

A Legal and Psychological Analysis of the Validity Conditions of Marriage in the Iranian Legal System, with Emphasis on William Glasser's Choice Theory

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1. Round 1

1.1. Reviewer 1

Reviewer:

In the final Introduction paragraph, the article promises that the third section “proposes an integrated analytical model,” yet no explicit model is subsequently presented. Please include a clearly structured analytical model—preferably a table or figure—showing how specific components of Choice Theory, such as autonomy, responsibility, belonging, and freedom, correspond to specific legal elements of marital validity, consent, capacity, guardianship, and judicial assessment of the child’s best interests.

In the first paragraph of Section 2.1, the term “capacity for a valid marriage” is introduced as equivalent to “marital capacity.” Please provide a doctrinal definition grounded in Iranian legal terminology and distinguish it from general contractual capacity, puberty, legal majority, discernment, and mental competence. Without these distinctions, the central legal concept of the article remains underdefined.

In the paragraph beginning “Article 1210, Note 1, of the Iranian Civil Code,” the manuscript should distinguish more carefully between the legal age of religious puberty and the current statutory minimum age for marriage under Article 1041. As written, the discussion may lead readers to assume that the puberty ages of nine and fifteen automatically determine marriage eligibility. Please explain the relationship and possible tension between Article 1210, Article 1041, judicial authorization, guardian consent, and the requirement of the child’s best interests.

In the historical paragraph beginning “In 1934, the legislator, in Article 1041,” please verify the historical accuracy of the statutory dates, age thresholds, procedural requirements, and role attributed to the public prosecutor and forensic medicine authorities. Because this section provides the legal-historical foundation for the article’s normative argument, it should cite

primary legislative sources, parliamentary records where used, and authoritative legal commentary rather than relying on unsupported historical narrative.

In the first two paragraphs of Section 3, the manuscript presents Choice Theory as emphasizing individual autonomy and conscious choice. Please address the central limitation that marriage decisions, particularly those involving minors, may be shaped by family authority, economic dependency, gendered expectations, and coercive social norms. The argument would be more persuasive if it explicitly considered how Choice Theory can be applied without individualizing structural constraints or wrongly attributing responsibility to persons with limited practical autonomy.

In the paragraph beginning “Glasser’s Choice Theory is theoretically consistent with theories of psychological development,” the asserted consistency with Piaget, Erikson, and Kohlberg needs a more rigorous comparative analysis. These theories differ substantially in their assumptions, units of analysis, developmental mechanisms, and empirical status. Please identify the limited points of convergence and avoid suggesting that theoretical compatibility itself establishes the legal validity of the proposed framework.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

In the paragraph beginning “Following the victory of the Islamic Revolution in 1982,” the claim that the amended provision “permitted child marriage with the guardian’s authorization and due observance of the child’s best interests” requires more careful legal analysis. Please clarify whether the best-interests requirement was expressly codified at that stage, how it was interpreted in practice, and whether judicial authorization was required. The current wording risks collapsing distinct legislative periods into a single legal rule.

In Section 2.2, the sentence “no specific age has been stated for marriage” in the jurisprudence of the four Sunni schools is too categorical. Please distinguish between the validity of the marriage contract, the permissibility of consummation, the role of guardians, and doctrinal views on maturity and welfare across the Hanafi, Maliki, Shafi’i, and Hanbali schools. The analysis should avoid presenting these traditions as legally uniform.

In the paragraph discussing Verse 4 of Surah Al-Talaq, the manuscript moves rapidly from exegetical disagreement to a conclusion about the permissibility of child marriage. Please provide a clearer chain of reasoning: identify the linguistic issue, summarize the competing interpretations, explain how the verse relates to divorce waiting periods, and specify why a rule concerning waiting periods does or does not establish the validity of the original marriage contract. This distinction is critical to the legal and jurisprudential argument.

In the paragraph concerning Ayatollah Mohammad Eshaq Fayadh, the article states that a fatwa “issued in 2021” raised the age of puberty for girls to 13 lunar years. This is a highly specific and legally consequential claim. Please document the original fatwa, specify its source and jurisdictional relevance, and avoid implying that an individual juristic opinion automatically modifies Iranian positive law. The article should clearly distinguish between fatwas, doctrinal influence, and binding statutory law.

In the opening paragraph of Section 2.3, the manuscript characterizes Choice Theory as providing “a scientific and psychological framework” for analyzing marital validity. Please explain the methodological basis for using this theory in legal interpretation. Specifically, indicate whether Choice Theory is being used descriptively to explain decision-making, normatively to justify legal reform, or instrumentally to design assessments of psychological readiness. These are distinct uses with different evidentiary and legal implications.

In the paragraph beginning “From the perspective of developmental psychology, Erikson’s theory holds,” the description of Erikson’s identity-versus-role-confusion stage as extending “from age 11 to the end of adolescence” should be revised for theoretical accuracy and contextual sensitivity. Please avoid treating stage-based developmental theories as fixed legal thresholds, and explain why a developmental framework developed in a particular historical and cultural context can appropriately inform analysis of marriage law in Iran.

In the paragraph stating that “individuals under the age of 12 lack the ability for formal thought and complex reasoning,” the manuscript overgeneralizes Piagetian theory and draws a direct causal connection to marital instability without adequate support. Please qualify this claim, recognize individual and contextual variability in cognitive development, and distinguish between the capacity for abstract reasoning and the broader legal and psychosocial competence required for entering a marriage.

In Section 3.2, the article identifies the lack of “clear indicators for assessing emotional and social maturity” in best-interests assessments but does not specify what indicators it proposes. Please operationalize the concept by identifying potential dimensions—such as voluntariness, understanding of marital rights and obligations, emotional regulation, absence of coercion, educational continuity, social support, and capacity for independent decision-making—and explain who would assess them, by what procedures, and under what legal safeguards.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.