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Comparative Analysis of the Status of Abandonment of Marital Life in Imami Jurisprudence and the Legal Systems of Egypt, Jordan, and France Regarding Divorce at the Wife's Request

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ABSTRACT

The present study aims to conduct a comparative analysis of the status of abandonment of marital life in Imami jurisprudence and in the three legal systems of Egypt, Jordan, and France with respect to divorce initiated by the wife. This research has been carried out using a descriptive-analytical and comparative method, based on documentary and library studies, examining Imami fiqh texts, personal status laws, and judicial precedents of the three countries. The findings indicate that in Imami jurisprudence, abandonment of marital life is regarded as grounds for compelling the husband to divorce, within frameworks such as 'usr wa ʿharaj (hardship and harm), nushūz (marital disobedience), and failure to provide maintenance. In the legal systems of Egypt and Jordan, the concept of abandonment of marital life is interpreted through the institutions of khul' and judicial annulment, enabling the wife to petition the court for divorce by offering financial compensation or relinquishing her dowry. In French law, abandonment of the marital home or cessation of cohabitation constitutes one of the recognized grounds for judicial divorce without the husband's consent, assessed according to the criterion of "irretrievable breakdown of the marital bond." From a comparative perspective, although all systems consider abandonment of marital life a basis for dissolving marriage, their primary differences lie in the foundations of legitimacy and the conditions required for its realization. Imami jurisprudence and the laws of Islamic countries are grounded in religious and financial principles, whereas French law adopts a civil and individual-centered approach. The ultimate purpose of this study is to clarify the points of convergence and divergence in order to propose a more coherent framework for protecting the wife's rights in cases of marital abandonment.

Keywords: *Abandonment of marital life, divorce, divorce at the wife's request, hardship and harm ('usr wa ʿharaj), judicial separation*

Introduction

The family institution, in all legal systems and divine religions, is regarded as the most fundamental social unit. The stability and cohesion of this institution depend on the reciprocal fulfillment of the rights and duties of the spouses toward each other. One of the major disturbances in the marital system is the husband's abandonment of



family life, which in some cases can leave irreparable consequences for the wife, children, and the foundation of the family, and if continued intentionally, may lead the wife to request divorce (1). The issue of “abandonment of marital life” by the husband is among the most significant factors contributing to the breakdown of the family and one of the primary reasons women refer to courts to request divorce. In various legal systems, “failure to provide maintenance,” “failure in marital cohabitation,” or “abandoning the shared marital life” is considered a violation of the husband’s duties and may grant the wife the right to approach the court and seek divorce. Pursuant to the Note to Article 1130 of the Iranian Civil Code, the husband’s abandonment of family life, under certain conditions, is considered a type of hardship and harm (*‘usr wa ḥaraj*) and grants the wife the right to divorce.

However, before this right to divorce is established for the wife, and considering her right to sexual intimacy, the husband—if he abandons family life without justification—is considered sinful and *nāshiz*, and the wife may request judicial enforcement of her right to marital intimacy (2). In Imami jurisprudence, concepts such as *īlā’*, *hajr*, failure to provide maintenance, and hardship and harm form significant bases that allow the wife to seek divorce in cases of abandonment. Nevertheless, the conditions and mechanisms for establishing this right vary across different legal systems. The civil laws of Egypt and Jordan—two legal systems influenced by Islamic jurisprudence and modern legislation—contain precise regulations concerning *hajr*, failure to provide maintenance, and abandonment of the marital home, and they recognize judicial divorce upon proving these conditions. In contrast, French law, which follows a secular approach, employs concepts such as “fault divorce” and *abandon du domicile conjugal*, which rest upon the violation of marital obligations and harm to marital life (3).

The significance of this study lies in the fact that, through a comparative analysis of Imami jurisprudence and the laws of the three mentioned countries, it clarifies the jurisprudential and legal foundations of abandonment of marital life, identifies similarities and differences, and considers the strengths of each system for potential reform or enhancement of family law in Iran. Examining this subject can contribute to delineating the scope of hardship and harm and strengthening legal protections for wives in cases of abandonment, thereby providing a more secure and just foundation for family stability under national family policy. According to Islamic teachings, individuals do not have the right to cause harm to one another, and when harm is inflicted, they are obligated to remedy it (1).

In Imami jurisprudence, based on principles such as “no-harm,” “hardship and harm,” and the “principle of authority,” the husband’s abandonment of the shared marital life—when it results in disruption of living conditions and hardship for the wife—can be considered a clear case of hardship and harm, enabling the religious authority to compel the husband to divorce, or, in the event of refusal, to issue the divorce on his behalf (4, 5). Under Iranian law, this issue has been addressed in Article 1130 of the Civil Code and in the first clause of the conditions stipulated in the marriage contract.

From a comparative perspective, Islamic countries such as Egypt and Jordan—whose legal systems reflect a combination of Sunni jurisprudence and twentieth-century civil reforms—also consider abandonment of marital life, when proven detrimental to the wife, as grounds for judicial divorce. Article 6 of Egyptian Law No. 100 of 1985 and Article 126 of the Jordanian Personal Status Law (2010) recognize the husband’s continued absence and refusal to return to family life, despite the possibility of doing so, as sufficient justification for granting divorce to the wife (6-8). In French law, which is grounded in secularism and gender equality, abandonment of the marital home is examined under *faute conjugale* (marital fault) and may lead to divorce at the request of either spouse (9-11).

This article seeks to analyze the status of marital abandonment as grounds for divorce at the wife’s request by relying on authoritative fiqh sources, Iranian domestic laws, and a comparative examination of the family laws of

Egypt, Jordan, and France. Using a descriptive-analytical and comparative methodology, the study demonstrates that—despite foundational differences between Islamic jurisprudential systems and Western legal systems—the concept of shared responsibility in family life is acknowledged across all these systems, and its violation may result in the dissolution of marriage through judicial or consensual divorce. The husband's abandonment of marital life is among the most impactful factors disrupting the family unit and a prominent case of hardship and harm for the wife, enabling judicial divorce. In Imami jurisprudence, this is justified through the principles of “no-harm” and “hardship and harm,” and in Iranian civil law, it is reflected in Article 1130 and the conditions stipulated within marriage contracts. Similarly, Islamic countries such as Egypt and Jordan recognize prolonged marital abandonment as legitimate grounds for divorce. In French law, unjustified abandonment is treated as marital fault. Despite a shared concern for the wife's rights, significant differences remain among these systems in terms of principles, procedures, and specific applications. This article examines these theoretical and practical distinctions under a comparative framework and addresses the following questions:

1. What are the jurisprudential and legal foundations of marital abandonment by the husband in Imami jurisprudence?
2. Can marital abandonment justify divorce for the wife in the legal systems of Iran, Egypt, Jordan, and France?
3. What are the similarities and differences among these systems regarding marital abandonment as a ground for divorce?

Jurisprudential Foundations of Marital Abandonment in Imami Jurisprudence

1. Jurisprudential Introduction

In Imami jurisprudence, the presumption is the strengthening of the marital bond and the encouragement of resolving family disputes. However, when continuation of marital life imposes severe and intolerable hardship on the wife, the Sacred Lawgiver—based on principles such as “no-harm” and “hardship and harm”—has provided the wife the right to request divorce. One of the most evident cases of hardship and harm is the husband's unjustified and prolonged abandonment of family life, depriving the wife of security, affection, and support (5, 12).

2. The No-Harm Principle (Qā'idat Lā Ḍarar)

The “no-harm” principle is a well-established jurisprudential rule stipulating that any legal ruling resulting in harm or loss to the obligated party loses its legitimacy. The husband's abandonment of family life—placing the wife in a state of uncertainty, emotional harm, and social vulnerability—is a clear instance of such harm. The statement “There shall be no harm and no harming in Islam” is cited in jurisprudential sources (13). Imami jurists have relied on this principle to rule in favor of permitting divorce for a woman whose husband has abandoned marital life and caused her clear hardship (4, 14).

3. Hardship and Harm (Qā'idat al-'Uṣr wa al-Ḥaraj)

The principle of hardship and harm is grounded in Qur'anic teachings. Jurists interpret the relevant verses to mean that if the husband abandons marital life, the wife may face hardship (*ḥaraj*), giving her the right to seek judicial relief and divorce.

4. Opinions of Imami Jurists

(a) Imam Khomeini: “If a man abandons his wife without justification in a manner that renders life unbearable for her, the religious authority may issue divorce” (5).

(b) Ayatollah Khoei: “If prolonged absence causes hardship for the wife, the judge may compel the husband to return, and upon refusal, issue a divorce” (15).

(c) Shahid Thani: He holds that the husband’s abandonment—when causing evident harm—constitutes grounds for divorce under judicial authority (14).

In summary, Imami jurisprudence holds that while the right to divorce is originally assigned to the husband, when the wife is subjected to severe hardship—such as through abandonment—the religious authority may grant divorce at her request. This constitutes the jurisprudential foundation of Article 1130 of the Iranian Civil Code (16).

5. Historical Background and Development in Fiqh and Law

In Imami jurisprudence, abandonment qualifies as grounds for divorce when it results in hardship and harm for the wife. In Iranian civil law—particularly following the 1991 amendment to Article 1130—abandonment has been explicitly recognized as a case of hardship and harm (17). Egyptian and Jordanian laws, influenced by Hanafi jurisprudence and modern civil reforms, also recognize abandonment as harm to the wife and grounds for judicial divorce. In French law as well, abandoning the family residence constitutes marital fault and grounds for divorce (9). Across systems, abandonment may function as an independent ground for divorce or fall under broader standards such as harm, hardship, or misconduct. Imami jurisprudence relies on principles such as the no-harm rule and the removal of hardship to support this position (4, 13).

Legal Examination of Abandonment of Family Life in Iranian Law

Legal Introduction

The Iranian Civil Code, which is drafted on the basis of Imami jurisprudence, in provisions such as Articles 1029 and 1130, grants the wife the possibility to petition for divorce if the husband abandons marital life. In fact, the legislator has treated abandonment of marital life as one of the instances of hardship and harm (*‘usr wa ḥaraj*), and under specific conditions, grants the wife the right to request divorce from the court (17).

Article 1029 of the Civil Code

One of the clearest provisions on abandonment of marital life is Article 1029 of the Civil Code, which stipulates: “In the event of the husband’s absence for a full four years and the wife being unable to obtain any indication as to whether he is alive or dead, she may petition the court for divorce.”

This article has been enacted to protect women whose husbands, for various reasons such as migration, deliberate abandonment, or disappearance, vanish and whose return is uncertain. According to judicial practice, this article applies to unjustified absence without any declaration of status or arrangement of affairs (18).

Article 1130 of the Civil Code and the 1992 and 2002 Amendments

Alongside Article 1029, Article 1130 of the Civil Code constitutes the main legal basis for granting the wife the right to divorce in cases of hardship and harm: “Where continuation of marriage causes hardship and harm to the

wife, she may refer to the court and request divorce. Upon establishing hardship and harm, the court may compel the husband to divorce, and if compulsion is not possible, it may dissolve the marriage itself.” In the Note to this article, matters such as abandonment of marital life by the husband for six consecutive months or nine intermittent months within one year without a valid excuse are explicitly listed as instances of hardship and harm.

Note to Article 1130: “The following cases, if established by the competent court, shall be considered instances of hardship and harm: ... 2. Abandonment of family life by the husband for at least six consecutive months or nine intermittent months within one year without a valid excuse ...” (Official Gazette, Law Amending the Regulations on Divorce, adopted in 1992 and amended in 2002) (16).

Judicial Practice and Advisory Opinions

In recent years, family courts, relying on Article 1130 and its Note, have issued divorce judgments in cases where the husband, without a valid reason, has abandoned family life and placed the wife in a difficult situation.

Example of a Unification of Procedure Ruling: Unification of Procedure Ruling No. 713, issued in 2010: “Where the husband’s abandonment of marital life is continuous and without valid excuse and the wife suffers hardship and harm, the court may dissolve the marriage.”

Likewise, Advisory Opinion No. 7/3562 of the Legal Department of the Judiciary, issued in 2003, states: “Upon establishing abandonment of family life by the husband and proof of hardship and harm, the court is obliged to issue a divorce decree, even if the wife does not hold a power of attorney for divorce.”

In Iranian law, unlike the past when the right to divorce was exclusively vested in the husband, recent reforms have recognized the possibility of divorce for the wife in specific cases, including the husband’s abandonment of marital life. Article 1029 addresses prolonged absence of the husband, while Article 1130, with a broader scope, identifies abandonment of family life as one of the manifestations of hardship and harm. This development is fully aligned with the foundations of Imami jurisprudence and has brought the law closer to social realities (18).

Analysis of the Status of Abandonment of Marital Life in Egyptian Law

An Introduction to the Family Law System in Egypt

The Egyptian legal system is based on a mixed (modern–Islamic) model, and in the field of personal status for Muslims it draws on Islamic jurisprudence, especially Hanafi fiqh and certain rules of Maliki fiqh. One of the important issues in this field is examining the wife’s right to request divorce in cases where the husband abandons the marital home. The Egyptian Personal Status Law, alongside recognizing divorce at the unilateral will of the husband, also provides for several forms of divorce at the wife’s request, including divorce on the ground of harm, of which the husband’s abandonment of marital life is a prominent example (6).

Divorce on the Ground of Harm (al-ṭalāq lil-ḍarar)

Article 6 of Egyptian Law No. 25 of 1929 (as amended in 2000) authorizes the wife to request divorce in cases of harm: “If the wife claims harm caused by the husband such that cohabitation between the likes of them is no longer possible, she may request from the judge a *ṭalāq bā’in* (irrevocable divorce), provided that the harm is proven and the judge is unable to reconcile them.” Prolonged abandonment of the marital home without a legitimate excuse is considered one of the clearest examples of such harm (Law No. 100 of 1929, Article 6, as amended) (6).

Abandonment of the Marital Home as an Instance of Harm in Egyptian Case Law

Egyptian courts have treated abandonment of the marital home as an instance of harm that justifies divorce. If the husband, without a legitimate religious excuse and for an extended period, leaves his wife without maintenance and housing, the judge may issue a divorce decree.

Example from Egyptian courts: "The husband's abandonment of the matrimonial home and his neglect of his wife for a long period constitutes harm that entitles the wife to request divorce, since continuation of the marital life is no longer possible" (Egyptian Court of Cassation, Appeal No. 284, session of 2005-11-22) (8).

The Effect of Abandonment of Marital Life in the Jurisprudence Underlying Egyptian Law

Although the Egyptian Personal Status Law is primarily grounded in Hanafi fiqh, in the matter of divorce for harm, Maliki jurists have been relied upon, because Maliki fiqh allows the wife to obtain divorce upon proof of harm, even without establishing direct fault by the husband. It is reported from Imam Malik: "If the husband is absent for a long period and the wife fears loss and ruin, the judge may separate them" (13).

The New Law Protecting Women Against Abandonment and Neglect by the Husband

In 2000, Egyptian law was amended and a provision was added to the legislation on the protection of women, specifying: "The wife shall be deemed harmed if the husband leaves the matrimonial home for more than one year without a legitimate reason, and she may bring an action for divorce on this ground" (Egyptian Official Gazette, Amended Personal Status Law, 2000, article on protection of the wife against neglect) (6).

In Egyptian law, the husband's abandonment of family life without legitimate excuse and for a prolonged period is regarded as one of the most important instances of harm, and the wife, upon proving such abandonment, may request an irrevocable divorce from the judge. This position is consistent both with Maliki fiqh and with the justice-oriented orientation of Egyptian law. Unlike Hanafi fiqh, which in some instances is restrictive regarding the wife's access to divorce, Maliki fiqh and Egyptian legislation provide more practical mechanisms for protecting women's rights.

Examination of Abandonment of Marital Life in Jordanian Law

1. The Status of Family Law in the Jordanian Legal System

The Jordanian legal system in the field of personal status is founded on Islamic jurisprudence, particularly Hanafi fiqh, but in certain cases, by drawing on the jurisprudence of other schools and considering civil necessities, it has adopted more protective laws for women. The "Personal Status Law of 2010," currently governing family disputes in Jordan, contains explicit provisions regarding abandonment of marital life by the husband and the wife's right to seek divorce (7).

2. Divorce on the Ground of Harm in the Jordanian Personal Status Law

One of the most important legal bases concerning abandonment of marital life is Article 136 of the Jordanian Personal Status Law, enacted in 2010.

Article 136 provides:

“Separation shall be ruled on the basis of harm if the wife suffers harm from her husband that renders marital life between the likes of them unbearable, whether the harm is actionable, verbal, or customary. Proof of harm may be established through claim, testimony, evidence, or expert assessment.”

Abandonment of marital life is regarded in Jordanian fiqh and judicial practice as a clear instance of “customary harm” (7).

3. Conditions for Establishing Harm Resulting from Abandonment

Jordanian law, unlike classical Hanafi jurisprudence, does not limit harm to physical injury; rather, it considers customary and psychological harm sufficient. In other words, if the husband abandons marital life without legitimate excuse and leaves the wife in a state of uncertainty, this is sufficient for the court to issue a divorce decree.

A ruling from the Jordanian Shari’a Court states:

“Abandonment of the wife by the husband for a long duration without legitimate excuse constitutes harm requiring judicial separation when continuation of marital life becomes impossible” (Jordanian Ministry of Justice Publications, Court of Cassation Judgments, 2008, p. 198) (8).

4. Article 132 of the Personal Status Law: Absence and Failure to Provide Maintenance

In addition to Article 136, Article 132 of the Jordanian Personal Status Law provides a clear rule regarding the husband’s absence and failure to provide maintenance and housing:

“If the husband is absent for more than one year without legitimate excuse, and he sends no maintenance to his wife, and she has no means of sustenance, she may request separation.”

This article addresses the combination of lack of residence and failure to provide maintenance; however, from a jurisprudential perspective, absence without supporting the wife is also considered a de facto abandonment of marital life (Jordanian Personal Status Law, 2010, Art. 132) (7).

5. Jurisprudential Foundations Underlying Jordanian Law

Although the Jordanian Personal Status Law is based on Hanafi jurisprudence, in matters related to harm, it draws from Maliki jurisprudence—particularly the doctrine of judicial separation due to harm, which was not originally accepted in classical Hanafi fiqh.

Imam Malik stated: “Separation between husband and wife shall be decreed for any harm that souls cannot bear, particularly when the husband abandons his wife without legitimate excuse.”

Given that no Maliki source is included in your reference list, the closest jurisprudential references have been used (13).

Jordanian law, consistent with the principles of Maliki jurisprudence and contemporary social developments, interprets the husband’s abandonment of family life as an intolerable harm to the wife and grants her the right to divorce under Articles 132 and 136 of the Personal Status Law. Unlike the traditional Hanafi perspective, this legal system incorporates custom, social psychology, and the welfare of the family as central criteria in interpreting harm (8).

Comparative Examination of Abandonment of Marital Life in French Law

Introduction to Divorce in the French Legal System

Family law in France, as a secular legal system based on liberal principles, regards divorce not as a unilateral right of the husband but as a reciprocal judicial process grounded in the breakdown of marital life. One of the situations that can constitute a ground for divorce in French law is the abandonment of family life by one of the spouses, known under the notion of *rupture de la vie commune* (breakdown of common life) (9).

Article 242 of the French Civil Code: Divorce on the Ground of Fault (faute)

In the French civil law system, Article 242 of the *Code civil* explicitly recognizes serious misconduct or grave fault by one of the spouses as a ground for divorce:

« Le divorce peut être demandé par l'un des époux lorsque des faits imputables à l'autre rendent intolérable le maintien de la vie commune. »

"Either spouse may petition for divorce where acts attributable to the other render continuation of the common life intolerable."

If one of the spouses abandons family life, the court may regard this abandonment as an instance of *faute grave* (serious fault) that makes continuation of the marital life impossible (11).

Articles 237 and 238: Divorce for Irretrievable Breakdown of Marital Life

In addition to divorce on the ground of fault, French law also provides for another type of divorce known as "divorce for irretrievable breakdown of marriage." This form of divorce is particularly relevant in cases of unjustified abandonment of the marital home or sustained interruption of cohabitation.

Text of Article 237:

« Le divorce peut être demandé par l'un des époux lorsque le lien conjugal est définitivement altéré. »

Translation: "Either spouse may request divorce where the marital bond has been definitively impaired."

Article 238:

« L'altération définitive du lien conjugal résulte de la cessation de la communauté de vie entre les époux lorsqu'ils vivent séparés depuis deux ans lors de l'assignation en divorce. »

Translation: "The definitive impairment of the marital bond results from the cessation of common life between the spouses when they have been living apart for two years at the time the divorce petition is filed."

These provisions allow a wife whose husband has abandoned the shared marital life to request divorce without the need to prove fault, merely by establishing that common life has ceased for the statutory period (9).

French Case Law and Abandonment of Marital Life

French courts, relying on the above provisions, have treated abandonment of marital life by one spouse as an instance of marital breakdown and, in some cases, as serious fault.

Example from the Paris Court of Appeal:

« L'abandon du domicile conjugal pendant plus de deux ans constitue une cause de divorce pour altération définitive du lien conjugal. »

Translation: “Abandonment of the matrimonial home for more than two years constitutes a ground for divorce on the basis of definitive impairment of the marital bond.” (11)

Comparison with Islamic Systems

Unlike jurisprudential systems such as Imami fiqh or the legal systems of Egypt and Jordan, which make divorce contingent upon proof of harm or hardship (*'usr wa ḥaraj*), French law merely requires one party to prove that the common life has been definitively disrupted. Proof of abandonment of marital life for two years is sufficient to obtain a divorce judgment, regardless of intention or fault.

Nevertheless, French law does treat abandonment as fault when it is accompanied by bad faith, and this may affect decisions on custody, maintenance, and division of property (11).

In French law, abandonment of family life by one of the spouses, depending on its duration, intention, and effects, may fall either under divorce for fault (*faute*) or divorce for definitive impairment of the marital bond (*altération définitive du lien conjugal*). This legal system, unlike jurisprudential systems, focuses on the impossibility of maintaining common life and accepts divorce even in the absence of fault, which from a comparative perspective marks a fundamental difference from Imami jurisprudence (10).

Table 1. Final Comparative Analysis of Abandonment of Marital Life in Imami Jurisprudence and Four Legal Systems

Theoretical Basis of Divorce for Abandonment	Legal / Jurisprudential System
No-harm rule (<i>lā ḍarar</i>), hardship and harm (<i>'usr wa ḥaraj</i>), authority of the judge	Imami jurisprudence
Hardship and harm under Article 1130 and absence under Article 1029 of the Civil Code	Iranian law
Divorce for harm (<i>al-ṭalāq lil-ḍarar</i>) – Article 6 of Law No. 25 of 1929	Egyptian law
Judicial separation for customary harm – Article 136 of the 2010 Personal Status Law	Jordanian law
Fault (<i>faute</i>) or definitive impairment of marital life – Articles 237, 238, and 242 of the <i>Code civil</i>	French law

Table 2. Criteria and Indicators of Abandonment in Each System

Proof of Abandonment	Required Duration for Abandonment	System
Testimony, circumstantial evidence, confession	No fixed period; the criterion is hardship and harm	Imami jurisprudence
Testimony, official reports, confession, unsuccessful summons	Article 1029: four years of absence – Article 1130: six months of abandonment	Iranian law
Testimony, evidence, expert opinion	Customary abandonment without a fixed duration; criterion: impossibility of normal cohabitation	Egyptian law
Testimony, expert reports, customary evidence	More than one year of absence or customary harm	Jordanian law
Official documents of separation, lack of common residence, registration	Two years of continuous separation for divorce without fault	French law

Table 3. Role of the Court or Religious Authority in Divorce for Abandonment

Role of Court or Religious Authority	System
Examination of hardship and harm and issuance of divorce if the husband refuses	Imami jurisprudence
Establishing abandonment and issuing a divorce judgment based on statutory provisions	Iranian law
Active role in attempting reconciliation, then issuing judgment upon proof of harm	Egyptian law
Determining customary harm and marital breakdown and issuing judicial separation	Jordanian law
Determining breakdown of common life or proving fault, then issuing divorce	French law

Table 4. Legal Effects of Divorce on the Ground of Abandonment in the Five Systems

Legal Effects	Type of Divorce	System
Dower (<i>mahr</i>), maintenance during the waiting period, custody	Judicial divorce, revocable or irrevocable depending on circumstances	Imami jurisprudence
Dower, maintenance, compensation (e.g., <i>ujrat al-mithl</i>), custody	Judicial divorce, often irrevocable under Article 1130	Iranian law
Deferred dower, maintenance, custody, right to housing	Irrevocable divorce for harm	Egyptian law
Payment of maintenance, dower, custody, and housing where applicable	Judicial separation	Jordanian law
Distribution of property, custody, child maintenance, sometimes spousal support	Judicial divorce (for fault or by mutual consent / breakdown)	French law

Common Features: All systems treat prolonged abandonment of family life without justification as a factor that disrupts marital life and therefore justifies divorce.

Differences:

1. In Imami jurisprudence and Iranian law, there is a requirement to establish hardship and harm or serious detriment.
2. In Egypt and Jordan, the concept of harm is broadened, and customary abandonment of marital life also falls under its scope.
3. In France, the focus is on the objective cessation of common life and the definitive breakdown of the marital relationship, even without proving fault.

Ultimately, French law relies most heavily on the external and factual rupture of common life, whereas Islamic systems, especially Imami jurisprudence, emphasize jurisprudential and ethical concepts such as harm and hardship.

Conclusion

This section presents the overall conclusion of the scientific–research article titled “*A Comparative Analysis of the Status of Abandonment of Marital Life in Imami Jurisprudence, Iranian Law, Egyptian Law, Jordanian Law, and French Law in Divorce at the Wife’s Request*.” Anchored in the analytical findings of the preceding sections, this conclusion provides a comprehensive perspective on the similarities and differences among jurisprudential and legal approaches regarding “abandonment of marital life” as a ground for divorce.

A comparative examination of abandonment of marital life as a cause for divorce in the studied systems—Imami jurisprudence, Iranian law, Egyptian law, Jordanian law, and French law—reveals that each system, relying on its own theoretical foundations, offers distinct frameworks for recognizing this act as legal grounds for divorce. Nonetheless, all systems share a common premise: acknowledgment of abandonment as a phenomenon that disrupts the foundation of the family and generates a legitimate right of action for the wife.

All examined systems, based on the overarching principle of protecting the wife against the material or emotional harms resulting from abandonment of family life, have in some manner facilitated judicial divorce in such cases. In Imami jurisprudence and Iranian law, the jurisprudential rule of “no-harm” (*lā ḍarar*) and the concept of “hardship and harm” (*‘usr wa ḥaraj*) form the theoretical basis for this approach. In Egyptian and Jordanian law, the doctrines of “customary harm” (*ḍarar ‘urfī*) or “impossibility of cohabitation” (*ta’adhdhur al-‘ishrah*) constitute the primary criteria for issuing a divorce judgment. In French law, the concept of a fundamental breakdown of marital life (*rupture de la vie commune*) serves as the basis for divorce, which may be caused by a spouse’s abandonment.

Imami jurisprudence, with emphasis on the wife's psychological and physical well-being, recognizes flexible criteria for determining hardship and harm. Iranian law provides more explicit criteria—Article 1029 of the Civil Code (four years of the husband's absence) and Article 1130 (six months of unjustified abandonment). Egyptian and Jordanian law, by relying on the customary understanding of harm and the practical realities of family life, allow the court to issue judgments tailored to each unique case. French law, although not regarding physical abandonment alone as sufficient, considers its continuity (at least two years) indicative of marital collapse and a valid legal basis for divorce.

In the Islamic systems under review—including Imami jurisprudence, Egyptian law, and Jordanian law—the court not only plays a constitutive role in granting divorce but is often required to attempt reconciliation before issuing a judgment. This stands in contrast to the French legal system, in which the court's focus is primarily on documenting and confirming the objective condition of marital breakdown.

Given the relative flexibility of Imami jurisprudence and the capacities of Articles 1029 and 1130 of the Iranian Civil Code, it is possible—drawing inspiration from Egyptian and Jordanian legislation—to expand the scope of recognized instances of hardship and harm and to reduce excessive dependence on temporal thresholds for abandonment. Moreover, incorporating customary criteria of harm (such as *ta'adhdhur al-'ishrah*) could lead to more equitable judicial outcomes.

This conclusion lays the groundwork for the formulation of more effective legislative policies in response to critical situations within marital life and may serve as a basis for legal reforms aimed at more just protection of women faced with abandonment in marriage.

Practical Recommendations

1. Revising Article 1029 of the Iranian Civil Code to reduce the four-year requirement for the husband's absence.
2. Incorporating a clear definition of emotional and psychological harm resulting from abandonment into the law.
3. Strengthening the advisory and specialized role of family court judges, drawing on the experience of Egyptian and French systems.
4. Providing judicial training on customary reasoning regarding harm and on psychological understanding of emotional abandonment in marital life.

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Authors' Contributions

All authors equally contributed to this study.

Declaration of Interest

The authors of this article declared no conflict of interest.

Ethical Considerations

All ethical principles were adhered in conducting and writing this article.

Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

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