

The Ruling of Zihar from the Perspective of Islamic Jurisprudence and Afghanistan's 1355 AH Civil Code

حكم الظهار في الفقه الإسلامي وقانون الأحوال المدنية الأفغاني لعام 1355 هـ

Authors Details

1. **Hebatullah Abid**
Dean, Faculty of Law and Political Science, Rokhan University, Afghanistan.
2. **Mohammad** (Corresponding Author)
Lecturer, Faculty of Law and Political Science, Rokhan University, Afghanistan.
Email: mohammad.naqibjan@gmail.com

Citation

Abid, Hebatullah and Mohammad." The Ruling of Zihar from the Perspective of Islamic Jurisprudence and Afghanistan's 1355 AH Civil Code." *Al-Marjān Research Journal* 3, no. 2 (April-June 2025): 146-173.

Submission Timeline

Received: Mar 12, 2025
Revised: April 02, 2025
Accepted: April 14, 2025
Published Online:
May 01, 2025

Publication, Copyright & Licensing

المسجل
Al-Marjān
Research Journal

Article QR



Al-Marjān Research Center, Lahore, Pakistan.

Rights Reserved © 2023.

This article is open access and is distributed under the terms of Creative Commons Attribution 4.0 International License



The Ruling of Zihar from the Perspective of Islamic Jurisprudence and Afghanistan's 1355 AH Civil Code

حكم الظَّهَارِ فِي الْفِقْهِ الْإِسْلَامِيِّ وَقَانُونِ الْأَحْوَالِ الْمَدْنِيَةِ الْأَفْغَانِي لِعَامِ 1355 هـ

☆ Hebatullah Abid

☆ Mohammad

Abstract

Zihār is a significant subject in Islamic jurisprudence, defined as the statement in which a man likens his wife to his mother or another woman permanently unlawful for him (maḥram), such as saying, “You are to me like my mother.” Such pronouncements are regarded as deeply offensive and create a serious barrier to the marital relationship, as they contradict the sanctity and dignity of women. The Qur’an explicitly addresses the issue of zihār, declaring it impermissible and prescribing expiation (kaffārah) as a remedial measure. This legislation demonstrates Islam’s recognition of the elevated status of women and its prohibition of practices that degrade or oppress them. In pre-Islamic Arabia (Jāhiliyyah), zihār was exploited as a means for husbands to harm or divorce their wives unjustly, but Islam abolished this practice, considering it sinful. The prescribed expiation involves one of three acts: freeing a slave, fasting consecutively for two months, or feeding sixty poor persons, depending on feasibility. The findings of this research indicate that zihār remains unlawful, carrying both moral and legal implications. However, a notable gap exists in Afghanistan’s Civil Code of 1355 AH, as it makes no reference to zihār, thereby leaving a lacuna in family law. To address this, legal reformers and scholars are encouraged to incorporate provisions regarding zihār in future amendments. Moreover, raising awareness through academic forums, religious sermons, and community programs is essential to educate society, ensure protection of women’s rights, safeguard family unity, and promote observance of the prescribed expiation by those who commit it.

Keywords: Zihār, Islamic jurisprudence, Qur’an, Kaffārah, Civil law, Afghanistan

Introduction

All praise is due to Allah, the Lord of the worlds. The best outcome is for the righteous. May peace and blessings be upon the noblest of the Prophets and Messengers, and upon his family, his companions, and those who follow his guidance until the Day of Judgment to proceed:

Allah, the Exalted and Glorious, says in His Noble Book:

الَّذِينَ يُظَاهِرُونَ مِنْكُمْ مِنْ نِسَائِهِمْ مَا هُنَّ أُمَّهَاتِهِمْ إِنْ أُمَّهَاتُهُمْ إِلَّا اللَّائِي وَلَدْتَهُمْ وَإِنَّهُمْ لَيَقُولُونَ مُنْكَرًا مِنَ الْقَوْلِ وَزُورًا وَإِنَّ اللَّهَ لَعَفُوفٌ غَفُورٌ (2) وَالَّذِينَ يُظَاهِرُونَ مِنْ نِسَائِهِمْ ثُمَّ يَعُودُونَ لِمَا قَالُوا فَتَحْرِيرُ رَقَبَةٍ مِنْ قَبْلِ أَنْ يَتَمَاسَا ذَلِكَ

* Dean, Faculty of Law and Political Science, Rokhan University, Afghanistan.

* Lecturer, Faculty of Law and Political Science, Rokhan University, Afghanistan.

ثَوَعظُونَ بِهِ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ (3) فَمَنْ لَمْ يَجِدْ فَصِيَامَ شَهْرَيْنِ مُتَتَابِعَيْنِ مِنْ قَبْلِ أَنْ يَتَمَاسًا فَمَنْ لَمْ يَسْتَطِعْ فَاِطْعَامَ سِتِّينَ مِسْكِينًا ذَلِكَ لِتُؤْمِنُوا بِاللَّهِ وَرَسُولِهِ وَتَلِكَ حُدُودُ اللَّهِ وَلِلْكَافِرِينَ عَذَابٌ أَلِيمٌ¹.
وقد ورد في حديث خولة، انها قالت: (ظاهر مبي زوجي اوس بن الصامت فجننت رسول الله صلى الله عليه وسلم اشكو اليه ورسول الله صلى الله عليه وسلم يجادلني فيه ويقول اتقي الله فإنه ابن عمك فما برحت حتى نزل القرآن قد سمع الله قول التي تجادلك في زوجها وتشتكي إلى الله...) ²

It is also narrated in the hadith of Khawla (may Allah be pleased with her), who said:
My husband, Aws ibn al-Samit, pronounced zihār upon me. So I went to the Messenger of Allah (peace be upon him) to complain. The Messenger of Allah kept arguing with me, saying: 'Fear Allah, for he is your cousin.' I did not stop insisting until the revelation came down: 'Allah has indeed heard the statement of the woman who disputes with you concerning her husband and complains to Allah...

Zihār (a pre-Islamic form of divorce) is among the social and legal issues in Islamic Shariah that affects the marital bond between a husband and wife. Linguistically, the term *zihār* means “to liken someone to the back (*zahr*) of another.” In Islamic jurisprudence, it refers to when a man tells his wife: “*You are to me like the back of my mother*”—or uses similar expressions indicating a permanent prohibition of marital relations.

In pre-Islamic times, among the Arabs, *zihār* was considered a disgraceful form of divorce. It neither granted the woman freedom nor upheld the continuity of the marriage. However, with the advent of Islam, this unjust practice was condemned. Islam offered a clear and just solution. The practice of *zihār* is specifically mentioned in Surah Al mujadilah of the Qur’an, where Allah declares it an evil and false utterance, and commands a proper expiation (*kaffarah*) for its correction.

Though *zihār* is not considered an actual divorce and does not result in an automatic annulment of the marriage, it does hinder the continuation of marital relations. The man who commits *zihār* cannot approach his wife or have intercourse with her until he performs the required expiation. The details of this expiation will be discussed further in the body of this work. The noble religion of Islam, through the legal correction of *zihār*, protects the dignity of women, preserves the stability of the family, supports human dignity, and prevents the violation of women's rights. This also demonstrates how Islamic Shariah provides a clear path for the application and enforcement of justice in the face of oppressive and inhumane traditions.

Importance of the Research

Zihār is a legal (*shar‘i*) issue that directly affects the structure of the relationship between a husband and wife. According to Islamic Shariah, *zihār* is considered an impermissible prelude to divorce and is regarded as an act of disrespect toward the wife. To prevent such injustice, specific legal penalties (*kaffarah*) have been established.

At the same time, Afghanistan’s Civil Law—despite being based on both Islamic principles and modern legal foundations—has given no attention to the subject of *zihār*.

The importance of this research lies in highlighting the need for harmonization between Islamic jurisprudence and civil law regarding the issue of *zihār*. Moreover, this study provides judges, legal scholars, and law enforcers with a better understanding of the concept

¹ -Al-Mujādilah, 58:2-4.

² - Al-Qazwīnī, Abū ‘Abdullāh Muḥammad ibn Yazīd Ibn Mājah, *Sunan Ibn Mājah* (Cairo: Dār Iḥyā’ al-Kutub al-‘Arabiyyah, n.d.), 1:67, Ḥadīth No. 188.

of zihār from both religious and legal perspectives, enabling them to make clear and just decisions in resolving family disputes.

Research Problem

Zihār does in fact occur within society, but most people are unaware of its rulings. They do not know that zihār is forbidden, and if it occurs, it necessitates expiation (kaffarah). Without fulfilling the expiation, the individuals involved fall into sin.

Another important problem is that Afghanistan’s Civil Law does not make any mention of the rulings related to zihār. As a result, legal practitioners, judges, and scholars face practical challenges due to the lack of clear coordination between civil law and Islamic jurisprudence in this matter.

Therefore, we aimed to conduct research on this topic in order to raise public awareness and understanding—so that individuals may protect themselves from committing this act or, if it has occurred, fulfill the necessary expiation and avoid falling into sin. Additionally, this research seeks to draw the attention of lawmakers to the fact that this issue was neglected during the drafting of the civil code, and should be addressed and incorporated during any future amendments.

Research questions

- * What is the definition of zihār?
- * What is the ruling of zihār in Islamic law?
- * What differences exist between the rulings on zihār in Islamic jurisprudence and Afghanistan’s Civil Law?

Research Objectives

- * To clarify the concept of zihār.
- * To explain the Islamic legal ruling on zihār.
- * To compare the rulings on zihār in Islamic jurisprudence and Afghanistan’s Civil Law.

Literature Review

The issue of Zihār (Zihār) is one of the important social and legal topics on which considerable research has been conducted. In this section, we present a logical review of previous writings to establish a strong foundation for our current research and identify any research gaps.

So far, no specific research has been conducted under the title “The Ruling of Zihār from the Perspective of Islamic Jurisprudence and Afghan Civil Law”. However, relevant content on this topic is scattered across various books and articles. The following are the writings most related to our research:

1- Analisis Hukum Islam Terhadap Kontekstualisasi Makna Zihar Dalam Perkawinan

This study, conducted in Lampung, Indonesia, analyzes the contextual meaning of Zihār in Islamic law. It highlights the differences between the rulings of Zihār during the pre-Islamic era and in Islamic law. The author argues that Zihār was a form of divorce in the age of ignorance, but Islam prohibited it and prescribed a form of expiation for those who committed it. This research provides valuable historical insights into the evolution of Zihār, which is relevant to our study. FERDI, A. (2021).

2- Qawaid Fiqhiyyah Tentang Zihar

Conducted at Salahaddin University in the Kurdistan region of Iraq, this research analyzes the jurisprudential rules related to Zihār, considering it contrary to the principles of justice and equality in Islam. The authors present Quranic evidence about the prohibition and expiation of Zihār, providing

important information for our study from the perspective of Islamic legal maxims. Akhter, N., & Munir, A. (2013).

3- Reconciling Verses and Narratives in Zihar Judgment

Another study from Salahaddin University in Iraq offers a comparative analysis between Quranic verses and hadiths related to Zihār. The authors explain and analyze the historical nature of Zihār cases and Islamic rulings in the light of the Quran and the Prophetic traditions. This provides an in-depth analysis of the religious rulings on Zihār, which enriches our research. Munandar, A., & Djuned, M. (2018).

4-Zihar dalam Tafsir Fi Zhilal Al-Qur'an dan Tafsir Al-Mishbah

Conducted in Indonesia, this study provides a tafsir (Quranic exegesis) of the concept of Zihār, explaining the differences between the pre-Islamic era and Islamic Sharia. The authors present Quranic evidence regarding the prohibition and expiation of Zihār, offering important interpretive insights for our research. Othman, M. S. M. (2023).

5-Misuse of Words and Its Implementation in Islamic Law: Case Study

Another study from Indonesia explores the incorrect use of Zihār-related expressions and discusses the legal consequences and required expiation in Islamic law. The authors analyze the rulings concerning specific phrases of Zihār and their practical implementation, providing a valuable perspective for our research. Muhammadin, F. (2020).

Conclusion:

The above articles examine various dimensions of Zihār, such as its definition, historical background, rulings, the usage of Zihār-related words in Islam, and its required expiation. However, the key distinction between these studies and our research is that none of the above address the Afghan Civil Law. In contrast, this study aims to compare the rulings of Zihār from the perspectives of Islamic jurisprudence and the Afghan Civil Law (1355 SH), while also identifying the existing legal challenges and proposing practical solutions.

Research Methodology

This study is based on a library-oriented research approach, relying primarily on authentic and credible sources. The following methodological principles were observed throughout the research process:

- a. **Sources of data:** Primary and fundamental sources were prioritized in data collection. Where relevant information could not be located in original sources, secondary materials such as academic journals, newspapers, internet resources, and digital libraries (e.g., *Maktaba al-Shamela*) were consulted.
- b. **Quotations and paraphrasing:** Direct quotations from books were placed within parentheses () and duly cited in the footnotes. In cases where original texts were not quoted verbatim but only referenced or translated, the translation was interpretative rather than word-for-word, conveying the intended meaning in our own wording.
- c. **Referencing Qur'an and ḥadīth:** Qur'ānic citations included the name of the Surah, Juz', and verse number in the footnotes, with translations drawn from reliable tafsīr works. Likewise, all ḥadīth references were properly documented with their *takhrīj* (referencing) in the footnotes.
- d. **Expression of personal opinion:** Any personal reflections or critical observations were clearly marked within square brackets [] to distinguish them from sourced material.
- e. **Bibliographic arrangement:** All sources and references used in this study are compiled at the end of the paper in alphabetical order for ease of verification.

Scope of the Study:

This research was conducted at the Faculty of Law and Political Science of Rokhan Institute of Higher Education in Jalalabad, Nangarhar province, under the title: The Ruling on Zihār in Islamic Jurisprudence and the Afghan Civil Code of 1355 Hijri Solar (1976). It is a comparative study, carried out over five months. The research began on the 5th of Hamal, 1404 Hijri Shamsi (March 25, 2025) and concluded on the 31st of Asad, 1404 H.S. (August 22, 2025).

Definition of Zihār

The first chapter is dedicated to the definition of zihār, consisting of two sections. The first section discusses the literal meaning and concept of zihār, while the second covers its technical (terminological) meaning and concept. Each section will be discussed separately for better understanding by the readers.

First Section: The Literal Meaning and Concept of Zihār

The word zihār is derived from zahr (back), which is a noun and the opposite of batn³. Ibn Fāris states that zihār refers to a man's statement to his wife: "You are to me like my mother's back." It was a term used during the pre-Islamic era of ignorance (Jāhiliyyah), and it signified separation or disassociation. The term specifically mentioned the back because it was symbolically associated with sexual relations with a woman. However, all parts of a woman's body were considered similar in terms of prohibition⁴.

Ibn al-Athīr (may Allah have mercy on him) stated: When a man says to his wife, "You are to me like my mother's back," this is considered zihār. It can also be said as tazāhara or tazāhara. During the era of ignorance, such a statement was considered a form of divorce. It is said that what they really meant was: "You are to me like my mother's abdomen (batn)," meaning in terms of sexual relations, but they used zahr (back) instead because it is adjacent to the abdomen in position.

It has also been mentioned that among the ignorant people (pre-Islam), it was considered forbidden to engage in intercourse with one's wife if her back was facing upward. The people of Madinah believed that if intercourse took place with the wife facing downward (face toward the ground), the child would be born cross-eyed. Therefore, when a man wanted to severely forbid his wife upon himself, he would say to her, "You are to me like my mother's back." Not only that, he would even compare his wife to the actual back of his mother⁵.

[From the above-mentioned statements of linguistic scholars, it becomes clear that they unanimously agree that zihār refers to the statement a man makes to his wife: 'You are to me

³ -Abu Nasr Isma'īl ibn Hammad al-Jawhari al-Farabi, died in 393 AH, *Mukhtasar from al-Sihah of al-Jawhari*, vol. 1, p. 3219.

Abu Mansur Muhammad ibn Ahmad ibn al-Azhari al-Harawi, (2001 AD), *Tahdhib al-Lughah*, edited by Muhammad 'Awad Mur'ib, first edition, Dar Ihya' al-Turath al-'Arabi – Beirut, vol. 6, pp. 135–136.

Ibn al-Athir Majd al-Din Abu al-Sa'adat al-Mubarak ibn Muhammad ibn Muhammad ibn Muhammad ibn 'Abd al-Karim al-Shaybani al-Jazari, (1399–1979), *al-Nihayah fi Gharib al-Hadith wa al-Athar*, edited by Tahir Ahmad al-Zawi – Mahmud Muhammad al-Tanahi, al-Maktabah al-'Ilmiyyah – Beirut, vol. 3, p. 165.

Muhammad ibn Mukarram ibn 'Ali, Abu al-Fadl, Jamal al-Din Ibn Manzur al-Ansari al-Ru'fa'i al-Ifriqi, (1414 AH), *Lisan al-'Arab*, third edition, Dar Sadir – Beirut, vol. 4, p. 528.

⁴ - Abu al-Husayn Ahmad ibn Faris ibn Zakariyya al-Qazwini al-Razi, *Mu'jam Maqayis al-Lughah*, ed. 'Abd al-Salam Muhammad Harun (Beirut: Dar al-Fikr, 1979), 2:471.

⁵- Ibn al-Athir, *Gharib al-Hadith wa al-Athar*, vol. 3, 165.

like my mother's back.' This is a form of analogy, implying prohibition, and from this arises the literal meaning upon which the Islamic legal ruling is based.]

Second Section: The Technical (Terminological) Definition and Concept of Zihār

In this section, we present the definitions of zihār according to the four well-known schools of Islamic jurisprudence, after which the most suitable definition will be selected in light of supporting evidence.

A. Definition of Zihār According to the Ḥanafī School:

‘Allāmah al-Nasafī (may Allah have mercy on him) states: Zihār is when a man likens his wife to a woman who is permanently prohibited (harām) to him⁶.

He further explains: Zihār is when a man likens his wife—or a specific part of her body, or a part that represents the whole body—to the body part of a woman whom it is neither permissible to look at nor marry, and this prohibition must be permanent⁷.

B. Definition of Zihār According to the Mālīkī School:

Zihār is when a mature Muslim man likens his wife, or a part of her body, to the back or body part of a woman who is permanently unlawful (harām) for him⁸.

C. Definition of Zihār According to the Shāfi‘ī School:

Zihār is when a man likens his wife—who is still in his marriage contract—to a woman who is not lawful (ḥalāl) for him⁹.

D. Definition of Zihār According to the Ḥanbalī School:

Ibn Qudāmah (may Allah have mercy on him) says:

Zihār is when a man likens his wife—or a part of her body—to the back or a body part of a woman who is permanently unlawful for him. This may also apply if he likens all or part of his wife to such a woman¹⁰.

[If we observe the above definitions carefully, we find that while the wording among jurists may differ slightly, they all agree on the central meaning: Zihār refers to when a man says to his wife, “You are to me like my mother's back.” This is a form of analogy that signifies prohibition.]

Personally, I favor the definition of Imām al-Shāfi‘ī (may Allah have mercy on him), as his definition contains a unique phrase not mentioned by the others: “whose marriage has not yet been dissolved.” This indicates that even if a woman is in her ‘iddah (waiting period) after divorce, and her husband uses such words, the zihār still takes effect, since the marital bond is not fully dissolved. And Allah knows best.

⁶- Abu al-Barakat ‘Abd Allah ibn Ahmad ibn Mahmud al-Nasafī (Hafiz al-Din), *Madārik al-Tanzīl wa-Ḥaqā’iq al-Ta’wīl*, ed. A. D. Sa’id Bikdash, 1st ed. (Beirut: Dār al-Bashā’ir al-Islāmiyyah; Dār al-Sirāj, 2011), 297.

⁷- Abu al-Fadl al-Hanafī ‘Abd Allah ibn Mahmud ibn Maudud al-Mawsili al-Baladhuri, *al-Ikhtiyar li-Ta’līl al-Mukhtar*, vol. 3 (Cairo: Matba‘at al-Halabi, 1937), 161.

⁸- Abu ‘Abd Allah Muhammad ibn ‘Abd Allah al-Kharshi al-Maliki, *Sharḥ Mukhtaṣar Khalīl*, vol. 4 (Beirut: Dār al-Fikr li-l-Ṭibā‘ah), 102. Aḥmad ibn Ghānim (or Ghanim) ibn Salim ibn Muhanna, Shihāb al-Dīn al-Nafrawī al-Azhari al-Maliki, *al-Fawākih al-Dawānī ‘alā Risālat Ibn Abī Zayd al-Qayrawānī*, vol. 2 (Beirut: Dār al-Fikr, 1995 [1415 AH]), 47.

⁹- Shams al-Dīn Muhammad ibn Ahmad al-Khatīb al-Sharbīnī al-Shafī‘ī, *Mughni al-Muḥtāj ilā Ma‘rifat Ma‘ānī Alfāz al-Minhāj*, 1st ed., vol. 5 (Beirut: Dār al-Kutub al-‘Ilmiyya, 1994 [1415 AH]), 29.

¹⁰- Abū Muḥammad Muwaffaq al-Dīn ‘Abd Allah ibn Ahmad ibn Muḥammad al-Maqdisī, *Al-Muqni‘ fī Fiqh al-Imām Aḥmad ibn Ḥanbal al-Shaybānī*, ed. Maḥmūd al-Arnā‘ūt and Yāsīn Maḥmūd al-Khaṭīb (Jeddah: Maktabat al-Suwādī lil-Tawzī‘, 2000 [1421 AH]), 365.

However, the definitions of the Ḥanafī and Ḥanbalī scholars include another important phrase: permanent prohibition. This implies that if a man likens his wife to a woman who is not permanently forbidden to him—such as a woman divorced with three pronouncements (triple ṭalaq), or his wife’s sister (who is temporarily prohibited)—then such a statement does not constitute zihār. True zihār only applies when the comparison is made to a woman who is absolutely and permanently forbidden, such as one’s mother, sister, maternal aunt, etc.

Similarly, the Mālikī definition includes the phrase “Muslim adult”, which highlights two additional points:

Zihār is only valid if the person making the declaration is a Muslim, thereby excluding the zihār of a disbeliever, polytheist, or dhimmī (non-Muslim under Islamic rule). The person must be legally adult (bāligh), thus excluding the zihār of a minor or child.

Taking all these definitions into account, we can propose a comprehensive and precise definition of zihār as follows:

Zihār is when an adult, sane Muslim man likens his wife—who is still under his marriage contract—to a woman (or part of her body) who is permanently unlawful (harām) for him, such as his mother, sister, or another of his maḥārim (permanently unmarriageable kin).

There is, however, scholarly disagreement regarding whether zihār occurs when metaphorical or indirect language (kināyah) is used instead of explicit wording. For example, if a man says: “You are to me like my mother’s hand or head,” does this still constitute zihār?

The detailed answer to this will be addressed in the section discussing the wording of zihār, in shā’ Allāh.

Does the Afghan Civil Code of 1355 (Solar Hijri) Define Zihār?

If we look into Afghanistan’s 1355 A.H. Civil Code, we find that there is no mention of zihār at all.

This raises the question: Why? What could be the reason for this omission? In my opinion, several possible reasons exist. For clarity, I list them below. However, I note that these are personal analyses and interpretations:

Reason One: Afghans—especially Pashtuns—hold their women in high esteem and treat them with honor and dignity. The lawmakers may have believed that no man who values and respects his wife would say something as harsh and insulting as zihār.

Reason Two: Afghanistan’s 1355 Civil Code is a man-made legal code. Since humans are inherently forgetful, it is possible that the topic of zihār simply slipped the minds of the drafters during the legislative process. This is a shortcoming, and such gaps and oversights are common in all human-made laws. Hence, this is considered one of the "loopholes" of the law, and future legislators should address it in future amendments.

Reason Three: At the time the law was drafted, perhaps the practice of zihār did not exist at all in Afghan society—meaning there were no known cases of it up to that time. Therefore, legal experts may not have considered it necessary to include. Or, it was considered one of the rare and unlikely occurrences, so the lawmakers chose not to burden the law with such uncommon issues and left them to Islamic jurisprudence.

Reason Four: Since Afghanistan is a Muslim country and all its secular laws are grounded in Islamic Sharī‘ah, this issue—being minor and relatively rare—was left to be addressed by Islamic jurisprudence (fiqh). As the Civil Code itself clarifies, if an issue arises that has no ruling in the law, it should be referred to Ḥanafī jurisprudence. Based on this principle, the lawmakers may have intentionally excluded zihār due to its rarity and instead left its legal implications to the domain of fiqh ‘And Allāh knows best.]

The Ruling on Zihār (Injurious Assimilation)

Zihār is prohibited in Islam; however, it is not considered a form of divorce. Some jurists even regard it as one of the major sins, as it involves making an offensive and false statement. The prohibition of zihār is clearly established in the Noble Qur'an, the Prophetic Sunnah, and scholarly consensus (ijmā'). For the reader's better understanding, we will mention each of these sources separately:

A. The Prohibition of Zihār in the Noble Qur'an:

Allah Almighty says in the Qur'an:

(قَدْ سَمِعَ اللَّهُ قَوْلَ الَّتِي تُجَادِلُكَ فِي زَوْجِهَا وَتَشْتَكِي إِلَى اللَّهِ وَاللَّهُ يَسْمَعُ تَحَاوُرَكُمَا إِنَّ اللَّهَ سَمِيعٌ بَصِيرٌ* الَّذِينَ يُظَاهِرُونَ مِنْكُم مِّن نِّسَائِهِمْ مَا هُنَّ أُمَّهَاتُهُمْ إِنَّ أُمَّهَاتُهُمْ إِلَّا اللَّائِي وَلَدْتُهُمْ وَإِنَّهُمْ لَيَقُولُونَ مُنْكَرًا مِنَ الْقَوْلِ وَزُورًا وَإِنَّ اللَّهَ لَعَفُوفٌ غَفُورٌ* وَالَّذِينَ يُظَاهِرُونَ مِنْ نِّسَائِهِمْ ثُمَّ يَعُودُونَ لِمَا قَالُوا فَتَحْرِيرُ رَقَبَةٍ مِنْ قَبْلِ أَنْ يَتَمَاسَا ذَلِكَ تَعْمَلُونَ بِهِ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ* فَمَنْ لَمْ يَجِدْ فَصِيَامٌ شَهْرَيْنِ مُتَتَابِعَيْنِ مِنْ قَبْلِ أَنْ يَتَمَاسَا فَمَنْ لَمْ يَسْتَطِعْ فإِطْعَامُ سِتِّينَ مِسْكِينًا ذَلِكَ لِتُؤْمِنُوا بِاللَّهِ وَرَسُولِهِ وَتِلْكَ حُدُودُ اللَّهِ وَلِلْكَافِرِينَ عَذَابٌ أَلِيمٌ)¹¹

Indeed, Allah — the Almighty — has certainly heard the words of the woman who was disputing with you (O Prophet) concerning her husband and was complaining to Allah. And Allah heard your mutual dialogue. Verily, Allah is All-Hearing (of all statements), All-Seeing (of all conditions).

Those among you who declare zihār — likening their wives to their mothers — they are not their mothers. Their mothers are none but those who gave birth to them. Indeed, they utter an evil statement and a falsehood. But indeed, Allah is Ever-Pardoning, All-Forgiving.

And those who declare zihār from their wives and then return to that which they had said (seeking to resume marital relations), it is obligatory upon them to free a slave before they touch one another (i.e., have marital relations). This (ruling) is what you are admonished with, and Allah is Fully Aware of what you do.

But whoever does not find (a slave), then fasting for two consecutive months before they touch one another is obligatory. And whoever is unable (to fast), then he must feed sixty poor people. This (lightening of the expiation) is so that you may believe in Allah and His Messenger. These are the limits set by Allah, and for the disbelievers is a painful punishment¹².

These blessed verses were revealed regarding a Companion from the Ansār, Aws ibn al-Šāmit (may Allah be pleased with him). His wife, Khawla bint Tha'labah (may Allah be pleased with her), complained — first to Allah and then presented her case to the Messenger of Allah ﷺ — after her husband, following a long companionship and having children with her, declared her unlawful for himself by pronouncing zihār.

Aws ibn al-Šāmit (RA) was an elderly and aged man. Khawla (RA) expressed her grief and the hardship she faced due to her husband's behavior. She earnestly pleaded with Allah and repeatedly brought her case to the Prophet ﷺ, hoping to explain her pain and predicament.

In response to this situation, Allah the Most High revealed the aforementioned verses, in which zihār was explicitly declared forbidden (ḥarām)¹³.

¹¹ - *Al-Qur'ān al-Karīm*, Sūra al-Mujādalah, 1–4, Juz' 28.

¹² - Shabīr Aḥmad Uthmānī and Maḥmūd al-Ḥasan Dihbandī, *Kābulī Tafṣīr*, vol. 2 (Riyadh, Saudi Arabia: Dār al-Shafḥah, 1414 AH), 1362–1366.

¹³ - Abd al-Raḥmān ibn Nāṣir ibn al-Sa'dī, *Tafṣīr al-Karīm al-Raḥmān fī Tafṣīr Kalām al-*

B: The Prohibition of Zihār (Zihār) According to the Prophetic Sunnah:

It is narrated from ‘Urwah ibn al-Zubayr (may Allah have mercy on him) that he said: ‘Ā’ishah (may Allah be pleased with her) said: "Blessed is the One whose hearing encompasses everything. I used to hear the speech of Khawlah bint Tha‘labah, but some of her words were unclear to me (i.e., she spoke softly), and she was complaining to the Messenger of Allah ﷺ about her husband. She said: 'O Messenger of Allah! He consumed my youth, I offered myself to him, my womb bore his children, and now that I've grown older and can no longer bear children, he has pronounced zihār on me. O Allah, I complain to You.' She had not yet left when Jibrā‘īl (Gabriel), peace be upon him, descended with the above verses (of Sūrah al-Mujādilah) and revealed them¹⁴.

When Aws ibn al-Sāmit (may Allah be pleased with him) pronounced zihār on his wife Khawlah bint Tha‘labah (may Allah be pleased with her), she lodged a complaint against his action and came to the Messenger of Allah ﷺ. Then, Allah revealed the first four verses of Sūrah al-Mujādilah, in which the ruling prohibiting zihār was clearly explained. The Prophet ﷺ rejected the act of Aws (may Allah be pleased with him), i.e., he did not accept it as valid, and he ordered him to offer the required expiation (kaffārah).

The above ḥadīth and the Qur’anic verses clearly demonstrate that zihār is prohibited¹⁵.

C. The Prohibition of Zihār by Consensus (Ijmā‘):

The scholars of the ummah (Islamic community) have reached a consensus that zihār is forbidden, and whoever engages in it is sinful. As Allah Almighty says:

(وَإِنَّهُمْ لَيَقُولُونَ مُنْكَرًا مِّنَ الْقَوْلِ وَزُورًا)¹⁶.

Indeed, they utter an evil word and a falsehood¹⁷.

D. The Prohibition of Zihār by Rational Evidence:

First Argument: The rulings of Islamic law (Sharī‘ah) are based on securing benefits and preventing harm. There is no doubt that when a husband forbids himself from his wife by saying, “You are to me like the back of my mother,” it creates a great harm and corruption. This statement renders the wife forbidden to him and deprives her of her marital rights. In such a state, both the husband and wife may be led toward unlawful (ḥarām) actions, due to unmet natural needs. This is a certain harm that must be prevented¹⁸.

Second Argument: The Sharī‘ah was revealed to remove harm, and this is indeed a severe form of harm. Marriage, according to Islam, is based on good treatment, compassion, and

Mannān, 1st ed., ed. ‘Abd al-Raḥmān ibn Mu‘allā al-Luwaḥiq (Riyadh: Mūsasat al-Risālah, 2000 [1420 AH]), 843.

¹⁴ - Abū ‘Abd Allah Muḥammad ibn Yazīd al-Qazwīnī (Ibn Mājah, d. 273 AH), *Sunan Ibn Mājah*, ed. Muḥammad Fawād ‘Abd al-Bāqī (Beirut: Dār Iḥyā’ al-Kutub al-‘Arabiyya – Faisal ‘Īsā al-Bābī al-Ḥalabī), Hadith no. 2063. Abū ‘Abd Allah al-Ḥākim (321–405 AH), *al-Mustadrak ‘alā al-Ṣaḥīḥayn*, 1st ed., vol. 2 (1427 AH), 481; al-Ḥākim stated that the hadith’s chain is authentic (ṣaḥīḥ) and al-Ḥafīz al-Dhahabī concurred.

¹⁵ - Shams al-Din Muhammad ibn Ahmad al-Khatib al-Sharbini al-Shafī‘i, *Mughni al-Muḥtāj ilā Ma‘rifat Ma‘ānī Alfāz al-Minhāj*, vol. 3 (Beirut: Dār al-Kutub al-‘Arabiyya, 1994 [1415 AH]), 753. ‘Alā’ al-Dīn al-Kāsānī, *Badā‘i‘ al-Ṣanā‘i‘ fī Tartīb al-Sharā‘i‘*, vol. 3 (Beirut: Dār al-Kitāb al-‘Arabī, 1982), 323.

¹⁶ - *Al-Qur‘ān al-Karīm*, Sūrah al-Mujādalah, 1, Juz’ 28.

¹⁷ - Shabīr Aḥmad Uthmānī and Muḥammad al-Ḥasan Dihbandī, *Kābulī Tafsīr*, vol. 2 (Riyadh, Saudi Arabia: Dār al-Shafḥah, 1414 AH), 1363.

¹⁸ - Muḥammad ibn Muḥammad al-Mukhtār al-Shanqīṭī, *Sharḥ Zād al-Mustaqni‘*, vol. 13, 92, audio lessons transcribed by Al-Shabakah al-Islāmiyya, from Maktabat al-Shāmila.

fulfillment of rights. A Muslim is obligated to treat his wife with kindness and justice. But if someone elevates his wife to the status of his mother through *zihār*, this contradicts both justice and compassion. As a result, the husband cannot approach his wife, show kindness to her, or fulfill her rights—all because of one wrongful statement (*zihār*)¹⁹.

Therefore, even from a rational perspective, *zihār* is a harmful, oppressive, and injurious act. All of this leads to its prohibition, because anything that brings harm or humiliation to a Muslim is prohibited by the Sharī'ah. The reason is that it is a form of injustice and transgression. About this, Allah the Almighty says: (وَلَا تَعْتَدُوا)²⁰.

Translation: (Do not transgress)²¹.

And in another verse:

(وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ)²²

(Cooperate in righteousness and piety, but do not cooperate in sin and aggression.)²³.

Thus, *zihār* is oppression and transgression against one's wife, and Allah has forbidden it.

This is why the wife of Aws ibn Ṣāmit (may Allah be pleased with them), Khawlah bint Tha'labah (may Allah be pleased with her), came to the Messenger of Allah ﷺ and complained, saying: "I emptied my womb for him"—meaning she bore children for him—"but when my bones became weak and my body grew frail, he performed *zihār* on me. I complain to Allah."

This statement clearly shows that *zihār* causes significant harm, injustice, and humiliation to the woman. Yet the Sharī'ah was revealed to remove such harm, oppression, and mistreatment from people, and to establish justice and compassion among them.

From all these evidences, it can be concluded that *zihār* is a prohibited act, and this prohibition is of a severe and weighty nature. Indeed, *zihār* is among the major sins (*kabā'ir al-dhunūb*) which the Sharī'ah has strongly warned against²⁴.

Conditions and Pillars of *Zihār*

This chapter discusses the conditions and pillars of *zihār* (a form of separation in Islamic law), divided into two main sections: the first deals with the **conditions** of *zihār*, and the second is dedicated to the **pillars** of *zihār*. For better understanding, we will examine each separately.

First Section: Conditions of *Zihār*

Islamic scholars have mentioned several conditions for the validity of *zihār*. If these conditions are fulfilled, then the *zihār*, which is conditional upon them, becomes valid and effective. For better clarity, we will study them as follows:

¹⁹ - Muḥammad ibn Ismā'īl ibn Ṣalāh ibn Muḥammad al-Ḥasanī al-Kahlānī thumma al-Ṣan'ānī, Abū Ibrāhīm, 'Izz al-Dīn, known as Al-Amīr, *Subul al-Salām*, vol. 2 (Beirut: Dār al-Ḥadīth), 272. Muḥammad ibn Muḥammad al-Mukhtār al-Shanqīṭī, *Sharḥ Zād al-Mustaqni'*, vol. 13, 92–93, audio lessons transcribed by Al-Shabakah al-Islāmiyya, from Maktabat al-Shāmila.

²⁰ - *Al-Qur'ān al-Karīm*, Sūra al-Baqarah, 190, Juz' 2.

²¹ - Shabīr Aḥmad Uthmānī and Maḥmūd al-Ḥasan Dihbandī, *Kābulī Tafṣīr*, vol. 1 (Riyadh, Saudi Arabia: Dār al-Shafḥah, 1414 AH), 146.

²² - *Al-Qur'ān al-Karīm*, Sūra al-Mā'idah, 2, Juz' 6.

²³ - Shabīr Aḥmad Uthmānī and Maḥmūd al-Ḥasan Dihbandī, *Kābulī Tafṣīr*, vol. 1 (Riyadh, Saudi Arabia: Dār al-Shafḥah, 1414 AH), 586.

²⁴ - Muḥammad ibn Muḥammad al-Mukhtār al-Shanqīṭī, *Sharḥ Zād al-Mustaqni'*, vol. 13, 92–93, audio lessons transcribed by Al-Shabakah al-Islāmiyya, from Maktabat al-Shāmila.

First Condition: The analogy (comparison) must be made to the entire body of the wife or a part of it. If the husband says to his wife, "You are to me like the back of my mother," this is a clear and explicit *zihār*, and it is unanimously valid according to all jurists²⁵.

If the analogy is made to only a part of the wife's body, then if that part is commonly known or represents the whole body (such as half or a quarter of it), then the *zihār* is valid. But if it is a part that does not represent the entire body (like a hand or a leg), then, according to Ḥanafī jurisprudence, *zihār* is not valid²⁶.

Mālikīs say: *zihār* is valid whether the part is physical (like hand or leg) or **legal in nature** (like hair, nails, or speech)²⁷.

Shāfi'īs and Ḥanbalīs say: *zihār* is valid if it involves parts like the hand or leg. However, the **Ḥanbalīs** add: if the part is **detachable** like a nail or speech, then *zihār* is **not valid**²⁸.

Second Condition: The comparison must be made to a woman who is **unlawful (ḥarām)** to the husband, either **permanently** (like his mother) or **temporarily** (like his wife's sister). If a husband likens his wife to his mother, this is an **explicit zihār**. But if he likens her to a woman who is temporarily forbidden, then according to the **Ḥanafīs, Shāfi'īs,** and one narration from **Imām Ahmad ibn Ḥanbal**, the *zihār* is **invalid**²⁹.

However, **Mālikī jurists** state that it depends on the **intention (niyyah)**: if the intention is *zihār*, then it is valid; otherwise, it is not. Among **Ḥanbalīs**, according to **Ibn Qudāmah**, it is still considered valid *zihār*³⁰.

Third Condition: The comparison must imply **prohibition (ḥurmah)**. That is, if a husband says, "You are to me like the back of my mother," intending to make her unlawful to himself, this is *zihār*.

²⁵ - Ministry of Awqāf and Islamic Affairs, Kuwait, *Al-Mawsū'ah al-Fiqhiyya al-Kuwaytiyya*, 2nd ed., vol. 29 (Kuwait, 1404 AH), 192.

²⁶ - Alā' al-Dīn al-Kāsānī, *Badā'i' al-Ṣanā'i' fī Tartīb al-Sharā'i'*, vol. 3 (Beirut: Dār al-Kitāb al-'Arabī, 1982), 233.

²⁷ - Abū 'Abd Allah Muḥammad ibn 'Abd Allah al-Kharshī al-Maliki, *Sharḥ Mukhtaṣar Khalīl*, vol. 4 (Beirut: Dār al-Fikr li-l-Ṭibā'ah), 103.

²⁸ - Alā' al-Dīn al-Kāsānī, *Badā'i' al-Ṣanā'i' fī Tartīb al-Sharā'i'*, vol. 3 (Beirut: Dār al-Kitāb al-'Arabī, 1982), 232. Abū Muḥammad Muwaffaq al-Dīn 'Abd Allah ibn Ahmad ibn Muḥammad ibn Qudāmah al-Jamā'īlī al-Maqdisī thumma al-Dimashqī al-Ḥanbalī, known as Ibn Qudāmah al-Maqdisī (1388 AH–1968 CE), *Al-Mughni*, vol. 8 (Cairo: Maktabat al-Qāhirah), 10–11. Abū 'Abd Allah Muḥammad ibn 'Abd Allah al-Kharshī al-Maliki, *Sharḥ Mukhtaṣar Khalīl*, vol. 4 (Beirut: Dār al-Fikr li-l-Ṭibā'ah), 103. Shams al-Dīn Muḥammad ibn Ahmad al-Khatīb al-Sharbīnī al-Shāfi'ī, *Mughni al-Muḥtāj ilā Ma'rifat Ma'ānī Alfāz al-Minhāj*, vol. 5 (Beirut: Dār al-Kutub al-'Ilmiyya, 1994 [1415 AH]), 31.

²⁹ - Alā' al-Dīn al-Kāsānī, *Badā'i' al-Ṣanā'i' fī Tartīb al-Sharā'i'*, vol. 3 (Beirut: Dār al-Kitāb al-'Arabī, 1982), 233. Shams al-Dīn Muḥammad ibn Ahmad al-Khatīb al-Sharbīnī al-Shāfi'ī, *Mughni al-Muḥtāj ilā Ma'rifat Ma'ānī Alfāz al-Minhāj*, vol. 3 (Beirut: Dār al-Kutub al-'Ilmiyya, 1994 [1415 AH]), 354. Abū Muḥammad Muwaffaq al-Dīn 'Abd Allah ibn Ahmad ibn Muḥammad ibn Qudāmah al-Jamā'īlī al-Maqdisī thumma al-Dimashqī al-Ḥanbalī, known as Ibn Qudāmah al-Maqdisī (1388 AH–1968 CE), *Al-Mughni*, vol. 8 (Cairo: Maktabat al-Qāhirah), 13. Manṣūr ibn Yūnus ibn Ṣalāḥ al-Dīn ibn Ḥasan ibn Idrīs al-Bahūtī al-Ḥanbalī (d. 1051 AH), *Kashf al-Qinā'*, vol. 5 (Beirut: Dār al-Kutub al-'Ilmiyya), 370.

³⁰ - Muḥammad ibn Ahmad ibn 'Arafah al-Dasūqī al-Mālikī, *Hāshiyat al-Dasūqī 'alā al-Sharḥ al-Kabīr*, vol. 2, 443. Abū 'Abd Allah Muḥammad ibn 'Abd Allah al-Kharshī al-Maliki, *Sharḥ Mukhtaṣar Khalīl*, vol. 4, 106.

If he **does not intend prohibition**, such as when a man has two wives and compares one to the other, then this is **not** considered *zihār* because both are lawful to him. Likewise, if a **woman says to her husband**, "You are to me like the back of my mother," this is **invalid** because the woman has **no authority** to make things unlawful.

If the husband compares his wife to something **Islamically forbidden** (like **wine or pork**) and says, "You are to me like wine or pork," then the **Ḥanafī jurists** say: this is not *zihār*. Rather, it depends on his intention:

If he **intended divorce**, a **final divorce (bā' in ṭalāq)** takes place.

If he **intended prohibition** or said he had **no intention**, just uttered the words — then in both cases, **ilā'** (vow of abstention) takes place, **not zihār**³¹.

Mālikī jurists state: if the husband says, "You are like anything the Qur'an has forbidden," then this is considered **zihār**. For them, **any statement** intended as *zihār* — even phrases like "Eat," "Wash," "Give me water," or "Leave" — can be considered *zihār* if the **intention** is present³².

Ḥanbalī jurists say: if the husband likens his wife to something forbidden, such as saying, "You are to me like a carcass" or "like blood," then there are **two opinions** from **Imām Aḥmad ibn Ḥanbal**:

One opinion says: it is *zihār*.

Another says: it is **not**.

Ibn Qudāmah says it is **not zihār**, and this is the opinion of the **majority of Ḥanbalī scholars**. Their reasoning is that the analogy is made to something that is not generally used for benefit. For example, if a husband says: "You are to me like the property of Zayd," meaning "You are forbidden to me like Zayd's wealth," this is **not zihār**, because it implies **no direct benefit**.

In such cases, two narrations are found from Imām Aḥmad ibn Ḥanbal regarding whether **expiation (kaffārah)** is required. The apparent conclusion is:

If he **intended divorce**, divorce takes place.

If he **intended zihār**, then *zihār* takes place.

If he **intended ilā'**, then *ilā'* occurs³³.

Fourth Condition: That the Phrase Indicates the Intention of *Zihār*

This means that the statement (phrase) must either explicitly or implicitly indicate the intention of *zihār*.

Explicit Phrase (Ṣarīḥ): According to the jurists, an explicit phrase is one that clearly and outwardly indicates *zihār* and does not carry any other possible interpretation. For example, saying: "You are to me like the back of my mother."

This phrase clearly conveys the concept of *zihār* without needing to consider the speaker's intention or context. The meaning is evident regardless of the speaker's mental state or purpose³⁴.

³¹ - 'Alā' al-Dīn al-Kāsānī, *Badā'i' al-Ṣanā'i' fī Tartīb al-Sharā'i'*, vol. 3, 232.

³² - Abd al-Bāqī ibn Yūsuf ibn Ahmad al-Zarqānī al-Miṣrī (1422 AH–2002 CE), *Sharḥ al-Zarqānī 'alā Mukhtaṣar Khalīl*, 1st ed., ed. 'Abd al-Salām Muḥammad Āmīn, vol. 4 (Beirut: Dār al-Kutub al-'Ilmiyya, 2002), 298.

³³ - Abū Muḥammad Muwaffaq al-Dīn 'Abd Allah ibn Ahmad ibn Muḥammad ibn Qudāmah al-Jamā'ī al-Maqdisī thumma al-Dimashqī al-Ḥanbalī, known as Ibn Qudāmah al-Maqdisī, *Al-Mughni*, vol. 8, 6.

³⁴ - Ministry of Awqāf and Islamic Affairs, Kuwait, *Al-Mawsū'ah al-Fiqhiyya al-Kuwaytiyya*, vol. 29 (Kuwait, 1404 AH), 196.

Ruling of Explicit Phrase: Zihār is considered to have occurred even without intent or purpose. If a man says this phrase and later claims that he did not intend zihār, it is still counted as zihār. If he says, “I did not intend zihār,” this claim will not be accepted in a court of law (qaḍā’), because it contradicts the apparent meaning of the words. However, in religious terms (diyānah), between the man and Allah, he is regarded as truthful if he truly did not intend zihār. This is because he used the words in a context where they may not have been intended, and only Allah knows the true intention³⁵.

Implicit Phrase (Kināyah): According to the majority of scholars, an implicit phrase is one that may indicate zihār or something else—it has multiple interpretations—and is not commonly used for zihār in customary language. For example: “You are to me like my mother.

This is considered a metaphor (kināyah) because it could mean the speaker is referring to her honor or status, or it could mean he intends a prohibition like that of zihār.

If his intention is similarity in rank or respect, then it is not zihār.

If his intention is divorce, then divorce takes effect.

If his intention is zihār, then zihār takes effect.

If he does not intend any form of prohibition, then it is not zihār.

If he says: “I did not intend anything specific; the words just came out of my mouth,” then zihār does not occur. This is because the statement could indicate both prohibition and non-prohibition, and prohibition (tahrīm) cannot be established without clear intention³⁶.

Fifth Condition: Zihār (a pre-Islamic form of divorce) must be uttered by the husband with intention, using a phrase that explicitly indicates zihār or is commonly used in place of it. If the husband knowingly and intentionally utters such a phrase and intends zihār, then the zihār is considered valid and has occurred with his consent. However, if the phrase is uttered without intention or willingness—such as under threat of murder, imprisonment, or any form of coercion—then although the husband has verbally pronounced it intentionally, there is no consent, and therefore, the zihār does not take place³⁷.

Nevertheless, the Ḥanafī jurists hold that zihār under duress (ikrāh) is valid, just as divorce (ṭalāq) under duress is valid, and its legal effects are also applicable. They base their analogy (qiyās) on the ruling that if someone utters the phrase of divorce without intending it—nor desiring the legal consequences—it still takes effect. Similarly, the phrase of zihār, even without intention, is like divorce.

This is based on the saying of the Prophet Muhammad (peace be upon him):

³⁵ - Alā’ al-Dīn al-Kāsānī, *Badā’i’ al-Ṣanā’i’ fī Tartīb al-Sharā’i’*, vol. 3, 231. Aḥmad ibn Muḥammad al-Ṣāwī al-Mālikī (1372 AH–1952 CE), *Al-Sharḥ al-Ṣaghīr*, vol. 5 (Cairo: Maktabat Muṣṭafā al-Bābī), 479. Abū Zakariyā Muḥyī al-Dīn Yaḥyā ibn Sharaf al-Nawawī, *Rawḍat al-Ṭālibīn*, 3rd ed. (Beirut–Damascus–Amman: Al-Maktab al-Islāmī, 1991 [1412 AH]), vol. 8, 262, ed. Zuhayr al-Shāwīsh.

³⁶ - ‘Alā’ al-Dīn al-Kāsānī, *Badā’i’ al-Ṣanā’i’ fī Tartīb al-Sharā’i’*, vol. 3, 231. Abū al-Walīd Muḥammad ibn Aḥmad ibn Muḥammad ibn Aḥmad ibn Rushd al-Qurṭubī, known as Ibn Rushd al-Ḥafīd (1425 AH–2004 CE), *Bidāyat al-Mujtahid wa-Nihāyat al-Muqtaṣid*, vol. 3 (Cairo: Dār al-Ḥadīth, n.d.), 124. Abū Muḥammad Muwaffaq al-Dīn ‘Abd Allah ibn Aḥmad ibn Muḥammad ibn Qudāmāh al-Jamā’ī al-Maqdisī thumma al-Dimashqī al-Ḥanbalī, known as Ibn Qudāmāh al-Maqdisī, *Al-Mughni*, vol. 7, 342. Abū ‘Abd Allah Muḥammad ibn ‘Abd Allah al-Kharshī al-Maliki, *Sharḥ Mukhtaṣar Khalīl*, vol. 4, 107.

³⁷ - Ministry of Awqāf and Islamic Affairs, Kuwait, *Al-Mawsū‘ah al-Fiqhiyya al-Kuwaytiyya*, vol. 29 (Kuwait, 1404 AH), 196.

(ثَلَاثٌ جِدُّهُنَّ جِدٌّ وَهَزْلُهُنَّ جِدٌّ: النِّكَاحُ، وَالطَّلَاقُ، وَالرَّجْعَةُ)³⁸

Three matters, whether done seriously or in jest, are considered binding: marriage (nikāḥ), divorce (ṭalāq), and taking a wife back (rujū’).

So they argue that zihār under coercion is valid, just as divorce under coercion is valid. However, the Mālikī, Shāfi‘ī, and Ḥanbalī jurists disagree. They maintain that zihār under coercion is not valid, and they base their argument on the following Hadith of the Prophet (peace be upon him), narrated by Ibn ‘Abbās (may Allah be pleased with them both):

(إن الله وضع عن أمتي الخطأ والنسيان وما استكروها عليه).³⁹

(Indeed, Allah has pardoned for my Ummah (nation) mistakes, forgetfulness, and what they are forced to do under compulsion).

Meaning, if someone performs zihār jokingly but with intention, it is valid. However, if the phrase of zihār is issued by the husband without intending it—in a joking or playful manner—this person is called hāzil (one joking), and such speech is called hazl (jest)⁴⁰. Even so, such zihār is valid according to scholars, because the Prophet (peace be upon him) said: (Three matters, whether done seriously or in jest, are considered binding: marriage, divorce, and taking a wife back).

Since zihār is analogous to divorce, its ruling follows that of divorce. Moreover, the fact that the phrase was uttered by a joking person (hāzil), while he had full control and intent, even though he did not intend for the consequences to be applied, is irrelevant. The application of legal rulings based on causes is the prerogative of the Sharī‘ah, not of the individual uttering the words.

In other words, it is not correct for an ordinary person to say a legal term and then, based on personal choice, claim that it should or shouldn’t carry a legal ruling. For instance, in the case of someone who jokingly says the explicit words of zihār but then claims he didn’t intend it, his statement is not accepted, and zihār will be considered as having occurred⁴¹.

Sixth Condition: The Existence of a Marital Relationship (Zawjiyyah)

The marital relationship must exist — either in reality or by legal status (ḥukmī). If the marriage (nikāḥ) is valid and no separation has occurred, then it does not matter whether consummation (sexual intercourse) has taken place or not — Zihār is valid according to the majority of scholars. The majority base this on the verse of Allah Almighty:

(والذين يظاهرون من نسائهم).⁴²

(Those among you who make zihār of their wives...)⁴³.

³⁸- Mohammed ibn Ali ibn Mohammed al-Shawkani, *Nayl al-Awtar min Ahadith Sayyid al-Akhyar: Sharh Muntaha al-Akhar*, vol. 7, 12, Al-Muniriyyah Press, accessed via Maktabat al-Shamilah. Muhammad ibn ‘Isa Abu ‘Isa al-Tirmidhi al-Salmi, *Al-Jami’ al-Sahih Sunan al-Tirmidhi*, ed. Ahmad Muhammad Shakir et al., vol. 3, 490, Hadith no. 1184, Beirut: Dar Ihya’ al-Turath al-‘Arabi, accessed via Maktabat al-Shamilah. Imam al-Tirmidhi said: This hadith is Hasan Gharib.

³⁹ - Ibn Majah, vol. 1, 659. Al-Mustadrak, vol. 2, 198. Imam al-Hakim said: “This hadith is Sahih on the condition of the two Shaykhs,” and Imam al-Dhahabi agreed.

⁴⁰ -Bada’i’ al-Sana’i’, vol. 3, 231; Hashiyat al-Dusuqi, vol. 2, 366; Mughni al-Muhtaj, vol. 3, 288; Al-Mughni, vol. 6, 535.

⁴¹ -Al-Mawsu‘ah al-Fiqhiyah al-Kuwaitiyah, vol. 29, 199.

⁴² -Al-Mujādilah, 58:3.

⁴³ -Shabbir Ahmad Usmani and Mahmood al-Hanisi Deobandi, *Kabli Tafsiir*, vol. 2, 1364.

This verse clearly indicates that *zihār* takes place when a man makes such a statement about his wife. So, whenever a man marries a woman with a valid contract, she is legally his wife — whether consummation has occurred or not⁴⁴.

Likewise, legal (*ḥukmī*) marital status is also established during the waiting period (*ʿiddah*) of a revocable divorce (*ṭalāq rajʿī*). Meaning, if a man divorces his wife with a revocable divorce, the bond of marriage does not end immediately but continues until the waiting period ends. Therefore, if during the waiting period he makes a *zihār* statement, it is valid — just as issuing another divorce during this time would also be valid. Thus, *zihār* during this period is also valid⁴⁵.

On this basis, if a man says to a woman, “Your back is to me like the back of my mother,” while she is neither his wife nor in the *ʿiddah* of a revocable divorce, then *zihār* does not take place. Even if he later marries her, intimacy is permissible for him, and according to the majority of scholars, nothing (i.e., no expiation) is required of him⁴⁶. The evidence for this is again the verse: (Those among you who make *zihār* of their wives...)

This verse indicates that the *zihār* must be directed at one’s own wife — not a stranger or a woman who has been irrevocably divorced and is no longer in the waiting period. So if the woman is a stranger or irrevocably divorced and her *ʿiddah* is over, then *zihār* is not valid⁴⁷.

However, the *Ḥanbalī* jurists state: If a man says to a non-wife (stranger woman), “Your back is to me like my mother’s back,” and then later marries her, the *zihār* is binding, and he is not allowed to be intimate with her until he pays the expiation (*kaffārah*). Their reasoning is that *zihār* is like an oath, which is lifted through expiation. Just as an oath is binding before marriage, *zihār* also becomes binding in this way⁴⁸.

However, the jurists differ over whether conditional *zihār* (*muʿallaq*) becomes effective upon the occurrence of marriage.

The *Ḥanafīs*, *Mālikīs*, and *Ḥanbalīs* say that conditional *zihār* tied to marriage is valid. That is, if a man says, “If I marry so-and-so, then her back is to me like my mother’s,” and then he actually marries her, the *zihār* takes effect, and he may not be intimate with her until he offers the expiation. Their evidence includes a narration from Imam *Aḥmad* from *ʿUmar ibn al-Khaṭṭāb* (may Allah be pleased with him), where a man said, “If I marry such-and-such woman, then she will be like my mother to me.” When he later married her, *ʿUmar* ruled that he must pay the *zihār* expiation. This is because a conditional statement is treated as if the act happened at the moment the condition is fulfilled — and at that point, the woman is his wife, so *zihār* is applicable, just as divorce would be⁴⁹.

The *Shāfiʿī* jurists disagree. They argue that conditional *zihār* does not take effect with marriage. So if a man makes a conditional *zihār* statement and later marries that woman, the *zihār* is not valid, and he may be intimate with her without needing any expiation. Their evidence is the same verse: (Those among you who make *zihār* of their wives...).

⁴⁴ -Al-Mawsuʿah al-Fiqhiyah al-Kuwaitiyah, vol. 29, 200.

⁴⁵ - Al-Mawsuʿah al-Fiqhiyah al-Kuwaitiyah, vol. 29, 200.

⁴⁶ - Al-Kasani, *Badaʿiʿ al-Sanaʿiʿ*, vol. 3, 232; *Sharh Mukhtasar Khalil*, vol. 3, 244; *Mughni al-Muhtaj*, vol. 3, 353.

⁴⁷ - Al-Mawsuʿah al-Fiqhiyah al-Kuwaitiyah, vol. 29, 201.

⁴⁸ - Ibn Qudamah, *al-Mughni*, vol. 7, 354.

⁴⁹ - Al-Kasani, *Badaʿiʿ al-Sanaʿiʿ*, vol. 3, 232; *al-Sharh al-Kabir*, vol. 2, 444–445; Ibn Qudamah, *al-Mughni*, vol. 7, 354–355.

They argue that the verse specifically mentions “their wives,” and a woman who is only the subject of a conditional statement — and not yet a wife at the time of the statement — is not considered his wife when the statement was made, so the zihār does not apply⁵⁰.

Seventh Condition: Zihār Must Be Issued by a Legally Responsible (Mukallaf) Person

The person from whom zihār is valid must be legally responsible (mukallaf). Legal responsibility (taklīf) depends on the following conditions:

1. Puberty (Bulūgh):

Zihār is not valid from a child, even if he is discerning (mumayyiz). The ruling of zihār is prohibition, and the address of prohibition is lifted from the child. The proof is the saying of the Prophet Muhammad (peace be upon him):

(رفع القلم عن ثلاثة: عن المجنون حتى يبرأ، وعن النائم حتى يستيقظ، وعن الصبي حتى يعقل).⁵¹

(The pen has been lifted from three: from the insane until he regains sanity, from the sleeping until he wakes up, and from the child until he reaches maturity).

This means that no sin is recorded for these three individuals. Here, zihār is analogized with divorce (ṭalāq). Just as a child's divorce is not considered valid, likewise his zihār is also invalid. This is because zihār renders the wife unlawful for the husband and necessitates expiation, just like divorce does. So, since a child's divorce is not valid, neither is his zihār⁵².

2. Sanity (‘Aql):

The zihār of an insane person during their insanity is not valid, and likewise, the zihār of a child has no legal standing. This is because intellect is the tool of thinking and the basis for legal responsibility. Since both the insane and the child lack full intellect, their zihār is not valid. Similarly, those who fall under the ruling of the insane, such as the mentally ill, unconscious, or asleep, are also not considered capable of valid zihār⁵³.

3. Intoxication (Sukrān):

All jurists agree that if a person is intoxicated, their zihār is not valid — as long as the intoxication occurred without sin (i.e., due to necessity or force). In such cases, the person is considered as lacking intellect, similar to the insane or sleeping person. Thus, just as the zihār of an insane or sleeping person is invalid, the same applies to one who is intoxicated without intent⁵⁴.

However, if the intoxication is due to a prohibited act — such as willingly consuming an intoxicant without necessity — then there is a difference of opinion among jurists about whether zihār is valid in that state.

This mirrors the scholarly disagreement about the validity of divorce in a state of sinful intoxication.

Most scholars from the Ḥanafī, Mālikī, and Shāfi‘ī schools, as well as one narration from Imam Aḥmad, hold that in such a case, zihār is valid⁵⁵.

⁵⁰ - *Mughni al-Muhtaj*, vol. 3, 353.

⁵¹ - Abu Dawud Sulayman ibn al-Ash‘ath ibn Ishaq ibn Bishr ibn Shaddad ibn ‘Amr al-Azdi al-Sijistani, *Sunan Abi Dawud*, ed. Muhammad Muhyi al-Din ‘Abd al-Hamid, vol. 4, 140, Saida–Beirut: al-Maktabah al-‘Asriyyah. Imam al-Albani said: “The hadith is Sahih.

⁵² - *Al-Mughni*, vol. 7, 338; *Bada’i’ al-Sana’i’*, vol. 3, 230; *Mughni al-Muhtaj*, vol. 3, 352; *al-Sharh al-Kabir*, vol. 2, 439.

⁵³ - Ibn Qudamah, *al-Mughni*, vol. 7, 338; *Bada’i’ al-Sana’i’*, vol. 3, 230; *Mughni al-Muhtaj*, vol. 3, 352; *al-Sharh al-Kabir*, vol. 2, 439.

⁵⁴ - *Al-Mawsu‘ah al-Fiqhiyah al-Kuwaitiyah*, vol. 29, 202.

⁵⁵ - Kamal al-Din Muhammad ibn ‘Abd al-Wahid al-Siwasi, known as Ibn al-Humam, [title

Reason: Since the person willingly consumed a prohibited substance which led to the loss of intellect, he is considered as having intellect in terms of legal consequences — so that he receives punishment and becomes a lesson for others⁵⁶.

Other jurists, such as Imām Zufar and another narration from Imām Aḥmad ibn Ḥanbal (may Allah have mercy on them), and a narration from ‘Uthmān ibn ‘Affān (RA) and ‘Umar ibn ‘Abd al-‘Azīz (RA), disagree.

They argue that the validity of any legal action is tied to intention and will. Since the intellect of an intoxicated person is overtaken by the substance, his will and intent are compromised. Therefore, his statements carry no legal weight — just like those of the insane, sleeping, or unconscious person⁵⁷.

4. Islam:

According to the Ḥanafī, Mālikī, and one narration from Imam Aḥmad (may Allah have mercy on them), zihār is not valid from a non-Muslim, regardless of whether he is from the People of the Book or not⁵⁸.

However, Shāfi‘ī and Ḥanbalī jurists state that Islam is not a condition for the validity of zihār. Thus, zihār issued by both a Muslim and a non-Muslim is valid⁵⁹.

Second Topic: The Pillars (Essential Elements) of Zihār

According to the Hanafī scholars, Zihār has only one essential element (rukṅ), and that is the specific wording that indicates Zihār. It refers to the statement in which a husband likens his wife to a woman who is permanently forbidden to him — such as saying, "You are to me like the back of my mother", or other phrases carrying the same meaning. Therefore, in the Hanafī school of thought, Zihār is established only through this particular phrase or through any wording that conveys the same meaning⁶⁰.

According to the majority of scholars (the Mālikīs, Shāfi‘īs, and Ḥanbalīs), Zihār has four essential elements (arkān):

- 1- Al-Mushabbih (The One Making the Comparison): The husband who performs Zihār.
- 2- Al-Mushabbah Bih (The One Being Compared): The wife who is being subjected to Zihār.
- 3- Al-Mushabbah Bihi (The One Used for Comparison): A woman who is permanently forbidden to the husband, such as his mother or sister.
- 4- Ṣīghah (The Pronounced Statement): The wording or statement in which the wife is likened to a woman forbidden to the husband⁶¹.

Third Discussion: The Expressions, Types, and Expiation (Kaffārah) of Zihār:

This discussion addresses the expressions used in Zihār, its different types, and the issue of expiation. It consists of three main points: the first deals with the phrases used in Zihār; the second explains its types; and the third addresses the expiation, meaning how a person who

missing], vol. 3, 490, Beirut: Dar al-Fikr; al-Kasani, *Bada'i' al-Sana'i'*, vol. 3, 230; *Hashiyat al-Dusuqi*, vol. 2, 439; *Mughni al-Muhtaj*, vol. 3, 353; Ibn Qudamah, *al-Mughni*, vol. 7, 114, 238.

⁵⁶ - *Al-Mawsu'ah al-Fiqhiyah al-Kuwaitiyah*, vol. 29, 202.

⁵⁷ - Ibn al-Humam, *Fath al-Qadir*, vol. 3, 490; Ibn Qudamah, *al-Mughni*, vol. 7, 114–115; al-Kasani, *Bada'i' al-Sana'i'*, vol. 3, 230.

⁵⁸ - Al-Kasani, *Bada'i' al-Sana'i'*, vol. 3, 230; *al-Sharh al-Kabir*, vol. 2, 439.

⁵⁹ - *Mughni al-Muhtaj*, vol. 3, 352; Ibn Qudamah, *al-Mughni*, vol. 7, 338–339; ‘Ali ibn Sulayman al-Mardawi Abu al-Hasan, *al-Insaf fi Ma'rifat al-Rajih min al-Khilaf 'ala Madhhab al-Imam Ahmad ibn Hanbal*, vol. 9, 198, Beirut: Dar Ihya' al-Turath al-'Arabi.

⁶⁰ - Al-Kasani, *Bada'i' al-Sana'i' fi Tartib al-Shara'i'*, 2nd ed. (Beirut: Dar al-Kutub al-'Ilmiyyah, 1986), vol. 3, 229.

⁶¹ - *Hashiyat al-Dusuqi*, vol. 2, 440; *Rawdat al-Talibin*, vol. 8, 261; *Kashaf al-Qina'*, vol. 5, 369.

has committed Zihār can expiate for this sin so that his wife becomes permissible for him again.

First Point: The Expressions of Zihār

Zihār becomes legally effective — requiring both expiation and rendering the wife temporarily prohibited — when it is expressed using phrases that clearly show the intention of Zihār. Based on this, the expressions of Zihār are divided into two types: explicit (ṣarīḥ) and ambiguous (kināyah), which are explained below.

A. Explicit Expressions of Zihār:

According to the jurists, explicit expressions of Zihār are those that clearly and unmistakably convey the meaning of Zihār and cannot be interpreted otherwise. For example, if a man says to his wife: "You are to me like the back of my mother (أنت علي كظهر أمي)," this phrase plainly means Zihār, and any listener would understand it as such without needing to ask about the speaker's intention⁶².

Ruling on Explicit Expressions:

These are such clear expressions that they do not require an intention (niyyah) for Zihār to occur. If a man utters this statement, even without intending Zihār, it will still be considered valid and binding. If he later claims he did not intend Zihār, the judge will not accept this claim because it contradicts the clear wording. However, in the sight of Allah Almighty, his internal intention may be accepted — meaning that on a personal (religious) level, he may not be held accountable if he truly meant something else, since such phrases can theoretically be used for other purposes⁶³.

B. Ambiguous Expressions of Zihār:

According to the majority of jurists, ambiguous expressions of Zihār are those that may carry the meaning of Zihār but could also mean something else, and these phrases are not commonly used for Zihār in social custom (urf). For instance, if a man says to his wife: You are to me like my mother (أنت علي كأمي) or Like my mother (مثل أمي), this would be considered ambiguous. These phrases could mean the wife is like a mother in status and respect, or they could mean she is prohibited like a mother.

Therefore, if the man intends a meaning of respect and honor, Zihār does not occur, and no expiation is required. If he intends divorce, then it will be counted as divorce. If he intends Zihār, then it will be treated as such — because the phrases carry multiple possible meanings, and thus, intention (niyyah) becomes essential. If the man says he had no specific intention, then Zihār does not take effect, because the wording alone does not conclusively indicate Zihār⁶⁴.

Second Topic: Types of Zihār (Zihār)

Islamic scholars have classified zihār into three types: Mu'allaq (conditional), Mun'ajiz (absolute), and Muḍāf (deferred). For better understanding, each type is explained below:

1. Mun'ajiz Zihār (Absolute Zihār):

This is a form of zihār where the statement is made unconditionally—without being tied to any future event or condition. For example, if a husband says: "You are to me like the back of

⁶² - *Al-Mawsu'ah al-Fiqhiyah al-Kuwaitiyah*, vol. 29, 196.

⁶³ - *Bada'i' al-Sana'i'*, vol. 3, 231; *al-Sharh al-Kabir*, vol. 2, 638; *Rawdat al-Talibin*, vol. 8, 262.

⁶⁴ - *Bada'i' al-Sana'i'*, vol. 3, 231; *Bidayat al-Mujtahid*, vol. 2, 88; Ibn Qudamah, *al-Mughni*, vol. 7, 342; *Sharh Mukhtasar Khalil*, vol. 4, 107.

my mother” (أنت علي كظهر أمي), then the zihār takes immediate effect and its legal consequences are enforced straightaway, without dependence on any external factor⁶⁵.

2. Mu‘allaq Zihār (Conditional Zihār):

This form of zihār is dependent on a future event or condition. For example, if a man says to his wife: “You are to me like the back of my mother if you travel to your family’s hometown” (أنت علي كظهر أمي إن سافرت إلى بلد أهلك), then zihār is not considered effective unless the wife actually travels to her family’s hometown. Once she does, the zihār takes effect and the related rulings become obligatory⁶⁶.

Zihār tied to the Will of Allah (God’s Will):

If a husband says: “You are to me like the back of my mother, if Allah wills” (أنت علي كظهر أمي إن شاء الله), then according to the Ḥanafī and Ḥanbalī schools, the zihār is invalid. Their reasoning is that, similar to oaths (which have expiations), including “In shā’ Allāh” excludes the obligation. Just as adding “In shā’ Allāh” to an oath prevents its binding nature and no expiation applies, the same applies to zihār in this case—making it non-binding and without expiation⁶⁷.

Zihār tied to someone else's will or the wife's consent:

According to the Ḥanafī and Mālikī schools, if the zihār is made conditional upon someone else’s will (e.g., a certain person or the wife herself), and the condition is fulfilled in the same sitting, then zihār is valid. However, the Ḥanbalī school holds that if zihār is conditioned on another person’s will, it is not valid⁶⁸.

3. Muḍāf Zihār (Deferred Zihār):

This type of zihār links the statement to a future time, such as saying: “You are to me like the back of my mother after next month.” According to the majority of scholars, the man is considered as having performed zihār from the moment he utters the phrase, but its effects (like prohibition of intimacy) apply only from the mentioned future time. This type of deferral does not negate the zihār; it simply delays its enforcement.

Therefore, if a man swears never to perform zihār with his wife, but then says something like: “You are to me like the back of my mother after next month,” he becomes sinful for breaking his oath and must pay expiation. Even though intimacy is not immediately prohibited, it becomes forbidden once the specified time arrives⁶⁹.

This is because zihār, like ṭalāq (divorce), leads to the prohibition of the wife, and both can be deferred or conditional. Hence, deferred or conditional zihār is valid in the same way as in divorce⁷⁰.

View of the Mālikī School: According to Mālikī jurists, if zihār is deferred to a future time or conditional upon a future event—and that event is either certain or highly probable—then the zihār is treated as immediate. For example, if a man says:

(You are to me like the back of my mother after one year,)

⁶⁵ - *Al-Mawsu‘ah al-Fiqhiyah al-Kuwaitiyah*, vol. 29, 197.

⁶⁶ - *Al-Mawsu‘ah al-Fiqhiyah al-Kuwaitiyah*, vol. 29, 197.

⁶⁷ - *Al-Mawsu‘ah al-Fiqhiyah al-Kuwaitiyah*, vol. 29, 197.

⁶⁸ - Muhammad ibn Famarz ibn Ali, known as Mulla or al-Mawla Khusraw, *Durar al-Ahkam*, vol. 1, 393, Beirut: Dar Ihya’ al-Kutub al-‘Arabi; *Kashaf al-Qina’*, vol. 5, 373; *Hashiyat al-Dusuqi*, vol. 2, 441.

⁶⁹ - *Bada’i’ al-Sana’i’*, vol. 3, 232; Ibn Qudamah, *al-Mughni*, vol. 7, 350; *Mughni al-Muhtaj*, vol. 3, 354; *Rawdat al-Talibin*, vol. 8, 265.

⁷⁰ - *Al-Mawsu‘ah al-Fiqhiyah al-Kuwaitiyah*, vol. 29, 198.

(You are to me like the back of my mother if Ramadan comes,) or (If the wind blows, you are to me like the back of my mother,) then the zihār is considered effective immediately upon utterance, and the wife becomes forbidden.

The reasoning is that zihār, like ṭalāq, brings about immediate prohibition. And just as a deferred or conditional ṭalāq becomes effective upon certainty, so too does zihār⁷¹.

Second Topic: The Expiation (Kaffārah) of Zihār

According to the unanimous agreement of the jurists, if someone commits zihār upon his wife, she becomes forbidden to him until he performs the expiation (kaffārah) for the zihār. The expiation can be fulfilled in one of three ways:

Freeing a slave (‘itq raqaba). If the person is unable to do this, then:

Fasting for two consecutive months. And if he is still unable to fast, then:

Feeding sixty poor people.

The basis and proof for this is the saying of Allah, the Exalted:

(وَالَّذِينَ يُظَاهِرُونَ مِنْ نِسَائِهِمْ ثُمَّ يَعُودُونَ لِمَا قَالُوا فَتَحْرِيرُ رَقَبَةٍ مِنْ قَبْلِ أَنْ يَتَمَاسَا ذَلِكَ تُوَعِّظُونَ بِهِ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ * فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ مِنْ قَبْلِ أَنْ يَتَمَاسَا فَمَنْ لَمْ يَسْتَطِعْ فِإِطْعَامُ سِتِّينَ مِسْكِينًا ذَلِكَ لِتُؤْمِنُوا بِاللَّهِ وَرَسُولِهِ وَتِلْكَ حُدُودُ اللَّهِ وَلِلْكَافِرِينَ عَذَابٌ أَلِيمٌ)⁷².

(And those who (declare their wives to be like their mothers) through zihār and then return to what they said—it is obligatory for them to free a slave before they touch each other (in sexual relations). This (ruling of expiation) is an admonition to you, and Allah is fully aware of what you do (and will recompense you for it).

But whoever does not find (a slave), then it is obligatory upon him to fast for two consecutive months (without a break, except for a valid excuse) before they touch each other. And whoever is unable (to fast), then he must feed sixty poor people. This (leniency in expiation) is so that you may believe in Allah and His Messenger. These (mentioned rulings) are the limits set by Allah, and for the disbelievers is a painful punishment)⁷³.

This blessed verse was revealed concerning a companion of the Ansar, ‘Aws ibn Ṣāmit (may Allah be pleased with him), who committed zihār upon his wife. The Prophet Muhammad (peace be upon him) instructed him to free a slave as expiation. When he said he could not free a slave, the Prophet (peace be upon him) then instructed him to fast for two consecutive months.

Conditions for the Proper Fulfillment of Zihār Expiation:

1-The expiation must be performed after the occurrence of the cause.

That is, the man must first have committed zihār before performing the expiation. For example, if someone feeds sixty poor people and says, "This is the expiation for zihār if I commit it," but then commits zihār later, this expiation is invalid because the cause (zihār) must precede the expiation. Similarly, if someone pays the expiation for killing or breaking an oath before actually committing the crime or oath, the expiation is invalid.

For instance, if a man says to his wife: "If you enter such-and-such house, you are to me like the back of my mother," until she actually enters that house, he cannot perform the expiation,

⁷¹ - Hashiyat al-Dusuqi, vol. 2, 440; Sharh Mukhtasar Khalil, vol. 3, 243.

⁷² - The Holy Qur’an, 58:1–4 (Surah al-Mujadila, para 28).

⁷³ - Shabbir Ahmad Usmani and Mahmood al-Hanisi Deobandi, *Kabli Tafsir*, 1414 AH, 2nd ed. (Riyadh, Saudi Arabia: Shafahd Press), vol. 2, 1362–1366.

since the zihār is conditional and a conditional ruling is not applied before the condition is fulfilled⁷⁴.

2- Intention (Niyyah) when a person performs the expiation (whether freeing a slave, fasting, or feeding the poor), he must have the explicit intention of fulfilling the expiation for the zihār. The evidence for this is the saying of the Messenger of Allah (peace be upon him): "Actions are but by intentions"⁷⁵.

So if someone frees a slave, fasts, or feeds the poor without the intention that this is for zihār expiation, and later says, "This was the expiation," it will not count as valid expiation. Likewise, if someone fasts but does not intend it as expiation for zihār, that fast will not count as expiation since the days may be valid for other purposes (such as vows or making up missed fasts). Therefore, without intention, the act does not qualify as expiation for zihār⁷⁶. If a man, at the same time, uses the words of Zihār (declaration likening one's wife to one's mother) for two, three, or four wives, does the Zihār take effect for all of them or not? And when he offers expiation (kaffārah), will one expiation suffice, or must he give a separate expiation for each wife?

Answer:

If a man says to his wives, (You are to me like the back of my mother,) then Zihār takes effect with respect to all of them, each wife becomes prohibited to him, and a separate expiation is required for each wife. Likewise, if someone performs Zihār toward his wife multiple times in one sitting or in several sittings, a separate expiation is required for each occurrence of Zihār—unless, at the time of the first Zihār, he intended it to apply as emphasis only. Alsheikh: N.G.S(1991).

According to the consensus of scholars, if a man says to his wives: (You are to me like the back of my mother; Zihār applies to you), then Zihār is established for all of them, and a separate expiation is obligatory for each wife. Imām Mālik and Imām Aḥmad (may Allah have mercy on them) state that one expiation is sufficient, similar to the case of Īlā' (oath to abstain from marital relations).

Similarly, if a man performs Zihār toward his wife multiple times, whether in a single sitting or in several different sittings, expiation is required for each act of Zihār. However, if the repetition was intended only as emphasis, then in the case of a single sitting, one expiation is sufficient, and this is also accepted in judicial rulings. If it was not intended as emphasis, then each repetition requires a separate expiation.

If a man performs Zihār toward one wife twice or more—whether in one sitting or in several sittings—then the ruling of expiation applies to each instance, unless he intended that the subsequent statements were only for emphasis after the first Zihār. In such a case, only one expiation is required.

If a man performs Zihār toward four wives, then four separate expiations are required—regardless of whether he addressed each wife individually with different words or addressed them all together in one phrase. However, Imām al-Shāfi'ī (may Allah have mercy on him) states that if the declaration is made in one phrase, only one expiation is obligatory. His reasoning is that Zihār is a type of prohibition (taḥrīm), and its closest analogy is Īlā', in which only one expiation is due—such as when a man swears to his four wives, (By Allah, I

⁷⁴ - Ibn Qudamah, *al-Mughni*, vol. 7, 389.

⁷⁵ - Ibn 'Abidin, *Muhammad Amin ibn 'Umar ibn 'Abd al-'Aziz al-'Abidin al-Dimashqi al-Hanafī*, 2nd ed. (1412 AH / 1992 CE; Beirut: Dar al-Fikr), *Radd al-Muhtar 'ala al-Durr al-Mukhtar*, vol. 2, 894; *Mughni al-Muhtaj*, vol. 3, 359; *Ibn Qudamah, al-Mughni*, vol. 7, 387.

⁷⁶ - *al-Durr al-Mukhtar*, vol. 2, 133.

will not be intimate with you,) but later violates his oath; in that case, only one expiation is due. Thus, the same applies to Zihār.

However, Ḥanafī jurists differentiate between Zihār and Īlā'. In their view, even if the Zihār declaration is made in one phrase, it applies separately to each wife. That is, Zihār is established individually for each wife, and a separate expiation is obligatory for each. Alkasani: A (1982).

Question:

In Īlā', returning to marital relations requires an act, but if the husband is physically incapable of intercourse, verbal return is also valid. In Zihār, does the woman become lawful again merely through paying the expiation, or is a verbal or physical act of return also required?

Answer:

When a man performs Zihār toward his wife, and the pillars and conditions of Zihār are fulfilled, the wife becomes prohibited to him, and this prohibition remains until he pays the expiation. Upon payment of the expiation, Zihār is nullified, and—unlike Īlā'—there is no requirement for verbal or physical return. The mere payment of expiation removes the prohibition, and marital relations become lawful again.

Question:

Zihār occurs through explicit words (ṣarīḥ) and implicit words (kināyah), and in the case of implicit words, the husband's intention is taken into account. How is the husband's intention determined in such cases?

Answer:

Zihār can occur through explicit or implicit expressions. In implicit expressions, intention is decisive. Determining intention can be done through the following:

Confession (Iqrār) of the person performing Zihār: If the husband says that he made the statement with the intention of Zihār, then Zihār has occurred. For example, he says to his wife, "You are like my mother," and later admits that he intended Zihār; in this case, Zihār takes effect, and he must pay the expiation before resuming relations. But if he states that his intention was respect, love, or honor, then Zihār does not occur, as there was no intention of prohibition.

Circumstances, conditions, and contextual indicators: If the husband utters implicit words of Zihār and then denies intending Zihār or prohibition, the legal principle al-kināyah lā tu'aththir illā ma'a al-niyyah ("implicit expressions have no effect except with intention") applies. If he remains silent, the judge will determine the ruling based on circumstances and indicators—such as whether the words were uttered in anger or during a dispute. If such circumstances suggest an intention of prohibition, the judge may rule that Zihār has occurred. If witnesses testify that his denial is merely to avoid expiation, the court may still rule that Zihār has taken place.

Question:

Does Zihār end automatically when the time period specified in the declaration ends? For example, if a man says, "You are like my mother for one day, one month, or one year," does the Zihār end when that time period expires? If it ends, is expiation still obligatory, and may he resume relations without paying it?

Answer:

If a man says to his wife, (You are like my mother every day) then a new Zihār occurs each day. Each day's Zihār is independent; when a day ends, that day's Zihār ends, and the next day a new Zihār begins. He may have marital relations at night once that day's Zihār has ended.

Thus, if he says, (You are like my mother every day) Zihār occurs repeatedly—once for each day. Paying expiation on a given day ends the Zihār for that day, but if he repeats it the next day, a new Zihār occurs. If he says, (You are like my mother whenever the day comes) then Zihār is renewed daily, and previous days' Zihār is not removed except by expiation.

If he says, (You are like my mother always, except on Friday) and he pays expiation for the exception day (Friday), the expiation will not be accepted. However, if he pays expiation for a day on which Zihār actually occurred, the expiation will apply to all instances of Zihār.

Conclusion

In researching the aforementioned topic, I reached the following conclusions:

In the pre-Islamic (Jahiliyyah) era, Zihār was considered a form of divorce, by which husbands would harm and distress their wives. However, Allah, the Almighty, showed mercy and kindness to His servants and, to prevent the violation of women's rights, abolished the ruling of divorce through zihār, instead allowing the wife to become lawful again to her husband upon the payment of expiation (kaffārah).

Since zihār is a reprehensible and abominable act that violates women's rights and causes them harm and distress, Allah, the Almighty, revealed strict rulings regarding it, which is the requirement to perform expiation.

Zihār is forbidden (ḥarām) based on the Quran, Prophetic Sunnah, consensus (ijmā'), and sound reason; therefore, Muslims should abstain from it.

A severe penalty under the name of expiation is prescribed for release from zihār, which is arranged as follows: freeing a slave, fasting consecutively for two months, or feeding sixty poor people at once.

Zihār occurs in three types: immediate (munjaz), conditional (mu'allaq), and added (muḍāf). Similar to divorce, it can be expressed with two types of phrases: explicit (ṣarīḥ) and implied (kinā'ī). However, in implied expressions, the intention (niyyah) of the person pronouncing zihār is considered, while in explicit expressions, intention is not taken into account.

According to unanimous agreement of the jurists, if someone commits zihār, the husband cannot return to his wife, nor have intimacy with her, until the expiation is performed.

Two conditions must be met when performing the expiation: first, the zihār must have actually occurred; second, the person must have the intention (niyyah) to perform the expiation for zihār.

If a man pronounces zihār with one phrase regarding all of his four wives, the zihār becomes valid simultaneously on all four wives, and he must perform separate expiations for each wife when returning to them.

The Afghan Civil Code of 1355 AH does not mention any ruling about zihār, which indicates a gap and deficiency in the civil law itself.

Zihār is only possible and valid from a woman who is actually or legally (ḥukman) married to the man.

According to the Hanafī jurists, zihār only occurs when a husband likens his wife to a woman who is permanently forbidden to him, such as his mother, sister, paternal aunt, maternal aunt, wet nurse, grandmother, and the like.

Zihār is only valid when pronounced by a legally responsible person (mukallaf); it is not valid if pronounced by a mentally ill person, a child, someone unconscious, asleep, or a non-Muslim (even if they are protected minorities like dhimmis or musta'minīn), because these persons are not legally responsible.

Discussion

Based on the findings of the research conducted on the rulings of Zihār according to Islamic

jurisprudence and the Afghan Civil Code of 1355 (1976), I present the discussion in the form of questions and answers as follows:

1. Question: In your conclusion, you stated that Zihār, like divorce, can occur through two types of expressions—explicit and implicit. However, in the case of implicit expressions, intention is taken into account. The question is: how can we determine whether, through these implicit expressions, the person’s intention was indeed to perform Zihār or something else?

Answer: Since Zihār can occur through explicit or implicit expressions, and in implicit expressions intention is taken into account, if the husband (the one performing Zihār) states that he uttered these words with the intention of Zihār, then Zihār takes effect and he must give the expiation before resuming marital relations. However, if his intention was respect, affection, or honor, then according to the jurisprudential rule *al-kināyah lā tu’aththir illā ma’a al-niyyah* (implicit expressions have no effect except with intention), the implicit words have no legal effect unless accompanied by such intention. Therefore, Zihār would not occur because his intention was not prohibition but rather love and respect. If the one performing Zihār remains silent and says nothing, then the judge of the time will make a ruling based on circumstances and contextual clues—for example, if the words were uttered in a state of anger or conflict and do not explicitly indicate Zihār, the possibility of an intention of prohibition exists. In such a case, the judge will first give weight to the denial of the one performing Zihār, according to the previous rule. But if the husband remains silent, says nothing, or witnesses testify that his denial was merely to avoid paying the expiation, then the ruling will be issued that Zihār has indeed taken place.

2. Question: In your conclusion, you claimed that the Afghan Civil Code of 1355 (1976) contains no mention of the rulings on Zihār. Why is that? What is the reason that the lawmakers did not mention this subject at all?

Answer: In response to this question, I must say there could be several reasons. First, Afghans, and particularly Pashtuns, highly value and honor women, and it is inconceivable for them to perform an act that would harm, distress, or offend their wives. Lawmakers may have considered it unlikely that someone would commit such an act while maintaining the respect and dignity of his wife. Second, the Afghan Civil Code of 1355 is a man-made, positive law, and since humans are subject to forgetfulness and oversight, the lawmakers may have simply overlooked this topic during the drafting process. Thus, it remained absent. This illustrates that all man-made laws inevitably contain complexities, gaps, and shortcomings—this is one such gap, which lawmakers should address in future amendments.

Third, at the time the law was drafted, the issue of Zihār might not have existed at all in Afghanistan; in other words, it had never occurred up to that point, so lawmakers did not consider it necessary to include it. Or it may have been such a rare and exceptional case that its occurrence was extremely unlikely, and the lawmakers, to avoid making the law unnecessarily lengthy, left it to Islamic jurisprudence. Fourth, as Muslims, the foundation of all Afghan positive laws is Islamic Sharia. Since this is a minor and specific issue that had not occurred, or was unlikely to occur, lawmakers left it to jurisprudence—just as the Civil Code explicitly states that if a matter arises for which the law has no provision, the Hanafi school of jurisprudence shall be consulted. Therefore, based on this principle, the lawmakers omitted the provisions on Zihār due to its non-occurrence or rarity.

3. Question: In your conclusion, you mentioned that in the pre-Islamic period, Zihār was a type of divorce. However, Allah, the Lord of Glory, in order to protect women’s rights and prevent their violation, abolished the divorce ruling in such cases and established special rulings for Zihār, making expiation obligatory on the one who performs it. The question is: how are women’s rights violated by Zihār? Could you explain this?

Answer: In the pre-Islamic period, the Arabs, in order to harm or distress their wives, would liken their wives to women who were permanently prohibited to them, such as their mothers or sisters. Thereafter, they would not treat their wives as wives in practice; in behavior, morals, social interaction, and especially in marital relations, they would change their conduct towards them. In particular, they would refrain from marital intimacy, which, according to the saying of the Prophet Muhammad (peace be upon him), “Your wife has a right over you”, includes maintenance, justice, good treatment, clothing, medication when ill, and conjugal relations. Because of this analogy to a permanently prohibited woman, they would avoid intimacy and marital relations, thus depriving women of their lawful rights, sometimes for months or even years, without valid reason—causing them prolonged harm and distress.

Conclusion

After the discussion of the findings, the following conclusions were reached:

Zihār, like divorce, can occur through two types of expressions: explicit and implicit. In implicit expressions, the intention is taken into account, and this intention can be proven in two ways: first, by the confession of the person committing zihār—if he admits that his intention was zihār, then zihār takes place; if he denies it, his denial will be accepted. Second, in the case of denial, the judge will consider the circumstances under which the words were uttered and, based on contextual evidence, will decide whether there was a likelihood of zihār or not.

The Civil Code of Afghanistan (1355 Solar/1976) makes no mention of the rulings on zihār. This indicates a gap or deficiency in the Civil Code, which lawmakers should take into account in the future and include during amendments.

Based on zihār, one of the key marital rights of women—sexual relations—was being denied by husbands, resulting in harm and distress to women. Out of His mercy and compassion for His servants, Allah Almighty sought to protect women’s rights and prevent their violation. Therefore, He removed the ruling of divorce based on zihār, which had existed in the pre-Islamic era, and prescribed for the person committing zihār a relatively severe but lighter penalty than divorce—namely, expiation (kaffārah). This was so that if husbands intended to return to their wives, they would do so in the best manner; and if they intended to maintain the prohibition, they would divorce in a good manner, thereby sparing women harm and distress and allowing them to determine their own future.

Recommendations

Based on the findings of this research, the following recommendations are proposed:

- * **To legislative bodies:** Since the rulings concerning zihār are not addressed in Afghanistan’s Civil Code of 1355 Solar (1976), it is recommended that these provisions be incorporated during future amendments, ensuring that family law is harmonized with Islamic jurisprudence.
- * **To scholars:** It has been observed that many individuals in society utter words of zihār without understanding their legal and spiritual consequences. Therefore, scholars should raise public awareness through sermons, lectures, and religious guidance, so that people abstain from such statements and those who have committed them fulfill the required expiation (kaffārah) to restore marital permissibility in accordance with Sharia.
- * **To researchers:** Further comparative studies are encouraged between Islamic jurisprudence and Afghanistan’s statutory laws on family matters. Such research would highlight existing gaps, provide lawmakers with scholarly resources, and

facilitate the integration of Islamic rulings into legislation more efficiently and cost-effectively.

- * **To the general public:** Anyone who has committed zihār out of ignorance is urged to consult trustworthy scholars and complete the prescribed expiation, thereby avoiding sin, protecting marital bonds, and aligning with the requirements of Sharia.



Bibliography / کتابیات

- * Al-Albani, Muhammad Nasir al-Din. *Irwa' al-Ghalil fi Takhrij Ahadith Manar al-Sabil*. 2nd ed. Supervised by Zuhayr al-Shawish. Beirut: al-Maktab al-Islami, 1405 AH / 1985 CE.
- * Al-Asbaghi, Malik ibn Anas ibn Malik ibn 'Amir al-Madani. *Al-Mudawwana*. 1st ed. Beirut: Dar al-Kutub al-'Ilmiyyah, 1415 AH / 1994 CE.
- * Al-Bahuti, Mansur ibn Yunus al-Hanbali. *Kashshaf al-Qina' 'an Matn al-Iqna'*. Beirut: Dar al-Kutub al-'Ilmiyyah, 1051 AH / 1641 CE.
- * Al-Bukhari, Muhammad ibn Isma'il. *Sahih al-Bukhari*. Edited by Muhammad Zuhayr ibn Nasir al-Nasir. 1st ed. Beirut: Dar Tawq al-Najah, 1422 AH.
- * Al-Farabi (Abu Nasr Isma'il ibn Hammad al-Jawhari). *Mukhtar min Sahah al-Jawhari*. n.p.: n.p., n.d.
- * Al-Hakim, Abu 'Abd Allah. *Al-Mustadrak 'ala al-Sahihayn*. 1st ed., 1427 AH.
- * Al-Khurashi, Muhammad ibn 'Abd Allah al-Maliki. *Sharh Mukhtasar Khalil*. Beirut: Dar al-Fikr, n.d.
- * Al-Kasani, Ala' al-Din. *Bada'i' al-Sana'i' fi Tartib al-Shara'i'*. Beirut: Dar al-Kitab al-'Arabi, 1982 CE.
- * Al-Mawsu'ah al-Fiqhiyyah al-Kuwaytiyyah. 2nd ed. Kuwait: Ministry of Awqaf and Islamic Affairs, 1404 AH.
- * Al-Muqni' fi Fiqh al-Imam Ahmad ibn Hanbal al-Shaybani. Edited by Mahmoud al-Arna'ut and Yasin Mahmoud al-Khatib. 1st ed. Jeddah: Maktabat al-Sawadi.
- * Al-Nafrawi, Ahmad ibn Ghanim al-Maliki. *Al-Fawakih al-Dawani 'ala Risalat Ibn Abi Zayd al-Qayrawani*. Beirut: Dar al-Fikr, 1126 AH / 1714 CE.
- * Al-Nasafi, Abu al-Barakat 'Abd Allah ibn Ahmad ibn Mahmoud. *Kanz al-Daqa'iq*. Edited by Prof. Sa'id Bakdash. 1st ed. Beirut: Dar al-Basha'ir al-Islamiyyah / Dar al-Siraj, 1432 AH / 2011 CE.
- * Al-Nasafi, Abu al-Barakat 'Abd Allah ibn Ahmad ibn Mahmoud. *Tafsir al-Nasafi (Madarik al-Tanzil wa Haqa'iq al-Ta'wil)*. Edited by Yusuf 'Ali Badiwi. 1st ed. Beirut: Dar al-Kalim al-Tayyib, 1419 AH / 1998 CE.
- * Al-Nawawi, Abu Zakariya Yahya ibn Sharaf. *Rawdat al-Talibin wa 'Umdat al-Muftin*. Edited by Zuhayr al-Shawish. 3rd ed. Beirut/Damascus/Amman: al-Maktab al-Islami, 1412 AH / 1991 CE.
- * Al-Sa'di, Abd al-Rahman ibn Nasir. *Taysir al-Karim al-Rahman fi Tafsir Kalam al-Mannan*. Edited by 'Abd al-Rahman ibn Ma'la al-Luwayhiq. 1st ed. Beirut: Mu'assasat al-Risalah, 1420 AH / 2000 CE.
- * Al-San'ani, Muhammad ibn Isma'il al-Amir al-Kuhalani. *Subul al-Salam*. Cairo: Dar al-Hadith, 1182 AH / 1768 CE.
- * Al-Shawkani, Muhammad ibn 'Ali. *Nayl al-Awtar min Ahadith Sayyid al-Akhyar*. Cairo: Idarat al-Taba'ah al-Muniriyyah, 1250 AH / 1834 CE.
- * Al-Sheikh Nizam and a group of scholars from India. *Al-Fatawa al-Hindiyya*. Beirut: Dar al-Fikr, 1411 AH / 1991 CE.
- * Al-Shirbini, Shams al-Din Muhammad ibn Ahmad. *Mughni al-Muhtaj ila Ma'rifat Ma'ani Alfaz al-Minhaj*. 1st ed. Beirut: Dar al-Kutub al-'Ilmiyyah, 1415 AH / 1994 CE.
- * Al-Sijistani, Abu Dawud Sulayman ibn al-Ash'ath. *Sunan Abi Dawud*. Edited by Muhammad Muhyi al-Din 'Abd al-Hamid. Sidon/Beirut: al-Maktabah al-'Asriyyah.
- * Al-Tirmidhi, Muhammad ibn 'Isa. *Sunan al-Tirmidhi*. Edited by Ahmad Muhammad Shakir and others. Beirut: Dar Ihya' al-Turath al-'Arabi.
- * Al-Zurqani, 'Abd al-Baqi ibn Yusuf. *Sharh al-Zurqani 'ala Mukhtasar Khalil*. Edited by 'Abd al-Salam Muhammad Amin. 1st ed. Beirut: Dar al-Kutub al-'Ilmiyyah, 1422 AH / 2002 CE.

- * Abu al-Fadl ‘Abd Allah ibn Mahmud ibn Mawdud al-Mawsili al-Baldahi al-Hanafi. *Al-Ikhtiyar li-Ta’lil al-Mukhtar*. With notes by Shaykh Mahmud Abu Daqiqah. Cairo: al-Halabi Press (repr. Beirut: Dar al-Kutub al-‘Ilmiyyah).
- * Abu al-Falah ‘Abd al-Hayy ibn Ahmad ibn Muhammad ibn al-‘Imad al-Hanbali. *Shadharat al-Dhahab fi Akhbar man Dhahab*. Edited by Mahmud al-Arna’ut; hadiths referenced by ‘Abd al-Qadir al-Arna’ut. 1st ed. Damascus/Beirut: Dar Ibn Kathir, 1406 AH / 1986 CE.
- * Abu al-Hasan ‘Ali ibn Sulayman al-Mardawi. *Al-Insaf fi Ma’rifat al-Rajih min al-Khilaf ‘ala Madhhab al-Imam Ahmad ibn Hanbal*. Edited by Muhammad Hamid al-Fiqi. Beirut: Dar Ihya’ al-Turath al-‘Arabi.
- * Abu Mansur Muhammad ibn Ahmad al-Azhari al-Harawi. *Tahdhib al-Lughah*. Edited by Muhammad ‘Awad Mur‘ib. 1st ed. Beirut: Dar Ihya’ al-Turath al-‘Arabi, 2001 CE.
- * Ahmad ibn Faris ibn Zakariyya al-Qazwini al-Razi, Abu al-Husayn. *Mu‘jam Maqayis al-Lughah*. Edited by ‘Abd al-Salam Muhammad Harun. Beirut: Dar al-Fikr, 1399 AH / 1979 CE.
- * Ahmad ibn Muhammad al-Sawi al-Maliki. *Bulghat al-Salik li-Aqrab al-Masalik ila Madhhab al-Imam Malik*. Edited by a committee chaired by Shaykh Ahmad Sa’d ‘Ali. Cairo: Mustafa al-Babi al-Halabi Library, 1372 AH / 1952 CE.
- * Ibn ‘Abidin, Muhammad Amin ibn ‘Umar. *Radd al-Muhtar ‘ala al-Durr al-Mukhtar*. 2nd ed. Beirut: Dar al-Fikr, 1412 AH / 1992 CE.
- * Ibn al-Athir, Majd al-Din Abu al-Sa‘adat al-Shaybani. *Al-Nihaya fi Gharib al-Hadith wa al-Athar*. Edited by Tahir Ahmad al-Zawi and Mahmud Muhammad al-Tanahi. Beirut: al-Maktabah al-‘Ilmiyyah, 1399 AH / 1979 CE.
- * Ibn al-Humam, Kamal al-Din Muhammad. *Fath al-Qadir*. Beirut: Dar al-Fikr, n.d.
- * Ibn Majah, Abu ‘Abd Allah Muhammad ibn Yazid. *Sunan Ibn Majah*. Edited by Muhammad Fu’ad ‘Abd al-Baqi. Cairo: Dar Ihya’ al-Kutub al-‘Arabiyyah – Faisal ‘Isa al-Babi al-Halabi.
- * Ibn Manzur, Muhammad ibn Makram. *Lisan al-‘Arab*. 3rd ed. Beirut: Dar Sadir, 1414 AH.
- * Ibn Qudamah, Muwaffaq al-Din. *Al-Mughni*. Cairo: Cairo Library, 1388 AH / 1968 CE.
- * Ibn Rushd, Abu al-Walid. *Bidayat al-Mujtahid wa Nihayat al-Muqtasid*. Cairo: Dar al-Hadith, 1425 AH / 2004 CE.
- * Muhammad ibn Faramarz ibn ‘Ali (Mulla Khusraw). *Durar al-Hukkam Sharh Ghurar al-Ahkam*. Beirut: Dar Ihya’ al-Kutub al-‘Arabiyyah.
- * Muhammad ibn Muhammad al-Mukhtar al-Shinqiti. *Sharh Zad al-Mustaqni’*. Transcribed from audio lessons. Available at: Islamweb.net.
- * Uthmānī, Shabbir Ahmad, and Muhammad al-Hasan Deobandi. *Kabulī Tafsiṛ*. Saudi Arabia: King Fahd Printing Press, 1414 AH.