



## Manifestations of Sexual Violence against Wives from the Perspective of Imami Jurisprudence

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### 1. Introduction

Sexual violence within marriage is increasingly recognized as a serious form of domestic violence that threatens women's physical integrity, psychological well-being, and human dignity. While modern legal systems and international human rights instruments emphasize the protection of women against sexual coercion, defining and regulating sexual violence in religious legal systems remains a complex jurisprudential challenge. In Iran, where family law is primarily derived from Imami (Shi'i) jurisprudence, the absence of explicit legal standards has resulted in divergent scholarly opinions and inconsistent judicial practice.

This study examines the manifestations of sexual violence against wives through the principles of Imami jurisprudence. It seeks to identify the jurisprudential criteria distinguishing lawful marital relations from conduct constituting sexual violence. The research addresses three questions: (1) Which behaviors may be regarded as sexual violence against wives

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under Imami jurisprudence? (2) What jurisprudential principles distinguish ordinary marital relations from sexual violence? (3) How can these principles contribute to contemporary legal regulation? The study hypothesizes that sexual violence cannot be determined solely by the occurrence of sexual relations or the wife's dissatisfaction; rather, it requires elements such as coercion, substantial harm, violation of human dignity, or severe hardship (*'usr wa ḥaraj*).

## **2. Literature Review**

Existing scholarship has predominantly approached sexual violence from psychological, sociological, criminological, and public health perspectives, emphasizing consent, coercion, and bodily autonomy. Within Iranian legal literature, research has largely focused on domestic violence in general or marital relations from a socio-legal perspective, while systematic jurisprudential analyses of sexual violence in marriage remain limited.

Unlike previous studies, this research reconstructs the concept of sexual violence from within the framework of Imami jurisprudence. Rather than adopting external legal definitions, it derives jurisprudential criteria from doctrines concerning marital rights and obligations, the prohibition of harm (*lā ḍarar*), consent, and ethical limitations governing family relationships.

## **3. Research Methodology**

This study employs a descriptive-analytical design based on documentary and library research. Primary sources include classical and contemporary Imami jurisprudential texts, legal literature, and authoritative scholarly opinions concerning marital rights and obligations.

Initially, the principal components of sexual violence identified in contemporary literature are extracted. These components are subsequently examined through fundamental jurisprudential principles, including the prohibition of harm (*lā ḍarar*), prevention of severe hardship (*‘usr wa ḥaraj*), marital obligations, and ethical norms governing spousal relationships. The qualitative interpretive approach facilitates the development of a jurisprudential framework for distinguishing permissible marital conduct from sexual violence.

#### **4. Research Findings**

The analysis identifies four principal manifestations of sexual violence against wives within Imami jurisprudence.

First, non-conventional sexual practices do not inherently constitute sexual violence; however, when accompanied by coercion, significant physical or psychological injury, or violations of religious and ethical boundaries, they become jurisprudentially impermissible.

Second, although marital rights are recognized in classical jurisprudence, they do not justify coercive sexual conduct. Where sexual relations are imposed through force, threats, or coercion, thereby undermining the wife's dignity and meaningful autonomy, such conduct conflicts with fundamental jurisprudential principles.

Third, the prohibition of harm (*lā ḍarar*) constitutes one of the strongest legal foundations for restricting harmful sexual conduct. Marital practices resulting in significant physical injury, psychological trauma, or threats to health and dignity cannot be legitimized solely by reference to marital rights.

Fourth, sexual violence may also arise from unjustified refusal to establish marital relations. Where persistent refusal subjects

the wife to severe hardship, psychological distress, or the risk of moral harm, the conduct may fall within the doctrine of *'usr wa ḥaraj* and warrant legal intervention.

Overall, the findings demonstrate that neither unconventional sexual practices nor marital dissatisfaction alone establish sexual violence. Rather, coercion, substantial harm, violation of dignity, and intolerable hardship constitute the decisive jurisprudential criteria.

### **5. Conclusion**

The study concludes that identifying sexual violence against wives in Imami jurisprudence requires balancing marital rights with the overarching principles of human dignity and the prohibition of harm. Sexual violence cannot be determined solely by the existence of marriage or the occurrence of sexual relations. Instead, its legal characterization depends upon the presence of coercion, significant physical or psychological injury, violation of personal dignity, or refusal of marital obligations resulting in severe hardship.

These findings provide a coherent jurisprudential framework that may promote greater consistency in judicial interpretation and support legislative efforts to establish clearer legal standards concerning sexual violence within marriage. More broadly, the study demonstrates the capacity of Imami jurisprudence to address contemporary issues of women's protection and family justice through a principled and context-sensitive interpretation.

### **6. Keywords**

Sexual Violence, Imami Jurisprudence, Marital Rights, Wife's Consent, *Lā Ḍarar*, *'Usr wa Ḥaraj*, Human Dignity