

The Scope of the Medical Expenses, Including Alimony and Academic Views of Various Denominations

Mohammad Rasool Ahangaran*¹, Zainab Mashhodi²

¹Academic member, University of Tehran, Qom College, Iran.

²PhD student, in Theology Field in Qom-Azad University, Iran.

ABSTRACT

The wife explained alimony range of new problems and suffering about, including medical expenses and education, including his wife's support, in this paper the topic of jurisprudence and legal brief in which there are is out. The maintenance man to his wife pays all the costs including food, clothes, housing and one of the wife's rights in Islam. The educational and medical expenses not explicitly nor implicitly wife in civil law that has not been paid, and whether education and health spending, he is entitled to alimony if the discussion is the differences. Freely in this context it appears that there affect the circumstances (which are examined in this paper) scholarships and support of his wife's health. In this insightful article, that these costs against the silence and brevity and freq. law, they are considered alimony, but with the conditions stated in the article, details of which.

KEYWORD: Scholarships, disease, Shiite, public, alimony.

INTRODUCTION

Health care costs that are faced in this effort will be discussed further. Expenses, including his sick wife in alimony freely view: not be affected. Are drawn. Matter (1,107) of the Civil Code on 2001, modified matter was before the modification (maintenance, housing and clothing, food and furniture is that women should be familiar with the situation, and a servant of servants or the woman used to having her need to run due to illness or organ failure). Outdated material, capable to support the knowledge and the means (such) do not support the instances, in addition to its defect is that health costs - like health care and it is not the way against alimony, and That was the difference in whether courts healthcare costs - maintenance treatment of his wife is or not? But the matter (1107) Reform of the Civil Code, the allegory alimony are not limitative examples, so that says (alimony include: all reasonable and appropriate to the needs of women, such as housing, clothing, food, furniture, medical expenses, health and habits of the female servant or his needs due to illness or organ failure). Article (167) of the constitution states that the cases outlined, the silence and the lack of legal texts should be referred to legal texts and documents in accordance with their rules and orders issued. (sharer al eslam,1988) In law there are two grounds: a) religious Shiite b) of Public Law) Shiite jurisprudence:

Shiite jurisprudence, there are mainly two grounds: 1 - fatwa of Imam Khomeini (RA) 2 - Fatwa of Ayatollah Khaki (RA) 1 - fatwa of Imam Khomeini (RA) in Their Lavishly: which is used in hard therapies (such as cancer, heart transplant) and it is not based on requirements wife's harity, especially if you need to afford lots of money is not considered to be part of the alimony obligation of the couple obligatory. 2 - Fatwa of Ayatollah Khios remember reading:

He says: unusual medical expenses, even in illness and even pay the alimony. But the necessity of boundaries, it is due to pay alimony to the spouse does not suffer hardship, but the hardship couple pay alimony to be paid is not obligatory on him. A - Imamiyeh:

A) medical expenses due to illness and treatment are essential to the wife during the marriage, and lack of nearby: Shiite scholars have said: Alimony is the date of entry after penetration were achieved when either the wife's claim for alimony, what does not, and should he be entitled to alimony, the alimony while shaken by the fact that after the marriage is near will prove the truth. After signing up (which is still the wife's father's house) to be infected, religiously and legally responsible for paying the medical expenses of the wife even as not alimony (translation of Comparative Jurisprudence, 340, 1993) but morally) mans are not required to pay as a condition necessary to give couples the wife, is penetrated.

B) Medical expenses due to illness and treatment are essential to the wife during the marriage and after the nearby:

These kinds of costs are divided into two parts:

1 - If a woman is disease before the married, it should be said here that the issue here is to find the two shapes (rights of women in Islam, 2005, 41). A) If a woman is patient before the married is even aware of her condition and knew that this woman is sick (e.g., asthma) and then close the couple is aware and on the other hand is a

*Corresponding Author: Mohammad Rasool Ahangaran, Academic member, University of Tehran, Qom College, Iran.

researcher. That if the cost of conventional disease or not, even a duty to pay alimony is not entitled to costs. The fatwa of Imam Khomeini (RA) is a general theorem (proof allocation of alimony after the entry does) so if the couple is well aware, is his religious duty of the charity's money to pay for his treatment of non-conventional its costs. Cannot do it.

After a man dissemble science, health, marriage or permits it to terminate, will terminate if it divest subject to exploitation, and a maintenance fee of the disease as well as the obligation not to couple .japer cost of treatment for the wife to go to, that is if japer third wife, your wife should pay her medical expenses.

2 - If you happen to be near a sick wife after marriage. The original cost of the disease or treatment (such as labor costs or hive, etc.) is even, so the couples therapy religiously and legally responsible to pay the wife's alimony obligation as a wife. (Translation of Comparative Jurisprudence, 345, 1993) If this field is not available because of legal and religious wisdom can be necessary to pay the medical expenses as alimony by the man realized.

B) if the disease But from wife after marriage and mans that are close, but realized it does not play a role (eg, spouse after marriage with a cold or cancer) Here the famous Shiite, Imam Khomeini's fatwa is taking the wife to spend it requires a lot of money, especially if attention is needed, the support is not, however, couples can benefit from to pay this fee. (Translation of comparative jurisprudence, 1993, 346)

C) The cost of medical and surgical treatment of the wife that was unnecessary during the espouse and before the cohabit.

The point that should be noted here that matter (1,107) of the Civil Code, which stipulates that: "The maintenance of all common needs, such as," So on top of the usual constraints The time itself is good reason to Imam Khomeini (RA) Here we apply the conventional constraints involving alimony allegory of all that is, when they legislator says (support such as housing, clothing, etc.)It is therefore, unnecessary expenses that are unusual, such as a spouse during the espouse and before cohabit call when cosmetic surgery do not really need it, if the spouse religiously and legally Responsibility It does not pay for costs ethically if he can fulfill the wishes of the couple's and free could not fulfill the demands of charity.

D) The cost of medical and surgical treatments that result from unnecessary and wife during the marriage and after the cohabit.

All descriptions in Part (c) was expressed here are to be considered in addition to being near the entrance requirement is proof of support from Shiite religious scholar, so I can say that even though these costs wife to pay for the medical charity?

The answer: No, just that the premise has been established nearby, but the condition proved near as alimony, a general theorem that will be allocated to the non-conventional health care costs, is alimony subject (fatwa of Imam Khomeini (RA)) is assumed, then here are some thought: 1 - If you have a wife, have a request, a request that cosmetic surgery of the nose, cheeks and ... To do, here are a couple free to pay it or not, it's not alimony, (Translation of Comparative Jurisprudence, 347, 1993), such as the famous fatwa Shiite, Imam Khomeini (RA) it is accepted, it's often unconventional and even alimony payments are not responsible. 2 - But if the man might have faced this application, the main purpose of marriage is that it is mans joy of other cosmetic surgeries performed on the body of the wife, if that is not harmful to health,mans tend to be more Asthma wife to the wife to accept, then the man must pay all medical expenses stemming from the surgery, because the researcher is primarily near constant maintenance, devotion but it is not the nature of the cost of medical expenses wife did not pay the maintenance fees about the nature of alimony component breadthways his wife is not. Because these costs are unusual, but the man has agreed to pay the man has been undertaken.3 - but if they do cosmetic surgery and ...Not rich but poor or moderate agreement, but both are already, they together can cover the cost.(Mask Alafham,1995) The law, not limited maintenance, but it is obligatory on the husband to his size and has unconventional.

In summary Shiite scholars have said that the question is: If the wife needs to have surgery financing required pairing the surgery and he is sick?

The answer leads us to the question of alimony is to see whether or not health care spending, if we refer to the texts of the Koran says: (Rzqhn and Ksvthn). (Translation of Comparative Jurisprudence, 348, 1993) and in the hadith is addressing hunger for his wife and the couple's genitals are covered, but the book and the Sunni mention of the doctor's treatment. Jurists often limited support for food, clothing, housing, and are not treated explicitly (java her al kale, 1985).

The cost is great, he is not even required to provide any support that Nasty.

E) Medical expenses wife, resulting in unnecessary treatments and surgeries, if required, to the marriage: As we know that each of the man and woman can have provisions to put the marriage, but if the condition is unlawful and contrary to the nature of the contract s element not. Requirement to perform unnecessary surgery, including cosmetic surgery and. Shiite authorities in some cases, including medical expenses in support of his wife (the essay or explain each scholars books and books Tabloid orders have been extracted.)

Ayatollah Khamenei: medicine and conventional medicine in the treatment of diseases that can happen to anyone who has a pair of alimony is.

Ayatollah Adjani: Cost of medicines and drugs at a reasonable maintenance component.
Ayatollah Mouse Ardebil: the acceptable range, the cost of medication and therapy is the maintenance.

Ayatollah Macramé Shiraz: cost as much as conventional drug therapy, a maintenance component.
2 - Public Scholars:

Whether the costs of treating his wife is entitled to alimony or not, there are many sayings of the scholars of the public (law Ali Almazhb Larch, 1985) the following words explain it. The man, it needs that often depends on the wife's life.

Apart from a man who is both rich can pay wife treated? And the cost of the A) religion hanafi: patient's wife or someone else should pay cannot pay it.

But some religions say alimony not obligatory unless such Asthma, and a woman who is sick, raising the possibility mans joy, he does not exist, then no maintenance at all, let alone the cost of his treatment. The man stays. Alimony is obligatory for him, continued the Hannifin said the man paid for the tobacco, coffee and tea and things like that for a wife, not obligatory, although the wife does no harm. If the difference between couple on a promise to pay is that midwives have said the first lady said. Another quote that said: quote prior to man is saying there is a third that is what Both are serving, to order, and some say up front is that the wife is promising, because the interests of the wife The child comes first, and the couple must give the parent support and the quote is reasonable.(civil law in the present order,2003)

B) Religion Maliki:

Scholars who hold great faith in the medical necessity and cost of a doctor visit, the wife, the couple's two promises: 1 - what is in the literature is that the man is not liable to pay these costs, they may have detailed In the Hannifin religion is correct. 2 - but hold great necessity to pay these costs, the man and what support is necessary to pay the costs of the man, the man is supposed to be able to provide drug and its cost, but some Maliki scholars say it is obligatory on the husband to the wife alimony price which is necessary to give him a treat, and help pay his medical expenses, and the depilatory alimony to the wife to the husband, the wife alimony disease that is healthy, not sick woman.

They hold great doctor or midwife if the pay dispute that the child will be born with the appearance that it is obligatory on the husband to pay the costs if the wife is divorced.

C) Religion Unable:

Scholars who hold great faith and pay the cost of medical treatment for the wife, the husband is not necessarily the obligation. But if the man was asked to adorn the wife or the wife was reluctant at something and the wife wants to change it, as Cosmetic Surgery (if the lady not as harmful to) on fee the man it is incumbent upon It might pay to treat the wife. After promising Unable we conclude that the general partner is required to pay the cost of treatment, except in the case where the wife and husband to a beautiful wife, and to meet the proposed treatment of the wife, even if reluctantly.

D) Religion Shafei:

For the wife, it is obligatory on the husband. (Jurisprudence Ali Almazhb Alarbh 531,1985)
The multi-point distributed to public scholars explains:

1 - Hnablh and religion as religious Shiite Hanifa attributed to the wife when the husband was sick at home, spousal maintenance, but before it fell ill and could not even go home, no maintenance, but Hanifa opinion, Alimony The woman is, in this case toward the woman to stay in her house.
2 - In response to the question if the wife after the marriage, the father stays at home while her husband's claim for alimony, alimony, whether he is fixed, or not? If you or your spouse is offered to the man's right to alimony and Hnablh also said: If your wife even though many will not supply, maintenance obligatory for a wife does not.

And finally hold great Shiite: alimony from the date of entry is required even if the home of the wife's father, has been penetrated, and if that day is a constant demand for alimony to the wife, the man will have to pay. (Translation of Jurisprudence Adaptive, 1993) Shiite scholars together with community leaders: or not, are paid, so that the cost of treatment in almost Shiite scholar's wife, he is considered a normal part of the alimony or not agree (and in many cases the opposite is a little quote.) But between detailed data and other conventional criteria mentioned are not expressed.

Educational expenses including the maintenance of his wife as discussed in this section need to draw a chart or graph wife's medical expenses are. Before entering into this discussion, it is necessary to note that none of the religions Khams (Emami, Maliki, Hanafi, Hanbali, Shafi'i) explicitly about the inclusion or exclusion of the student fees issue or a judgment stating his wife in alimony, are not therefore, the discussion of the law and according to the principles of inference are taking.

The material above is expressly understood that the maintenance of the two words in this article can be used to achieve desirable. A) Statement (and fits all standard requirements with the wife). B) words (such as).standard), Thus, if the wife is studying at a level or levels that he entered the school the cost is very high, and unconventional, even before marriage, or after the cost in the payment of responsibility couples no. He was considered alimony. However, as mentioned in the acceptable range. Diagram explaining the debate:

A) scholarships wife during the marriage:

Introduction The essential point here is a general answer to this question is whether the spouse entitled to receive alimony, in the near term and is contracted before marriage or not? The answer: in the meantime, are not entitled to alimony to the wife, unless the wife is ready to start life, but he refuses to even apply, in which case,

the woman is entitled to receive alimony and wife, the presumption should go to her house, it will be subject to the payment of dowry, alimony is awarded, and the man is obligated to pay her alimony. (Family law in plain language, 50, 2008)

1 - education costs spouse during the marriage, if the researcher is not near.

As in previous discussions (wife of treatment costs) were expressed from the perspective of Shiite clerics, alimony is fixed near the couple is obligated to pay, which is generally the case, and on the other hand, the conventional constraint, both in matter (1107), the Civil Code and the fatwa of Imam Khomeini (RA) is discussed, as is Mihas it must be said that if a researcher is near, even obligated to pay alimony, the He is a regular expenditure needs.

Is not an argument, because the general rule is the case Slab is subject to exploitation and other times it does not devotion?

2 - If you happen to be nearby. Research married couple and the wife is at home. Either the devotion (conventional wife needs), the man is faced pay, including the cost of his education. (Family Law, 2005).

B) Fellowships wife during the marriage and after the close.

In this case, the subject matter of the general proposition that (proof of alimony after penetration) is, but also because of the cost of conventional academic Mihas wife as well, and it is something the assumption.

2 - If the wife before marriage has been studying this case, there are several assumptions: A) If after the marriage and before marriage and before the close-up, he is studying in this assumption will be discussed in two aspects, one couple as guardian permission to attend his wife's employment, and other not be entitled to any alimony.

But if his education is paid at the time of signing, the cost of his education at the time of his alimony is not? We said earlier that the cost of education in this Darns wife (the marriage and before the close) is not even about the alimony, but he can be a boon to the wife of Bob, the pay is quite free. B) If after the marriage, and near, the wife will be attending: Again, there are two aspects, one is a man of orders is like the premise, and the support of his wife, whether the cost of education is and the couple is obligated to pay alimony from Bob?, a couple towards the total cost as alimony, are required to pay, but in this case, since it allowed (after marriage), the wife decided to attend (not under contract), so it cannot rationally and morally C) provision of scholarships to pay his wife during marriage.

It is part of the contracts, it is also necessary for any condition that is necessary is that the parties are committed to it. It is done, and if the wife is illegal school fees, the couple's stipulation, it must pay the costs, as the first wife alimony and is not inherent in other words, a maintenance is provided (in the marriage) wife, because what is the primary maintenance criteria, it has to be fair.

As mentioned, the community leaders have openly expressed concern about whether the alimony, but only during the marriage and before the close of the speech, even if they have: A) Hanau hold great wife for not asking the man if the husband is not at home or the man's request, to seek love, does not transfer to her house, both are entitled to alimony.

B) Also hold great Maliki and Shafi'i penetration occurs or if your spouse is offered to the couple's right to alimony.

C) Hold great Hnablh if his wife did not release even though it may take years, not alimony to the husband for the wife. Scholars have argued that if the general public alimony, so proper and lawful under the Shiite clerics that is reasonable and justifiable to act

Conclusions

being the wife, it is fully bound by the wife to do something that is so subservient. Eventually we discovered that it: 1) the scope of the obligation of the husband the wife alimony of Rajah any time is determined by custom and tradition Menses in (food, clothing and housing the state's case and the cases are not relevant Menses. 2) costs related to the treatment of essential and non-essential and fellowships wife if they are normal, religiously, "and the law" (of course with the conditions stated in the article) are in the territory of the alimony. Similarly, a society that is absolutely committed to education in various fields, especially in the not too distant future, it is important to marry Glitter control will work. at the end is worthy of all honor their selfless teachers certainly have the effect of increasing the separation of the product and the company has been in academic circles to fit and I Thank God that if he was not loving kindness, The current version, the fruit was not fully achieved.

REFERENCES

- 1-Islami, Ali,tahrir Al vsylh written translation, publication Islamia, 1993.
- 2- AZrtash, Azarnoosh, contemporary Arab culture - rules Fqhyh, publishing hadi , Qom, 1998.
- 3- Catooz ian, N., civil law in the present order, the publishing almizan , 2003.

4- Civil Law.

5- jaziri,abd al Rahman, A. Almazhab Alarbh jurisprudence, Beirut - Lebanon, Al Daralahya'altras, 1985.

6-Mohaghegh damad, M., Family Law, publisher of islamic Science, 2005.

7- mohaqegh heli,sharaye al eslam, publisher of esteqhlal,qom, 1988.

8- Motahari, M., rights of women in Islam, Sadra,2005.

9-Najafi, Sheikh Mohammed Hassan, Jvahraklam, Beirut - Lebanon, Al Daralahya'altras, 1985.

10-Quran.

11-zamani darMazar-e (Culture), MR, Simply Family Law (Legal Guide, scientific and practical design methods and criminal lawsuits related to marriage and divorce), Tehran, look, see Publication, 2008.

12-Termezi, Abvysy, traditions Tirmidh, Beirut - Lebanon, Daralfkr Publications, 2004.

13- Sahyd Thani, Msalk Alafham, Qom, Islamic Publications, 1995.