

Reviewing the Canonical Evidence of Inviolable Things Due to *muṣāharah* (The Relation by Marriage) from the Viewpoint of the Two Sects (The Shi'a and *Sunnī*)

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ABSTRACT

As the title of the article specifies, it is supposed to review judgements of inviolable things as the result of *muṣāharah* or the relation by marriage from the point of the two sects; however, the most significant discussions of the state of very close kinship, so to speak, the in-law *mahrims* (*maḥārim*)¹ have been considered given the size and import of them in this case, so that, the research data of this discussion make the place and the true import of it in regulating family relations explain.

One of the other discussions that has been raised is that *mahrims* have been stated from the point of the Qur'an and narrations given the proof by the Qur'an in this regard as well as conflicts and consensus opinions expressed by Islamic religions.

One of the other issues that has occupied the mind is the argument of appendages of the relation by marriage which is itself a way important discussion in making the unlawfulness in marriage contract; such as mistaken intercourse with a person other than one's own true spouse, impiety, apostasy and so on.

Overall, the study of this set done has reached several good results including the consensus of opinions of Islamic religions on the unlawfulness of women on men lie in in-law *mahrims* that the marriage of the man with these groups of women is such reproachable and indecent that the order to prohibition is also considered by all divine and non-divine religions.

The purposes by which this topic gathered can be briefly paraphrased as: 1. the evidence and documentations resulting from the relation by marriage from the point of the two sects of 2. Appendages of the relation by marriage.

The subject of in-law *mahrims* has also explained its own laws to regulate family relationships in terms of the state of very close kinship. These sentences are mainly based on the verses of the glorious Qur'an and narrations quoted by the Pure Imams (PBUH) that achieved such general judgements along with the research on jurisprudential-exegetic-narrative texts of the Sunnites and Shi'ites.

In this paper, it was tried to sift the disagreement and consensus of opinions of jurists regarding to the verses of the glorious Qur'an and authentic narrations by collecting the jurisprudential-exegetic opinions and views.

To achieve this important issue, it has been tried to use jurisprudential-exegetic reliable sources such as *Kanz al-'Irfan* of *Fāḍil Miqdād* and *Allameh Tabataba'i's al-Mizan* and *Shahīd Thānī*, the second martyr's *Sharh-al-Lum'ah* and *Muḥammad-jawād Mughniyyih's Al-Fiqh 'Alal-madhāhib* and so on and extract judgements related to Permanent or blood *mahrims* and the relation by marriage.

KEYWORDS: inviolable things, *muṣāharah* (the relation by marriage), appendages, two sects (the Shi'a and *Sunnī*)

INTRODUCTION

One of the most important discussions of jurisprudential subjects is *muṣāharah* (the relation by marriage) which can be found in the subject of marriage. It is under the discussion of the family law, moreover, it is regarded as judgements and rules and considered as the obstacles of marriage. It is elaborated in the verses of the holy Qur'an such as Chapters: Women/23; Light/31; and The Confederates/50.

Since the issues and judgements related to the family are of a great importance and of a great extent as well. Hence, the researcher has dealt with collecting data in this field using the verses of the Qur'an and the main sources of Islamic jurisprudence of the two sects and their ideas to describe them.

Whereas the family is the most basic foundation of the society, and the formation of this sacred basis depends on the proper understanding of kinds of *mahrims* and its prescripts so that the individual may build the plant of the family; thus, some juristic judgements and its topics depends on the issue of the state of very close kinship and its lack that this purpose made us mention elaborately and scientifically all typical specimens of the relation by marriage from the point of the two sects. It must be recognized that the prohibition of inviolable things like the relation by marriage in the Qur'an had been a widespread and undisputed matter among the people of ignorance, and they did not leave it; as a result, the

¹ Persons related to one within the degree wherein marriage is prohibited by canon or law.

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judgments of inviolable things may be regarded as ratified prescripts except small things that created by themselves like marrying the father's wife and marrying two sisters at one time, they had inherited the unlawfulness in inviolable things among them century by century to the extent that they did not go out of the bottom of their hearts other than they are torn to bits, and there were great interests in their being prohibited. The religion of God left them and emphasized upon what they had shown looseness.

This study attempts to investigate and review the relation by marriage prescripts from the point of view of the Sunnites and Shiite jurisprudence considering the verses of the Qur'an and juristic-exegetic resources. Because inviolable things are considered by human societies, and along with clarifying the concept of *mahrams* through the relation by marriage and how the efficacy of their recognition is on human societies and the human being, they check the relationship with obtaining juristic issues; so that, the import of paying attention to learning juristic issues will be more and more revealed in human life; as a result, the individuals of the society step to set up divinely the family relations. At that, whatever is sought by this study is to explain the relation by marriage prescripts and mention the ideas and arguments of religions' scholars in this field and express the cases of unity, difference and documentations that are forming each of the main objectives of the study; inasmuch as, sayings and opinions of *Ja'farite* School are not only contented, but sayings and arguments of other religions are also mentioned in writing.

The import of inviolable things is as one of the most basic juristic subjects in the discussion of marriage and the juristic titles of full-affliction in Islamic communities; whereas family values are taken less into consideration in the present time and the family basis has been faced with a propaganda attack by the institutions of anti-Islamic culture and many prescripts of inviolable things have been ignored, therefore, all of which made us express their different typical specimens from the pure-Islamic views regarding the ideas of the two sects along with analyzing issues related to one of the inviolable things (the relation by marriage). At that, a step can be taken toward the noble objective of assimilation between religions by making a research procedure, namely the very method of comparison, between all juristic subjects of Islamic religions, and reduced biased and prejudiced differences and fanaticisms as much as possible.

Consequently, the article is the analytical-descriptive research based on library data-collection. The CD of a juristic biography, *al-Mu'jam al-Fiqhi*, which is a set of juristic and legist books, is used after specifying the first and original texts and identifying the desired questions.

First, it is essential to have a brief explanation on the general concept of *mahrams* and *muṣāharah* and then enter the main issue.

1. *Mahram*: the term *mahārim* (*mahrims*) in Arabic to Persian dictionary, *Munjid al-Tullāb*, has been defined as the following (Bandar-rīgī, Muḥammad, 1989):

The plural of *mahram* means the individuals of clan that marriage with them is unlawful (Mu'īn, Muḥammad, 2008).

In *Mu'īn's* dictionary, *mahārim* is of such meanings: "improper; unlawful; a close kinship that its marriage is not lawful." ('Amīd, Ḥasan, 1999).

In *'Amīd's* Persian dictionary, it means: "the plural of *mahram*; self, a close relative and a family member that marriage with them is forbidden."

In *Fiyd's Mabādī Fiqh and Uṣūl, or Principles of Jurisprudence and Rational Theology*, it means: "is the one that marriage with him/her is eternally prohibited due to relation, fosterage or with a cause."

2. *Muṣāharah*, or the relation by marriage: it is a love and relationship that is made between each of the two parties of marriage with the relatives of the other party and causes unlawfulness with them or the unlawfulness of marriage with them and/or the unlawfulness of marrying them at one time; it is a kind of affinity (marriage relationship) that is in front of the relationship by blood. Furthermore, it consists of a relationship which is made by bonding one to the other by marriage or patronage (Mūsavī Khumiynī, Rūhullāh, 2000; Fiyd, 'Alīriqā, 2000).

Muṣāharah is a kind of affinity and relationship that is made by the marriage bond and whatever is related to it that is also called "marriage relationship" or "*Qirābat Bil-muṣāharah*, or the relationship is made by marriage", so that, *Shahīd Thānī* and *Shaykh Anṣārī* have defined such: it is a kind of affinity that is made due to marriage between each of the spouses with other relatives ('Amili, Zayn al-Din al-Juba'ī, 2007).

Kinds of the Relation by Marriage (*Muṣāharah*)

First:

In Arabic

وَأُمَّهَاتُ نِسَائِكُمْ

Romanized

Wa Ummahātu Nisā'ikum

In English

Your wives' mothers

And your wives' mothers and also the mother of the wife's mother and what is at the top, the reason why it is stated in the plural form (*Wa Ummahatu*, and your mothers) in the verse is that it does not include just one mother of the wife but it does include all mothers of the wife (grandmother etc.).

If a man married a woman, all the mothers would be *harām-i mūbad*² (forbidden for all the time) to him whether being in to her (having intercourse) has happened or not, meanwhile, the temporary marriage is the same as the permanent marriage contract, and there is no difference in the prescript of unlawfulness.

Some jurists has said: if a man married a woman, the mother of the wife would not be *harām-i mūbad* before being in to her, but it is an unauthentic saying, and, at that, whether the unauthorized contract is of the prescript of eternal unlawfulness or not is the matter of difference among jurists.

Famous scholars have said that if a man committed adultery with a woman, the other of this woman would be *harām-i mūbad* to the adulterer.

Second (Mīrkhānī, Aḥmad, 1989):

In Arabic

وَرَبَائِكُمْ اللَّاتِي فِي حُجُورِكُمْ

Romanized

Wa Rabā'ibukumul-lāṭī fī Hujūrikum

In English

And your stepdaughters who are in your care

Daughters of your wives who are bred in the lap of your education, not absolutely, but the condition of unlawfulness about them is "born of them".

In Arabic

مِنْ نِسَائِكُمُ اللَّاتِي دَخَلْتُمْ بِهِنَّ

Romanized

Min Nisā'ikumul-lāṭī Dakhaltum Bihinna

In English

Being born of your wives you have been in to them

Rabā'ib (stepchildren) is the plural form of *rabībah*, and the children of a woman who are from the first husband are called *rabīb* (a stepchild) and the reason why it has been named *rabībah* is that the second husband is the educator of them, as he educates his own children; moreover, using *fī Hujūrikum* with *rabā'ib* is to highlight and complete the reason of unlawfulness.

Besides, the daughters of *rabībah* (stepdaughters) are also *harām-i mūbad* to human being.

In Arabic

فَإِنْ لَمْ تَكُونُوا دَخَلْتُمْ بِهِنَّ فَلَا جُنَاحَ عَلَيْكُمْ

Romanized

Fa'in Lam Takūnū Dakhaltum Bihinna Falā Junāḥa 'Alaykum

In English

But if you have not yet been in to them, it is no fault in you

Then, if a man married a woman and then divorced her before being in to her, he may marry the daughter of the divorced woman, but her mother is *harām-i mūbad* to him.

Third:

In Arabic

وَخَلَائِلُ أَبْنَائِكُمُ الَّذِينَ مِنْ أَصْلَابِكُمْ

Romanized

Wa Ḥalā'ilu 'Abnā'ikumul-ladhīna Min 'Aṣlābikum

In English

And the spouses of your sons who are of your loins

The verse is applied for the situation that if the son of human being married a woman, the woman will be forbidden to his father whether being in to her has happened or not and even whether it is a permanent marriage or temporal one.

But why the blessed verse used the condition *aslāb* (loin) is that to exclude the adopted sons of the women of the period of paganism along with rejecting the saying of those who blamed the Prophet (PBUH) that why you did marry *Zayd's* wife.

Fourth:

In Arabic

وَأَنْ تَجْمَعُوا بَيْنَ الْأُخْتَيْنِ إِلَّا مَا قَدْ فَتَىٰ

Romanized

Wa an Tajma'u Bīn al-Ukhtayni Illā Mā Qad Falā

In English:

And that you should marry two sisters together, unless excluding what is already past;

That is, before revelation of this verse, those who had committed were forgiven.

Some commentators have said that the meaning of *Mā Qad Falā*, what is already past, is the marriage of the Divine Presence Jacob, the prophet, who had married two sisters that one of them was Judah's mother and the other Joseph's mother that both of them were sisters, which was lawful in his religion. In the unlawfulness of marrying two sisters, there is no difference whether they are foster-sister or blood relationship-sister whether in the permanent marriage contract or

² It is a kind unlawfulness forever in case of committing it deliberately.

temporary marriage contract or in two different times; therefore, if a man married a woman, it would not be lawful to marry her sister, and if they married, the second marriage would be invalid not the first one, moreover, there is no difference whether he has been in to the first sister or not, and if he married two sisters at one time, both of the marriage contract would be null and void, as such, the marriage contract of two adulterine sisters is unlawful. If a man divorced his wife in a revocable manner, he would not be permissible to marry her sister on the condition that her waiting period might not fall due; furthermore, it is not allowable in the waiting period of the temporary marriage as well.

Some traditionalist scholars have said that it is not allowable to marry two women who are from the progeny of the Divine Presence *Fāṭimah*(s. a.), although, this kind of marriage contract is lawful, it is highly precautious to avoid; and, in case of being unlawful too, a prohibited action has been committed, the marriage contract is valid ('Amili, Zayn al-Din al-Juba'i, 1995).

In Arabic

ان الله كان غفورا رحيمًا

Romanized

Innal-lāha Kāna Ghafūran Raḥīma

In English

God is all-forgiving, all-compassionate

God forgives those of the faithful who have committed this act at the period of paganism, and He is kind toward those who have committed in the period of Islam and then turned to Him in repentance (Mūrkhānī, Aḥmad, 1989).

The sister of the wife is one of the women that marrying her is forbidden, hence, marrying two sisters at one time is unlawful but not individually. As a result, when the separation between the man and the first sister happens due to her death or dissolution of marriage or irrevocable divorce and/or if the divorce is revocable, the waiting period of the first sister should be spent and then marrying the other sister will be licit ('Amili, Zayn al-Din al-Juba'i, 2007).

The believers' reason about this is that the marriage of each of them makes unlawfulness for the other, and the things which make the marriage contract void to both of them are all the same; then, it is essential to invalidate both marriage contracts, and if it is not so and one of them is valid, giving preponderance without a preponderant will occur (Najafī, Muḥammad-ḥasan, 1987).

The other opinion is from the points of *Shaykh Ṭūsī* in the book *al-Nihayah*, *Qāḍī* and Ibn *Janīd* in the book *Jawāhir al-kalām*; they maintain that marrying two sister at one time causes choosing between two or more alternatives, between one of the two sisters, not invalidating the marriage contract of both of them. As the author of *Jawāhir* has said: the documented evidence of this saying is a loose narration that its guidance like its document is weak (Najafī, Muḥammad-ḥasan, 1987; Mūsavī Khūyī, Sayyid Abulqāsim, 1985).

Muṣāharah (the relation by marriage) in narrations

The prescripts of the relation by the marriage have been mentioned in the verses of the Qur'an and most of which explained there, even though, there are narrations to comment and explain them including the following narration of Imam Ali ('a) on daughters of wives:

In Arabic

قال على عليه السلام في خبر غياث بن ابراهيم: الربائب عليكم حرًا، كن في الحجر لم يكن

Romanized

Qāla Ali ('a) fi Khabari Ghīyāth ibn Ibrahim: al-Rabā'ib 'Alaykum Ḥarām, Kun fil-ḥajari Lam Yakun

In English

According as the narrations of *Ghīyāth ibn Ibrahim*, the Divine Presence Ali ('a) says: the daughters of your wives are forbidden to you whether bred in your lap or not.

The narration of *Jamīl ibn Darāj* (Najafī, Muḥammad-ḥasan, 1987):

In Arabic

جميل بن دراج، عن اصحابه عن احدهما عليه السلام: انه قال في رجل تزوج اختين في عقد واحد، قال: هو بالخيار يمسك ايتهما ما شاء و يخلي □ بيل الاخرى

Romanized

Jamīl ibn Darāj, an Ashabah an Ahadithim ('a): Innahū Qāla fi Rajulin Tazzawwaju Ukhtayn fi 'Aqdi Wāḥadah, Qāla: Huwa Bil-khīyāra yumassiku Ayyatuhā mā Shā'a wa Yakhli Sabīlal-ukhrā

In English

From *Jamīl ibn Darāj* who narrates from some of his companions that: one of the two Imams, Imam *Ja'far al-Ṣādiq* ('a) or Imam *Mūsā al-Kādhim* ('a), on the verdict of a man who had married two sisters in one single marriage contract says: «he (the man) may choose one of the two sisters to marry her and free the other.»

Based on consensus of the jurists of *Ja'farī* School and plenteous narrations existing in this regard, mating aunts (maternal and paternal side) to what is at the top on the one hand, and their daughters to what is at the bottom on the other hand is only possible by their mutual consent. Hence, if the marriage contract of aunts (maternal and paternal side) precede, the second marriage contract (i.e. the aunts' children) depends on aunts' leave, and if a man undertakes to sign the marriage contract with aunts' children without the leave of their parents, there are three opinions: 1. the second contract is void 2. Depends on the leave of both of them, so that if he does not ask their parent to perform it, the marriage will be invalid 3. That they are free to choose between the second marriage contract and both of them, they are aspects that the best idea is the second one.

At that, if a man married a mother and her daughter at one time in one single marriage contract, both of the contract would be null and void; for marrying a mother and her daughter at one time has been considered void and preferring one to the other is also impossible; besides, this is true between two sisters as well, because as stated in an argument, both of these hypotheses are of common aspects; also, if a man married five women at one time in one single marriage contract, or also if a man was of three permanent wives and after that married two women at one time in one single marriage contract, his marriage with the two latter one would be null and vice versa and similar to it ('Amili, Zayn al-Din al-Juba'I, 2007).

There are consensus in four religious Sunni Islamic schools of jurisprudence that marrying a woman, the woman's aunt (paternal side) and her aunt (maternal side) is unlawful. They are of a general rule to recognize the prohibition of marrying *maḥrams* in a way that assume one of two women who are going to marrying them as a man, and so that signing the marriage contract between both of them was not hypothetically permissible, marrying them is also in the real situation unlawful.

What is important in this discussion is that it is a matter of difference among the majority of the jurists of *Ja'fari* School and the ones of four religious Sunni Islamic schools of jurisprudence, and they have explicitly permitted to marry aunts in their juristic books evidenced by narrations.

The jurists of *Ja'fari* School were of difference of opinion over it and some of them followed the words of the four religious Sunni Islamic schools of jurisprudence. Most of them have said that: if a man marry the daughter of the wife's brother or the sister's daughter, it will be allowable to marry the aunt (paternal) or the aunt (maternal) as well, however, the brother's daughter or the sister's daughter do not permit him.

In any case, *Abū Ḥanīfah* maintains that marrying the wife and her father's wife is lawful, as based on the said rule, if assume one of them is a man, their marriage will be unlawful (whereas it is against Sunnites' rule); a man is not allowed to marry the daughter or the wife's daughter, as it is not lawful to marry his mother or father's wife (Mughniyyih, Muḥammad-jawād, 2003).

Maḥrams of muṣāharah (the relation by marriage)

Doubtlessly, the relation of *muṣāharah* is like a blood relationship. When a woman marries a man, she will be regarded as a member of her husband family. This means that the father of the man is like the woman's father and his son just as the woman's son; furthermore, the same is true of the man. Moreover, when this relation is established, the kinship and affinity will be formed between them; in addition, many contacts and relations between them are made ('Amili, Zayn al-Din al-Juba'i, 1995).

In Arabic

وهي (مصاهرة) علاقته بين الزوجين و اقرباء كل منهما بسبب النكاح توجب الحرمة

Romanized

Wa Ḥīya (muṣāharah) 'Alāqah Bayn al-Zujayn Wa Aqrabā'a Kullun Minhumā Bisababi al-Nikāḥa Tūjīb al-ḥummah

In English

The number of individuals becomes unlawful by *muṣāharah*, so to speak, the relation and bond which is made between the husband and wife with the relatives of each of them owing to marriage.

In Arabic

و لا تتكحوا ما تكح أبائكم من النساء إلا ما قد ألفت إته كان فاحشته و مقتناً و ماء □ بيلا

Romanized

Wa Lā Tankihū Mā Nakaha Ābāukum Minan-nisāi' Illā Mā Qad Salafa Innahū Kāna Fāḥishatan Wa Maqtan Wa Sāa' Sabīlā

In English

Do not marry women that your fathers married, unless what is a thing of the past; surely that is indecent and hateful, and evil way. (Chapter: Women/22)

Wa Lā Tankihū Mā Nakaha Ābāukum; and do not marry and adorn those women that your fathers took it as their own wife; *Minan-nisāi'*; of women; whether after the death of the father or at the time of their life after divorcing them.

Meanwhile, the verse "*Halā'ilu 'Abnāikum*: wives of your sons are forbidden to you"; because the term *Nikāḥa* (marriage) is truly applied for the meaning of *Aqd* (marriage contract) according to a more authentic saying. Nonetheless, the term *ḥalīlah* is also included truly and definitely a woman whose son has sign the marriage contract to her ('Amili, Zayn al-Din al-Juba'i, 2007).

Ṭabarī (in his exegesis) has said: The meaning of this verse is: "do not marry like the indecent marriages of your fathers." "*Mā*" is as a part of a nominalizer.

Although, the better saying is against this saying. The meaning of the verse is that: "Do not marry the wives of your fathers" that "*Mā*" is as a relative pronoun and the object pronoun is omitted due to making the speech short. Springing this meaning to the mind and understanding first is the reason of this kind of interpretation.

About the existing exception in the verse, some have also said that it is an exterminated exception" that its restoring form is as follows:

In Arabic

لكن ما قد ألفت فانه لامواخذة فيه

Romanized

Lākin Mā Qad Salafa Fa'innahū Lā Mu'ākhidhahū Fīh

In English

That is "there is no punishment on marriages happened in the past."

This promise is not an unlikely statement.

Some other have said: it is a conjunctive exception and the term kind that the restoration of the verse is so: "If possible, marry the predecessors of your fathers' marriage, but it is impossible. The purpose of the verse (according to the restoration) is to exaggerate the prohibition and block the path of permitting the marriage with fathers' wives, so that there is reductio ad absurdity in the Arabic proverb "حتى يبيض القار"; *Hattā Yabiḍal-qāra*; until pitch turns white", which shows confirmation.

However, it is better to be said: the exception is the eliminated kind, namely: the original verse before omitting has been:

In Arabic

لا تتكحوا ما نكح ابائكم، فإنه قبيح حرًا معاقب عليه، إلا ما قد لف في الجاهلية فانكم معذرون فيه

Romanized

"La Tankihū Mā Nakaḥa Ābāukum, Fa'innahū Qabīḥun Ḥarāmum Mu'āqibun 'Alayhi, Illā Mā Qad Salafa Fil-jāhiliyyah Fa'innakum Ma'dhūrūna Fīh

In English

Do not marry those women that your fathers had married, because it is indecent and unlawful and causes punishment; except the marriage that was done at the period of paganism that about which you are innocent (Jamōluddīn Miqdād ibn 'Abdullūh Suyyūrī, 2009).

Maḥrams of muṣāharah (in-law maḥrams) from the viewpoint of Jurists

There are consensus of opinions among religions that woman will be prohibited to her step child immediately after marriage and also to the child of the step child and what is at the bottom whether being in to her or not. By the instrumentality of the verse 22 of chapter Women: "و لا تتكحوا ما نكح أبائكم من النساء"; *Wa Lā Tankihū Mā Nakaḥa Ābāukum Minan-nisā'i*; Do not marry women that your fathers married."

Based on the consensus of opinions among religions, child's wife will be forbidden to father immediately upon marriage, however, he is the father of father or ancestors at the top. It is brought up in the verse 23 of chapter Women: "و حلائل أبنائكم الذين من أصلابكم"; *Wa Ḥalā'ilu 'Abnāikumul-ladhīna Min 'Aṣṭābikū*; And the spouses of your sons who are of your loins".

According as the consensus of opinions among religions, woman's mother and what is at the top, so to speak, the mother of woman's mother is forbidden that its unlawfulness to woman's daughter is begun immediately upon the marriage, although, being in to her has not taken place. For God the Almighty says in the above verse: "أمهات نساءكم"; *Ummahātu Nisā'ikum*; Your wives' mothers".

The consensus of opinions among jurists maintain that the daughters of a woman will not be forbidden to a man who has married the woman, and the man is permissible to marry her daughter before being in to the woman or sexual look and touching her. For God the Almighty says in the above verse: "و زبائكم اللاتي في حُجُوركم من نساءكم اللاتي دخلتكم بهن"; *Wa Rabā'ibukumul-lātī fi Ḥujūrikum Min Nisā'ikumul-lātī Dakhaltum Bihinna*; And your stepdaughters who are in your care, being born of your wives you have been in to them" and the condition "Hujūrikum" is the point of all religions who maintain that the daughter of a woman will be forbidden to a man after being in to the woman. There is a difference somewhere between *Ja'farī* School and the Sunnites when the man has married the woman without having sexual intercourse but with touch and look.

The *Ja'farī*, *Shafi'i* and *Hanbali* Schools of jurisprudence have said: the wife's daughter will not be forbidden to her mother except being in to her mother, however, touch and look with or without lust has no effect. The *Hanafī* and *Mālikī* Schools of jurisprudence have said: touch and look with lust like being in to her in all prescripts will cause prohibition.

In the book *Aḥkāmul-Qur'an* of *ibn 'Arabī* of Andalusia, it is brought up on your wives' mothers that:

In Arabic

فروي عن علي وجابر وابن الزبير وزيد بن ثابت ومجاهد أن العقد على البنت لا يحرق إلا حتى يدخل بها. كما أن العقد على الأ لا يحرق البنت حتى يدخل بها. وقال إن العلماء والصحابة: إن العقد على البنت يحرق إلا ولا تحرق البنت حتى يدخل بالأ

Romanized

Faruwīya 'An Ali Wa Jābir Wa ibn al-Zubayr Wa Zayd ibn Thābit Wa Mujāhid 'Anil-aqdi Alal-bint Lā-uḥarrim al-Umm Hattā Yadkhula Bihā. Kamā 'Anni-aqdi Alal-Umm Lā-uḥarrim al-Bint Hattā Yadkhula Bihā. Wa Qāla Sā'irul-Ulamā Wa al-Ṣaḥābah: Innal-aqda Alal-bint Uḥarrim al-Umm Wa Lā-Tuḥarrim al-Bint Hattā Yadkhula Bil-Umm

In English

It is narrated by *Ali*, *Jābir*, *ibn al-Zubayr*, *Zayd ibn Thābit* and *Mujāhid*: marriage with an unlawful daughter does not mean her mother will be unlawful unless being in to her mother has been happened. As the marriage of the daughter's mother does not make the daughter unlawful unless being in to the daughter. Furthermore, scholars and the Companions have said: marriage with the daughter makes the mother unlawful and does not make the daughter except in case of having sexual intercourse with mother.

Appendages of *muṣāharah* (the relation by marriage)

- First: the unlawfulness caused by mistaken intercourse with a person other than one's own true spouse
- Second: the unlawfulness caused by marriage to a woman who is in the waiting period
- Third: the unlawfulness caused by fornication with a married woman
- Fourth: the unlawfulness caused by pederasty act
- Fifth: the unlawfulness caused by the state of consecration
- Sixth: the unlawfulness caused by demanding the number
- Seventh: the unlawfulness caused by thrice divorced and not divorcement
- Eighth: the unlawfulness caused by imprecation
- Ninth: the unlawfulness caused by impiety and apostasy
- Tenth: the unlawfulness caused by the wife converted to Islam

Annex

- | | | |
|----------------------------------|---|---|
| In-law
<i>maḥrams</i> for men | } | <ol style="list-style-type: none">1. The wife's mother and grandmother2. The wife's daughter (stepdaughter) and her grandchildren3. The father's wife (stepmother)4. The son's wife (daughter-in-law)5. The wife's sister (temporarily) |
| In-law <i>maḥrams</i> for women | } | <ol style="list-style-type: none">1. The husband's father and grandfather2. The husband's son (stepson)3. The mother's husband (stepfather)4. The daughter's husband (son-in-law)5. The sister's husband (temporarily) |

Conclusion

Islamic jurists maintain that four groups of women are forbidden to men which include: 1) the father's wife and the mother of the father's wife will be forbidden to the son immediately upon the marriage contract. 2) The son's wife and the daughters of the son's wife will be forbidden to the father immediately upon the marriage contract. 3) The wife's mother and her grandmother will be forbidden to the man immediately upon the marriage contract with the woman. 4) The wife's daughters (stepdaughter) and the stepdaughter's daughters will be forbidden to the man upon the sexual intercourse; therefore, it can be deduced that if a man marries a woman, the abovementioned time is only forbidden to the husband's principles and interest (i.e. the husband's father and son); on the other hand, the principles and interest of the woman is also forbidden to the man (husband) (i.e. the mother and the wife's stepdaughter), thus, it may not be possible to extend this circle and believe in illegality of the principles and interest of the wife to the principles and interest of the husband as well. Such a prohibition can also be seen not only in the religion of Islam but in other religions; so that, in the Zoroastrian religion, the circle of such a prohibition has been widened and women such as the sister of wife's father and/or the wife of one's paternal uncle and the wife of one's maternal uncle are also considered among this category. In this section, after mentioning these groups of women, Appendages of the relation by marriage have been explained that consist of: mistaken intercourse with a person other than one's own true spouse, fornication, pederasty act and more.

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