

The Little Green Book

Volume II Chapter 19

On Marriage, Adultery, and Conjugal Relations

A woman may legally belong to a man in one of two ways; by continuing marriage or temporary marriage. In the former, the duration of the marriage need not be specified; in the latter, it must be stipulated, for example, that it is for a period of an hour, a day, a month, a year, or more.

Marriage, whether continuing or temporary, must be sealed by a religious formula spoken either by the woman or by the man, or by one of their representatives.

As long as the woman and man have not contracted a religious marriage, they are not entitled to look upon one another. To allow that, it is not enough to assume that the marriage formula has been spoken, but if the person representing them states that it has been spoken, then that is enough to validate the marriage.

If a woman authorizes someone to marry her to a man for a period of ten days, for example, without specifying the exact date, the man may contract the marriage at his pleasure, but if the woman has specified a precise day and hour, the formula must be spoken at the specified time.

The legal marriage formula must be read in Arabic, but if one cannot speak that language correctly, it may be spoken in a different language.

A father or a paternal grandfather has the right to marry off a child who is insane or who has not reached puberty by acting as its representative. The child may not annul such a marriage after reaching puberty or regaining his sanity, unless the marriage is to his manifest disadvantage.

Any girl who is of age, that is, capable of understanding what is in her own best interest, if she wishes to get married and is a virgin, must procure authorization of her father or paternal grandfather. The permission of her mother or brother is not required.

If a father or paternal grandfather marries off prepubescent son or grandson, the latter will be responsible once he has reached puberty, for taking care of his wife's material needs.

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A marriage is annulled if a man finds that his wife is afflicted with one of the seven following debilities: madness, leprosy, eczema, blindness, paralysis with aftereffects, malformation of the urinary and genital tracts or of the genital tract and rectum through conjoining thereof, or vaginal malformation making coitus impossible.

If a wife finds out after marriage that her husband is suffering from mental illness, that he is a castrate, impotent, or has had his testicles excised, she may apply for annulment of her marriage.

If a wife has her marriage annulled because her husband is unable to have sexual relations with her either vaginally or anally, he must pay her as damages one-half of the dowry specified in the marriage contract. If the husband or wife annuls the marriage for any of the above-mentioned reasons, the man owes nothing to the woman if they have had sexual relations together; if they have not, he must pay her the full amount of the dowry.

It is forbidden to marry one's mother, sister, or stepmother.

It is forbidden to marry one's mother-in-law, or one's wife's maternal or paternal grandmother or any of her great-grandmothers, even though one's marriage to her may never have been consummated.

A man who marries a woman and has sexual relations with her may not marry her daughter or granddaughter, even if these be by a different marriage.

A man may not marry his wife's daughter, even if their marriage has not been consummated.

Aunts of the bride's father and the aunts of her grandparents need not wear the veil in the presence of the groom; the father, grandfather, and great-grandfather of the groom, as well as his sons, grandsons, and all his male descendants, may freely look upon the bride.

A man may not marry the nieces of his wife without the latter's consent; if he should nevertheless do so without getting consent, but his wife raises no objection, then there is no problem.

A man who has committed adultery with his aunt must not marry her daughters, that is to say, his first cousins.

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If a man who has married his first cousin commits adultery with her mother, the marriage is not thereby annulled.

If a man commits adultery with a woman other than his aunt, it is highly recommended that he not marry the daughter of that woman. If he marries a woman, consummates the marriage, and then commits adultery with her mother, the marriage is not thereby annulled. Nor is it automatically annulled in the case of his having committed such adultery before the marriage was consummated, but in that case it is better if the husband voluntarily annuls the marriage.

A Muslim woman may not marry a non-Muslim man; nor may a Muslim man marry a non-Muslim woman in continuing marriage, but he may take a Jewish or Christian woman in temporary marriage.

A man who marries an already married woman must break off his marriage with her and refrain from ever marrying her again.

A married woman remains legally married after having committed adultery; however, should she not repent and should she continue to be unfaithful to her husband, it is preferable for the latter to repudiate her, but with full payment to her of her dowry.

The mother, sister, or daughter of a man who has been sodomized by another man may not marry the latter, even if both men or one of them had not yet reached puberty at the time; but if one who was the victim of the act cannot prove it, his mother, sister, or daughter is allowed to marry the other man.

If a man who has married a girl who has not reached puberty possesses her sexually before her ninth birthday, inflicting traumatism upon her, he has no right to repeat such an act with her.

If a man sodomizes the son, brother, or father of his wife after their marriage, the marriage remains valid.

A woman who has contracted a continuing marriage does not have the right to go out of the house without her husband's permission; she must remain at his disposal for the fulfillment of any one of his desires, and may not refuse herself to him except for a religiously valid reason. If she is totally submissive to him, the husband must provide her with her food, clothing, and lodging, whether or not he has the means to do so.

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A woman who refuses herself to her husband is guilty, and may not demand from him food, clothing, lodging, or any later sexual relations; however, she retains the right to be paid damages if she is repudiated.

A husband is not obligated to pay any travel expenses incurred by his wife which exceed what her expenses would have been at home; but if travel was undertaken at his own suggestion, then he must take care of the expenses.

A wife who scrupulously obeys her husband has the right to be paid the daily household expenses for any of the husband's assets, in the case the latter refuses voluntarily to pay for them. But if she is forced to meet such expenses out of her own pocket, she is not obligated to obey her husband.

A man who has contracted a continuing marriage may not leave his wife for so long a time as to allow her to question the validity of the marriage; however, he is not obligated to spend one night out of every four with her.

A husband must have sexual relations with his wife at least once in every four months.

If, at the time of contracting the marriage, no specific time was indicated at which the husband was to pay the dowry to his wife, the wife may refuse herself to her husband for so long as that amount of money has not been paid her.

But once she has agreed to have sexual relations with her husband, she can no longer later refuse to, except for religiously valid reasons.

A temporary marriage, even though only one of convenience, is nevertheless legal.

A man must not abstain from having sexual relations with his temporary wife for more than four months.

If the temporary marriage contract includes a clause specifying that the husband is not entitled to have normal sexual relations with his wife, such a clause must be respected. He must then be satisfied with giving her pleasures in other ways. But as soon as the wife consents to it, he may perform the natural sex act with her.

A woman who has been temporarily married in exchange for a previously established dowry has no right to demand that her daily expenses be paid by her husband, even when she becomes pregnant.

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A temporarily married wife may not inherit from her husband; nor may he inherit from her.

A temporarily married woman is entitled to go out of the house without asking her husband's permission, unless the fact of her so going out harms him in one way or another.

If a father (or paternal grandfather) marries off his daughter (or granddaughter) in her absence without knowing for a certainty that she is alive, the marriage becomes null and void as soon as it is established that she was dead at the time of the marriage.

It is forbidden for a man to look upon the body of a woman who is not his wife, under any pretext whatsoever. It is equally forbidden for a woman to look upon the body of a man who is not her husband.

To look upon the face and hair of a girl who has not reached puberty, if it is done without intention of enjoyment thereof, and if one is not afraid of succumbing to temptation, may be tolerated. It is however recommended that one not look upon her belly or thighs, which must remain covered.

To look upon the faces and hands of Jewish or Christian women, if this is not done with intention of enjoyment thereof, and if one does not fear temptation, is tolerated.

A woman must hide her body and her hair from the eyes of men. It is highly recommended that she also hide them from those of prepubescent boys, if she suspects that they may look upon her with lust.

It is forbidden to look upon the genitals of another person, even from behind a glass, or in a mirror, or in standing water. It is even expressly recommended to abstain from looking at the genitals of a child who knows the difference between good and evil. But it is permitted for husband and wife to look upon each other in all parts of their bodies.

A man must not look upon the body of another man with lustful intent. Likewise, a woman may not look upon another woman with such intent.

It is not forbidden for a man to photograph a woman other than his wife, but if in order to do so he must touch her, then he must not photograph her.

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If a woman is called upon to give an enema to a woman or to a man other than her husband, or to wash their genitals, then she must cover her hand so as not to come into direct contact with the genital organs; the same precautions must be taken by a man where another man or a woman other than his wife are concerned.

If a man is called upon, for medical reasons, to look upon a woman other than his wife and to touch her body, he is permitted to do so, but if he can give such care by only looking at the body he must not touch it, and if he can give it by only touching, he must not look at it.

If a man or woman be forced, in order to administer medical care, to look upon the genitals of another person, he or she must do so indirectly, in a mirror, except in case of absolute necessity.

If the husband has included in the marriage contract a clause guaranteeing his wife's virginity, he may annul the marriage if it turns out that she was not a virgin.

If a woman abjures her faith before her marriage is consummated, the marriage is annulled; the like is true after conclusion of the marriage, if she is menopausal. But if she is not menopausal and returns to her Muslim beliefs within a hundred days after the breaking off of marriage, it again becomes valid.

A man whose father or mother as a Muslim at the time of his conception, and who himself embraced the Muslim faith after reaching puberty, will have his marriage automatically abolished if he becomes an apostate.

The marriage of a man born of non-Muslim parents but who himself became a convert to Islam is automatically annulled if he renounces his faith before consummating the marriage. If he renounces his faith after having sexual relations with his wife, she must wait one hundred days after the annulment of the marriage before marrying again, if she is of age to have menstrual periods. Thus, the marriage remains valid if during those one hundred days the husband returns to the Muslim fold; otherwise, the annulment is irreversible.

If the woman inserts into the marriage contract a cause binding her husband not to mover her away from the city, and the husband accepts such a clause, then he must abide by it.

The husband of a woman who has had a daughter by a previous marriage may marry that daughter to a son of his by a previous marriage. He himself has the right to marry the mother of a girl married to his son.

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A woman who becomes pregnant as a result of adultery must not have an abortion.

If a man commits adultery with an unmarried woman, and subsequently marries her, the child born of that marriage will be a bastard unless the parents can be sure it was conceived after they were married.

One need not believe a woman who claims to have entered menopause. On the one hand, she must be believed if she asserts that she is not married.

It is highly recommended that a girl be married off as soon as she reaches the age of puberty. One of the blessings of man is to have his daughter experience her first period not in her father's house, but in that of her husband.

A child born of an adulterous father is legitimate.

It is a sin to have sexual relations with one's wife during the fast of Ramadan or while she is having her menses, but the child born of such relations is legitimate.

If a man marries a woman and possesses her sexually, he may no longer marry any girl whom this woman has breast-fed.

A man may not marry a wet nurse who has breast-fed his wife.

A man may not marry a girl who was ever breast-fed by his mother or his grandmother.

The best person to breast-feed a newborn baby is its own mother. It is preferable that she not ask to be paid for such services, but that her husband pay her for it of his own free will. If the sum the mother asks for is greater than that charged by a wet nurse, the husband is free to take the child from its mother and turn it over to the wet nurse.

It is recommended that the wet nurse be a faithful Shi'ite, intelligent, modest, and pretty. On the other hand, it is most inadvisable that she be feeble-minded, a nonbeliever in the Twelve Imams, ugly, or a bastard, or of bad character. It is equally inadvisable to select as wet nurse a woman who has an illegitimate child.

It is recommended that every child be breast-fed for two whole years.