Mutual Rights of Spouses in Revocable Divorce

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Abstract

Revocable divorce is a divorce in which the wife is allowed to either go or not to go back to her ex-husband within the Iddah\(^1\) [waiting/cooling-off period] without remarriage. This article aims to spouse’s rights concerning the nature of alimony, inheritance and housing, dowry payment in revocable divorce, non-financial rights of spouses in this type of divorce, proper etiquette with the revocable widow, etc.

Keywords: Divorce, Revocable, Mutual Rights of Spouses, Revocable Widow.

\(^1\) It is the period a woman must observe after the death of her spouse or after a divorce, during which she may not marry another man. Its purpose is to ensure that the male parent of any offspring produced after the cessation of a nikah (marriage) would be known.
Introduction

This article is taken from Master's Thesis in Jurisprudence and Principles of Islamic Law. Marriage is known as one of the holiest religious and social traditions. It is highly regarded in Islam and Iranian community. Divorce happens when spouses are not able to continue to live together. Divorce is one of the most hated issues which shakes the God’s divine throne. Some divorced couples feel regretted. Revocable divorce is a solution in which Islam considers to retrieve a family as well as respect wife’s dignity by the interest expressed by husband. Revocable divorce, in fact, is providing an opportunity for the man and woman to resolve their problems and reconsider the divorce. In this revocable period, both have time to think about the consequences of divorce. If they agree, they can return to their marital life.

Revocable Divorce

Revocable is a type of divorce in which the husband is allowed to stay with her wife in Iddah period without remarrying. This is achieved by less discussion and practice which shows the revicable (Shahid Sani, 1992). There are two types of Revocable Divorce: Iddah [waiting period] and Non-Iddah.

Iddah:

Here, the husband divorced her wife in a healthy condition. He has sexual intercourse in Iddah period and then divorce again. In such divorce, husband returns to his ex-wife in Iddah. If a man performs Iddah divorce for nine times, she becomes Haram forever. This is only true in Iddah divorce. The prohibition is removed in other types of divorce (Saheb Javaher, 1983). A disagreement exists concerning this divorce: some believe that Iddah divorce is total of three divorces so that one is in Iddah, one is in return after the sexual intercourse, and then another divorce occurs. Others, however, believe that the divorce happens in Iddah, return, and sexual intercourse, although there is no divorce afterward. The third idea believes that the divorce happens after return and sexual intercourse. Based upon the first opinion, none of three divorces are considered divorce alone. According to the second and third opinions, the first and second divorces are considered Iddah. The fourth opinion considered the first divorce Iddah because it did not happen after sexual intercourse. Despite the second and third divorce (Iddah), all three(Horre Ameli, 1988) appear to be Iddah divorce( Yaghoubi Isfahani, 1993).

Non-Iddah:

It has the following criteria:
First: The divorced occurred in correct conditions.
Second: Iddah period passed.
Third: Remarriage happens after the Iddah period.
Fourth: Divorce happens after the remarriage.
This is called non-Iddah divorce.

Here, the widow becomes Haram in each stage. If she is the servant, she becomes Haram in the second divorce. Here, permanent Harm does not happen after nine times (Shabiri Zanjani, 1998).
1. Financial Rights of Spouse in Revocable Divorce

Financial rights are those men have over women. Similarly, women typically have some rights over men. God talks about mutual respect between husband and wife. There are some rules for both to follow. The word "Belmarouf" was used 12 times in the Holy Quran, advising both genders not to abuse their rights. Men and women must be pragmatic and keep the interaction as it deserves to assume (Moatahri, 2000). Financial rights are either property or profit (Azimi Gorgani, 2005). Financial right of wife after divorce can be one of the following:

1. The right to alimony in a revocable and irrevocable divorce provided that the wife is pregnant until the delivery.
2. The right to dowry provided that it was not taken or neglected.
3. Inheritance from husband’s property is the husband’s death happened revocable divorce (Darviishi Hoveida, 2009)

Financial rights of spouse consist of alimony, dowry, inheritance, and housing.

Historical Background of Dowry System:

In ancient Egypt, husband used to pay an amount of money to father in law as compensation because he took one family member after marriage from his father. Dowry, in fact, was paid in order to reduce the pain and suffering resulting from separating the girl from her father. In Babylon, dowry was in fact the price paid to girl’s father. It was gradually replaced with some gifts as symbol for girl’s father. Tribal Bedouin communities in Hijaz used to strictly follow such rules. The money paid by the man belonged to girl’s father. After Islam, a dramatic change occurred in this social tradition. The dowry belongs to the women from then onward (Mohaghegh Damad, 2011).

Article 1078 Iran Civil Code: Anything which can be called property and which can be owned and possessed can be designated as a marriage portion.

Dowry is entitled to every property, more or less even a horse (Allameh Helli, Hassan Ebne Yousef, 1999). There is no maximum limit for dowry agreed when marrying. The couple can agree on the amount of dowry. If the dowry amount is less than the amount in hand cut-off in theft, the husband is obliged to pay. The agreed dowry might be a certain amount. Copyrights, patents, and goodwill can also be considered dowry (Katouzian, 2010)

There are two opinions in Shiite jurisprudence concerning the amount of dowry: Some believe that the dowry should not exceed five hundred dirhams (fifty dinars). Even if it is more than this amount, as much as 500 dirhams is payable. This amount is known as Mehr Al-Sonat. This amount was chosen because Prophet Mohammad (pbuh) sued the same amount. Few support this amount. Famous Shiite scholars believe that the amount of dowry is not limited. It showed be owned. In Holy Quran, we read "But if you want to replace one wife with another and you have given one of them a great amount [in gifts], do not take [back] from it anything. Would you take it in injustice and manifest sin?" [Al-Nisa, 20].
Article 1080 Iran Civil Code: Fixing of the amount of marriage portion [Dowry] depends upon the mutual consent of the marrying parties.

Article 1082 Iran Civil Code: Immediately after the performance of the marriage ceremony the wife becomes the owner of the marriage portion and can dispose of it in any way and manner that she may like.

Eskafi’s opinion is pointed out concerning dowry ownership. Eskafi, one of Shiite scholars, believes that "wife can own half of the dowry at the time of marriage, and can receive the whole after the first sexual intercourse". Most scholars, however, believe that the wife can own the whole dowry immediately after the marriage. It, however, becomes obligatory after the first sexual intercourse (ibid). There is also another opinion in this regard. It indicates that this is true when the dowry is a certain amount and it is not related to other types of dowry such as Al-Masal dowry\(^\text{2}\) or Al-Mota`\(^\text{3}\)

Article 1085 Iran Civil Code: So long as the marriage portion is not delivered to her, the wife can refuse to fulfill the duties which she has to her husband provided, however, that the marriage portion [dowry] is payable at once. This refusal does not debar her from right of maintenance expenses.

It is cited from Ebne Edris Helli that he believes that if the husband is not able to pay the dowry, she cannot claim it but she can refuse for sexual intercourse. Other Shiite scholars, however, believe that even if the man is not able to pay the dowry, the women are required to follow her duties (Mohaghegh Damad. 2011). Another opinion indicate that " what we mean by duties of wife toward husband is obedience to a special meaning not all of them.". Shaygan, however, believes that wife can reject going to her husband’s home. The husband has no right to associate the dowry payment to obedience and he cannot seek right of lien. Syed Hassan Emami, however, believes that the man can seek right of lien. Husband’s inability to pay the dowry does not prevent him from the right of lien. When dowry is not determined in a marriage or no dowry was determined for the wife, the wife has no right to the right of lien. Emami, however, believes that the wife has the right of lien (Katouzian, 2010).

Article 1087 Iran Civil Code: If a marriage portion is not mentioned, or if the absence of marriage portion [dowry] is stipulated in a permanent marriage, that marriage will be authentic and the parties to it can fix the marriage portion subsequently by mutual consent. If previous to this mutual consent matrimonial intercourse takes place between them, the wife will be entitled to the marriage portion ordinarily due.

Article 1088 Iran Civil Code: In the case of the foregoing Article, if one of the marrying parties dies before the fixing of the marriage portion and before the consummation of marriage, the wife will not be entitled to any marriage portion.

Article 1090 Iran Civil Code: If the authority for fixing the marriage portion [dowry] is vested in the wife, she cannot fix an amount which exceeds reasonable marriage portion.

\(^{2}\) Al-Masal dowry: the dowry is said that when marriage is mentioned and it is not determined. Then the marriage not always wrong, because the dowry is not a condition for the validity of permanent marriage

\(^{3}\) Al-Mota` dowry: if the dowry is not determined at the time of marriage and no sexual intercourse happened, the wife is entitled to this type of dowry. This type of dowry is determined based upon the sexual intercourse.
Dowry is not the main basis in marriage; therefore, marriage without dowry is true. Three conditions can be imagined:

A- Dowry is mentioned in marriage known as Mahr Al-Mosama.

B- The dowry is not mentioned in marriage. Such couples are known as Mafzo Al-Baza. There are two types: Either dowry is not mentioned in marriage or no dowry is mentioned in marriage.

C- If the women or third party is vested to fix the dowry, then she is called Mafzo Al-Mahr (Mohaghegh Damad, 2011).

The legal basis of Al-Masal dowry is related to the some narrations. It means that when a woman gets married with Al-Masal dowry, her dowry would be as much as other women in case of divorce. Scholars have stated different ideas regarding this issue. Moral and familial features, scientific values, art skills, physical attractiveness, age, beauty, virginity need to be taken into account to increase or decrease dowry. Civil code has not determined a maximum for Al-Masal dowry (ibid).

**Article 1093 Iran Civil Code:** If no marriage portion [dowry] is mentioned in the act of marriage and the husband divorces his wife before the consummation of marriage [first sexual intercourse] and the fixing of the marriage portion, the wife is entitled to a reasonable marriage portion, and if she is divorced after the consumption of marriage, she will be entitled to the equivalent of marriage portion.

There are four assumptions for the woman whose dowry [marriage portion] is not mentioned in the act of marriage:

1- Divorce happens after the consummation and after fixing the marriage portion.
2- Divorce happens after the consummation and before fixing the marriage portion.
3- Divorce happens before the consummation and before fixing the marriage portion.
4- Divorce happens before the consummation and after fixing the marriage portion.

In the first condition, the husband is entitled to pay all fixed dowry. In the second condition, Al-Masal dowry is payable. In the third condition, the reasonable dowry is payable [Mahr Al-Mota’]. Finally, in the fourth condition, the husband is obliged to pay half of what is fixed as dowry (ibid).

**Article 1098 Iran Civil Code:** If the marriage, whether temporary or permanent, was void, and there has not been any consummation, the wife will not be entitled to any marriage portion and the husband can demand the refund of the marriage portion if it has been settled. The void marriage might become clear after the act of marriage. For example, cases in which marriage is prohibited happen. In such cases, if void marriage is identified prior to the consummation, the wife is not entitled to Al-Masal dowry. Other relationships than consummation such as kissing do not entitle the wife to receive the dowry. The dowry needs to be refunded in case of receiving.

This is an obvious and definite fact among scholars. Al-Masal dowry is the prerequisite for correct act of marriage. Since the act of marriage was void, the wife is not entitled to receive it. Al-Masal dowry is related to the consummation which appears to be logical. If the dowry is
lost prior to the identification of void act of marriage, the husband will claim it. This is known as principle of Ma Yozman\textsuperscript{4} or principle of possessor mala fide (ibid).

**Article 1101 Iran Civil Code:** If the marriage is cancelled before the consummation for any reason, the wife is not entitled to any marriage portion. If the reason of cancellation is Erectile Dysfunction, the wife will be entitled to half the marriage portion notwithstanding the cancellation of the marriage (ibid).

The cancellation of marriage can happen for different reasons. It is sometimes claimed by either wife or husband. In all cases, cancellation might happen prior to or after the consummation. If the act of marriage is cancelled prior to the consummation, the woman is not entitled for the dowry except one case, stating that the act of marriage is cancelled due to Erectile Dysfunction. In such a case, the woman is entitled to half of dowry. If the act of marriage is cancelled by husband due to woman’s dysfunction, the man in required to pay all the Al-Masal dowry. This is mainly because the sexual intercourse establishes the dowry. Whenever the woman deceives the man in marriage and deception is identified after the consummation, if the man prefers to continue to live with, then the woman is entitled to whole of dowry. If the man decides to cancel, the woman is not entitled for dowry. If the dowry was paid before, she must refund it. If the deceiver is not the woman but other intermediate people, the man can claim the paid dowry from the woman known as "Ghorour" principle (ibid).

**Alimony\textsuperscript{5}**

**Woman’s Alimony in Revocable Iddah:**

There are different ideas concerning the fact that the woman is entitled for alimony during revocable iddah. For example, Rafee believes that the man who had divorced his wife is required to pay the alimony during the iddah period (Rafee, 2001). The woman who is passing the iddah period is like a wife. Therefore revocable divorce does not definitely cancel the act of marriage because the husband can continue the sexual intercourse during this time and sexual intercourse means the marriage goes back to the initial condition (Azimi Gorgani, 2008). Alimony is an agreed topic in revocable divorce in all Islamic religions and rules. In fact, since the marriage has not been completely cut, the woman is entitled to alimony (Safaee, 1996). The quality of alimony is based on the woman’s dignity including food, clothing, and housing (Shalchi, 2009).

In short, revocable divorce does not lead to the definite cancellation of marriage. It is followed by the husband and wife until the expiration of iddah. This is mainly because the man can go for sexual intercourse during iddah period. Such intercourse leads to marriage. That is why scholars believe that iddah period is the extension of marriage with certain rules. One of these rules is the obligation of husband to pay the alimony either the woman is pregnant or not. The only exception is woman’s disobedience (Mir Khalili, 2008).

\textsuperscript{4} The Ma Yozman principle is one very famous principle in the Islamic jurisprudence. This principle has two parts: the original principle and its reverse order. The principle states that if a contract is applicable, then the opposite of it is also applicable, and if a contract is inapplicable, then the opposite of it is also inapplicable.

\textsuperscript{5} Also known as maintenance
This is a valid rule at the time of marriage and prior to divorce concerning the quality and quantity. Similar to the fact that there is no alimony for disobedient woman, the divorced, disobedient woman in iddah period is not entitled to alimony. If she stops disobedience, then she is entitled to alimony. If the woman is pregnant in revocable divorce in iddah period, the husband is required to pay the alimony until the child is born (Azimi Gorgani, 2005). A woman in iddah period is obliged to completely follow the husband’s intention (Asadi, 2008). Therefore, couple’s rights remain unchanged in iddah period. The husband is required to pay the alimony in iddah period. Court determines the dispute over the amount of alimony (Lotfi, 2009).

In iddah period of revocable divorce, the wife and husband are not allowed to remarry and the husband can continue the sexual intercourse. Therefore, the man is entitled to marital legal rights such as alimony (Abazari Foumashi, 2006).

**Article 1109 Iran Civil Code:** Cost of alimony of a divorced wife during the period of “iddah” is to be borne by the husband. Woman’s alimony is one of man’s obligations because the man is entitled the manager of family (Article 5 and 44 Civil Code). Legislator requires him to supply the family. Paying alimony is the woman’s responsibility and the woman take the issue to the court in case of not paying (Article 11 Civil Code). The man who has taken revocable divorce is required to spend for the wife in iddah period. The quality and quantity of alimony is similar to the time of narrague (Shahid Sani, 1989). The reason why the disobedient woman is not entitled to alimony in iddah period is that iddah period is an extension of marriage. As long as the woman is disobedient, the alimony is not payable. As a result, the woman is entitled to alimony in case of disobedience. For example, the woman has left home travelling and the husband divorces her. During this time, the woman is not entitled for alimony and the alimony of iddah period is also cancelled (Shalchi, 2009). As stated earlier, husband and wife have some mutual rights in iddah period toward each other. They are also obliged to follow these rules. For instance, the woman must stay in husband’s home and accept the role of husband in home. She has to take the husband’s advice regarding child rearing. In case the man intends sexual intercourse, she must welcome it and has to follow. Prior to remarriage, the woman must obey, have courtesy, and help the husband in child rearing process. Regarding these rules, Article 1109 Iran Civil Code states that the cost of alimony during the iddah period is to be borne by the husband. The reason why disobedient woman does not receive alimony is that iddah period is the extension of marriage. The woman is not entitled to alimony even in marriage in case of disobedience. Article 1108 Iran Civil Code states that if the wife refuses to fulfill duties of a wife without legitimate excuse, she will not be entitled to the cost of alimony. Thus, if the woman refuses to live with the husband in one home, does not help the husband in child rearing, or disobey husband’s intentions, she is not entitled to alimony. The woman is entitled to the alimony if first, she is obedient, and second, the woman is not disobedient in iddah period. Disobedience is different in marital life and iddah period. The woman is considered disobedient in case of not following and she is not entitled to alimony. Woman, however, is not obliged to sexual intercourse in iddah period unless the husband has asked for. However, the woman needs to follow rules other than sexual intercourse. It is noteworthy that divorced women are not willing to stay with the husband and receive the alimony after the divorce.
Inheritance in Revocable Divorce

There are different ideas regarding the inheritance: Whenever revocable divorce happens, either of couples passes away, the other is entitled to inheritance (Rafee, 2001). In general, revocable divorce does not prevent inheritance. Therefore, if the death happens after the iddah period, they are not the subject to inheritance (Abazari Foumashi, 2006). The reason why they are the subject to inheritance is that revocable divorce is the extension of marriage (Emami, Bita). If either of spouses dies after the iddah period, the other is not the subject to inheritance. Inheritance is one of consequences of marriage. If either of them dies in revocable divorce, the other is subject to inheritance (Rafee, 2001). If the sexual intercourse happens in this period, the inheritance is true provided that inheritance barriers are not true such as infidelity and murder. In revocable divorce, they are the subject to inheritance until the expiration of iddah period (Fakhr Al-Mohagheghin, 2008). Therefore, as long as they are in revocable divorce, inheritance is true (Horre Ameli, 1997)

Housing in Revocable Divorce

The reason to provide decent housing for the wife:

1- There is consensus among Shiite and general scholars concerning the housing. They all believe that revocable widow is entitled to alimony and housing (Tousi, 2008).
2- Alimony consists of all conventional expenses including housing. In verse 6, Al-Talaq, Holy Quran, we read that "Allow them to reside where you reside, according to your means, and do not harass them in order to make things difficult for them." Some require men to provide housing in revocable iddah. Others believe in housing and alimony for revocable widow. In this regard, Imam Musa Kazem stats that" the woman who is divorced stays in her husband`s home until the end of iddah period. She is entitled to alimony and housing." (Horre Ameli, 1988).

Article 1005 Iran Civil Code: The woman has to stay in the home her husband has determined. The husband is required to provide the house and accept her in his home. The husband who rejects his wife must provide another home. It is included in Note 4 of Law Amending Regulation. However, the rule has an ambiguity regarding the fact that both have to stay in one home or it means that the husband has to accept the wife in case of the request. Some agree with the latter idea.

Woman's Right to Housing in Iddah Period

Revocable widow is entitled to housing and daily alimony in iddah period. If the permanent divorce is true, then then the woman is not entitled to housing and alimony either kinds of divorce have happened. The condition for such right is no pregnancy. If the woman is pregnant, she is entitled to housing and alimony until the child`s birth. No difference is found concerning housing and alimony among Muslims and non-Muslims (Rafee, 2001). The rights of spouses are true in Iddah period. The woman must stay in husband`s home in Iddah period for sexual intercourse. Therefore, a written document is
required stating that the woman can stay in her husband’s home until the end of iddah period (Lotfi, 2009).

2-Non-financial Rights of Couples in Revocable Divorce

Couples’ Non-financial Rights

They include obedience, woman’s prohibition in iddah period, the right to use husband’s family name, the same accommodation, woman’s dead ablution by the husband in Iddah period, and sexual intercourse except in disobedience.

Right of Custody:

Custody is not related to marriage and property. Child’s custody describes the legal and practical relationship between a parent and his or her child, such as the right of the child to make decisions and the parent’s duty to care for the child. The woman is entitled to take care of the child until the child requires the mother. After that, there are some disagreements in this regard. The mother is entitled to take care of the child but after the father. If the father passes away or become mad, the mother is again entitled to custody because mother is closer to the child than the relatives. If mother has married a foreigner or both parents disappeared, the custody goes to parental ancestor. If no parental custody or father’s will exists, the child is entitled to relatives based upon the inheritance (Moghnieh, 1995).

Custody of Children:

The word "custody" is taken from "care" (Ebne Manzour, 1993), showing child’s care by mother. Therefore, this right starts by mother. The disagreement lies in the end of custody. Women are generally entitled to their legal and legitimate right including:

1. The right of breast feeding
2. The right of custody

Mothers should not be banned from their children (Al-Baqareh6, 233). Mother breastfeed her child up to 2 years. This is her right and father cannot separate the child from her mother. God says: "mother may breastfeed their children up to two years and the father is required to supply food and clothing." (ibid). Whenever the husband divorces her pregnant woman, he must pay the alimony until the delivery and child birth. Then, the husband is obliged to pay the wage of breastfeeding (Horre Ameli, 1988).

Iddah

Woman’s Iddah in Revocable Divorce

If sexual intercourse is stopped with revocable divorce, divorce is obligatory to maintain the iddah.

6 Second Chapter of Quran
Pregnant Woman`s Iddah in Revocable Divorce

When the pregnant woman is divorced, Iddah would be within the delivery. If the woman delivers after a short time after the divorce, her iddah is finished and she can remarry immediately after delivery. On the other hand, what if the divorce occurs immediately after the conception? Then, iddah will continue till the delivery even if the pregnancy is longer than 9 months (Ashraf, 2009). If she is not regretful, she is not allowed to return. Otherwise, there are two modes: first, the court has ordered the woman to leave. Then, she is not allowed to return because woman`s mind and religion is not complete. If she insists on her regret, then she can return (ibid).

Return [to Marriage]
Return Permission in Iddah Period

It is pointed with appropriate courtesy.
"Leave them alone to expire the iddah period and separate from you. Otherwise, return to them and then divorce them to extend the iddah period (Fazel Meghdad, Bita)."

As long as the woman is in iddah period, the husband is advised to return to her. Return to marriage is advised to encourage the couple to continue to think and live together. There are some rights for both couples known as "Vojoub" principle (ibid). Iddah is the right of couples because they have the possibility to return to life not after that; however, she is entitled to alimony and housing.

Different Types of Return

The widow who returns to life needs to be in iddah period. Therefore, return is not true in permanent divorce. The widowed woman cannot be returned after three times because the interest has been cut (Moghnieh, 1995). The man who has divorced his wife is not advised to return and then divorce again. This has been banned by the God except for the fact that the woman intends to stay in life (Ahmadiyeh, 2001).

A- Return is performed by words. Any word showing the return is acceptable.
B- Return can be performed by practice such as kissing and sexual activities. If the man ignores the divorce but the woman is in iddah, this return is true.

No evidence is required in return, although it is advised to have. Information regarding the return is not valid. Therefore, if the man returns without informing, it is considered true. If the man returns after the iddah and the woman does not accept it, it is not acceptable. If the man claims that the woman has been informed, the woman needs to take oath regarding the fact that she was not aware of return. If the man claims the return by practice and the woman ignores it, woman`s words are true (Emam Khumeini, 2005). Intention is not required in the first type of return (words) (Shahid Sani, 1989). Paying attention to the content is enough.

Return and its Legitimacy

Based upon scholars, return is legitimate because divorcing someone who was divorced is not logical. This is reasonable since no act of marriage exists after divorce.
It means that return is allowed if the iddah is still remaining. If iddah is finished, new act of marriage is required (Fazel Meghda, Bita).

If the divorce happens after divorce and return, the wife is not considered Halal unless he chooses another wife. If the second wife divorces, she can return. These are divine limits stating by God (ibid).

Witness for Return

Witness is not required for return. It is, however, advised (Moghnieh, 1995).

If he says that I return to my wife, it is considered correct. If he re-divorces and returns, or remarries, or returns after divorce and then remarries, the woman becomes Haram after the second divorce. If the woman marries with another man after the third divorce, she is Halal to the first man. It means that the first husband can remarry if:

1- The second husband is mature
2- The second husband had sexual intercourse in order to wash the body
3- The second husband is permanent.
4- The second husband divorces or dies
5- The divorce iddah is finished (Behjat, 2007).

Legal Provisions of Return:

"And if he has divorced her (the third time), then she is not lawful unto him thereafter until she has married another husband. Then, if the other husband divorces her, it is no sin on both of them that they reunite, provided they feel that they can keep the limits ordained by Allah. These are the limits of Allah, which He makes plain for the people who have knowledge." [Al-Baqareh, 230]

It means that if the wife is divorced for three times, the wife is considered Haram, unless she marries another husband. Most Shiite scholars believe that the wife becomes permanently Haram after 9 times divorce.

Iddah divorce means that the man divorces and then return to her with sexual intercourse. It happens for the second time. If this cycle continues for 9 times, she becomes permanently Haram to him.

The Right to use Husband’s Family name

Wife can use her husband’s family name as long as the iddah is not expired. After the end of iddah, using husband’s family name requires husband’s permission (Article 42, Civil Registration Act, 1976).

Domicile of Divorced Woman with Man

Article 1005 Iran Civil Code: The domicile of a married woman is the same as that of her husband.
During iddah period, woman needs to stay with her husband and cannot have independent domicile. Domicile is an important place which might differ from residential place.

**Man`s Right in Revocable Divorce**

Man is not allowed to marry in revocable divorce. For example, when a man has 4 permanent wives and he divorces one of them (revocable), he is not allowed to marry again until the end of iddah (Mofid, 1989).

3- **Financial Rights of Couples in Revocable Divorce**

**Welfare Tax (Zakat)**

Based upon famous scholars, husband must pay the Welfare Tax of divorced woman in revocable divorce because such divorce is considered the extension of marriage and the husband is entitled to pay Zakat. Some, however, believe that the man does not have to pay (Tabatabee Yazdi, 1988).

**Cost of Divorced Woman`s Shroud and Funeral in Revocable Divorce**

Husband has to pay this cost (Khouee, 1997).

4- **Non-Financial Obligations of Couples**

**Death`s Iddah**

If the husband dies, the woman needs to finish the iddah. As soon as the husband dies in revocable divorce within iddah period, the revocable divorce iddah finishes and the woman maintains death`s iddah because the husband has died within the iddah period. The same rule has been mentioned by most scholars (Mohaghegh damad, 2011). Concerning the duration of iddah (four months and 10 days), some believe that the male fetus moves in three months and female one mostly moves in four months. Therefore, the latter was considered the iddah period. As many as 10 days was added to clarify it. This is mainly because fetus movement is sometimes weak within the first few days and it cannot be sensed.

> فَإِذا بَلَغْنَ أَجَلَهُن

It means that they can take any decision as soon as the iddah period finishes. They can remarry, make up, etc. as long as they follow Islamic rules.

**Holy Quran**

"And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten days, then when they have fulfilled their term, there is no sin on you if they (the wives) dispose of themselves in a just and honourable manner (i.e. they can marry). And Allah is Well-Acquainted with what you do." [Al-Baqareh, 234].

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7 poor-rate or alms as prescribed by Islam
Husband’s Permission for Haj

In recommended Haj, husband’s permission is required. In obligatory Hajj, the permission is not required. "She cannot go to recommended Haj unless the husband’s consent is taken." (Horre Ameli, 1997).

Husband’s Return Permission in the State of Ihram

During the state of Ihram, man is allowed to return to the divorced woman (revocable). Return in revocable divorce is not considered a new marriage but the extension of marriage (Bohrani, 1993). If we consider the iddah as the extension of marriage, return is not considered a new marriage (Shabiri Zanjani, 1998). Scholars do not call return as marriage. In marriage, acceptance is required.

Permission for Sexual Intercourse

Husband is not required to ask for permission or sexual intercourse (Horre Ameli, 1997). Since the woman is considered the wife, sexual intercourse is similar to marital time.

No Hijab in front of Husband

Since revocable divorce is considered the extension of marriage, Hijab is not required in front of the husband.

Permission for Make up in front of Husband

Make up is allowed in revocable divorce in iddah. The legislator, in fact, allows the couple to rethink about their marital life. That is why make up is advised in order to attract the man. The legislator wants to prevent a disaster. Toiletry is considered alimony. It seems essential in iddah period.

Kelini narrates that " Imam Sadegh stated that: the woman in revocable divorce can make up, use perfume, and dress well because God transforms the man`s hearts" (ibid).

Sexual Intercourse Adultery

**Article 85 Iran Civil Code**: After the profits of the estate have been realized and apportioned, each of the beneficiaries specified may take possession of the portion, even if the administrator withholds permission, unless the donor has made such permission a condition of possession (Penal Code, Article 85, approved in 1996).

Narrations indicate that sexual relationship with someone other than husband is forbidden. This is also true for the man (Horre Ameli, 1997).
ilâ8 and Zohar

Ila is true in revocable divorce. In Ila and Zohar, the man prohibits the woman from the right to enjoy. This is Haram for husband and the husband has to repay.

**Impossibility of Husband`s Marriage with some of Woman`s Relatives**

As long as the woman is in iddah period, husband cannot get married.
- A- Revocable divorce is considered marriage. For example, if the man marries his sister-in-law, such act of marriage is wrong.
- B- Based on Horre Ameli (1997), remarriage is possible after the permanent divorce. If the permanent divorce happens, he is allowed to marry his sister-in-law. Husband is also prohibited to marry her wife’s niece unless her permission is taken (Emam Khumeini, 2005).

**Adultery with Revocable Widow**

Sexual intercourse with revocable widow is forbidden causing permanent Haram. This is mainly because revocable widow is still married and she is still in marital life (Horre Ameli, 1997). Committing adultery with revocable widow does not lead to marriage. It also does not prevent the man’s return (Emami, Bita).

**Ablution of Revocable Widow by her Husband**

In case of death for either of couples, the other can wash the dead body (Ablution) (Saheb JAvaher, 1983). Death causes the cancellation of act of marriage (Mohaghegh Damad, 1995). Death causes the automatic cancellation of act of marriage. Therefore, the man is allowed to marry her sister-in-law. Even if he marries another four women, sister-in-law is not considered the fifth one. Some rules such as ablution remain unchanged after the death (Shabiri Zanjani, 1918). Imam Sadegh narrates that " I asked Imam Jafar Sadegh whether or not the husband is allowed to wash his dead wife in a trip? He responded Yes. But female genital needs to be covered." (Ebne Babouyeh, 1992). Washing the dead boy of wife and children is permitted by the husband.

**Conclusion**

1- What is taken from legal evidence shows that revocable widow is still wife and all marital rules are rue.
2- Based upon God and holy books and Prophet Mohammad, although divorce is considered reprehensible, revocable divorce is advised due to different reasons.

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8 oath of intended termination of cohabitation : an oath taken by a man vowing that he shall refuse to have intercourse with his wife for a period of at least four months.
3- Iddah period in revocable divorce is to give opportunity to reconsider and rethink because they can resolve their problems in this period.
4- Although divorce is considered reprehensible, couples need to be familiar with their responsibilities, rights, etc. in this period.
5- Undoubtedly, divorce causes the disintegration of family. However, Islam considers revocable widow as real wife with the right for dowry, alimony, inheritance, and housing.
References