A Comparative Study of the Iddah (Waiting Period) in Iran Jurisprudence and the Laws of Other Countries

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ABSTRACT: One of the legal issues is for certain legal purposes, is Iddah subject. The period of Iddah, the Iddah of divorce, and Iddah of death, women have the right to remarry. Iddah in all major religions, Islam is clear and only minor differences are observed in the verdict. In this paper a comparative study of law and some Islamic and non-Islamic countries which responded to the question that is there any issue that it is called Iddah? The answer is obvious is the lack of Iddah, but to prevent problems caused by the mixing ratio in these countries, measures such as prolongation procedure fractionation during physical examination of a petition for divorce and re-marriage ban couples of the period specified in the decree of divorce, Iddah goals to be achieved indirectly makes.

Keyword: Iddah of divorce, Iddah of death, Permanent marriage, Temporary marriage, Dissolution of marriage

Iddah in Iran
Iddah in Jurisprudence and Law

Iddah is dedicated to keeping women and the consequences of the dissolution of marriage, divorce, death, termination of contract is close to the restraints of marriage again is the question. Iddah is the root of Addad (Ragheb Esfahani, 1983). In terms of jurisprudence, Iddah is: “while the females after separation from her husband in the waiting mode” (Mohaghegh Damad, 2003). Whether it is due to separation, divorce, annulment of marriage, death, end it. “Expectations” of the word “Tarbas” in the Holy Qur'an (Baqara, 228). (Divorced women expect to spend three to clean your breath …). On the Quranic verses, the status of women in different Iddah stated: “The divorced woman should wait three purity before marriage” (Baqara, 228). "Iddah period for women due to the age of three months and do not see Menstruation is for pregnant women to give birth" (Talaq, 4). "Women Iddah period because of her husband's death four months and ten days" (Al-Baqara, 234). After the dissolution of marriage by women who are not committed to maintaining Iddah such as “Gheireh Madkhouleh women ‘(Ahzab, 49). Iddah of established provisions of Islam is not in keeping Iddah before Islam existed between nations, but its rulings are not subject to the special women in most cases the conditions were tough. Islam, with specific targets for women dissolution of marriage through divorce or death of the husband, Iddah and put it in the system and has declared certain provisions (Alavi Ghazvini, 2008). In civil law, subject to the provisions of Chapter III is devoted Iddah. Article 1150 of the Civil Code states: «Iddah is the time to expiry of the woman that her marriage has been dissolved cannot marry another husband." Article 1151 of the Civil Code Iddah for divorce and marriage annulment group announced Tuesday afternoon, except in the case of women who due to age, habits, femininity and do not see their Iddah period is three months. Iddah of divorce or annulment of marriage under Article 1152 of the Civil Code and the expiration of the contract term and intermittent treat without carrying the required two-noon, but due to old habits femininity in women who do not see the period of Iddah 45 days. Article 1153 of the Civil Code states, "A woman who is pregnant should hold up delivery Iddah." In accordance with Article 1154 of the Civil Code Iddah of death and permanent marriage interrupted alike were given four months and ten days; except in the case of a pregnant woman during her Iddah lasts until birth, Provided that the interval between death and husband's birth more than four months and ten days, otherwise the Iddah period is four months and ten days. Article 1155 of the Civil Code Mkhwim women and postmenopausal women to determine the order in which the divorce or annulment of their marriage, retain Iddah is not necessary, but the husband died Iddah need to keep. A woman whose husband is absent, missing and divorce her ruling, pursuant to Article 1156 of the Civil Code from the date of...
divorce, Iddah of death hold. Also on the woman question is a close one, in accordance with Article 1157 of the Civil Code is necessary to maintain Iddah of divorce. Iddah with those which exist in law and civil law and in some cases identical, with some differences in other Islamic countries will be respected. UN countries, except in a few cases, such as the French law, the legislation has not been Iddah Cuba and Japan, although for a while to wait to remarry after the death of the spouse (either husband or wife) are a common custom. Sometime after the death of the wife of the man or woman, must wait before remarrying in different countries according to ethical principles, religious and socio-governing communities vary, but generally it is a personal affair and depending on the emotions of people.

**Philosophy of Iddah**

Iddah of legislation due to its availability in the Quran is no doubt about the consensus of jurists and lawyers. There are two perspectives to explain the wisdom of the legislation Iddah: Iddah with Quran stipulate the specific cause and make sure the uterus is found not guilty. This approach is known as what contraceptive method such experiments is that the domestic, Iddah is abrogated. This view has little support. Iddah Tbd is essential in all cases, although some of Iddah Wisdom explained, but it should be Mtbd. Iddah philosophy can explain things as follows:

**Prevent mixing of parentage**

The most important and most obvious reason Iddah for a woman to keep her marriage dissolved relationship; reduce the mixing ratio (Safaie and Emami, 2008). Marriage of a woman to death or divorce is removed, to ensure the purity of the uterus, the embryo, the period of remarriage does not want to prevent the mixing ratio. Imam Reza (AS) says: (Iddah divorcée Tuesday Menstruation or three months, to ensure purity of the child's womb) (Sadough, 2006). Innocence postmenopausal women, and from maintaining Iddah of Gheireh Madkhouleh women is explainable in the same direction. This sentence has no uterus; women may also be due to the lack of development in these women's children can scale (Alavi Ghazvini, 2008).

**Returns to her husband in a divorce Revocable**

Iddah of divorce is a time for reflection and a return to family life. In this period the couple can focus on the fate of family and good children, and Legislator think if a husband allow regretted breaking marital relationship, to refer effect the that can divorce and resume living together (Safaie and Emami, 2008). Wise Allah says: (... their husbands are more than the return realized if good will be improved) (Baqara, 228). For the same reason that women deserve revocable divorce, alimony, and this man was commanded to keep women in their homes.

**Support and protect the fetus**

Husband during divorce or the death of a woman who is pregnant, has given birth to a child to keep Iddah. The carrier of the woman's husband died during Iddah of divorce cases are different and seem to be in divorce, child survival, some philosophy, some of the damage that may be caused by new husband to marry the woman, as forced to abortion fetus. But the Iddah of death for pregnant women is not allowed to remarry, before four months and ten days, even in the event of childbirth. So Iddah kept by the woman's husband dies, another is the philosophy that more is explained.

**Honor her husband's death**

Iddah of death for the Iddah of divorce is different; the term is longer than the Iddah of divorce and the divorce case involving postmenopausal Iddah. Gheireh Madkhouleh women is obligatory upon them not to be too. It seems that the nature and philosophy of death prescribed Iddah of divorce is quite different. Iddah of death in women carrying legislation Iddah status is unknown, but the respect and loyalty to her marriage with a man.

**Iddah in Islamic Countries**

In many Muslim countries, especially in the area of civil law, religious law governs. Four Islamic schools, citing the Quranic texts and sources reliability, to consider the legitimacy of Iddah in this regard are in agreement with Shiite jurists. Iddah rules for the status of women in Islamic countries and depends on the woman's husband divorced her or died. Hanafi jurisprudence's death Iddah period of four months and a half three full Menstruations know Iddah of divorce. In most Islamic countries, while preventing the Iddah of philosophy's generation mix, but it works in this period that a woman who may be entitled to alimony. Since Islamic law in Western countries, there is no common property, this is particularly important in Islamic countries. So many women, their Menstruation occurs
during the prorogation expressed are not entitled to alimony and hide. Legislation to prevent the misuse of such laws and regulations restrict the Iddah period (Herbert and Liebesny, 1975) concerning Iddah law in some Islamic countries is considered as examples:

**Morocco**

Morocco’s personal status laws, Iddah of a woman whose husband dies, four months and ten days, and Iddah divorcee Tuesday Menstruation is complete. Women sex with another man should be at this time, so you might be out of the couple's fetus in the womb (Ibid, p149) In cases where the divorced wife of a man and a woman is the social damage caused by, according to article 60 of Law 1958 Moroccan man according to his financial situation and observing the effect on the economic status of women, the obligation to provide financial compensation. The Family Law Reform in Morocco in 1993 and 2004 respectively. The new law not only gave women the right to divorce, but the divorce bisection respect to the assets that the couple has been attending the marriage (Moroccan Code of Personal Status Revised Version, 2004).

**Syria**

Syria's personal status law enacted on September 17, 1953, which was amended in 1975, influenced by the Hanafi sect is believed to reflect the majority of the Syrian people. The Iddah rules for women in different cases such as divorce, death of a husband and marriage annulment, has passed. In accordance with Article 121 of this Act, the term Iddah of divorce or dissolution of marriage for women in non-carriers, if that is regularly menstruating women, three of Menstruation. The term due to age of the women, or for women who do not menstruate before the age of menopause Menstruation stops, is one year. The law allowed for some menopausal women who for three months. On the basis of Article 123 of the law during Iddah of death is four months and ten days. (The Syrian Law of Personal Status, 1975).

**Egypt**

Egyptian personal status law, the law passed in 1929 and amended in 1979 and 1985 related to divorce and legal obligation to maintain the Iddah for women after divorce, either revocable or irrevocable insists. Three-month period of Iddah for divorced women and women with whom marriage is dissolved by the death of her husband, four months and three days have been announced The Egyptian Personal Status Law, 1985 (2.1 / a) and (2.7 / a). Iddah period is for pregnant women and birth date. Iddah for women in the legislature, in the case of divorce or death has been attributed to segregation. Since the legislature Iddah period Iddah for divorced women and widows, of the women stated, seems to give birth, the term measures Iddah is both divorce and death. Iddah of the woman in the legal time period is not allowed to remarry. The law for the protection of women during Iddah after divorce, then he has the right to receive alimony for one year. (The Egyptian Personal Status Law, 1985 (204 / a, b).

**Iraq**

Personal status law, passed in 1959, in Iraq, the two women are required to maintain Iddah: Divorce (Revocable or irrevocable) and the death of her husband, even if the divorce is not really close to them. (Article 47) in the case of divorce, a woman who has grown accustomed to but never seen any of femininity is to be completed in three months. Died Iddah period is four months and ten days. A woman whose husband died, so who is pregnant, will give birth to her Iddah period, provided that the period of four months and ten days short of four months and ten days is not the same otherwise (Article 48). According to the law, starting a period of Iddah after divorce or death is, whether she is aware of it or not. Iraq Personal Status Law, 1959).

**Non-Islamic countries**

European and American laws on principle, or system of religion, the majority of citizens or civil society based on the changes in the society. Communist and socialist system based on the rule of law is based on intellectual and political system; the following is a brief statement:

**France**

According French law, keeping Iddah for divorced or widowed (due to the death of her husband) is 300 days. In cases where the divorce is issued jointly by the cessation of life, observe Iddah for a woman is bound by law. In all cases, the legal grounds for divorce, so the court allowed the parties have lived apart, Iddah period is calculated from the date the couple lived in separate. Iddah of divorce for the parties to ask a couple of contracts approved by the judge begins. If a woman is pregnant at the time of divorce, expiry of the Iddah period, she will
give birth. Among European countries, France is the only country that explicitly forbids women to remarry when (some) made the distinction. Iddah philosophy of law course not, but it seems, mixing ratio, and also meet the psychological effects of divorce on women and soothing him during Iddah, the directions of the legislative purposes. Divorce Procedure in France is very complex and consists of several stages. Generally, the judge then asked one of the couple's divorces is trying to create peace. In case of failure and the impossibility of living in a house, so it is not physical fractionation of divorce, the court may allow a woman separate housing. Physical fractionation or separation of women from men time Realtor, on the basis beginning including Iddah of divorce for women. After the divorce decree and legal formalities, such as the condition of the property and custody of children, she is obligated to keep the Iddah period is 300 days (Article 296 Act). After the expiry of Iddah for a previous husband or other formalities required by law to marry again. There is no recourse to the law during Iddah, but he can Iddah period after the expiration of the new agreement with his former wife to marry. (French Civil Code, Title VI, of Divorce, 1975).

UK

The laws of England, like most European countries, the Iddah of divorce for women is unpredictable. British legal system, especially in the field of divorce laws and the church was affected by divorce, except in a few cases it was much more difficult and time consuming. Cultural and social changes led to divorce and legal difficulties people, especially young people, under the form of an informal marriage and their life together. The legislation was intended to facilitate the divorce, living together agreement to formalize and give legal effects of marriage; the pair meets and responds to the legal situation of the community. (The Family Law Act, 1996 Part II, Divorce and Separation). Iddah of divorce laws in the UK are not in work. It should also be noted here that the divorce decree by the court, even where the parties have agreed on a divorce, spent several steps and requires a long-term relationship in marriage, divorce, and sometimes some of the prerequisites for lack of a good relationship between husband and wife, are excluded. So perhaps the time of the divorce decree absolute of divorce is usually preceded by life, or the couple's finances into consideration and disposition of property, and financial custody of children irresponsiveness pregnant women etc., the proven her husband was not enough.

Japan

According Japanese law is divorced woman cannot remarry until six months after it should (Japanese Civil Code, 1896, Revised in 2007). Article 733 of the Civil Code of Japan, women from six months to remarry after divorce is prohibited. Although the law has also been criticized, however, for the specific purpose, such as to determine the father of the woman carrying the child's interests. Japanese civil law, a child who, after a period of 200 days of marriage between man and woman, or within 300 days after the couple's separation is born, to join husband knows (Article 722 of the Civil Code). Thus, for 300 days in order to prevent mixing ratio and is determined to carry his father (Iwasawa, Yuji, 1998).

USA

In countries like the U.S., Europe Iddah after divorce for women is not anticipated, although the divorce laws in different states, different and more difficult than some state laws, some rules have been easier for divorce. Minimum three-month waiting period for remarriage by the State as "Arizona", "Colorado", "Missouri" and "Montana", and most of the year that is owned by the state, "Iowa", "Louisiana", "Nebraska "," Jersey "," New York "," Rhode Island "," South Caroline "and" southern Virginia »

(http://www.totaldivorce.com/process/requirements/remarriage-after-divorce-waiting-period.aspx), as you can see, most of the laws of the United States, although there is no title for the Iddah prohibited legal and necessary to expect spouses to remarry, will have a similar function.

Socialist countries

In the socialist countries, not put up for women after divorce, Iddah, In addition to the divorce laws in these countries are very simple and possible divorce agreement or upon the request of one of the spouses due to the lack of adaptation and survival. Lack of fidelity in marriage, offensive behavior towards his wife, and leave of absence, criminal convictions of any of the couples, emotionally or sexually transmitted diseases, etc. It is easily possible. In these countries, the divorce court and the court is required to fulfill the legal requirements, after taking into account the interests of their children decided on a divorce decree is issued. The Communist and Socialist Countries, "Cuba" is one of the few countries in the Iddah for divorced women and their duration is 300 days (Cuban Divorce Law, 1934). But this is the woman who is in the Iddah period to be giving birth.
RESULTS

Iddah rules of narrative derived from the Qur'an and Qur'anic texts, with reference to some of the legislation is clear. Some Quranic verses for various occasions such as divorce or death of the woman's Iddah husband and wife based on whether or not the carrier has said. Wisdom of legislation Iddah, the Quran and the traditions of innocence womb was carried, although in certain cases, despite the acquittal of a woman's uterus, anomalously practice and Iddah is obligatory upon women. Iddah laws in other Islamic countries generally comply with the rules of Islamic jurisprudence in this country differences Iddah Iddah for divorce and the death of her husband, Iran's laws are similar, menopausal and postmenopausal women, except in the Shiite religious exemption on grounds of divorce. Iddah considers divorced in postmenopausal women, whereas public law obligations knows Iddah. Iddah philosophy sentences legislation in this country is largely prevented from mixing generations. In terms of non-Islamic countries, except a few countries, such as France, Japan and Cuba, generally the Iddah, meaning that there is no falsification of time during which a woman remarrying after divorce or death of a husband can prevent. However, the grounds for divorce in the legal system of this country is the fact that most of the marital relationship and living together, long before any of the couple's divorce or during the divorce proceedings to the court, has been discontinued. Thus, although the laws of the countries in the name of Iddah there, Iddah ends that prevent the generation mix, is actually achieved. Laws of these countries, however, the ban on polygamy, remarriage of divorced couples until the final verdict is denied, but the freedom and legitimacy in the community to prevent sexual relationship with someone other than the spouse parties during the if not, this relationship leads to divorce a woman is pregnant, her fetus may cause problems in the possible accession.

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