

OPEN PEER REVIEW

The Evolution of Spousal Rights in the Iranian and English Legal Systems: A Transition from Authority-Based to Partnership-Based Models

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1. Round 1

1.1. Reviewer 1

Reviewer:

The first paragraph provides a detailed historical account of the Iranian Family Protection Act of 1967, but it does not clarify the legal status of that legislation following the 1979 Revolution. The discussion should explain which provisions were repealed, suspended, reinstated, or reformulated after the Revolution. Without this clarification, the historical narrative may incorrectly imply an uninterrupted trajectory of legal reform. The authors should distinguish carefully between the enactment of progressive statutory provisions, their subsequent validity, and their practical implementation within the post-revolutionary legal order.

The second paragraph is excessively long and combines numerous distinct legislative developments, including the Family Protection Acts of 1974 and 2013, the 2014 Implementing Regulation, legal-aid provisions, family counseling centers, consensual divorce, child maintenance, gender reassignment, embryo donation, and court jurisdiction. This paragraph should be divided into several analytically coherent paragraphs, each addressing a distinct legislative period or doctrinal theme. More importantly, the authors should move beyond enumeration and explain how each reform affected the distribution of authority, responsibility, and bargaining power between spouses.

In the sentence “The Family Protection Act of 2013 addressed the establishment of family courts, procedures before family courts, reconciliation and settlement, registration of marriage and divorce, custody and care of children, salaries and survivor pensions following death, and denial of the existence of a marital relationship,” the article lists the statute’s subject matter but does not evaluate whether these provisions substantively advanced a partnership-based model. The authors should identify which provisions merely reorganized judicial procedure and which altered spouses’ substantive rights. The conceptual distinction between procedural modernization and substantive transformation is essential to the central argument.

The paragraph stating that a household composed of “a mother and a child following the father’s death may be described as an incomplete family” employs terminology that is normatively problematic and inconsistent with contemporary family studies. The expression “incomplete family” may stigmatize single-parent families and assumes that the two-parent heterosexual household is the only complete form. The authors should replace this term with a neutral expression such as “single-parent family” or “one-parent household” and explain whether the original classification has any continuing legal significance.

In Section 1.2, the article states that family law is “a branch of civil law and a subdivision of private law” while also acknowledging the penetration of public law. This point requires deeper doctrinal analysis. The authors should discuss the hybrid nature of modern family law and explain how mandatory rules, criminal sanctions, child-protection principles, registration requirements, welfare policies, and judicial supervision have transformed family law from a purely private-law field into a mixed regulatory domain. This analysis would directly strengthen the article’s authority-to-partnership thesis.

The paragraph listing Articles 1034–1206 of the Iranian Civil Code contains several terminological and substantive inaccuracies. For example, “engagement as a social custom” does not adequately capture the legal regulation of betrothal, while “the requirements for validity of marriage” and “dissolution and annulment of marriage” should be differentiated more precisely. The authors should verify the statutory organization of Books Seven through Nine and ensure that each legal concept is translated consistently with established comparative family-law terminology.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The paragraph beginning “The transformation of the family signifies a transformation in the destiny of all individuals” contains broad sociological claims but lacks a clear connection to the legal thesis. The authors should explain how transformations in family structure, gender roles, employment, and individualization have influenced specific legal doctrines concerning maintenance, divorce, marital authority, property, and contractual autonomy. The current formulation remains rhetorical and would benefit from a defined socio-legal analytical framework supported by relevant family-sociology concepts.

The discussion of international women’s-rights instruments in the same paragraph is historically broad but analytically underdeveloped. The article refers to international instruments adopted in 1904, 1921, and 1933 without naming them or explaining their relevance to spousal rights. Each instrument should be identified accurately, and the authors should clarify whether it concerns trafficking, nationality, marriage, political rights, or discrimination. The relationship between these instruments and the domestic legal systems of Iran and England should also be discussed rather than assumed.

The paragraph quoting Rapoport states that British families are moving from “one dominant norm” toward “several legitimate and desirable norms,” but the citation has been replaced by a general sociology source rather than a source directly documenting Rapoport’s typology. The authors should either consult and cite the original work or explicitly acknowledge that the argument is being presented through a secondary source. In addition, the five forms of family diversity—organizational, cultural, class-based, life-course, and generational—should be analytically connected to the transformation of spousal rights rather than merely listed.

The paragraph beginning “Shuster argues that, from 1907 onward, Iranian women became...” introduces a strong historical claim but does not explain its relevance to the legal evolution examined in the article. The authors should identify the historical context, the source of Shuster’s observation, and the legal developments that allegedly followed from women’s increasing political and social mobilization. The phrase “among the most progressive, if not the most radical, women in the world” also requires contextualization, as it is evaluative and potentially overstated when presented without qualification.

The final introductory paragraph contains important comparative objectives but is too expansive and includes multiple distinct research aims, including statutory analysis, human-rights evaluation, women’s legal status, comparative family structure, divorce, lone parenthood, and family breakdown. The authors should formulate one primary research question and a limited number of subsidiary questions. They should also specify the comparative method used, including the criteria of

comparison, the period under review, the selected legal sources, and the justification for treating England as representative of the broader Western legal tradition.

The statistical claims in the sentence “Between 1961 and 1981, the number of lone parents in England increased from 474,000 to 975,000” and the subsequent statements concerning divorce, children, and the annual cost of family breakdown require authoritative and precisely dated sources. The figure of “£5 million” appears implausibly low for the nationwide annual cost of family breakdown and should be verified. The authors should distinguish clearly between historical statistics and current conditions and avoid using demographic indicators as direct evidence of “family collapse” without defining that concept and considering alternative sociological interpretations.

In Section 1.1, the definition of the family as persons connected through “consanguinity, marriage, or adoption” is conventional but too narrow for an article that later discusses the diversification of family forms in England. The authors should acknowledge the legal and sociological debate over cohabiting couples, same-sex families, single-parent households, assisted reproduction, and nonmarital caregiving relationships. They should also clarify whether the article adopts a descriptive sociological definition, a normative legal definition, or a jurisdiction-specific definition for comparative purposes.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.