



An Analysis of the Right of Respectful Socialization in Spousal Relationships with an Emphasis on Innate Rights

■ Fatemeh Sharifi¹

■ Ali Jafari²

■ Sayed Abdul-Rahim Hosseini³

Abstract

Currently, Islamic regulations, especially those pertaining to the family, are being seriously questioned. Subsequently, one of the best ways to answer these questions is to revert to innate rights and to correlate them with the relevant Islamic rulings. The purpose of the current research was to investigate the right to good association in spousal relationships, while also answering the question: To what extent does the right to good association conform with the innate rights of the spouses, the basis of their innate nature and family? For this purpose, all the related works were investigated in a descriptive-documentary manner. After studying the relevant material, no independent study was found to have been conducted on the subject of the present research. The results of this research show that the obligation of good association is directed more toward the individual who has a greater form of authority and the possibility of it being abused. Desirable behavior by each of the spouses is in line with their innate nature and concordant with the main function of the family, i.e., the establishment of love and affection. Instances of good association must not contradict the attributes of the spouses and the family system. So, in this way, both the individual and mutual interests are, concurrently, attended to and realized within the family.

Keywords: Innate Rights, Reciprocal Rights of the Spouses, Good association, Existential, Legislative.

1. Ph.D Student in Jurisprudence and Islamic Law, Faculty of Jurisprudence and its Principles, College of Fārābī, Tehran University, Qom, Iran. Email: fatemehsharifi@ut.ac.ir

2. Assistant Professor of Private rights, Faculty of Theology, College of Fārābī, Tehran University, Qom, Iran. (Corresponding Author) Email: alijafari@ut.ac.ir

3. Associate Professor, Department of Jurisprudence and Law basics, Faculty of Theology, College of Fārābī, Tehran University, Qom, Iran. Email: abd.hosseini@ut.ac.ir

Introduction

The words “rights” and “innate” hold deep meanings and possess a long history in the Islamic school of thought. They are usually discussed regarding intellectual arguments. These words, contemporarily, have become widespread among Muslim lawyers and legal experts when dealing with the expressions of natural rights or innate rights. This is due to their familiarity with Western law. Nevertheless, the sending of divine prophets, the revealing of divine scripture, the necessity of implementation of divine commandments, and the establishment of a religious government are all to awaken the innate nature of man. In other words, natural and innate rights come into the picture because the apparatus of creation, through its insight and objective-mindedness, leads creation towards those perfections, whose potential for actualization, resides within their own existence. Nonetheless, given that the contemporary world is replete with numerous doubts and ambiguities concerning Islamic law, one of the most effective approaches is to rely on innate rights and verify the alignment of Islamic law with these rights. Among the various doubts and ambiguities that are attributed to different Islamic discussions, those concerning the subject of the family are particularly prevalent. Consequently, this research intended to answer the objections concerning family, especially those concerning the right to good association. For this purpose, the innate rights of a family were first described and explained. They were then correlated with the rights of the spouses to answer the doubts within this area, for, if it can be proved that the rights of the spouses are grounded in innate rights and are aligned with their nature and innate creation, many of the doubts and ambiguities in this field will be eradicated.

One of the rights of the spouses, specifically the wife, is the right to good association. This study pursues the goal of answering the question: To what extent do the jurisprudential foundations of “good association” conform with the innate creation and nature of human beings? In other words, is the right to good association an innate human right?

In past studies conducted on the rights of the spouses, the right to good association has been independently researched. While in studies conducted on innate rights, its definition and

characteristics have been described, to a certain extent. However, an independent study in which the right to good association has been correlated with innate rights was not found. Therefore, this study seeks to answer the question: Is the right to good association within a family grounded in the innate creation and nature of the spouses, and in the attributes and functions of the family?

Research Theoretical Framework

Natural and innate rights come into the picture because the apparatus of creation, through its insight and objective-mindedness, directs creation towards those perfections, whose potential for actualization, resides within their existence. Each natural potential is a basis for a natural right and is considered a natural reason for it (Muṭahharī, 1388 SH). An innate affair is an affair that has not been acquired through learning, inculcation, interaction with objective reality (both the material and immaterial), intellectual activity (e.g., analysis, composition, reasoning and definition), spiritual struggle, etc., rather it is an affair which accompanies man's existence (Abū-Turābī, 1397 SH). Thus, an evident characteristic of innate rights is that they are non-acquired. This characteristic is common among all its technical definitions.

Innate rights possess certain attributes. The attributes that Muslim scholars have mentioned for innate rights are an innate affair that exists in the very essence of the human being (Ibn Sīnā, 1364 SH), they are fixed and constant (Musawī Khomaynī, 1372 SH), they are general and encompassing (Ṣadr al-Dīn Shīrāzī, 1363 SH; Mūsawī Khomaynī, 1372 SH) and are non-acquired (Miṣbāḥ Yazdī, 1377 SH, 2/358). The quality of them being non-acquired, which is present in all the definitions of innate rights, is the decisive description of innate affairs that have been placed into the nature and essence of human beings.

To investigate the relationship between the systems of existence and legislation and the reasons for this relationship, the causes for the necessity of concordance between these two systems must be explained. The creator of both the existential and legislative systems is God (Javādī Āmulī, 1379 SH) and the intellect (*'aql*) is the only tool for the guidance of mankind. Innate guidance is the preliminary for the guidance of the divine legislation. It is the vessel for religion, i.e., religion is mounted upon it (Ṭabāṭabā'ī, 1387 SH, 16/288). Further, discordance between the systems will

result in them having defects and contradictions (Rabbānī Gulpāyḡānī, 1388 SH). The system of divine legislation is the perfecter of the system of existence. It also serves as its guide and protector against inaccuracies (Ṭabāṭabā'ī, 1387 SH, 7/104). The system of existence has a goal that, due to its intricacies, requires a plan to achieve. Therefore, every potential that exists within the essence and creation of man, i.e., every potential innate to man, becomes a basis for a right concerning him. In other words, the innate potentials of man constitute the foundation of his rights. Therefore, based on the reasons for the concordance of the systems, the only authority that can be referred to in finding out the rights of human beings is the creation and innate nature of man and his potential. However, attention must be given to the fact that man is unaware of all the secrets and mysteries of his creation, therefore, he requires revelation to enable him to benefit from his innate nature, as it is the source of his sustenance.

The Necessity of Focussing on Innate Rights and the Philosophy of Divine Rulings

In some texts, the “independent intellect” has been referred to as being the “innate intellect”. Such usage indicates the relationship between innate rights and the intellect, which is one of the four primary jurisprudential sources (Baḥrānī, 1416 AH, 1/131). Shahīd Muṭaḥharī considers the necessity of natural rights to be grounded in their being rational and being the basis for positive rights. He says in this regard, “The theory of innate rights should be named the theory of intellectual rights because it is only as per this view that self-evident intellectual propositions and axioms concerning rights can be accepted” (Muṭaḥharī, 1379 SH, 3/255). In other words, it is the responsibility of the intellect to comprehend the innate rights. It has this responsibility, together with other sources of the *sharī'ah*, i.e., to show that *sharī'ah* laws are not purely conventional (or positive). So the responsibility of the intellect is, apart from [comprehending] innate rights, to attain the foundations of Islamic rights and to discover and derive the *sharī'ah* rulings. The greatness and the miraculous aspect of the religion of Islam lies in the fact that the scope of its teachings is expansive, such that whenever a part of it is lit through the light of science, they become clearer.

Shahīd Muṭahharī says the following regarding the importance of this matter:

Jurists are never concerned with the philosophy of rulings. They believe that if we were to follow the philosophies behind actions and evaluate actions based on our own philosophies, then we have in fact ruined jurisprudence. We submit to the arguments and texts, i.e., whatever the texts and their apparent meanings say, we follow it. It is possible that in many instances we comprehend the philosophies behind those rulings, which would prove to be delightful. But in those instances where we are unable to comprehend the underlying philosophy, we will not desist from acting as per the texts due to not knowing the underlying philosophy behind it (Muṭahharī, n.d.).

Knowing the philosophy behind rulings creates a type of insight into religion, provided that one does not act in an extreme manner in this regard. It shows the level of importance. This has abundant social importance and influence, neglecting it has caused Muslims to decline, while being mindful of it causes Muslims to progress. However, no work has been done in this regard, even though this is a core and primary issue that must be worked on (Muṭahharī, 1379 SH, 2/234-235).

Apparently, the foundational principle in this matter is that all religious commandments follow the nature and innate creation of man, whereas the intellect and its judgments clarify the philosophies behind Islamic rulings over time. Therefore, the intellect, apart from being something that discovers Divine rulings, is something that discloses the secrets of Divine laws and shows their correspondence with the nature and innate creation of man. This is why the intellect is considered a source for jurisprudence alongside the Glorious Qur'ān and Sunnah. However, this issue is unattended to in Shi'ī jurisprudence, i.e., with scientific progress, the philosophies behind rulings should also be compiled, thus making it clear for contemporary Muslims as to how much Shi'ī jurisprudence is aligned with human nature. As stated by Shahīd Muṭahharī, based on natural rights, the philosophies behind many of the *Shari'ah* commandments can be comprehended or new rights can be inferred and explained based on natural rights. He has solved many problems and answered many doubts concerning Islamic rights based on this principle, which is one of the results of

interpreting innate rights based on their objectiveness. He believed that without paying attention to these objectives, many rights and laws cannot be explained. In fact, comprehending the philosophy behind Islamic rights and the dynamic nature of Islamic laws and regulations depends on understanding the foundations of this view (see: Muṭahharī, 1403 AH, 278).

Based on the legitimacy of the intellect, which is one of the legislative sources of the *sharī'ah*, and based on attention to the rationality and philosophies behind Islamic rulings and regulations, the foundations of the Islamic legal school of thought can be derived and discovered - not created. With the intellectual foundations of natural rights in mind, many of the human rights and responsibilities, which seem unreasonable and unjustifiable, become completely rational and justifiable. By taking inspiration from the system of creation, philosophies behind many of the *sharī'ah* rulings can be comprehended and the foundations of Islamic social philosophy and intellectual foundations of Islamic rights (laws) can be laid. The only way for these rights to become rational is to adhere to this view that can only be explained based on Divine Islamic philosophy (Ḥusaynī, 1386 SH). Such scholarly efforts have been sanctioned by the Infallible Imams. They too, in their time, faced many questions regarding the reason and philosophy behind many of the rulings, be they acts of worship or not. They would give suitable answers to these questions by keeping in mind the knowledge and culture of the questioners, the present audience and the society of their time, and according to their divine knowledge. Such questions and answers motivated the compilation of *ḥadīth* collections called '*Ilal al-Sharāyi*'. Two instances of this kind of book, authored under the mentioned title, were compiled by Faḍl ibn Shādhān and Shaykh Ṣadūq (1385 SH) (Mas'ūd Imāmī, 1392 SH).

Based on what was said concerning innate rights in Imāmiyyah jurisprudence, it can be claimed that the Imāmiyyah jurists intended to indicate the function of the intellect in discovering, inferring and guiding themselves, and dutybound individuals, towards implementing the religion. Concerning innate rights, the intellect can, at times, itself infer a ruling, however, on many occasions, it can help us uncover the philosophies and reasons behind certain rulings. According to the view of Shahīd

Muṭahharī - which is inspired by the view of innate nature and the system of creation - the philosophies and reasons behind many of the sharī'ah laws can be comprehended. This can occur in the following manner, first the system of creation, through the intellect, is understood. Thereafter, through its development, the reasons behind rulings are understood. Nevertheless, in this manner, one cannot claim to attain a complete understanding of the reasons behind rulings, but, with the aid of the intellect, at the very least, the superiority and comprehensiveness of Islam can be proven and shown in an eloquent way.

Good Association in Spousal Relationships

Islamic laws have determined some important positions for the protection of the family institution. One of the most important of these laws is the good association between spouses. In fact, in Islam's system of rights and legislation, good association is a legal principle and an ethical order for the spouses, i.e., it is an instance whereby the spouses act according to their responsibilities concerning the other. The criteria for determining what can be considered a good association are common conventions, etiquettes and customs, i.e., those common conventions that are in line with sound intellect and are not inconsistent with the goals of the formation of a family. The good association is among the non-monetary rights of the spouses towards each other. In the family institution, because rights are subservient to ethics and ethics have priority over rights, the observance of non-monetary rights by the spouses can play a vital role in strengthening this institution (Mūsawī Bujnurdī and Mahrgān Ṣawma'ah Sarā'ī, 1396 SH). So, they have the responsibility to, in their mutual familial and matrimonial life, be well-behaved, amiable and well-spoken towards each other and distance themselves from all types of ill-mannered behaviour, unpleasantness and foul language, except in circumstances when there is a sharī'ah reason. In the legislative method of Islam, the pillars of the family system rest firmly upon ethical principles, such as affection, compassion, forgiveness, grace, tolerance, forgoing, reconciliation, observing the best interests of the family unit, the prevalence of pleasantness, cordiality, respect, dignity, etc. (Mīrkhānī, 1379 SH). In other words, after the marriage, responsibilities are designated for each of the spouses concerning their mutual rights. The principle of good association, which is a balancing

factor in the family system, aims to stop spouses from inflicting harm upon the other caused by the misuse of the rights given to them (Mūsawī Bujnurdī and Mahrgān Ṣawma‘ah Sarā‘ī, 1396 SH).

Qur’ānic Commandments Concerning Good Association

a) Enjoyment of Good Association

The most important verse regarding good association can be considered to be the following verse,

“...And associate with them in a good way; and should you dislike them, maybe you dislike something while Allah invests it with an abundant good.” (Quran 4:19).

In the above verse, the verb “āshirūhunna” appears in the imperative form. Such verbs usually signify obligation, except when there is a contextual indication signifying recommendation. Thus, what can be understood from the above verse is that good association with one’s wife is a sharī‘ah obligation upon men (Zaydān, 1420 AH, 7/226).

b) Honourable Retention

Some other verses mention the necessity of “honourable retention”. For example, the verse,

“[Revocable] divorce may be only twice; then [let there be] either an honourable retention or a kindly release.” (Quran, 2: 229).

After the second divorce, a man can choose not to return to the matrimonial relationship and he must therefore release her, but if he wants to return and start the matrimonial life again, he must retain his wife in an honourable manner. The word “imsāk” means to safeguard (Rāghib Iṣfahānī, 1412 AH) which in this context translates as retaining. So, the phrase “honourable retention” is a different way of saying “good association”, because in another verse, “honourable retention” is contrasted with “malicious retention” (see: Quran, 2:231).

Negligence concerning this Qur’ānic ruling may cause the wife to fall into hardship and difficulty. In such an instance, she is then permitted to go to the court of law and complain against the husband. This could lead to the court obligating the husband to finalize the divorce. If he fails to do so, the court itself will finalize the divorce (see: article 1130 of Iranian Civil Law).

c) Separating Honourably

In other verses, the necessity of releasing them or separating from them in an honourable manner is mentioned (see: Quran, 65:2; 2:231; 2:229). These verses state that if the husband wants to divorce and separate from his wife, he must do so with goodness and in an honourable manner (‘Āmilī, 1413 AH, 9/188).

d) The Wife’s Maintenance

God, in advising suckling mothers, says,

Mothers shall suckle their children for two full years—that for such as desire to complete the suckling—and on the father shall be their maintenance and clothing, in accordance with honourable norms. (Quran, 2:233)

The ruling being discussed in this verse is that the father of the child must provide the mother’s food and clothing; however, as to what constitutes the provision and what is its extent, the above verse answers by only saying that it must be in accordance with honourable norms. So, “honourable” here explains the quality and quantity of the sustenance. The jurists (Ṭūsī, 1387 SH, 6/7) have issued verdicts on the following issue based on the term “honourable”. In connection with the wife’s need for a servant and the subsequent sustenance of the servant, they have said that the sustenance of the servant is upon the husband because this is what maintaining honourably entails (Ṭūsī, 1378 SH, 6/4). Concerning food, its quality and quantity, the jurists have said that one must refer to what is commonly accepted within society as being honourable (Ṭūsī, 1387 SH, 6/7). The husband must also provide the means for hygiene and sanitation, as they are also considered to be part of honourable sustenance (Fāḍil Hindī Iṣfahānī, 1416 AH, 2/109).

God, the Exalted, has used the word “ma’rūf” (honourable manner and norms) in the Glorious Qur’ān regarding spousal matters. This usage shows that in fulfilling the rights and responsibilities that are upon them, “honourableness” must be observed. In most instances, the above command is addressed to the husband, because greater authority and responsibility lies with him. Furthermore, if we were to also look at the law, we will find that article 1103 of the Iranian civil law considers both the husband and wife to be dutybound in maintaining good association. Moreso, as per article 1108, the outcome of bad association by the wife is

her being deprived of her right to demand sustenance from her husband. Also, article 1111 of Iranian civil law, which is regarding the bad association of the husband, says:

In the event of a husband depriving his wife of sustenance, she can go to court and file a complaint against him. In this instance, the court shall fix the amount of her sustenance and order the husband to pay it.

The Meaning of “*Ma‘rūf*” in Arabic Lexicons and Verses Concerning Spousal Relationships

“Good association” is coined based on the Arabic expression “*mu‘āshirah bil-ma‘rūf*” i.e. interact with her in a good and honourable manner. The word “*mu‘āshirah*” means mixing or associating with others (Ibn Manzūr, n.d., 4/574), while “*ma‘rūf*” is derived from the root letters ‘*A-ra-fa*. As per the lexicologists, ‘*a-ra-fa* is sometimes used to signify connectedness and sometimes to signify peace and tranquillity. Hence, when “*ma‘rūf*” is attributed to a thing, it is done so because the soul has attained tranquillity concerning it, whereas, if a person denies something (*inkār*), it is because it has made him uneasy and he wishes to stay away from it (Ibn Fārs, 1429 AH). Ibn Manzūr writes regarding its definition, “*Ma‘rūf* is every good thing about which the soul has acquired knowledge” (Rāghib Iṣfahānī, 1412 AH). The jurists (see: Ṭabāṭabā’ī Ḥā’irī, 1418 AH, 12/76; ‘Āmilī, 1413 AH, 8/310) and legal experts have a kind of consensus regarding “*mu‘āshirah bil-ma‘rūf*”, i.e., they consider common norms to be the determining factor regarding the determination of its instances (Imāmī, 1351; Ṭabāṭabā’ī, 1397; Kātūziyān, 1385, 1/202). Rāghib, in his book *Mufradāt*, considers both intellectual and sharī‘ah good to be implied by the concept of *ma‘rūf*. He writes. “*Ma‘rūf* is attributed to every action whose goodness and obligation is conceived by the intellect or sharī‘ah. Contrastingly, *munkar* is attributed to every action considered ugly and undesirable by the intellect or sharī‘ah. Thus, moderation in being charitable is considered as *ma‘rūf*, because it is desirable as per the intellect and sharī‘ah” (Rāghib Iṣfahānī, 1412 AH; Ṣadr, 1395 SH).

Ṭurayḥī considers *ma‘rūf* to mean anything that is done for the sake of obeying God (Ṭurayḥī, 1416 AH, 5/94). Fāḍil Miqdād considers *ma‘rūf* to be anything that is in line with good ethics (Fāḍil Miqdād, 1419 AH, 1/247).

In the book *Qāmūs Qur’ān*, the expression “*‘āshirūhunna bil-ma’rūf*” in the noble verse has been taken to mean men living desirably with women and acting upon their obligatory and recommended responsibilities towards them (Qarashī, 1412 AH, 5/1). In explaining the phrase “*‘āshirūhunna bil-ma’rūf*”, Ṭabarsī says. “It means co-living by the commandments of God, which include observing the rights of the wife, such as her right to sexual pleasure, sustenance and good speech. *Ma’rūf* also implies that he must not inflict any physical or verbal harm upon his wife and that he be amiable when interacting with her” (Ṭabarsī, 1394 SH, 3/25). Ayatullah Makārim considers “*mu’āshirah bil-ma’rūf*” to mean desirable human behavior with the wife (Makārim Shīrāzī, 1377, 3/320). Others consider “*‘āshirūhunna bil-ma’rūf*” to mean that the man must observe justice in his actions and that his words ought to be pleasant and beautiful (Fayḍ Kāshānī, n.d., 1/434).

Allāmah Ṭabāṭabā’ī says this regarding the definition of *ma’rūf*, “*Ma’rūf* is that which carries the guidance of the intellect, command of the sharī‘ah, virtue, beauties of good ethical traits, customs and etiquettes” (Ṭabāṭabā’ī, 1397 SH, 2/232). On the contrary, non-*ma’rūf* interactions are those that lead to injustice occurring, independence being stripped and nullified concerning societal affairs and the person being used, such that others take benefit from their work, whereas they are not allowed to take benefits from the work of others. (Ibid, 4/255). In Allāmah Ṭabāṭabā’ī’s view, “Fundamentally, the conditions of “*ma’rūf*” and “*ihsān*” are in place to prevent corruption that may emerge due to misuse of sharī‘ah rulings. For instance, in the case of retainment of the wife, someone may retain his wife to hurt and harm her, thus the ruling of “retaining the wife” has been issued with the condition of “*ma’rūf*” so that actions based on such purposes are stopped” (Ibid, 2/330).

Good behavior has a conventional meaning and is different based on the time and place, manners and customs of different people, tribes and families. Furthermore, social habits and customs, the levels of civilization, culture, and also religiosity and morality among every nation can bring about a particular meaning for good association (Ja‘farī Langarūdī, 1373 SH, 1/159). The advice to do that which is *ma’rūf* is directed to that person who has some authority and responsibility, and who, therefore, can

misuse these rulings. Therefore, the Glorious Qur'ān guides him toward the performance of the most suitable and desirable action. Most of the enjoinders towards *ma'rūf* in the Glorious Qur'ān are directed at individuals who are financially able or who have power and authority. The general spirit that dominates said *ma'rūf* is the spirit of forgoing and forgiveness by the financially able, resulting in compassion and sound familial relationships being created (Aḥmadiyyah, 1379 SH). For instance, as per the law, the husband is the guardian of his wife and has the right to give her orders, but it is enjoined on him to associate with her in a good manner, not to abuse his right of guardianship, not to make life difficult for her, and he must act with her with a spirit of forgoing and forgiveness.

In the verses of the Glorious Qur'ān, *ma'rūf* has been used to mean good action. In some verses concerning *ma'rūf*, the Glorious Qur'ān demands the selection of a good way towards the implementation of a ruling. This includes matters beyond just acting upon one's obligatory responsibilities. For example, regarding the paying of the wife's sustenance, what is obligatory is fulfilling the wife's usual needs, such as food and clothing. If the husband pays for her needs as per social norms, then he has observed his duty. However, it seems that by placing the condition of choosing the "good" manner, the Glorious Qur'ān seeks to enjoin the husband to not stop at the bare minimum but rather to provide for the best in terms of quality and for more than she needs in terms of quantity. In other words, the Glorious Qur'ān's advice to a dutybound individual, in the form of an ethical ruling, is that while acting upon his obligatory duties he should select the most suitable method. Choosing a degrading method, stopping at the bare minimum, delaying to act upon responsibilities, etc. are incompatible with the principle of acting by *ma'rūf* (Ḥikmatniyā, Mīrdādāshī and Hidāyatniyā, 1388 SH, 2/75-76).

Therefore, the responsibility of associating desirably is directed more towards the husband or a wife who has greater authority and responsibilities, and where there is a possibility that they may abuse this authority. Acting desirably signifies an action that is in line with sharī'ah and intellect, and which is agreeable to the innate nature of the people of that time.

Good Association as a Principle

Some regard good association as a jurisprudential-legal principle which implies that both wife and husband must behave with each other according to the commonly accepted norms in an Islamic society. This principle is a jurisprudential-legal principle, not just some ethical teaching. As per this principle, the rights and responsibilities of the spouses must follow the path of *ma'rūf*, i.e., what is considered good as per the norms of an Islamic society. Therefore, if what is good (practical norms of the rational people of an Islamic society) does not affirm the actions of the spouses, then the principle of the obligation of acting according to a desirable manner has been violated. This violation may lead to appropriate legal action. Accepting this principle does not entail turning the entire family system of rights into something solely based on social norms and conventions, for the family institution possesses an elevated and virtue-oriented philosophy and function in Islam. That is why, concerning relationships between husband and wife, there are important obligations and legislative principles which cannot be influenced by conventional judgments. However, implementing this principle alongside attending to the shari'ah regulations will produce a system which is rational, efficient, practical and acceptable to a sound intellect. As per this principle, the norms and the social or collective intellect influence the formation of laws in the field of family rights. The norms and conventions accepted by society and intuitions of the lay Muslims cannot be ignored while organizing relationships between husband and wife. This principle avails an assuring solution for defending the rights of women and helps them in tackling the difficulty of proving "the situation of harm or difficulty" and allows them to get a judgement in their favor. Moreso, some of the jurisprudential teachings concerning spousal relationships are a result of the norms and conventions prevalent in previous times. Application of this principle enables the legal system of the family to benefit from intellectual-conventional developments and progress, resulting in old conventions not being interpreted and regarded as eternal Islamic and revelatory teachings (Nobahār and Ḥusaynī, 1394 SH).

Scope and Instances of Good Association

330

1. Managing the Family and Good Association

To correctly understand the texts regarding the position of men and women in managing the affairs of the family, the principle of good association must be taken into consideration. In the narration of the Farewell Pilgrimage (Ḥijjat al-Widā'), it is reported that the Noble Prophet (s) said that women must not disobey men in the domain of good association (see: Majlisī, 1403 AH, 100/245). Similarly, Sa'dān ibn Muslim narrates from Imam Ṣādiq (a) that during the event of allegiance, the Noble Prophet (s) said to the women present, "O women! Pay attention! I will only accept your allegiance if you do not associate partners to God ... and you do not disobey your husbands regarding good association" (Ḥurr Āmilī, 1409 AH, 14/153).

In these narrations, the obedience of the husband is mentioned alongside the condition of good association (*ma'rūf*), i.e., the man does not have any right to go against good association and ask his wife to obey him in something which is not by common conventions and norms of the dignified. Therefore, concerning the discussion of the management of the family, if the verse "men are the managers of women (Quran, 4:34)" signifies the guardianship of men, this guardianship cannot be interpreted and understood detached from the principle of good association.

2. Sexual Relationships and Good Association

As a branch of this principle, the sexual relationships between husband and wife must also be under the framework of good association. This principle entails that creating the opportunity for sexual interactions is a mutual right and responsibility of the spouses. Some of the interpretations and explanations regarding the type of relationship between spouses (see: Baḥrānī, 1405 AH, 23/89; Ṭabāṭabā'ī Ḥā'irī, 1418 AH, 11/67; Fāḍil Hindī Iṣfahānī, 1416 AH, 7/270; Fayḍ Kāshānī, n.d., 2/290; Mūsawī Khomaynī, 1425 AH, 2/242; Najafī, 1404 AH, 29/115) are, however, not in conformity with the principle of good association. If the jurisprudential texts are consulted in this regard, we shall see that the jurists (see: Ṭabāṭabā'ī Ḥā'irī, 1418 AH, 12/76), in many of the instances concerning rights, such as the right to take an oath

and other sexual rights of the wife, have analyzed the matter based on the ruling of good association. Some of the jurists (see: Baḥrānī, n.d., 10/70; Ṭūsī, 1387 SH, 6/13; ‘Āmilī, 1413 AH, 8/445; Makārim Shīrāzī, 1424 AH) have considered “the husband having a very large body which causes harm to the wife when he has sexual interaction with her” as one of those situations in which the wife is entitled to receive the sustenance despite her not consenting to sexual interaction. The most important argument supporting this verdict is the principle of good association.

3. Wife’s Sustenance and Good Association

Regarding the wife’s sustenance, the jurists have also argued based on the principle of good association for proving the obligation of paying for sustenance, as well as for inferring its particular cases (see: Ḥā’irī Ṭabāṭabā’ī, n.d.; Ṭabāṭabā’ī Ḥā’irī, 1418 AH, 12/163; Fāḍil Muwaḥḥidī Lankarānī, 1421 AH). It is renowned among Imāmiyyah jurists (Ḥā’irī Ṭabāṭabā’ī, n.d.; Ḥillī, 1413 AH, 7/319-320; Qummī, 1413 AH, 4/487; Muḡniyyah, 1421 AH, 5/313; Mūsawī ‘Āmilī, 1411 AH, 1/486) that the wife’s sustenance has no fixed limit in terms of quantity, quality and scope of inclusion, rather it is left to commonly accepted social conventions and habits. In jurisprudential terminology, it is said the “wife’s sustenance is unstated”. From how the narrators used to ask questions from the Infallible Imams (a), it is clear that Muslims considered the criterion for determining the measure of sustenance to be the social norms. That is why at times they would ask about the measure of sustenance in various situations and the answers given by the Imams (see: Ḥurr ‘Āmilī, 1409 AH, 15/57) show that even the conditions of poverty and wealth can influence the measure of sustenance (Zamakhsharī, 1407 AH, 1/49; Fakhr Rāzī, n.d., 12/10).

Shahīd Thānī (‘Āmilī, 1410 AH, 5/469-471) has concluded that, regarding the verse of good association, it is obligatory upon the husband to provide for the needs of the wife, ranging from food, clothing, and housing, to the need of a servant, sanitary products, etc., by common social norms, because God has ordered the enactment of such association to be done in a good manner regarding wives. So, among the instances of good association is to provide for her in a manner that befits her. Shahīd Ṣadr (Ṣadr, 1420 AH, 8/369), as a result of referring to the verse of good

association, considers the obligation and commitment of the husband to provide the wife's individual and social needs as instances of her sustenance. He writes, "Without a doubt, allowing the needs of the wife to remain unanswered and to permit her social degradation, are against what is considered good" (Şadr, 1420 AH, 6/277; Majlisī, 1403 AH, 8/369). The wife's need for a servant, though being an instance of sustenance and one of the examples of good association, has been especially and explicitly mentioned by some jurists (see: Sabzawārī, 1413 AH, 2/301; Ṭūsī, 1387, 6/4).

4. Living Together and Good Association

In line with the principle of good association, according to some jurists (see: Sabzavārī, 1413 AH, 25/300-302; Qummī, 1413 AH, 4/560; Muḥaqqiq Ḥillī, 1408 AH, 2/293; Najafī, 1404 AH, 31/339; Qummī, 1413 AH, 4/560, Sabzavārī, 1413 AH, 25/300-302) providing a residence specific to the wife, and any illegitimate relation by either of the spouses such that the social status of the other is tarnished, can be considered as instances of violation of the principle of good association. Some of the legal experts (see: Kātūziyān, 1385 SH) have even mentioned legal guarantees of enforcement for supporting the implementation of the principle of good association in this instance.

5. Specific Residence and Good Association

As per the renowned view of the Imāmiyyah jurists, the power of choosing the place of residence rests with the husband, except when it is stipulated for the wife. Iranian civil law has also followed this view (Article 1114 of Iranian Civil Law). However, the man must take into consideration the state and status of the wife before choosing the residence. According to many jurists, the wife can refrain from staying in the mutual residence even when her being able to choose the residence is not stipulated in the marriage contract. For example, if the husband has a residence in which his other wife or his parents live and he invites the wife to stay in it, it is not the wife's responsibility to accept to stay there, rather she can ask for a separate residence. The most important basis for this ruling is the 19th verse of chapter Nisā' which states "associate with wives in a good manner". According to Muḥaqqiq

Ḥillī, “The woman has the right to demand a residence which she does not have to share with anyone other than the husband” (Muḥaqqiq Ḥillī, 1408 AH, 2/293). Sāhib Jawāhir (Najafī, 1404 AH, 31/339) states this in justification of this ruling, “Arranging a suitable and separate residence for one’s wife is an instance of good association and worthy retaining of the wife that God has commanded”. Muḥaqqiq Qummī (Qummī, 1413 AH, 4/560) says the following in answering a question concerning this matter,

The wife’s residence, whose arrangement is obligatory upon the husband, must conform to her state and social status. Furthermore, she can demand a separate residence where there is nobody else with her except her husband, be it a co-wife, one of the husband’s relatives or anyone else. The husband cannot obligate her to stay in one house with her co-wife. In this way, two arguments “*House them where you live, in accordance with your means*” (Quran, 65:6) and “*Consort with them in an honourable manner*” (Quran, 4:19)” are reconciled.

From this, it seems that the criterion for the wife’s place of residence is her family and social status, i.e., if her status is not incompatible with her living in a mutual living space, then it is improbable to consider her as a possessor of such a right unless when doing so will cause her harm. However, if the common social norms and her specific status entail a separate residence, then can such a right can be considered for her (Muḥaqqiq Dāmād Yazdī 1372 SH). This understanding, i.e., making a distinction based on the status of the wife, is also in conformity with the subtle meaning of good association and the role of normative and individual factors in determining branches and instances of good association. Some jurists (see: Sabzvārī, 1413 AH, 25/300-302) say this regarding the wife’s residence, “The wife is entitled to a house which is worthy of and suitable to her social status and personal tastes” (Nubahār and Ḥusaynī, 1394 SH). Various ethical rulings have been inferred from the principle of good association, such as forgiving and forgoing each other’s mistakes, being committed to the spouse and not giving importance to others, appreciating each other’s efforts, refraining from badmouthing the spouse and revealing their defects in front of others, preserving the honor of the wife even in calling her, listening to what the wife has to say and consulting with her in family affairs,

giving gifts to each other, having a sense of harmony in happiness and compassion in sorrow (‘Aqileh, 1420 AH). Many of these affairs have an ethical nature, but in legal familial disputes, the judges may very well pass appropriate judgments based on the entirety of the husband’s behavior (Hikmatniyā, 1390 SH).

Good Association and its Connection to Innate Rights

As was mentioned before, good association is a general and multilateral principle that must be observed concerning spousal relationships, as per the explicit dictates of the Glorious Qur’ān. Good action is that which is endorsed by the sharī‘ah and intellect. Its instances can be different owing to the different conditions of each of the spouses and their place and time. This difference is evident in the discussions concerning sustenance, consenting to sexual interaction and guardianship of the man upon the family. Acting as per common norms is dominant over laws concerning the family. This is so because all families have some specific attributes and distinctions, therefore, family rights and responsibilities should be designated in such a way that does not go contrary to the sharī‘ah and is endorsed by the sound innate nature of man. This is the very innate nature that should be an authority in giving meaning to the social conventions and which is immutable.

As can be seen, this principle is directed more towards men, that is because they have more responsibility as the guardian of the family and because the possibility of them abusing their rights is greater than women. Even though some of the legal rulings are the legal foundations and basis for spouses, the presumption behind all of these laws – which have been proposed based on the innate nature of men and women – is that to benefit from them, one must associate with his/her spouse in a good manner. The functions and goals of a family must be defined based on the physical and psychological attributes of the spouses and their innate nature. The grounds should be prepared for each of them to understand the other’s innate nature so that the formation of the family takes place with awareness. Good association and desirable behavior of the spouses are compatible with the innate nature of man and in conformity with the main purpose of the family, which is the creation of love and affection. Based on this, the instances of good association and their concordance with the

innate nature of man must be considered together with the attributes, goals and functions of the family system.

The principle of good association conforms with the innate nature of the spouses, which is concordant with love and affection. This innate nature, alongside other sharī'ah laws, must be flexible based on the principle of the good association while, at the same time, no instance of desirable behavior should contrast the attributes of the spouses and the family system. Thus, in the family, both general and individual interests are attended to simultaneously, and the family is viewed as a system, not as an individualistic or self-centric institution. In other words, the legal rulings and responsibilities of the spouses describe only a small part of the rights and responsibilities and their limits regarding the members of this system, The Divine Legislator, who is the originator of the system of creation and the sharī'ah, takes into consideration the innate nature and attributes of the spouses and He is aware that the family system cannot be governed by legal rulings alone, rather it is the dominance of ethical laws that can make individuals commit to and have confidence in familial and matrimonial life. God, the all-Wise, has legislated the importance of ethics, and their dominance, in the form of the principle of good association and in line with the system of creation.

Final Discussion and Conclusion

An innate affair is an affair that has not been acquired through learning, inculcation, interaction with the world of reality (including both the material and immaterial), intellectual activity (including analysis, composition, reasoning and definition), spiritual struggle, and so on, rather it is an affair which is ingrained within the fabric of an individual's existence. It is possible that innate affairs may weaken and fade due to social changes etc., but they never cease to exist, they continue to remain within the nature of man. The innate potentials of man form the basis of those legal rulings that concern him. Among Imāmiyyah jurists, innate rights are considered to play a similar role that the intellect does in discovering and inferring laws, and in guiding the jurists and dutybound individuals towards implementing the religion. It is by attending to and taking inspiration from the view of innate nature, and the harmony of rights and laws with the

creational system, that the philosophy and reason behind many of the sharī'ah commandments can be known. Thus, the difference between the social rulings of men and women seen in Islam is due to their bodily and physiological differences, each indicating a difference in their functions, responsibilities and what is expected of them. The Glorious Qur'ān has used the term *ma'rūf* concerning spousal relationships, indicating that apart from the rights and responsibilities that the spouses have, they must observe *ma'rūf* (goodness) in exercising them. The obligation of good association is directed more towards the spouse who has greater authority and where there is a possibility of this authority and responsibility being abused. Acting good means acting following the sharī'ah and intellect and in a manner that conforms with the innate nature of people of every era. Rulings, like the principle of good association, prepare both spouses to better implement legal rulings within the family. This is achieved based on the attributes, functions and specific goals of the family system and because of the superiority of ethics over familial rights. Good association and suitable and worthy behaviour, according to the conventions of the spouses, are those which are in conformity with their innate nature and are in line with the main goal and function of the family, namely the creation of love and affection.

Lastly, we recommend that article 1103 of the Iranian civil law should be rectified to read: The wife and husband are obligated to associate with each other in a good manner and this principle prevails over all the rights and responsibilities of the spouses. In the case of rectification of this article, the judges and even the spouses will take good association under consideration and act according to it in determining and passing judgment concerning the rights and behaviour of the spouses.

References

1. 'Āmilī, Zayn al-Dīn ibn 'Alī. 1410 AH. *Al-Rawḍat al-Bahī'at fī Sharḥ Lum'at al-Damashqiyah*. Qom: Dāwarī Bookstore.
2. 'Āmilī, Zayn al-Dīn ibn Alī. 1413 AH. *Masālik al-Afhām ila Tanqīḥ Sharā' al-Islām*. Qom: al-Ma'ārif al-Islāmiyah Foundation.
3. 'Aqīleh, Muḥammad. 1420 AH. *Niẓām al-Ussrat fī al-Islam*. Oman: Al-Risalah Al-Hadithah.
4. Abū-Turābī, Aḥmad. 1397 SH. *'Ulūm Fiṭrī Nazd Fīlsūfān Gharb va Andīshmandān Musalmān*. Qom: Imam Khomeini Educational and Research Institute.
5. Aḥmadiyyah, Maryam. 1379 SH. *'Uruf, Ma'rūf, Musāwāt*. Women's Strategic Studies, 9 (-), 68-84.
6. Bahrānī, Hāshim. 1416 AH. *Al-Burhān fī Tafṣīr al-Qur'ān*. Tehran: Bunyād Bi'that.
7. Bahrānī, Ḥusayn ibn Muḥammad. N.D. *Al-Anwār al-Lawāmi' fī Sharkh Mafātīh al-Sharā'i*. Qom: Majma' al-Buḥuth al-Islamiyah.
8. Bahrānī, Yūsuf ibn Aḥmad ibn Ibrāhīm. 1405 AH. *Al-Hadā'iq al-Nādirah fī Aḥkām al-'Itrat al-Tāhīrat*. Qom: Daftar Intishārāt Islami.
9. Fāḍil Hindī Iṣfāhānī, Muḥammad ibn Ḥasan. 1416 AH. *Kashf al-Lithām wa al-Ibhām 'an Qawā'id al-Aḥkām*. Qom: Daftar Intishārāt al-Islāmī.
10. Fāḍil Miqdād, Jamāl al-Dīn Miqdād ibn Abdullah. 1419 AH. *Kanz al-'Irfān fī Fiqh al-Quran*. World Assembly for the Unity of Islamic Schools of Thought.
11. Fāḍil Muwahidī Lankarānī, Muḥammad. 1421 AH. *Tafṣīl al-Sharī'ah fī Sharḥ Tahṣīr al-Wāsilah*. Qom: Markaz Fiqhī Aimmat al-Athār.
12. Fakhr Rāzī, Muḥammad ibn 'Umar. N.D. *Al-Tafṣīr al-Kabīr*. Cairo: Offset printing.
13. Fayḍ Kāshānī, Mawla Mohsīn. N.D. *Al-Ṣāfi fī Tafṣīr Kalāmullah*. Mashhad: Dar al- Murtaḍa.
14. Fayḍ Kāshānī, Muḥammad Mohsīn ibn Shah Murtaḍa. N.D. *Mafātīh al-Sharā'i*. Qom: Publication of Ayatollah Marashī Najafī Library.
15. Ḥā'irī Ṭabāṭabā'i, Sayyid Muḥammad. N.D. *Kitāb al-Manā'hil*. Qom: Āl-al-Bayt Foundation.
16. Hikmatniyā, Maḥmūd. 1390 SH. *Ḥuqūq Zan va Khānūvāde*. Tehran: Research Institute of Islamic Culture and Thought.
17. Hikmatniyā, Maḥmūd; Mirdādāshī Sayyid Mahdi; Hidāyatniyā Farajillah. 1388 SH. *Falsafe Ḥuqūq Khānūvāde*. Tehran: Public Relations of Women's Cultural-Social Council.
18. Hilli, Husain ibn Yusuf ibn Muṭahhar. 1413 AH. *Mukhtalaf Al-Shīah fī Aḥkām al-Shārī'ah*. Qom: Daftar Intishārāt al-Islāmī affiliated with Jāmi'eh Mudarrisīn.
19. Ḥurr Āmilī, Sayyid Muḥammad. 1409 AH. *Wasā'il al-Shī'ah*. Qom: Āl-al-Bayt Foundation.
20. Husainī, Sayyid Amrallah. 1386 SH. *Uṣūl Nazariye Ḥuqūq Fiṭrī dar Andishe Ustad Muṭahharī*. Fiqh Ahl al-Bayt 52 (-), 106-139.
21. Ibn Fāris, Abu al-Hasan Aḥmad. 1429 AH. *Mu'jam Maqāyis*

- al-Lughat*. Beirut: Dar Ihya' al-Turath al-'Arabī.
22. Ibn Manzūr, Jamāl al-Dīn Muḥammad. N.D. *Lisān al-'Arab*. Beirut: Dar Ihya' al-Turath al-'Arabī.
23. Ibn Sīnā, Ḥusayn ibn Abdullah. 1364 SH. *Al-Najāt Min al-Gharq fī Bahr al-Dalālāt*. Tehran: Publishing and Printing Institute, Tehran University.
24. Imāmī, Mas'ūd. 1392 SH. *Falsafe Hukm Ta'addud –e-Zawjāt*. Research Journal of Islamic Studies of Women and Family 1(1), 59-80.
25. Imāmī, Sayyid Hasan. 1351 SH. *Huqūq Madanī Khānūvāde*. Tehran: Islamiyah Publication.
26. Jafarī Langarūdī. 1373 SH. *Huqūq Khānūvāde*. Tehran: Kanj Dānish Publication.
27. Javādī Āmulī, Abdullah. 1379 SH. *Fiṭrat dar Quran dar Tafsi'r Mawḍū'ī Quran Karīm*. Qom: Isra Publication Centre.
28. Kātūziyān, Nāšir. 1385 SH. *Huqūq Khānūvāde*. Tehran: Sahāmī Publishing Company.
29. Majlisī, Muḥammad Bāqir. 1403 AH. *Biḥār al-Anwār al-Jāmi'ah Lil-Akḥbār al-Aimma al-Aṭḥār*. Beirut: Dar Ihya' al-Turath al-'Arabī.
30. Makārim Shīrāzī, Nāšir. 1377 SH. *Tafsi'r Nemuneh*. Tehran: Dar al-Kutub al-Islamiyah.
31. Makārim Shīrāzī, Nāšir. 1424 AH. *Kitāb al-Nikāh*. Qom: Publications of Imam Ali Ibn Abi Ṭālib (PBUH) School.
32. Mīrkhānī, 'Iyyat al-Sādāt. 1379 SH. *Ruwīkardī Nawīn dar Rawābiṭ Khānūvāde*. Tehran: Safir Šubh.
33. Mišbāh Yazdī, Muḥammad Taqqī. 1377 SH. *Āmuzish Falsafe*. Tehran: Islamic Propaganda Organization International Publishing Company.
34. Mughniyyah, Muḥammad Jawād. 1421 AH. *Fiqh al-Imam al-Šādiq (a.s)*. Qom: Anšariyan Publication.
35. Muḥaqqiq Dāmād Yazdī, Sayyid Mustāfa. 1372 SH. *Barresī Fiqhī Huqūq Khānūvāde: Nikāh wa inḥilāl an*. Tehran: 'Ulūm Islāmī.
36. Muḥaqqiq Ḥillī, Najm al-Dīn Ja'far ibn Ḥasan. 1408 AH. *Sharā'ī al-Islam fī Masā'il al-Ḥalāl wa al-Ḥarām*. Qom: Ismā'iliyan Foundation.
37. Mūsawī 'Āmilī, Muḥammad 'Alī. 1411 AH. *Nihāyat al-Marām fī Sharḥ Mukhtaṣar Sharā'ī al-Islam*. Qom: Daftar Intishārāt Islāmī
38. Mūsawī Bujnuwardī Sayyid Muḥammad; Mahrgān Šauma'ī Sarā'ī, Batul. 1396 SH. *Barresī Huqūq wa Takālif Ghayrimālī Zawjayn bar Asās Mašlahat Khānūvāde bā rūvikardī bar nazar Imam Khomeini*. Maḥn Journal 76 (19), 1-20.
39. Mūsawī Khomaynī, Sayyid Ruhullah. 1372 SH. *Chehel Hadith*. Tehran: Institute for organizing and publishing the works of Imam Khomeini (r.a).
40. Mūsawī Khomaynī, Sayyid Ruhullah. 1425 AH. *Tahrīr al-Wāsilah*. Translator: Islāmī, 'Alī. Qom: Daftar Intishārāt Islāmī.
41. Muṭahharī, Murtaza. 1377 SH. *Niṣām Huqūq Zan dar Islam*. Tehran: Sadra Publication.
42. Muṭahharī, Murtaza. 1379 SH. *Yad-dāshthiha-e- Ustad Muṭahharī*. Tehran: Sadra Publication.
43. Muṭahharī, Murtaza. 1403 AH. *Barresī Ijmālī Mabānī Iqtisād Islāmī*. Tehran: Hikmat Publication.

44. Muṭahharī, Murtaza. N.D. *Majmū' -e- Maqālāt*.
45. Najafī, Muḥammad Ḥasan. 1404 AH. *Jawā'ir al-Kalām fī Sharḥ Sharā'i al-Islam*. Beirut: Dar Ihyā' al-Turāth al-'Arabī.
46. Nubahār Rahīm; Ḥusaynī, Sayyid Ummu al-Banīn. 1394 SH. *Qā'ideh Luzūm Ma'āshirat bi Ma'rūf dar Rawābiṭ Zan va Shawhar*. Family Research, 41 (11), 53-72.
47. Qummī, Abu al-Qāsim ibn Muḥammad Ḥasan. 1413 AH. *Jāmi' al-Shatāt fī Ajūbat al-Su'alāt*. Tehran: Kayhān Foundation.
48. Qurāshī, Sayyid Ali Akbar. 1412 AH. *Qāmūs Qur'ān*. Tehran: Dar al-Kutub al-Islamiyah.
49. Rabbānī Golpāyegānī, 'Ali. 1388 SH. *Fiṭrat va Dīn*. Tehran: Kānūn Andishe Jawān.
50. Rāghib Iṣfahānī, Ḥusain ibn Muḥammad. 1412 AH. *Mufradāt Al-Fāz al-Qur'ān*. Lebanon: Dar al-Ilm.
51. Sabzvārī, Abdul 'A'la. 1413 AH. *Muhadhab al-Aḥkām*. Qom: Al-Manār Foundation.
52. Ṣadr al-Dīn Shīrāzī, Muḥammad ibn Ibrahīm. 1363 SH. *Mafātih al-Ghayb*. Tehran: Cultural Research Institute.
53. Ṣadr, Sayyid Muḥammad. 1395 SH. *Al-Mu'ālim al-Jadīd*. Tehran: Maktabah al-Najāh.
54. Ṣadr, Sayyid Muḥammad. 1420 AH. *Mā Warā'u al-Fiqh*. Beirut: Dar al-'Aḏwā'.
55. Ṭabarsī, Abu 'Ali al-Faḍl ibn al-Ḥasan. 1394 SH. *Majma' al-Bayān Li 'Ulūm al-Qur'ān*. Cairo: Rābiṭa al-Thaqāfah wa al-'Alāqāt al-Islamiyah.
56. Ṭabāṭabā'ī Ḥā'irī, Sayyid Ali ibn Muḥammad (1418 AH). *Riyād al-Masā'il fī Tahqīq al-Aḥkām bi al-Dalā'il*. Qom: Āl-al-Bayt Foundation.
57. Ṭabāṭabā'ī, Sayyid Muḥammad Ḥusain. 1387 SH. *Al-Mīzān fī Tafṣīr al-Qur'ān*. Qom: Daftar Intishārāt al-Islamī.
58. Ṭabāṭabā'ī, Sayyid Muḥammad Ḥusain. 1397 SH. *Al-Mīzān fī Tafṣīr al-Qur'ān*. Tehran: Dar al-Kutub al-Islamī.
59. Turayhī, Fakhr al-Dīn. 1416 AH. *Majma' al-Baḥrayn*. Tehran: Murtaḍawi Bookstore.
60. Ṭūsī, Muḥammad ibn Ḥasan. 1387 SH. *Al-Mabsūṭ fī Fiqh al-Imāmiyah*. Tehran: Maktab al-Murtaḍawī for the revival of Ja'fariyah's works.
61. Zamakksharī, Maḥmūd. 1407 AH. *Al-Kashāf 'an Ḥaqā'iq Ghawāmiḍ al-Tanzīl*. Beirut: Dar al-Kitāb al-'Arabī.
62. Zaydān, Abdul-Karīm. 1420 AH. *Al-Mufaṣṣal fī Aḥkām al-Mar'at wa bayt al-Muslim*. Beirut: Al-Risālah Foundation.

