

Providing a Solution for Explaining Women's Sexual Rights based on Legal and Ethical Approaches''

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Abstract

Satisfying the sexual desire in a purposeful way and moving towards perfection is considered a principle in the sexual rights of Islam, which has been valued in Islamic teachings for its function of providing physical and mental peace. Satisfying the sexual needs of the spouse is one of the joint duties of men and women, and there are many documents regarding the rights and duties of both parties. What seems to be distinct in the sexual rights of men and women is the right to enjoy sexual intercourse in terms of time, in contrast to the absolute and undisputed right of a man in this matter, the right of a woman is limited to once every four months. In the existing Islamic literature, there are two legal and ethical approaches, each of which has its own arguments. In this research, the evidence of both approaches has been examined with explanatory-analytical method. The results show that the arguments of the legal approach can be criticized, and the arguments of the ethical approach are more sophisticated; As a result of the popular opinion - that a woman has the right to have sex every 4 months - it is the "first rule of Shar' " and the highest time limit that is determined by legislator (or Share') and is related to normal conditions and man cannot be irresponsible towards this need despite things like; woman's youth, desires and sexual needs. Also, according to the decree of contemporary jurists, the situation of custom in the sexual affairs of couples, the precedence of ethic over law in family relationships and the psychological sensitivity of women, the moral approach - the benefit of a woman from sexual intercourse in less than four months and when needed - is strengthened.

Keywords: sexual rights, compliance, non- compliance, enjoyment of wife, legal approach, ethical approach.

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