

Place of financial right of wife (inheritance and maintenance) in Iranian and British law

Kobra Karbalaei Aligol^{1*}, Majid Vaziri²

MA student in Department of Jurisprudence and Principles at Islamic Law at Islamic Azad University Central Tehran Branch, Tehran, Iran

Assistant Professor in Department of Jurisprudence and Principles at Islamic Azad University, Central Tehran Branch, Tehran, Iran

Abstract: Today, one of the important concerns of international communities is to ensure observance of women's rights, equality of men and women, and prevention of discrimination against women. Such movement, which was started in second half of 220th century, has taken a more rapid pace in recent decade. Even in western countries, laws enacted to ensure equality of men and women right, following social and feminist changes, have failed to fully ensure observance of women's rights. However, laws prescribed under Islamic jurisprudence with regard to women have long considered women as independent owner of their acquired properties, and have required husband to supply the reasonable requirements of wife in compliance with codes of ethics. This paper tries to perform a comparative study on two instances of financial rights of wife (inheritance and maintenance) under the Iranian and British laws.

Key words: *Financial rights; Family; Wife; Maintenance; Inheritance*

1. Introduction

Family has different emotional, social, ethical, and legal aspects, *etc.* Spouses have the pivotal role in the family, therefore, rights and obligations of spouses must be considered in the law as much as possible so to ensure that family is sustainable, and spouses can live in mental peace and with physical health.

Wife's rights constitute a subset of spouses' rights in family law, which is divided into financial and non-financial rights. Inheritance and maintenance are among the financial rights of the wife under Islam, and are covered by laws provided for support of women, especially within the family.

Some Islamic laws are constitutive (they were not practiced in previous communities), while others are endorsed (they are the customary laws, except that some changes have been made to them to correct and purify them from superstition). Endorsed laws in Islam suggest that Islam attaches importance to custom and practice. Inheritance and maintenance are among endorsed laws.

To correct laws enacted previously with regard to these two institutions, and especially, to protect women's rights, Islam have provided innovations, which is justified based on the fact that Islamic laws are heavenly, based on human pure nature, comprehensive and eternal.

Iran's laws, including laws related to family's rights have been derived from Islam and Shiite fiqh.

British law is part of the family of common law, in which customary law play a determinant role.

Objectives of this paper are as follows:

- 1 – Explaining laws governing two institutions of inheritance and maintenance expense in relation to financial rights of women within the family.
- 2 – Explaining history and evolutions of these two institutions, and evolution of relevant laws in Islamic fiqh and common law.
- 3 – Comparing laws related to these two institutions in Iranian law, which is based on Islam, with such laws in British law, as the representative of common law-based legal system.

This research can be important in terms of strengthening family law, and proceedings in family matters.

2. Wife's inheritance portion under Iranian and British law

2.1. History of inheritance

Whenever the message of the God has not been taken right, or has not been enforced properly, women have been oppressed. In the west and the east, and in communities far from teachings of prophets, such oppression has occurred.

"In Rome, the husband had the right to kill any member of his family, especially his wife, without being held accountable to any official and public authorities with regard to his decision with respect to such act" (Sadr, *Women's right under Islam and in Europe*, p.26). "Father's estate was only inherited by sons who were his legally recognized sons, and most

* Corresponding Author.

girls and boys who were dismissed from family or were freed, and also, deceased wife, had no right to inheritance" (ibid, 1995).

In pre-Islamic period, women had no right with respect to choosing their husband. The oppression against women was abolished by Islam fourteen centuries ago, while it has been only three centuries that western countries have developed concerns about women's rights.

"Since 17th and 18th centuries, attention to human rights appeared in the west with respect to social issues. Among the basic principles of such attention was the belief that human naturally must have a series of rights and freedoms, of which nobody should be deprived" (Motahari, Women's right in Islam, p. 15).

"In pre-Islamic Iran, women had no social personality, and were considered to have the capacity to conclude legally binding transactions, and also, were subject to men's ruling. Women didn't have voting right, and didn't have the power to decide their fate; they were under intolerable influence of men" (ibid, 1995).

However, Islam changed view of women. First, in ignorance Saudi Arabia, innocent girls were buried alive as their families were ashamed of them, and also, women were inherited like pieces of property. Islam introduced the belief that women were the source of love and mercy, and then, such culture gave rise to revival of the rights and dignity of women across the world.

Historically, inheritance has been influenced by both the right and the corrupted customs. Inheritance has a special place in Islam, to the extent that several verses of the Qur'an address the issue of inheritance, and hundreds of fiqh and legal opinions have been developed on the issue of inheritance.

Historical roots of inheritance are found in ethnic customs and practices that formed after the emergence of family, and have developed overtime.

1) Nature and Features of Inheritance Rights according to Islam and Iran's Law

Inheritance is covered by laws related to individual's status, and like in other legal systems, in Islam and Iran, its portion is determined based on degree of nearness with respect to the deceased. In legal system of Iran, estate of a deceased is divided based on the doctrine of the nearer of the kin excludes the remoter. Inheritance laws are among imperative laws; thus, according to article 959 of Iran's Civil Code, inheritance of a testator's estate is a civil right, and heirs cannot relinquish enjoyment of such right.

Also, neither of testator and inheritor may make any change to the portion of inheritance through a mutual agreement. For this reason, article 837 of Iran's Civil Code provides that, "if a testator deprives one or more than one of his legal heirs of inheritance, his will be rendered ineffective". Further, according to article 843 of Iran's Civil Code, testator can dispose only one third of his/her estate by will, and testamentary disposition of the rest of the estate is only possible upon agreement of heirs.

In fiqh written documents, inheritance has been said to be a means of ownership, and human is considered to be the owner of the property that legally inherits.

3. Wife's inheritance rights according to Iran's law

Like man, woman enjoys inheritance through relation by blood and by marriage. "Allah (thus) directs you as regards your Children's (Inheritance): to the male, a portion equal to that of two females: if only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is a half. For parents, a sixth share of the inheritance to each, if the deceased left children; if no children, and the parents are the (only) heirs, the mother has a third; if the deceased Left brothers (or sisters) the mother has a sixth. (The distribution in all cases ('s) after the payment of legacies and debts. Ye know not whether your parents or your children are nearest to you in benefit. These are settled portions ordained by Allah; and Allah is All-knowing, Al-wise" (Surah Nisa: 11). Thus, husband's share of wife's estate is two times as much as wife's share of husband's estate. Most faqihs and jurists have held the reason for such inequality is husband's obligation to pay wife the maintenance and marriage settlement, and the shortage of wife's inheritance portion is traded off against the maintenance and marriage settlement she has collected from his husband (Mehrpur, 2000).

On January 25, 2009, Islamic Parliament of Iran amended the Civil Code of Iran as follows:

Subject to article 946 of Civil Code of Iran, wife any type of property, and if the husband has children, the wife will inherit one eighth of personal properties and one eighth of real properties of the husband, including land and standing property, and if husband has no children, wife will inherit one fourth of the property of her husband, no matter of what type such property is, as stated above. It also provides that whenever the heirs refuse to pay price of the property inherited by the wife, the wife can acquire the property itself.

As for the question if the law applicable at the time of death of the decease prevails, it is better to refer to advisory opinion No. 1/7-88-368, of General Direct for Legal Affair and Documents, and Translators' Affair, dated May 24, 2009, that reads:

"With amendments made to Articles 936 and 938 of Iran's Civil Code, wife's inheriting price of land is subject to the law applicable at the time of the death of the deceased husband, rather than the law applicable at the time of issue of decree of heirship and distribution.

Two conclusions drawn from this advisory opinion include:

Articles 936 and 938 of Iran's Civil Code as amended are effective from March 27, 2009.

In determining wife's share of the deceased husband, the law applicable at the time death applies, rather than the law applicable at the time of issue of decree of heirship and distribution.

4. Inheritance under British law

Inheritance law a sub-branch of "Property law", and includes rules and regulations governing individuals' properties including personal and real property, upon decease.

Inheritance may realize in two ways:

4.1. In case husband dies testate

In which case, provided the will is legally valid, it is used as the basis to distribute estate. Legator has the right to dispose of his/her whole property, and deprive person(s) of enjoyment of his legacy, except for common properties, with respect to which such will is not effective.

4.2. In case husband dies intestate

1952 Act was reformed in 1938 and 1952, and currently, the applicable law governing inheritance is the 1995 Act (The Law Reform of Succession Act, 1995). By virtue of this Act, in case the husband had children, wife's share of her husband's estate increased to £ 125,000, and in case he didn't, this increased to £ 200,000, plus interest (calculated at an interest rate of 6 percent from date of death of husband to date of receipt of inheritance portion). Besides, the wife will take possession of all home furniture procured during the marital life, and assumes life entitlement to one second of immovable property of the husband. The rest of the immovable property of the deceased will be equally distributed between his sons and daughters, and in case he had no children, it will be distributed among his parents, sisters and brothers.

1 - Ownership of marital residence will be transferred to the wife, if it was jointly owned by the spouses when husband was alive.

2 - In case husband was the exclusive owner of marital residence, one second of such residence will be inherited by the wife, and the wife may take possession of the remaining portion of such property by trading it off against the her share of the movable property, or by paying cash value of it (Borkowski, 2004).

The latter case has been criticized by many jurists, as they believe the ownership of the whole portions of marital residence, which is the sole immovable property of the spouses during their lifetime, must be transferred to the wife (Borkowski, 2004).

5. Maintenance for Wife under Iranian and British law

5.1. Maintenance for Wife according to Islam and Iran's law

Maintenance is another right of the wife, and husband is required by the law to pay it during the

marital life, and such payment is not subject to financial disability and need of women.

Based on custom and usage, payment of the necessary expenses of people entitled to maintenance is duty of the person required to pay maintenance, and among such people who are entitled to maintenance is wife, who is most entitled to maintenance (Emami, 1368). In this regard, Imam Khomeini said, "Wife's entitlement to maintenance is not subject to her financial disability or need; the husband is required to pay maintenance to his wife, even if the wife is among the wealthiest people" (Khomeini, 1989). In permanent marriage, supply of the essential needs of the wife is duty of husband according to sharia, custom, and law. In a family, husband is responsible to pay maintenance. And it is unlikely that such duty is assigned to social cooperative or government following social changes in future. Some articles of the constitution and other laws and regulations are based on Islamic law and ethics, and custom, and have gradually reformed and evolved overtime. For instance, article 43 of the constitution provides that one of bases of the Islamic Republic of Iran is satisfaction of the essential needs and provision of required facilities for setting up of family by all people. With amendment of article 1107 of Iran's Civil Code in 2002, the scope of maintenance for wife was made broader, so that it includes satisfaction of all reasonable needs of the wife in compatibility with wife's family prestige and reputation. According to article 1106 of Iran's Civil Code, maintenance and marriage settlement shall be borne by husband.

5.3. Limits of maintenance

Many Shiite faqihs believe that required amount of maintenance for wife is whatever amount that the wife needs; that is, no limit is imposed on the amount of maintenance by sharia and customary law, but the rule is that the husband must take action to procure whatever the wife needs, and pay the whole cost of the maintenance (Musavi Khomeini, 1989).

The jurists believe that the required amount of maintenance must be defined based on reasonable needs of wife. Anyway, it is customary law that can be used as the criterion for determining the amount of maintenance (Gorji, 2005). Although payment of maintenance was prescribed by other religions before Islam, Islam developed financial rights of wife. For instance, the requirement of payment of maintenance by husband to wife, and requirement of doing so in compliance with wife's family prestige and reputation, was first introduced by Islam.

Five fundamentals of requiring husband to pay maintenance for wife are based on the verses of the Qur'an and reliable hadiths. The Holy Qur'an says, "Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means. Therefore the righteous women are devoutly obedient, and guard in (the husband's)

absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill-conduct, admonish them (first), (Next), refuse to share their beds, (And last) beat them (lightly); but if they return to obedience, seek not against them Means (of annoyance): For Allah is Most High, great (above you all)" (Surah Nisa: 34).

6. Necessary conditions for entitlement to maintenance

Shiite faqihs have specified two conditions of the necessary conditions for entitlement to maintenance, and apparently, these two conditions are undisputed. These are as follows:

1 – Marriage must be temporary.

2 – Wife must be obedient (not to be shrewish).

(Imam Khomeini, 1987) (Muhaiq Hilli, vol. 2, p. 349).

6.1. Article 1106 of Iran's civil code provides

1 – In permanent marriage, it is duty of husband to pay maintenance. Payment of maintenance for wife by the husband is a requirement of permanent marriage. According to article 1113 of Iran's Civil Code, "In temporary marriage, the wife is not entitled to receive maintenance, unless otherwise is specified, or such entitlement has been postulated as a condition of marriage".

2 – According to sharia, and article 1108 of Iran's Civil Code, the husband is required to pay maintenance as long as the wife fulfils her duties as a wife, and if wife refrains from condescension in absence of legitimate excuse, she will cease to have any right to maintenance.

6.2. Legal sanctions for maintenance act

According to article 22 of the Protection of Family Act, "If a financially able man fails to pay his obedient wife the maintenance, or refuses to pay maintenance payable to other people, he will be sentenced to imprisonment of misdemeanor nature for a term from 3 months to one year. Criminal prosecution in such case is subject to private claimant, and in case of withdrawal of claim, or divorce of wife, criminal prosecution or enforcement of punishment will be stopped. After Islamic Revolution, Islamic Penal Code (Ta'zirat Act) was approved, Article 105 of which provides, "Any financially able person who fails to pay his obedient wife the maintenance, or who refuses to pay maintenance payable to other people, will be punished by up to 74 lashes". In this Act, sentence of imprisonment is commuted to flogging, and the judge is authorized to impose up to 74 lashes. Subsequently, Article 642 of Islamic penal Code of 1996 provides, "Any financially able person who fails to pay his obedient wife the maintenance, or who refuses to pay maintenance payable to other people, can be sentenced to imprisonment for a term from three months and one day to five months". So,

the wife is required to provide wife with the maintenance in compliance with sharia and custom.

7. Differences between maintenance for wife and maintenance for family members

1 – Maintenance for wife has priority over maintenance for family members (Article 1203).

2 – Wife can demand past maintenance, and apply to the court to recover such maintenance (Article 1206).

3 – Maintenance for wife is not subject to financial ability or disability of husband, even if woman is wealthy, she can demand maintenance from her husband. In case, husband refuses to pay maintenance, and if it is proves impossible to induce husband to pay maintenance, the wife can demand a divorce from the court (Article 1129 of Iran's Civil Code, and paragraph 2 of Article 8 of Protection of Family Act).

4 – Maintenance is a unilateral obligation, and under Iran's law, woman is never obliged to pay maintenance to her husband.

5 – Debt owed by husband to wife for outstanding maintenance is privileged debt and in case husband gets bankrupted or dies, while his assets are not sufficient to pay all debts, payment of maintenance has priority over other debts (Emami Sadeqi, vol. 3, pp. 138-139).

8. Analysis

"Islam considers maintenance to be necessary and effective in strengthening family, and ensuring peace of family, and strengthening ties between wife and husband. According to Islam, abolishing requirement of payment of maintenance and marriage settlement will undermine family, and lead to wife's prostitution. And because Islam have considered payment of maintenance and marriage settlement as necessary, the burden of paying life expenses has been totally placed on women, and no such burden is placed on women. And, the Islamic rules for inheritance are supposed to compensate for such burden imposed on husband" (Motahari, Woman's Right under Islam, 1974).

8.1. Maintenance under British law

Legislator has mostly avoided intervention in private life of spouses, and has left spouses free in arranging their relationships. Therefore, the parties mostly live together based on partnership, mutual understanding and agreement. Many of family affairs are not regulated by law, but by customs and based on physical, mental and ethical conditions of the parties. In most cases, the law intervenes only when parties fail to settle their differences, and therefore, resort to the judicial authorities for vindication of the rights. Following, some of financial rights provided for women under British Law are discussed.

9. Woman's Financial Rights in 19th and 20th centuries

In late 20th century, with increased women's independence, which led to increased rate of divorce, legally provided rights and obligations of husband and wife changed. According to 1978 Act, for example, in case the wife applies to the court to get financial support for family (wife and children), the court will consider such factors as employment status and income level of wife, her assets and properties, as well as government financial aids provided to the family such as life insurance and pension insurance coverage. At present, courts doesn't accept wife's refusal to get paid employment while she is physically health and in absence of justified excuse, and do not authorize such wife to require financial support from her husband. Besides, if spouses get divorced, and wife files a petition with the court for getting financial support from husband (for herself and children), the court will consider the following factors:

- 1 – Financial status and assets of wife;
- 2 – Financial status and income level of husband;
- 3 – Expenses of new wife and children (in case the man marries another woman);
- 4 – Age and physical health condition of divorced woman, and her ability to work; and,
- 5 – Duration of married life of spouses before divorce (the longer such period, the higher the chances of entitlement to maintenance).

Thus, if the court, having taken into account the above factors, conclude that both parties are employed after marriage, and are able to pay their expenses (and expenses of children who are usually under custody of woman after marriage), neither of the parties are found to be entitled to maintenance. Determining whether or not such factors exist is at the discretion of the judge (cf. Strachan, 1987).

10. Financial status of wife under the new act

The new act was approved on 1996, and the changes were influenced by report of "family law and fundamentals of divorce" commission. This act was a reflection of the current condition of women in the UK. Failure of the new act to pay sufficient attention to financial and legal status of the spouses during marital life, especially its failure to oblige husband to financially support the wife, were among the significant developments in this act. It seems that the legislator intended to assign regulation of legal and financial affairs of spouses to themselves, so that they decide the manner in which they paid the costs of their marital life by themselves.

Given the prevalence of divorce, current act (in first section) includes for the first time provisions for prevention of divorce through family counseling centers, and also provides aids for relieving the psychological, ethical and financial effects of divorce. Most part of the act relates to determination of legal and financial status of spouses after divorces, part of

which is discussed below (The Family Law Act, 1996).

11. Maintenance for wife under British law

In British Laws, there terms related to maintenance, and each of these terms relates to a specific condition. A brief description of these terms is provided below. "Ongoing maintenance": British Law provides that man can undertake to pay maintenance of his wife over his lifetime, even after his death, by so undertaking in the marriage contract, or a separate contract. In such case, if wife survives husband, heirs of husband will be bound to pay the sum specified to the wife out of the estate of the deceased husband. "Deposit of maintenance": It is a provision made to ensure performance of obligation by husband to pay maintenance of wife. Sometimes, husband vest a piece of property in a person, and that person keeps the property as trustee, and wife as "beneficiary" can use it to the extent specified after divorce or "separation".

"Proceedings time maintenance: If wife and husband live in separation, while divorce has not occurred, a sum is specified by the court to be paid by husband towards the maintenance expenses of wife and children, until final decision is made on the application for divorce.

General maintenance: In this sense, maintenance is a sum of money that must be paid in specified intervals. This type of maintenance is tantamount to final settlement and division of spouses' property. For this reason, most of the articles of law governing such case do not include the maintenance in literal meaning of the word, because upon divorce, spouses' properties are separated, based on the conclusions of a careful audit of their properties. In such cases, a sum is usually paid by the husband to the wife to finally settle any claims of wife for properties and assets of the husband (Yararshadi, 1998).

According to 1996 Act, upon marriage, either of the parties undertakes to pay the maintenance expenses of the other party, as the case may be. Therefore, if husband become financially disable, while wife is financially able, wife will be required to pay the maintenance expenses of husband. However, if they both are financially disable, then, the government and "social security" organization will have to pay their expenses. Petition for payment of maintenance is admissible only under two circumstances:

- 1 – Wife's decision to leave marital life; and,
- 2 – Joint decision of wife and husband to take divorce. (Burton, 1999).
- 3 – Partition of Spouse's Joint Property

In case both husband and wife are employed, they usually have separate bank accounts, and their properties are separately taxed. Such properties belong to their owner, and the other party has no right with respect to them. However, in many cases, spouses have joint accounts. Unless otherwise is agreed upon, and formally declared, the sum deposited in such accounts is considered as joint

property, despite the fact that the sums paid or withdrawn into and from such accounts by husband and wife may be different. Such accounts are automatically transferred to other party upon decease of a party. However, neither of the parties can dispose of nor endow the joint properties without consent of the other. A house that is in the name of both spouses is divided equally between the spouses upon divorce, and profit and losses resulting from such property are also shared equally by the parties. In this case also, such house is transferred to the other party upon decease of a party. In case a loan has been received from a bank toward the cost of purchase of such house, the surviving party shall be responsible to pay the rest of installments, and gains the ownership of house in proportion with the total amount paid. In case of a house that is purchased in the name of one party to the marriage, or when a party has been employed and has paid the installments, the case will be referred to the court, and in case of mutual agreement, the party shall act according to such agreement. In case of failure to reach a compromise, the court will decide based on the duration of marriage, employment status, living condition and other conditions. For example, in case of a housewife in custody children under the age of 16, she is entitled to an equal share as that of husband, although she had no contribution to payment of the cost of house, and the fact that the title deed is in the name of husband doesn't deprive her of financial entitlement to such house upon decease of husband or divorce. The pieces of home furniture whose cost has been jointly paid by husband and wife (although in unequal proportions) are considered as joint property. However, this doesn't apply the pieces that exclusively belong to one party.

It is legally prohibited to require women with children under the age of 16 to get paid employment for livelihood.

12. Conclusion

The importance attached by fiqh and Islamic teachings to women's independence in all areas, especially in economic terms, is proof of Islam's support of financial rights and independence of women. By accepting marriage, women actually accept its requirements as well, because receipt of maintenance or marriage settlement by women creates no additional responsibility for women. Also, condescension is not only women's obligation, but also her rights, because satisfaction of sexual needs of man and woman is among important objectives of marriage, and among mutual rights and obligations arising from marriage, and man's refraining from giving woman sexual satisfaction is also subject to law, and such act results in woman acquiring certain rights as provided by the law.

Besides, legality of claim of maintenance, and the right to secure payment of maintenance by confiscating husband's properties, as well as the right to divorce in case of husband's refraining from

(in case of solvency of husband) or in case of husband's inability to pay maintenance, are firm evidence that Islam protects woman's right to properties of her husband. The woman's right to have possession of the properties she acquires, and the fact that husband has no right to interfere with wife's possession of her properties are also evidence of such protection.

Study of the religion's and law's views with respect to financial rights of wife clearly shows that fiqh teachings are supportive of personal independence, self-esteem and respect for women and do not allow man to make any transgression on financial rights of wife, by imposing obligations on husband, and requiring him to financially support his wife, and prohibiting him from forcibly taking possession his wife's properties.

Besides, the obligation provided for husband to financially support his wife results in ensuring mental peace of the wife; and thus, wife's power is focused on exercising obligations prescribed by sharia for the wife and education and nurturing of children in the best way possible, preventing from waste of wife's power for supplying high cost of life.

Keeping pace with increasing changes towards development of rights and freedom, British law considers man and woman to have equal rights; therefore, after marriage, neither of them can have superiority over another, and they have equal obligations and rights. Financially, neither of them has any obligation to another, and if wife is unemployed, she has no right to demand maintenance from his husband. According to British law, marriage is not based on task breakdown, and thus, marriage doesn't result in any obligation for either of the parties with respect to each other. In case any differences arise with respect to their financial contributions, the law fails to settle the difference with required effectiveness, and actually cannot be of any help. Legal provisions under British law are efficient only when the parties have decided to divorce. Because in other instances, the laws provides no financial protection for the wife, and even requires a financially able wife to pay the expenses of the husband in case the husband becomes financially disable due to unemployment or other reasons. Although wife and husband have no right to possess and to choose the way to spend each other's income, in effect and by law, both spouses are responsible for paying common life expenses such as payment of debts, and costs of water, electricity, and telephone utilities, *etc.*, and in case of inability of husband to pay his contribution, the wife shall be obliged to pay them if she is financially able. Such prescription of legislator doesn't cause any problem if both spouses are employed and have the same level of income, however in case only husband is employed, since husband is not legally bound to pay maintenance of his wife, such condition results in financial dependence of wife on husband, which provides the husband with opportunity to dominate woman, and show misconduct to her. And in case only woman is employed, she is responsible to pay

the maintenance of her husband, and children, and failure of law to protect woman in such way provides the husband with the opportunity to financially abuse his wife, while the wife is according to prescription of pure human nature in charge of educating children, and must be protected by the law financially. Study of legal status of women in Iran, where is governed by Islamic law, in comparison with legal status of women under European (British) law, which is based on equality of woman's and man's rights, and which treats them equally showed that the latter disregards women's natural, mental and physical differences, and therefore, fails to protect women financially, and to improve their livelihood, and even disregarding natural features of women, in some cases, results in social and economic insecurity for women. Failure of legislator to provide financial support for woman, for example, failure of legislator to bind husband to financially support his wife, has in many cases caused women to be employed against their will, which has resulted in reluctance of women to get married.

References

- Arad, A. (1942), marriage settlement: history, nature and relevant laws according to Iranian civil code, together with a comparison with opinion of other religions on marriage settlement, Tehran.
- Emami, H. (1989), Civil Code, Islamiyeh Press.
- Ibid (1995), *Masalik fi sharh sharayi' al-Islam*, Qom: Muassisah Al-Ma'arif Al-Islamiyah.
- Jabal Amili, Z. (Shahid Thani); *Al-Rawzah al-bahiyah fi sharh al-lama'ah al-dimashqiyah*, Beirut: Dar Al-Alam Al-Islamiyah Press.
- Purangniya, A. (2002), custody and maintenance, Madar Press.