasant and ugly. I had said that women with no spouse can also use this and start a life for one year, two years, five years, longer or shorter and if this does not turn into a common practice, our society would fail. Concerning young girls, this needs to be done after their fathers' consent. Temporary marriage has all the conditions of a permanent marriage and should be registered in the registry offices to be clear and transparent." ⁷

⁷. Hashemi Bahramni, Emad (2013). *Moderation and Victory* (Hashemi Rafsanjani's Memoirs). Tehran. Maaref Enghelab Publication



Photo No.1. Pre-marriage relationships in Iran and its various - photo by: Mehrkhana

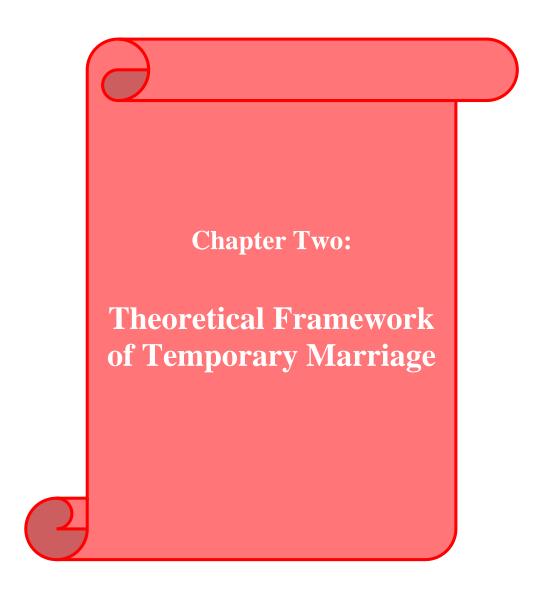
Sighe has never been discussed in any academic and scientific circles from the legal point of view. This is due to the fact that such a tradition and relationship with the opposite sex is totally in hidden and within a religious framework; the couple who are together through sighe, are aware of this aspect that once the sighe duration expires, there is no commitment or responsibility on them. Sighe for the purpose of courtship and further acquaintance prior to marriage is to some extent reasonable and justified; however, one should note that in case the understanding is not there and still the couple go for a permanent marriage due to families' pressures, the marriage may collapse in the future. Moreover, in case of sex and losing virginity during the time of sighe which may not lead to permanent marriage, the woman suffers from emotional, psychological and social consequences and since sighe has not been legally registered, she cannot take any action to restore her rights. But the sighe which is applied to children and adolescents to make them Mahram and prevent sinful acts, leads to different consequences. The relationship between young boys and girls in puberty, gets on a more sexual flavor while they are not mentally, economically and socially ready for marriage. This relationship leads to sexual contact during childhood and adolescence and due to social pressures, families seek ways to legalize this relationship; if the male partner agrees to permanent marriage, the relationship just facilitates child marriage. In most cases, this ends in school drop-out, physical and sexual traumas and for girls in particular it leads to emotional vulnerabilities and ultimately child windows. ⁸But once the sighe expires and the male partner refrains from permanent marriage, the consequences are direr and the girl suffers irreparable emotional losses. Critical review of some religious traditions and customs is a taboo many avoid due to various reasons. But once some of these traditions lead to psychological and social harms for the individual and the society in a given time and place, they need to be revised and supervised legally.



Photo No.2: Feldwork in East Azerbaijan Province on early marriage in Iran. Photo by: Kameel Ahmady

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⁸. In another study entitled "An Echo of Silence: A Comprehensive Research Study On Early Child Marriage" published by Shirazeh in 2016(English version of the book was published by Nova publishing, New York 2017), the author conducted a detailed field study on the most important consequences of early childhood and identified increased divorce and child windows, suicide especially among girls, physical, sexual and emotional harms and continued poverty cycle.



2-1. The historical background of sighe

There are traces of temporary marriage in ancient Iran. Based on the available evidence in Madian Hezar Dadsetan, it can be inferred that there could also be marriages for a specific limited time in Zoroastrianism. Madian Hezar Dadsetan says: "If following the father's consent, a girl concludes an agreement that "I will be your wife for 10 years" and if prior to the expiry of 10 years, the father dies, before the end of 10 years, a trustee should be appointed for the father. But by the end of the 10 years, the girl is not a wife to the man anymore and would be the father's *Ivgin*⁹ to give birth to a successor to her father. 10 So this shows that there could be a marriage for example of 10 years and as the period ends, the marital life also ends and there is no need for divorce. On this topic, Katayoon Mazdapour notes that this part refers to temporary marriage and most probably the girl is the only living offspring of the father and thus it is necessary to serve as the father's Ivgin to give him a successor. Among the pre-Islam Arabs, temporary marriage or sighe was common. Muta'h was a common form of marriage, especially in Mecca where many travelers commuted (for commerce); so much so that women came to Mecca for the very purpose. A glance at the history of other nationalities shows that Muta'h or temporary marriage exist either under the same or a different title. Thus sighe has been a tradition among pre-Islam Arabs which was still practiced by some Muslims after the emergence of Islam. Hence, it needs to be studied within a religious framework.

2-2. Sighe from religion and jurisdiction point of view

In Islam as a result of marriage, a man is halal to a woman and vice-versa. Marriage is of two kinds: permanent and non-permanent (sighe/temporary marriage). Permanent marriage is the one with no definite duration; it is continual and a woman who is married this way is called Daemeh (permanent). A non-permanent marriage is the one with a definite duration; for instance, a woman can enter marriage for one hour, one day, one

⁹ In Zoroastrianism, Ivgin is the woman who is the last survivor of the family and is tasked with giving birth to a successor for his deceased or childless father or brother.

^{1.} Perikhanian. A. (1980). The Book of a Thousand Judgments (A Sasanian Law Book) (MHD): Costa Mesa

month, one year or longer. Of course the specified duration cannot exceed the age of the couple or one of them; in that case the marriage is annulled. A woman married this way is called Muta'h or sighe. Therefore, temporary marriage or sighe in a non-permanent matrimony which is the topic of this research is one type of marriage which has been approved by the Shitte jurisprudents. However, the Sunnis, consider this type of marriage, illegitimate. Both Shitte and Sunni jurisprudents refer to evidences in Quran, the narratives and the Sunnah to prove the legitimacy or illegitimacy of sighe.

2-3. Legitimacy of temporary marriage in the Shiite branch of Islam

Muta'h is a term used for benefiting from something and pleasure; a benefit which is not permanent and is to end soon. The term, Muta'h is a kind of marriage based on which a matrimonial relationship is established for a specific period of time and in return for a certain Mehr. The Shiite jurisprudents refer to Ayah 24 of Sura Nesa to give legitimacy to temporary marriage: "Give them their dowry as an obligation for the benefit you have received from your marriage relationship. However, there is no blame on you if you change the agreement of dowry with mutual consent. Allah is the Knowledgeable, Wise." They also cite narratives from Imams and their followers in legitimizing sighe. Imam Sadeq is quoted as saying: "Muta'h is Mustahabb (recommended) for men and I don't like your men to die without Muta'h at least once."

2-4. Sanction of sighe in the Sunni branch of Islam

The Sunnis argue that based on Ayah Talagh and Iddah¹¹ in Surah Talagh as well as the first Ayah of Nesa, Muta'h is forbidden. The first Ayah of Sura Talagh 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." Based on this ayah, the separation of a couple is dependent on divorce and afterwards they have to observe Iddah and since in Muta'h there is no divorce, thus this Ayah negates Muta'h. Another group of Sunnis attribute the ban on Muta'h to the

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¹¹. the period a woman must observe after the death of her spouse or after a divorce, during which she may not marry another man. Its purpose is to ensure that the male parent of any offspring produced after the cessation of a Nikah (marriage) would be known.

second Caliph who is quoted as saying: "I forbid these two (Haj Muta'h and Female Muta'h) for you." What the Sunnis mention is that in the early days of Islam, temporary marriage was allowed under certain circumstances such as during wars. But Prophet Mohammad banned it. Some others refer to the second Caliph's ban and do not consider it legitimate.

2-5. Legal aspects of sighe

From the legal point of view, marriage and whatever comes with it is a kind of legal and social institution. In foreign countries, there is no trace of a legal entity in their laws as far as temporary marriage is concerned. Even the laws of some Islamic countries such as Article 55 of the Family Law in Lebanon, reiterates the corruption in Muta'h. That is why the Iranian lawmakers have briefly discussed this legal entity in the civil code and the family protection law of 2012 on sighe/ temporary marriage.

2-6. The Principles of Muta'h

The principals of Muta'h include Nikah (the words recited to conclude the marriage), the venue and parties to the Nikah (man and woman), duration and Mehr. Muta'h Nikah, like any other Nikah, is effective only through "need and accept" which categorically refers to the two parties' intention. Article 1062 of the Iranian Civil Code stipulates that "Nikah is performed based on need and acceptance through words which clearly state the intention of marriage". Like in permanent Nikah, in sighe also the need is expressed by the woman and the acceptance by the man. In Muta'h if the woman is a Muslim, her Nikah with a non-Muslim man is not permissible. The Iranian Civil Code's Article 1959 states: "The Nikah of a Muslim female with a non-Muslim man is not permissible." This rule is absolute and must be observed both in temporary and permanent marriages. One major principle of temporary marriage is specifying the duration. Article 1075 of the Civil Code says: "Nikah is temporary only when it is meant for a specific period of time." Moreover, based on Article 1076 of the Civil Code, "The duration of the temporary Nikah should be clearly specified." In case the duration is not clear, based on a ruling by Ayatollah Khomeini in Tahrir-Alvasileh, the temporary marriage turns

Ansari in Motajer and Shahid Sani in the Description of Lame'e and Masalek-ol-Afham believe that if the duration is not specified, the Nikah is principally void. Unlike permanent Nikah, in temporary marriage, specifying the Mehr is also a fundamental precondition of the marriage. Based on Article 1095 of the Civil Code if the Mehr is not made clear in a temporary marriage, the marriage is void. Also, according to Article 1097, if there has been no intercourse and the man seeks to waiver the remaining period of Nikah, then he has to pay half of the Mehr.

2-7. Rulings pertaining to Muta'h

In this section, inheritance, Muta'h annulment and Iddah are discussed. Article 1077 of the Civil Code says: "the rulings governing female inheritance and Mehr in a temporary marriage are just the same as the ones stipulated for inheritance in the next chapter." Article 940 of the Civil Code also notes: "Couples who are in a permanent marriage and are not prohibited from inheriting, will inherit from one another." Thus, the quality of permanency is the precondition for inheriting. In this Article, the lawmaker is silent about inheritance rules in a temporary marriage; but based on the wide-spread quotes and the silence of the lawmaker, it is clear that inheritance has no legal and religious place in a temporary marriage. According to Article 1113 of the Civil Code, in a temporary marriage, the woman has no right to alimony unless it's been specified or the Nikah was performed based on this precondition.

When it comes to the termination of Muta'h, reference can be made of issues such as annulment, dissolution, and death:

A) cancellation of Nikah: Article 1152 of the Civil Code of Iran stipulates that "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." This article lends proof to the possibility of the annulment of the temporary marriage. In case the continuation of the temporary marriage entails damage to the family foundations of the man and distress and

constriction for the woman, the lawmaker can agree with its annulment, waiver of the remaining period and its expiry.

- B) Expiry: As the duration of the Muta'h expires, the couple are free and the Nikah is automatically void. In such cases, if the two parties decide to continue the matrimony, they need to opt for either a permanent or temporary marriage.
- C) Waiver of the remaining period: The man can terminate the matrimony by waiving the remaining period at any time he wishes and thus the Nikah is annulled.
- D) Death: The death of any of the couples automatically ends their matrimony (Article 1139). On Iddah, Article 1152 says: "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." This means that when temporary Nikah is ended with the annulment, expiry of the term or waiver of the remaining period, the woman should keep Iddah and can only re-marry after the Iddah duration is over. For a non-pregnant woman, the Iddah duration entails two monthly periods. If she is at an age with no such periods, she has to wait 45 days. According to Article 1153, if the woman is pregnant, the matter should wait until she gives birth." 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." Also, as stipulated by Article 1154, in case of the death of the man, the Iddah in a temporary marriage is the same as in the 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." With regard to the registration of sighe, Article 21 of the Family Protection law says: "In line with prioritizing and strengthening family relations, the legal system of the Islamic Republic of Iran supports permanent marriage which is the basis of the family establishment. Temporary marriage is also subject to civil and religious rules and regulations and in

the two following cases, its registration is obligatory: 1. pregnant wife; 2. Mutual agreement."

2-8. Woman's age and father's consent to temporary marriage/sighe

Like in permanent marriage, in temporary marriage also the age of majority for a woman is 13 years. Article 1041 of the Iranian Civil Code states: "Marriage before the age of majority is prohibited which is 13 years for girls and 15 years for boys. Marriage before puberty is permissible by the permission of the Guardian and on condition of taking into consideration the ward's interest." But many human rights bodies and social and legal activists seriously criticize the specified age of majority since it promotes child marriage. According to the law, both in a temporary and permanent marriage, the marriage of a girl who has not married previously is dependent on the permission of her father or her paternal grandfather even if she has reached the full age of majority. If, however, the father or the paternal grandfather withhold the permission without justifiable reasons, the girl can refer to the Special Civil Court giving full particulars of the man whom she wants to marry and also the terms of the marriage. The Court can issue a permission for marriage. (Articles 1043 and 1044). No detailed information is available on the age of majority for sighe/temporary marriage. Since sighe occurs in private family gatherings with no legal registration, there have been cases of children under the age of 13 who were made mahram to one another. This is the result of legal shortcomings as far as registration and supervision of the exact age in various forms of matrimony are concerned.

2-9 .The Social Elaboration of Muta'h

Temporary marriage can be explored based on many sociological theories such as modernization, social exchange, rational choice, liquid love and feminism¹². In his open-minded Modernization Theory, McDonald explains that although modernization has brought more freedom and independence to individuals, it has increased man's distrust in the future. So as long as people have no permanent stable job to shoulder

¹². Baert, P. and Da Silva, F.C., 2010. *Social theory in the twentieth century and beyond.* Polity.

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family responsibilities, they do not choose marriage and family establishment. Therefore, to satisfy their need, people seek solutions such as temporary or white marriage. Based on the Maslow pyramid, temporary marriage and sighe fall in the same category of sexual and emotional needs which are basic 13. Anthony Giddens talks of changes in the pattern of the sexual relationships in the last decades of the 20th century¹⁴. In this view, a new pattern has emerged called "liquid love" which calls for intimate, short-term and optional bonds between men and women¹⁵. The two qualities of optional and short-term are part of the characteristics of the temporary marriage, too. What Giddens introduces as the third way in the man and woman relationships, is studied by Zigmund Bauman in "Liquid Love" (2003). Bauman argues that in the liquid condition of a modern life, the most common, the most acute, the most sensitive and the most problematic example of mismatch and plurality of relationships, is only the top pocket relationships that one can bring out when they need them but push deep down in the pocket when they do not¹⁶. In case of plural relationships, temporary marriage can be one such sort of relationship. Feminism seeks to represent women's status both in public and private spheres and tries for gender equality. Some feminists consider men's dominance over women in the family as the reason behind female inferiority. Hence, one major issue in feminist discussions is marriage and its status. Liberal feminism, calls for full gender equality and women's entitlement to social and political rights. Radical/revolutionary feminists believe that gender inequalities are the fruits of a powerful male-dominated system and consider it as the most significant form of social inequality. According to the rules governing temporary marriage/sighe in Iran, in such marriages social and legal disparities are far greater than in permanent marriages and many a times, women's rights to alimony, inheritance, marriage annulment or dissolution are violated. Moreover, the legal and financial power is balanced toward men and that's why women activists in Iran are strong opponents of sighe/temporary

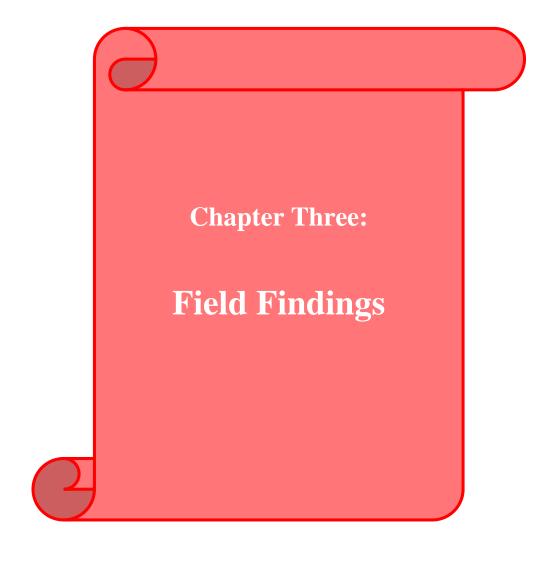
¹³. Villarica, H. (August 17, 2011). "Maslow 2.0: A new and improved recipe for happiness". *theatlantic.com*.

¹⁴. Giddens, A., 2013. *The transformation of intimacy: Sexuality, love and eroticism in modern societies*. John Wiley & Sons.

^{15.} Ibid

¹⁶. Bauman Z. *Living on borrowed time, Conversations with Citlali Rovirosa - Madrazo*. Cambridge: Polity Press; 2010.

marriage. In the meantime, some post-modern activists do not consider the very act of marriage as a cause of inferiority but argue that the very definition of man and woman and the gender stereotypes cause inequality in such areas as marriage (temporary marriage/sighe). They are of the opinion that by redefining man and women far from sexual stereotypes and highlighting the similarities of men and woman rights, inequalities in various social arenas can be uprooted.



3-1. Methodology

This research has been conducted within the framework of interpretivism and a qualitative approach applying the Grounded Theory in three metropolises of Tehran, Isfahan and Mashad. Data collection was through semi-structured and in-depth interviews. Due to religious and cultural sensitivities of the subject as well as hard to access samples, a targeted sampling was applied. After 100 interviews, theoretical saturation was achieved however for further assurance, some more interviews were also conducted. After 216 interviews, we were convinced of the theoretical saturation and comprehensiveness of the research. Along the way, we benefited from the guidance and opinions of qualitative research experts. Out of the 216 interviewees, 35% were male and 65% female. In order to enrich the study, we also talked to legal experts, notaries and religious experts and jurisprudents.



Photo No.3: Fieldwork on sighe/temporary marriage in Mashad. Photo by: Kameel Ahmady

3-2. Field Findings

Since the description of male-female relationships is subject to religious and legal norms of every society, in Iran also such relationships are defined as *Mahram* and *non-Mahram*. In traditional religious families, relationships follow norms about which the law may be mute.

One such religious norm which is not talked about and is mostly applied privately for young boys and girls in order to control sexual behaviors or for the youth older than 18 in the premarital courtship, is sighe. What can be deducted from interviews with the clerics especially in the Shrine of Imam Reza is that they unanimously believe that sighe is the same as Muta'h with the aim of facilitating the couple's familiarity and acquaintance with one another.

Mullah cleric in Mashhad Imam Reza Shrine: "There is no such thing as sighe for the purpose of becoming Mahram to someone. Sighe is the same as temporary Nikah. You can waiver its period or you can turn it into a permanent marriage. Almost 90% of those who marry (permanently), have had temporary marriage."

Thus, this sighe is a type of Muta'h or temporary marriage which is applied with the hope that it leads to permanent marriage; however, this religious behavior can turn into a dangerous and damaging act if its legal aspects are neglected. In sighe, if sexual contact and loss of virginity happens while the man is not interested in a permanent marriage, the woman suffers socially, legally and emotionally as soon as the sighe expires. Given that, this behavior is religiously legitimate, it cannot be followed up from a legal point of view. Under such circumstances, women are more vulnerable.

Another traditional behavior which is common in some families is performing sighe for adolescent boys and girls. Traditional families wish to control sexual behavior and avoid social pressures such as when people admonish the mingling of youth in mixed gatherings and thus they decide to make these boys and girls Mahram to one another through sighe. Families who have limited sociability and consider sighe as the only way to stop their children's sexual acts, normally opt for sighe when the children are under

16-year-old from Tehran, during the sighe: "That was proposed by the family. I liked to choose my husband myself. Well, later I will study and by the way I like the boy.

22-year-old from Mashad who was made Mahram to her husband through sighe at the age of 12: "What do you know at this age?! One day I came home from school and they told me you have to marry. I stopped school. What I am saying is that you need to be more mature; otherwise your man dominates you and as long as you are child, you have to listen to whatever he says.

When young boys and girls go through sighe, after a while due to sex or because they have been named so, by the relatives and friends, they end up in a permanent marriage. Therefore, in a religious framework, sighe facilitates child marriage. At such a young age, the adolescents have no intellectual, economic and social maturity and need to be controlled and managed by the family. This in itself leads to conflicts and some family

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16-year-old teenager from Tehran: I got pregnant during the period of Nikah. Now I am 7-month pregnant. Well, we had full sex. Once the baby is born, I may go back to school. My husband said it's Ok. The problem now is that we live with my in-laws. Whatever they say, we have to obey. My husband does have a job, but because he is very young, they told us to live with them for a few years

19-year old woman from Mashad. Married. Experienced sighe at the age of 11: We had no problems but the adults made us fight. When I started my own life, because I was very young, I did not listen to my husband. Then I became better following my mom's advice.

problems In competencies in running the household, and managing a family life as well as certain marital issues is not the only consequence of sighe during childhood. Unwanted pregnancies, physical harms and drop-out are just some of the most outstanding impacts of sighe and early marriage which were clearly highlighted in the interviews.

One should note that the above-mentioned consequences, only occur when the parties to the sighe go for marriage. In case sighe does not lead to permanent marriage, it leads to even worse physical, social and psychological consequences. Although the relationship of the girl with the opposite sex (sexual or non-sexual) during the period of sighe was within a religious and traditional framework, families are not willing to have their son married to a girl who has been *Mahram* to someone else before, especially if she is not a virgin anymore. This is while, the country's Civil Code is silent on sighe and its difference with Muta'h or temporary marriage and all legal aspects such as age of majority, inheritance, alimony and dissolution are considered the same as in a temporary marriage. Given the consequences of childhood sighe, the issue deserves utmost attention of macro policymakers. Given that based on the law, sighe is a form of temporary marriage, in continuation the temporary marriage, its causes and consequences are also discussed.

Based on research findings, economic, psychological and sexual factors are the main and prominent causes of temporary marriage. These factors vary among men andwomen. For most men, temporary marriage is for fulfillment of sexual desires. The men in this sample population referred to sexual needs (61%), emotional needs (31.1%) and financial needs (8.9%) as the main factors behind their tendency toward temporary marriage. For women the most important factor is the emotional need (81.34%) followed by sexual and financial needs (9.33%).

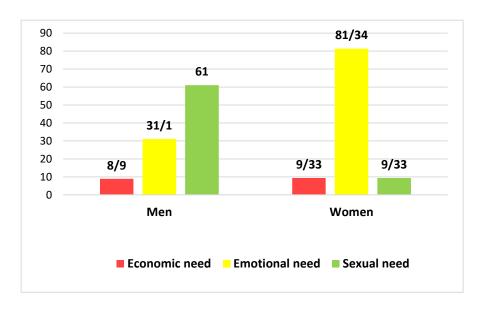


Diagram No.1: Prevalence distribution (%) of needs of respondents in a temporary marriage

Given the findings of this study, emotional and economic needs are behind women's tendency toward temporary marriage while men highlight sexual desires. Moreover, women refer to feeling lonely and no joy and men talk of failed past marriages, dissatisfaction with spouse and lack of understanding when discussing factors behind temporary marriage.

Woman.38. from Isfahan. Divorced. Experienced temporary marriage: "A widow is alone. To get rid of her loneliness, she wants to have someone. Then you don't have many of those limitations too. You know what I mean? (virginity). It's easier. And it's not sinful."

Woman. 37. From Tehran. Divorced. Experienced two temporary marriage: "living costs are heavy, I need help. After the sighe expired, my economic condition was awful. But with this guy now, I am OK. Before that, I couldn't even afford rice. Now I have everything. I have chickens and my fridge is always full..."

According to Maslow pyramid, biological needs (first level) and emotional needs (third level) are the basic human needs and as long as they are not satisfied, self-actualization and excellence cannot be achieved. Men whose sexual needs are not satisfied in a family life, choose temporary marriage. The man's lustfulness, disinterest in his wife, his wife's sexual problems and family conflicts can lead him toward seeking ways to satisfy his needs outside the family. Under such circumstances, temporary marriage readily gives him an opportunity since it is easy to access, comes with no legal responsibility and is religiously legitimate. Women who are widows either following the death of their spouse or divorce, feel lonely, suffer from emotional problems, are unable to meet their economic needs and are afraid of repeated bitter experiences of the past. Fully aware of the social unpleasantness of temporary marriage, they choose temporary marriage to a permanent one to fulfill their needs.

From among many factors contributing to temporary marriage and sighe, of the most prominent are religious and family factors as well as society's attitude. How the family perceives temporary marriage depends on the family structure. In families with a traditional attitude, temporary marriage is acceptable religiously and the young adults are made *Mahram* through sighe privately.

Moreover, based on the interviews, in families with no history of temporary marriage, men who had experienced temporary marriage were faced with a negative attitude and consequences such as "rejection from home". But in families where temporary marriage is practiced and acceptable, the interviewees referred to the history of such a practice in the family as the reason why they went for it. They consider this a tradition to be blindly followed.

Man. 29. From Tehran. Experienced several short-term temporary marriages: "When my family got to know about this, my dad kicked me out of home. Now I am here. It's not good. I make a living in this grocery shop. It's not bad."

Man. 26. From Tehran. Married to his wife in a permanent marriage with several experiences of temporary marriage: "My dad also had two wives. My uncles were naughty too. Overall it's a tradition in the family. Not that I am the first one. My brother divorced his wife because of this sighe thing and similar issues."

History of temporary marriage/sighe in the family is one major factor behind its continuity. In some families which are not necessarily religious, once such a behavior is noticed among the members, it is later replicated by other family members as an accepted norm. Based on the Social Learning Theory, family members take this type of matrimony (sighe/temporary marriage) through learning and modeling as a reasonable and proper means to fulfill sexual needs irrespective of its potential consequences. Out of all the interviews, 38.81 cases have had a family history of temporary marriage/sighe.

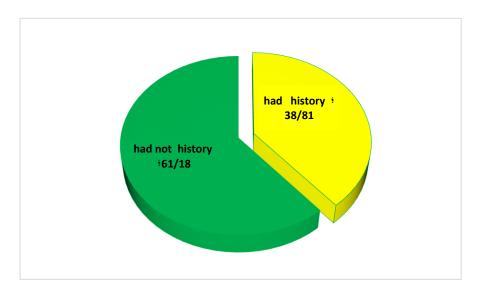


Diagram No.2: had a family history of temporary marriage/sighe

This research identifies pleasure-seeking and facilitation of child marriage as the pivotal aspects of temporary marriage/sighe. As elaborated, temporary marriage is common among well-to-do men for a parallel life. These men seek more pleasure and respond to their sexual desires through sighe. In traditional and religious families, sighe is applied for adolescent boys and girls to regulate their sexual behavior in a legal and legitimate fashion. Furthermore, field observations and interviews showed that some of the youth who are not even economically independent, go for sighe to get rid of legal obstacles in the relationships of boys and girls who are not *Mahram* in public spaces of Iran such as booking a room in a hotel...Most of themdo not believe in the act and do not abide by its regulations such as maintaining Iddah, therefore, they prefer sighe.

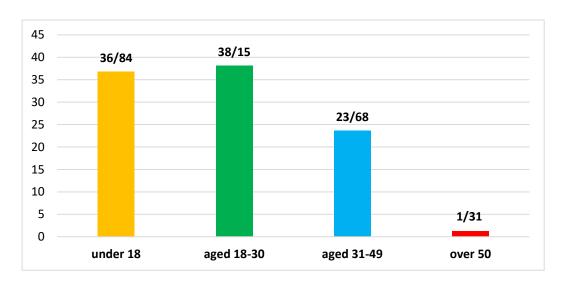


Diagram No.3: Distribution of percentage of respondents' age during temporary marriage/sighe

The quantitative findings of the research indicated that 36.84% of the respondents experienced temporary marriage under 18, 38.15% were aged 18-30, 23.68% 31-49 and 1.31% over 50. These figures reveal that a significant percentage of sighe and temporary marriages were performed under the age of 18, paving the way for child marriage. According to Article 1041 of the Civil Code of Iran marriage before the age of majority – girls 13 years and boys 15 years- can be considered only by the permission of the Guardian and on condition of taking into consideration the ward's interest. But there are many cases where sighe which is the same as temporary marriage legally and religiously, is performed for individuals under the age of majority.

Following a detailed analysis of the interviews, the strategic action in a temporary marriage evolves around exploitation of an unequal economic, legal and social relationship which is legally and legitimately justified. The official laws in the Islamic Republic of Iran are inspired by the religious rules and the 12-Imam Shitte jurisprudence. As per Article 1075 of the Iranian Civil Code, temporary marriage is legally recognized in Iran. The duration of the temporary marriage must be definitely determined (Article 1076). When it comes to inheritance, Article 940, a permanent wife is entitled to inheritance and there is no inheritance considered for a Muta'h wife. Based on Article 1113, the wife in a temporary marriage is not entitled to the cost of maintenance and the temporary Nikah is terminated in case of the waiver of the remaining period by the man, his death, by the annulment of the Nikah or its expiry. This means that there is no divorce in a temporary marriage (Article 1139). All these legal items ignore women's rights in this matrimonial relationship. Neither in inheritance nor in Nikah annulment, a right has been considered for women. This is a legally, economically and socially unequal relationship in favor of men and in violation of women's rights. In this midst, cyberspaces, Telegram channels, hotels and travel agencies are taking advantage of the complicated economic market around women ready for sighe, exploiting it as an income-generation means. They trade women as commodities.

Man. 30. From Mashhad. Separated:

"About two months back, one of my friends introduced it to me and I visited the website. At first I just had a look and did nothing. Once I was online and I saw 7,8 messages and visits. I was entertained and then I started."

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Unequal distribution of power in economy and laws is justifiable through the viewpoints of sociologists such as Dahrendorf. Iran's economy is male-dominated. Thus women, under certain circumstances, opt for sighe to fulfill their economic needs. In the legal structures, the manly power is clearly noticeable.

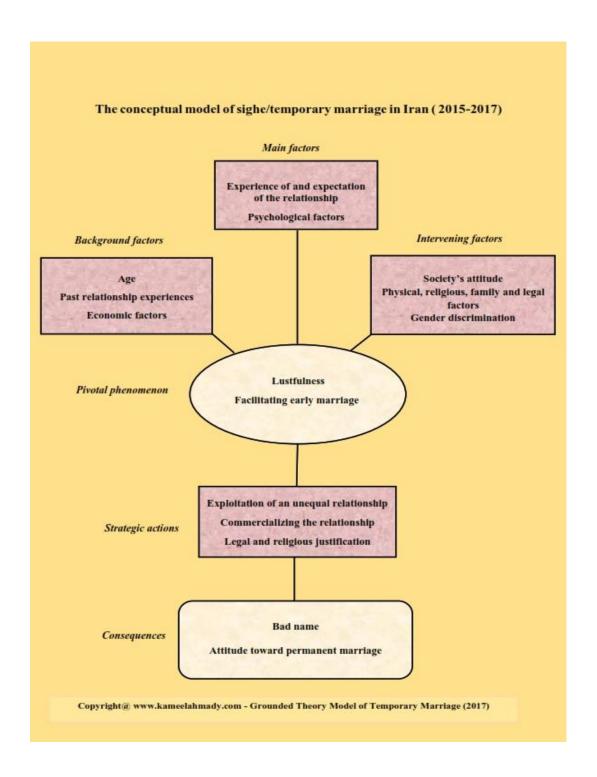
Temporary marriage/sighe can take on various consequences. As the research findings show, early child marriage, stigmatization, doubt about permanent marriage, family breakdown, violence against women...are some of the consequences. When children are married at a young age, even if the child is mentally ready, still certain consequences such as early pregnancy or drop-out threatens them.

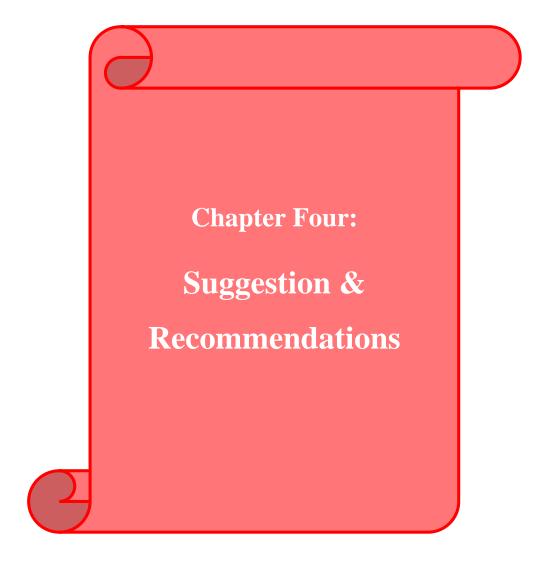
Male, 40 years old, Tehran, running several businesses, into temporary marriages in months "Basically I am against permanent marriage and I don't want to have any. I don't conclude any agreement with anyone and I tell them this right away. I am not at all in the mood for that"

Female, 16 years old, currently under sighe "The family suggested and I was also interested in getting married. I will study later. I like the boy"

Temporary marriage has no place in public culture and social norms and those practicing it are known as lustful pleasure-seekers who destroy family foundations. They are labelled as morally corrupt. Based on Erving Goffman's Theory of Social Stigma, one can say that individuals like to portray a positive image of themselves in the society and even if they are subject to violence and harassment, they hesitate to legally follow-up the issue in fear of social stigmatization. When temporary marriage, with no need for its legal registration, is easily accessible and is less costly than permanent marriage, tendency toward permanent marriage is decreased and thus this vital social entity is threatened.

Through a detailed analysis of the interviews, coding the themes and concepts, an analytical model of all the causes, the key phenomenon, strategic action and consequences of temporary marriage has been produced:





Conclusion

Marriage is a social institution within the framework of which a man and woman live together as a couple based on a legal, religious and moral commitment. Marriage plays a significant role in the society by providing an opportunity to respond to the emotional, economic and psychological needs of the members of the society. Marriage and choice of partner have always been subject to social values and norms. As stated earlier, in the Islamic Republic of Iran, marriage is subject to 12-Imam Shiite jurisprudence and the laws are all based on the same jurisprudence. In Iran, based on legal and jurisprudential laws, two types of permanent and temporary (sighe) marriages are recognized which are legitimate legally and jurisprudentially. People like Morteza Motahhari had proposed Muta'h to prevent monasticism and sexual communism among the youth. In many occasions, others such as Akbar Hashemi Rafsanjani, Mostafa PourMohammadi, Ghara'ati and other religious and state policymakers in Iran emphasized the necessity of temporary marriage in the media and through official and unofficial channels. They saw it as an essential solution to preserve the chastity of the members of the society. But, some jurisprudents such as Ayatollah Sanei, argue that Muta'h was only applicable during war time in early Islam and that it is a cause of family degradation in a modern society. Woman activists, consider temporary marriage as a factor behind reproduction of gender discrimination against women, violation of women's rights, weakening of family foundations, promoting polygamy and STDs as well as prostitution. Hence, they are opposed to the practice.

Sighe which religiously and legally is equal to temporary marriage is performed for young boys and girls in traditional and religious families so that families can control their children's sexual conduct. Some youth older than 18 who come from religious families also consider sighe legitimate during the premarital courtship. The registration of temporary marriage or sighe, in case of pregnancy, depends on the additional conditions set for Nikah, based on Article 21 of the Family Protection Act of 2012. Despite the fact that sighe and temporary marriage have two different natures, there is no law on sighe. The positive function of sighe for any adult above the age of 18 is that it is a way for the couple to get familiar with one another prior to marriage; yet some of its negative functions such as social pressure on the boy or the girl to marry the same

person can be a cause of family breakdown in the future. Furthermore, in case of sexual contact, sighe can lead to more adverse effects for women. Since this relationship has not been registered anywhere legally or systematically and the Nikah is only based on tradition, there is no responsibility and commitment for the man. If sighe is applied during childhood or adolescence, because of the sensitive age of puberty, sexual contact is very probable which can lead to child marriage. Some of the most significant effects of such marriages include school drop-out, unwanted and early pregnancies, mental and physical disorders and child widows. Therefore, the author tries to suggest solutions to alleviate the harms resulted from temporary marriage and sighe. In doing so, the cultural, religious and legal considerations of the society are taken into account.

Suggestions & Recommendations

1) Passing laws to increase the minimum age of temporary marriage and sighe to 15 Article 1041 of the Civil Code on the legal age of marriage says: "Marriage before puberty by the permission of the Guardian and on condition of taking into consideration the ward's interest." This law is true for temporary marriage, too. But sighe happens in younger ages too, because it is within a religious and private framework without any legal registration. Since political and social activists are trying to amend the law to increase the age of majority for girls to 15, the legal age of sighe and temporary marriage is recommended to be increased to 15.

2) Legal and official registration of sighe/temporary marriage in marriage and divorce registry offices

Currently Article 645 of the Islamic Penal Code, considers refraining from registration of temporary Nikah as a crime for the couples. Moreover, based on Article 21 of the 2012 Family Protection Act, in cases of pregnancy and mutual agreement the marriage is registered. This is while there is no law on sighe; that is if we consider the temporary marriage and sighe the same although they have different natures, the matrimony of children and adolescents is only registered in case of pregnancy! Far from partiality, the author has dealt with the issue in a pure scientific way and believes that legal registration of sighe and temporary marriage makes basic legal services available to the couple and

protects their right. When this relationship is not registered, many of the rights of the couple, women's rights in particular, are violated. The marriage sermon (khutba) or sighe can be recited in private and thus it is recommended that it should be performed in registry offices in the presence of at least two witnesses so that later it can be followed-up legally.

3) Mandatory free education

In the kind of sighe traditional families apply for their children and youth, refraining from sexual contact is one major principle. This is while this pre-condition has no religious background and once two individuals are Mahram, sex is allowed. In case of pregnancy or sexual relationships, the youth and children who are made Mahram to one another, end up in a permanent marriage after a while. One of the most important consequences of sighe, is disinterest in school and drop-out. By making education up to the age of 18 - the age of a high school diploma- mandatory, the legal entities including the Ministry of Education can postpone sighe and early marriage while educating students and families at school about its impacts.

4) Legal and hygiene counseling on sighe/temporary marriage

The findings showed that those who had experienced temporary marriage had very little legal information and this leads to problems for women such as leaving the marriage before its expiry and without the waiver of the remaining period by the man. However, if the temporary marriage is registered, legal counseling can be provided and the two parties are more aware of their rights in this marriage, leaving less room for violation of rights. There is an aspect called Iddah in temporary marriage. This means that the woman has to wait till the end of Iddah before she can be sighe to another man. But presently we are witness to all sorts of temporary marriages where well-to-do men temporarily marry women who are interested in Muta'h without respecting Iddah. The practice has turned into a source of income generation for women and a pleasure tool for men. There are unwanted pregnancies, abortion and STDs in such circumstances which are all due to unwariness of sexual hygiene. Thus, a couple in temporary marriage should refer to health centers and get to know about health issues. A health card should be also issued for those men and women who have a history of temporary marriage.

5) Setting conditions and legal limitations on sighe/temporary marriage

Since based on the research findings, temporary marriage is normally a means to satiate men's lustfulness; it's usually the married men who go for temporary marriage. On this basis, temporary marriage is recommended to be dependent on the consent of the wife. This legal conditionality can prevent any misuse of the law. Moreover, temporary marriages can be short-term, medium-term and long-term, time wise. The duration of temporary marriage is suggested to be legally medium-term with the possibility of extension if there is an interest. This is because a short-term temporary marriage is somehow promoting prostitution and moral corruption and the long-term version can be worrisome since women have no right to its annulment if there is no mutual understanding in the relationship.

6) Passing laws on alimony and right to annulment in favor of women

Since there are legal inequalities in a temporary marriage and compared to a permanent marriage, in a temporary marriage women face more inequalities, laws should be ratified based on which women can have right to alimony. The findings of this study show that many women choose temporary marriage just to fulfill their economic needs; this is while the law does not grant women the right to alimony. Also, like in a permanent marriage, women should be given the right to annulment and dissolution in case of distress and constriction so that if they are harmed or subject to violence and consider it impossible to continue the relationship, they can annul the marriage unilaterally.

7) Improvement in economic conditions, entrepreneurship and employment opportunities

Analyzing the interviews, in numerous cases men and women with the experience of temporary marriage, cited unemployment and poor economic conditions as the reason for their temporary marriage. Furthermore, in the structure of the Iranian society, women's economic participation is low, aggravating women poverty and poor economic conditions. Organizations such as the Ministry of Labor, the Municipalities, the Ministry of Mines and Industry and...are recommended to pave the way for employment opportunities and improve the economic conditions for the youth so that

they can start a family through permanent marriage. The rate of women's economic participation, especially female heads of households- should increase so that they do not choose temporary marriage as a way out of poverty and unemployment.

8) The clerics' role in Iran as a factor behind the formative developments in temporary marriage

As a significant factor of social change, the clerics in Iran can issue religious rulings, elaborate on the true philosophy of temporary marriage/sighe and thus lessen the harms of the relationship. Temporary marriage/sighe was initially devised to prevent corruption and moral degradation. However, in today's society where sighe is a private affair with no legal registration, it can lead to many consequences such as unwanted pregnancies, illegal and non-hygienic abortion, prostitution, child marriage, weak family foundations... Therefore, the present form of temporary marriage is far from its true nature and purpose. The religious ruling of the clerics who may call for the legal registration of the marriage for individuals above the age of 15 in divorce and marriage registry offices can serve as a tool to minimize the negative impacts of temporary marriage/sighe.

9) Social and cultural awareness-raising through mass media and civil society

Awareness raising and education can greatly help the prevention of social harms. Mass media such as the State Broadcasting Organization, the news agencies, the magazines and the social media can depict the harms of sighe/temporary marriage which is not registered and can elaborate on the rules and regulations governing such a marriage. Non-governmental organizations such as the associations defending the rights of women and children can play a major role in educating families; this of course requires the cooperation of State entities. Furthermore, people in the movie industry and celebrities have played a significant role in social affairs over the past years. Pouran Derakhshandeh, Hedieh Tehrani, Mitra Hajjar, Reza Kianian and some other movie stars have managed to launch awareness-raising campaigns on such issues as child sexual abuse and environment protection. They have used the social media (Instagram and Twitter) and made movies for the purpose. So through art works and social activities

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on the topic of sighe/temporary marriage both in NGOs and on the social media, they can mitigate some negative impacts of temporary marriage/sighe.

There are contradictory attitudes toward temporary marriage in the society. The proponents consider it as a means to prevent social degradation and moral corruption while the opponents take it as a pleasure-seeking tool for men in violation of the rights of children and women. The religious and traditional stratum of the Iranian society performs sighe and continues to follow this tradition. Both the country's laws and the jurisprudence treat the permanent and temporary marriages the same although they are different in nature and so far temporary marriage has not been addressed as anindependent subject. The religious and legal ambiguities surrounding sighe 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 sighe/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