

Part 2 Chapter 3: Laws Pertaining To Matrimonial And Family Affairs

134. It is obligatory upon unmarried mature men or women to marry, even with the minimal financial ability, in the event that not getting married causes him or her to sin.

135. It is obligatory to defend one's wife, children, and relatives against any danger to the extent that it does not result in one's death. In such cases, depending upon the situation, it may either be allowed or forbidden.

136. It is obligatory to maintain relations with family and relatives, which means keeping a good relationship with one's parents in matters of salutation, speech, visit, correspondence, and other common affairs the refraining from which is considered breaking off connections with them. This is also applicable to other relatives, yet with different levels. In addition to providing their livelihood, these actions are obligatory towards one's parents and children.

137. It is forbidden to act disrespectfully towards the parents through such acts like causing one's father or mother distress and refraining from carrying out their biddings if such behavior causes them heartfelt sorrow or anguish except in cases where they order their children to commit an unlawful deed or violate a forbidden matter.

138. It is forbidden to cut off the ties of kinship without acceptable reason. This includes refraining from providing the expenses of parents, children, grandparents, and grandchildren (however much removed) if they are in need, and also cutting off relationships with one's paternal and maternal relatives unless there is a lawful excuse to do so.

139. It is obligatory upon fathers and paternal grandfathers to undertake the supervision and guardianship of their immature and mentally disabled children and grandchildren even after the mentally disabled ones attain puberty. Likewise, it is obligatory upon fathers and grandfathers to hold the properties of their children and grandchildren in trust until they are mature. They are required to educate

them physically and mentally and provide them with necessary expenses by using the children's property or their own property in case the children have no property in a generally acceptable way that is corresponding with the laws of Islam.

140. It is forbidden to kill one's child for any reason; such as financial deficiency, inability to train them, or disgrace and accusation regarding the parents. This law includes illegitimate children, because to kill an illegitimate child is the same as killing any other Muslim individual.

141. It is obligatory upon the testamentary guardians of fathers and grandfathers to undertake the guardianship and supervision of their immature or mentally disabled children and their properties in the event that their guardian dies and entrusts this responsibility to the testamentary guardian.

142. When fathers, grandfathers, or testamentary guardians are absent and when the supreme religious authority cannot be reached, it is obligatory upon any believer (*mu'min*)—if a just¹ (*'adil*) believer is not available—to look after and supervise orphans and the mentally disabled and provide for them through these individuals' own property. Naturally, relatives have priority in this regard.

143. It is obligatory upon solvent fathers and paternal grandfathers to pay the marriage expenses of their male and female children and grandchildren when they are in need for marriage, too destitute to afford their own marriages, and expected to commit sins otherwise. As to children and grandchildren, it is obligatory upon them to pay the marriage expenses of their single fathers and mothers according to the aforementioned conditions, since it is obligatory upon them to supply their parents with the necessary provisions. However, this issue is controversial.

144. It is obligatory for a man who marries an immature girl by the permission of her legal guardian and copulates with her before she attains maturity, causing her urinary and vaginal canals or vaginal and anal canals to become joined, to pay her life-time alimony even if she divorces him and marries another man.²

145. In the aforementioned case, it is perpetually forbidden for the husband to copulate with the wife even if he does not intend to divorce her.³

146. It is obligatory upon wives whose husbands apostatize to separate from them and observe a widow's period of waiting⁴ (*'iddah*). The period of waiting starts from the time of the husband's apostasy, regardless of whether he repents or not.

147. Before entering into a marriage contract, it is obligatory for men who suffer one of the following four defects to declare so: (1) insanity, although periodical, (2) having defected testicles or lack thereof, (3) having no genital organ, and (4) impotency (i.e. inability to have sexual intercourse).

148. Before entering into a marriage contract, it is obligatory upon women who suffer one of the following seven defects to declare so: (1) insanity, (2) genital mass that prevents sexual intercourse, (3) leprosy,

(4) muteness, (5) vitiligo, (6) blindness, and (7) union of the urinary and vaginal canals or the vaginal and anal canals.

149. It is obligatory upon all men and women to commit themselves to the conditions they have agreed upon in the marriage contract or any other irrevocable contract. Such conditions may involve teaching the other party the Holy Qur'an, financing the hajj pilgrimage of the other party, not taking a wife away from her homeland, etc.

150. It is obligatory upon wives to obey their husbands in sexual matters and to provide him with any type of sexual gratification he desires, whether through sexual intercourse or other means, unless she has a religiously valid excuse. It is forbidden for a wife to deny their husbands from having such pleasure and enjoyment.

151. It is obligatory upon husbands to provide their permanent wives with such livelihood expenses like food, clothing, and housing in a generally acceptable manner. This is also applicable to the alimonies during the period of waiting of revocably divorced wives.

152. It is obligatory upon both wives and husbands to treat each other kindly through such praiseworthy behavior like nice language, good manners, high individual and social moral standards, and familiar family etiquettes, refraining from which is considered misbehavior.

153. It is obligatory upon the wealthy to ensure the living expenses of their needy fathers, mothers, paternal and maternal grandfathers and grandmothers, children, and grandchildren.

154. Even if they do not intend to divorce, in case the husbands are wealthy enough to pay, it is obligatory upon husbands to pay their wives' dowries, identified in the marriage contracts, whenever the wives demand them. In case the husbands have not yet had sexual intercourse with their wives who demand them to pay their dowries, half of the dowry must be paid. If the dowry has not been identified yet and copulation with the wife has taken place, a familiar dowry⁵ (*mahr al-mithl*) must be paid. However, if neither the dowry has been determined nor has copulation taken place husbands are not required to pay anything unless they divorce their wives before copulation. In that case, the husband must pay an amount relative to his own situation, which is then called *mut'ah* in the terminology of Muslim jurisprudence. It is strictly forbidden to refrain from paying the dowry, to pay a lesser amount than determined, or to force the woman to give up part of or the entirety of her dowry.

155. It is obligatory upon polygynous husbands to apply justice with reference to sleeping (not copulating) with their wives. This does not apply to men who have only one permanent wife. To explain, a husband who has more than one wife must sleep with each wife equally; if he sleeps with a certain wife once a week, he must sleep with the others, be they one or more, once a week, too. However, this issue is controversial.

156. It is obligatory upon permanent and temporary wives who have had sexual intercourse with their

husbands to observe the period of waiting (*iddah*) after separating from them by divorce or legal cancellation of the marriage contract for permanent wives or by termination of the term of the temporary marriage or the optional revocation of the contract for the temporary wives. Generally, a marriage contract is automatically revoked in the following cases:

- a. If the husband apostatizes.
- b. In cases where both husband and wife are non-Muslim and the wife converts to Islam while the husband keeps his to his faith.
- c. Certain cases of breastfeeding, such as when the mother-in-law breastfeeds her son-in-law's child, with further details found in books of Muslim jurisprudence.

In all of these cases, divorced or separated women must observe a period of waiting before they are allowed to remarry.

157. It is obligatory upon permanent and temporary wives to observe the widow's period of waiting immediately after the death of their husbands even if they have not had sexual intercourse with them.

158. During this period of waiting, it is obligatory upon widows to abandon all sorts of adornment and makeup such as using kohl or perfume, or wearing fancy dresses regardless of the occasion.

159. It is obligatory upon wives who mistakenly have intercourse a man other than their husbands to observe a period of waiting from the time of the intercourse. The husbands then must stay away from them. This serves to remove all ambiguity about paternity should pregnancy have occurred due to the mistaken intercourse.

160. It is obligatory upon a revocably divorced woman to comply with all the rules of matrimony during the period of waiting. She is therefore required to refrain from leaving her house without the permission of her husband and to refrain from refusing her husband if he revokes the divorce. Likewise, it is obligatory upon the revocably divorcing husband to comply with the rules of matrimony, such as paying the living expenses of his wife and not casting her out of the house.

161. It is obligatory upon husbands to break oaths meant to upset their wives. In plain words, if a husband swears that he will not have intercourse with his permanent wife for more than four months or forever, intending to upset or distress her, it is then obligatory upon him to break his oath and engage in intercourse. Moreover, such husbands must make atonement for taking such an oath, which is terminologically called *ila'*.

162. It is forbidden to act with prejudice regarding one's kith and kin, such as introducing them dishonestly, giving them what rightfully belongs to others, turning a blind eye to their violation or oppression, and helping them persecute the others.

163. It is forbidden for wives to act contrary (*nushuz*) and refrain from fulfilling their legal and moral responsibilities towards their husbands without acceptable reason.

164. It is forbidden for husbands to act contrary and refrain from fulfilling their legal and moral responsibilities towards their wives and treating them in an unworthy manner.

165. It is forbidden for husbands to have sexual intercourse with their permanent or temporary wives before they (i.e. the wives) have reached the age of puberty, be they willing or not.

166. It is strictly forbidden for husbands and wives to have sexual intercourse during the wife's menstrual and lochial periods, be they permanent or temporary wives.

167. It is forbidden for wives to hide the existence of a fetus in their wombs, to keep their husbands ignorant of their menstrual calendar, or to give false information regarding these issues when it is necessary for their husbands to be informed, such as in case they must know whether the period of waiting has terminated or not to see if they can return to their wives.

168. It is forbidden to harass wives with divorce. In other words, it is forbidden for a husband to revocably divorce his wife, then return to her at the very end of the period of waiting, and then divorce her again and so on, in order to deprive her of her right to remarry. It is also forbidden to prevent her from remarrying after the termination of the period of waiting.

169. It is forbidden to cheat the suitors of a woman by describing her falsely and giving false information about her health, mental, and physical conditions in order to fool the suitors, whether this action is done by the woman herself or by her legal guardians and whether the defects being concealed are among those that automatically cancel a marriage contract or not. If this happens, the husband, after discovering that the woman has one of the defects that automatically annul a marriage contract, has the right to cancel the marriage contract without resorting to divorcement.

170. It is forbidden for any duty-bound person who has not performed the *tawaf al-nisa'* ritual in hajj (Women's Circumambulation) or has performed it incorrectly to engage in sexual intercourse with his or her lawful spouse, whether the spouse is male or female, mature or immature, because such a person is considered to have not yet released himself/herself from the state of *ihram* until he/she or a proxy on behalf of him/her performs this ritual in the approved manner.

171. It is forbidden for the abovementioned person to choose a spouse and get married until he/she performs this ritual. As to persons who do not believe in *tawaf al-nisa'* as one of the obligatory rituals of hajj, such as Sunnis, to have sexual intercourse with their spouses or to get married is not forbidden or invalid. Thus, it is not forbidden for Shi'ite men and women to marry Sunni women and men who have not performed the ritual of *tawaf al-nisa'*.

172. It is forbidden for men to marry unmarriageable (*mahram*)⁶ blood kinswomen; namely, the following

five categories:

1. Daughters and granddaughters, however much removed.
2. Mothers and paternal and maternal grandmothers, however much removed.
3. Full sisters and maternal and paternal half-sisters.
4. Daughters and granddaughters of one's full or half-siblings.
5. Sisters of one's parents, grandparents, and so on.

173. It is forbidden for a man to marry anyone who falls within one of the five aforementioned categories because of an illegitimate sexual relationship, such as an illegitimate sister, illegitimate mother, and the like.

174. It is forbidden for men to marry anyone who falls within one of the five aforementioned categories as a result of drinking a sufficient amount of a woman's milk and thus becoming her foster (*ridha'i*) child.

175. It is forbidden for women to marry unmarriageable blood kinsmen; namely, the following five categories:

1. Sons and grandsons, however much removed.
2. Fathers and paternal and maternal grandfathers, however much removed.
3. Full and half-brothers.
4. Sons and grandsons of one's full or half-siblings.
5. Brothers of one's parents, grandparents, and so on.

176. It is forbidden for a woman to marry anyone who falls within one of the five aforementioned categories because of an illegitimate sexual relationship, such as an illegitimate father, illegitimate son, and the like.

177. It is forbidden for women to marry anyone who falls within one of the five aforementioned categories as a result of *ridha'i* fostership (see item 174).

178. It is forbidden to marry stepdaughters (i.e. a daughter of one's wife by another marriage) and step-granddaughters, if sexual intercourse has been had with the wife herself.

179. It is forbidden for a man, after the marriage contract has been carried out, to marry his mother-in-law, the mother of his father-in-law, the mother of his mother-in-law, and so on up.

180. It is forbidden for a man to marry his daughter-in-law (i.e. the son's wife).

181. It is forbidden for a woman to marry her father-in-law and grandfathers-in-law, however much removed.

182. It is forbidden for a man to marry his father's wife and it is forbidden for a woman to marry her husband's son and grandsons, however much removed.

183. It is forbidden for a man to simultaneously have two sisters as wives, whether their marriage contract is conducted at the same time or with an interval. In this case, the marriage with the second sister is forbidden.

184. It is forbidden for a man to marry the daughter of his wife's brother or sister without the permission of his wife.

185. It is forbidden for a man to marry the mother, sister, and daughter of a boy with whom he has committed sodomy during childhood or maturity. However, it is not forbidden for the sodomized to marry the mother, sister, or daughter of the perpetrator.

186. It is forbidden to marry more than four permanent wives.

187. It is precautiously forbidden to marry a second or more wives permanently for those who know that they will not be able to treat the wives fairly and equally.

188. It is forbidden for Muslim men to marry non-Muslim women with the exception of the *Ahl al-Kitab*⁷ (i.e. People of the Book), although this exception is a controversial issue among Muslim master jurists.

189. It is forbidden for a Muslim woman to marry temporarily or permanently a non-Muslim man, be he from the *Ahl al-Kitab* or not.

190. It is forbidden for a permanent wife to leave her house without her husband's permission, except in certain cases such as performing the obligatory hajj and 'umrah, urgent medical treatment, and participation in defensive or primary jihad if individually obligatory or commanded by the supreme religious authority.

191. It is forbidden for fathers to disavow paternity of their children unless they have proof that the child is not theirs and by the verdict of a religious magistrate.

192. It is forbidden for a husband to hinder his wife's right of custody and nursing of her own children if she is willing to nurse without being paid or for a wage equal or less than what others get.

It is forbidden to force one's wife to nurse her child if she does not want to, with or without payment.

It is forbidden to impose on the father a payment beyond his lawful responsibility.

193. It is forbidden to divorce one's wife three times on one occasion. This is not a valid divorce and accordingly the wife is not legally detached from matrimony.

194. It is forbidden for a man to remarry his three-time divorcee unless she permanently marries another man, has sexual intercourse with him, and then separates from him through divorce or his death. After observing the period of waiting of the divorced or the widow, the first husband is allowed to remarry her.

195. It is forbidden for a woman whose husband is missing to remarry unless she gains conclusive knowledge of his death or she refers to the supreme religious authority who is required by the divine law to search for the missing husband for four years. If the husband is not found, then the wife's guardian can declare her divorced by a judgment issued by the supreme authority who, also, has the right to declare her divorced. After her period of waiting elapses, she has the right to remarry.

196. It is forbidden for a husband to swear, in one of the legal forms of oath, to eschew sexual intercourse with his permanent wife for more than four months, with the intent to upset her. Although such an oath is valid, it is forbidden and it is obligatory to break it and make atonement, as previously shown in Question No. 71.

197. It is forbidden for a man to accuse his wife of adultery due to likelihood, suspicion, or someone else's word, even if the informer is reliable, before he has absolute conviction. Even if he has such conviction, a husband must not accuse his wife, because this exposes him to punishment if he cannot provide before the judge four witnesses to testify to the wife's having committed adultery after their testimonies are subjected to certain strict procedures. If not, the husband and wife have to take part in a mutual imprecation of God's curse upon the lying party (terminologically *li'an*).

198. It is forbidden for a man to marry a woman after they have been the parties of a legal form of mutual imprecation. Mutual imprecation of God's curse upon the lying party (*li'an*) is a legal procedure according to which a husband who has accused his wife of committing adultery or disavowed her child swears before the judge, using the fourfold Qur'anic forms of oath, that he is the truthful party while his wife is lying. In order to prove her innocence, the wife swears in the same manner that she is telling truth while her husband is lying. Once they do so, their matrimonial contract revoked and they are forever disallowed from marrying one another.

199. It is forbidden for a husband to remarry his divorcee after he has divorced her revocably nine times, even if she has been married and then divorced by another husband for every three times. After the ninth divorce, it becomes eternally forbidden for the divorcer and the divorcee to remarry. Details of the revocable divorcement can be found in books of Muslim jurisprudence.

200. It is forbidden to carry out a matrimonial contract with a married woman or a woman whose period of waiting due to a previous marriage with another husband has not yet elapsed. If the two parties of

such a matrimonial contract have had full acquaintance of this condition, it becomes forbidden for both of them to remarry each other forever, even after the woman's current husband divorces her or departs life.

201. It is forbidden for a man to marry a woman with whom he has committed adultery during her husband's lifetime or during her period of waiting of revocable divorcement. As a general law, it is eternally forbidden to marry a woman with whom adultery was committed during the lifetime of her husband even if he divorces her or dies.

202. It is forbidden forever for ex-husbands to remarry their deaf and mute ex-wives after they have accused them of adultery, but could not prove it by providing religiously acceptable evidence. In this case, their matrimonial contract is revoked and they can never remarry.

203. It is forbidden for a man to marry a daughter of one of his parents' sisters if he has had sexual intercourse with her. However, the issue is controversial.

204. In the Islamic law, it is strictly obligatory upon women to wear hijab (the modest, covering veil of Muslim women). It is forbidden for women to beautify themselves and show their ornaments and parts of their bodies—except the naturally and normally shown parts, such as the face, the palms of the hands, and the outward appearance of the clothed body—before men other than the following categories:

1. Husbands,
2. unmarriageable blood relatives (i.e. father, brothers, and the like),
3. unmarriageable foster-relatives (*ridha'i*),
4. unmarriageable in-laws,
5. insane and feeble minded men, and
6. immature boys.

Women who have lost any sexual attraction because of old age or the like matters are allowed to show their body parts on condition that they do not beautify themselves.

205. It is forbidden to allow wives to return to their infidel husbands after they, having been proven as faithful Muslims, have separated from their husbands and have taken refuge in the Muslim state. Of course, when a wife converts to Islam, her marriage with an infidel husband is canceled and it is forbidden to return her to the ex-husband; rather, she is allowed to marry a Muslim man.

206. It is forbidden for men to look at the body parts of marriageable women (*ajnabiyyah*) except the face and the hands, whether with the intention of lust and taking pleasure or otherwise. Excepted from this law are the lust-free looks at women who are accustomed to exposing certain parts of their body and do not heed enjoinders to the contrary, such as non-Muslim women and Muslim women who

imitate them.

It is also forbidden to look lustfully and pleasurably at the faces and hands of marriageable women.

207. It is forbidden for women to look at the body parts of unmarriageable men with and without the intention of lust and taking pleasure. Excepted from this law are the looks at the body parts that are naturally uncovered.

It is forbidden for women to look lustfully and pleasurably at the naturally uncovered body parts of men.

208. Adultery and all kinds of illegal sexual intercourse are forbidden. So are all preparatory acts to illegal sexual intercourse, such as conversation, phone calls, correspondence, dating, moving towards an illegal goal, lustful looks, shaking hands, kissing, and the like.

209. Sodomy (i.e. male homosexuality) is forbidden along with all of its preparatory acts, such as kissing and lustful physical contact. Likewise, lustful looks of men at boys and other men are forbidden.

210. Lesbianism (i.e. female homosexuality) is forbidden, whether the two women are relatives, one of them or both are married or single, or one is mature and the other is immature. However, in case that one of them is immature, the effects of violating this prohibition are undergone by the mature only. Likewise, all preparatory acts of lesbianism are forbidden, such as the acts previously mentioned for the prohibition of sodomy.

211. It is forbidden for two naked men or two naked women to sleep under one cover. Excepted from this law are the relatives, like father and his son and mother and her daughter even if it is not necessary to do so. It is forbidden for men to sleep with non-relative women under one cover even if both are fully clad. Specified punishments have been determined for committing such sins.

212. It is forbidden to act as intermediary between two persons for committing adultery or homosexuality.

213. On the whole, all sorts of lustful actions that are intended for taking pleasure are forbidden for men (except with their wives and bondwomen) and for women (except with their husbands and masters).^{[8](#)} This prohibition is extended to include all sorts of masturbation, and lustful manual and mutual stimulation for sexual pleasure, whether or not the two parties are of the same sex or one party is not human, regardless of the form of sexual pleasure; e.g. looking, kissing, body contact, or sexual intercourse.

214. It is obligatory upon men to cover their private parts against all discerning persons (i.e. having the power of mind developed enough to discern the good from the bad) regardless of the sex except their wives. The ritual prayers of those who do not cover their private parts during prayer are invalid.

215. It is forbidden to look at the private parts of others, be they male, female, or hermaphrodite, marriageable or unmarriageable, except for spouses, undiscerning children, or instances of necessity.

216. Exclusive of husbands, it is forbidden for men to assist women in childbirth, be they relatives or not, except in urgent cases.

217. It is forbidden to inhibit a man's ability to have sexual intercourse by depriving him of sexual appetite or power towards his present or future wife through means such as casting a spell upon him, using certain medications, and any other means. It is also forbidden to inflict such means on a wife in order to make it impossible for her husband to have sexual intercourse with her.

218. Abortion and removal of a fetus from the womb after the fertilization of the ovum whether at the beginning of the fertilization or in later stages is forbidden, whether this is done by the parents or a third person and whether their permission is or is not obtained, except in cases of emergency, such as danger to the life of the mother. Miscarriage, regardless of the stage, is a sin that necessitates atonement and payment of blood money.

219. Medical examination, treatment, surgery, care, and childbirth of women, requiring sight and touch of body parts must be done by female physicians except in cases of necessity and emergency.

220. Medical examination, treatment, surgery, and care of men, requiring sight and touch of body parts must be done by male physicians except in cases of necessity and emergency.

1. – An 'adil person is one who complies with religious duties and refrains from violating religious prohibitions.

2. – In the terminology of Muslim jurisprudence, this case is known as ifdha'.

3. – Here it seems necessary to add that a girl who has been married to a man before her age of consent may annul the marriage after reaching that age. Additionally, item 145 is a point of controversy.

4. – 'Iddah is a specified period of time that must elapse before a widow or divorcee may legally remarry.

5. – This is a dowry equal to the dowries of women similar to her in terms of familial, social, aesthetic, religious, intellectual, etc. statuses.

6. – These are illegally marriageable persons due to kinship, foster relation, or the like.

7. – These are followers of divine religions such as Judaism and Christianity that possess divine books as distinguished from those whose religions that are not based on divine revelations.

8. – According to the law of Islam, the unmarried women that are owned by men due to slavery are legally considered their wives. Owing to the wisdom of the Islamic legislation, slavery was abolished, yet gradually.

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