

“ ”

*

:

Condition associated with Dowry “Utility Model”

Abstract

The committing conditions, adopted by one of the two spouses. and include within their marriage contract, are among the most important issues towards which the researchers’ efforts should be focused. due to the many conditions, their diversity, and difference, and for all that goes around them of speech, arguments, making its achievement and clarifying the right from wrong concerning their essence, among the most pressing issues.

Utility or benefit is considered among the most of these various conditions, and attracting jurisprudence efforts, hence, the researcher is going to have this condition to clarify its concept, elucidating its forms, actuating its issues, reaching weights based on neutral understanding of the evidences and ills.

Keywords:

*

.2010/9/7 :

.2010/6/21 :

.2012

©

“ ”

:

| | | | | |
|-------|-------|-------|-------|----|
| | " | " | | |
| : | | | : | -2 |
| | " :- | - | (2) : | |
| (3) " | | | | |
| | | (4) : | : | -3 |
| | | | : | - |
| : | | | " : | -1 |
| | | | (5) " | |
| | | | | |
| | " : | " : | | -2 |
| | (6) " | | | |
| | | | | |
| | (7) " | " : | | -3 |

" "

" : -4
(8) "

" -5
(9) "

" -6
(10) "

:

: -
(11) "

| | | | |
|-------|-------------------------|--|----|
| | " | " | |
| <hr/> | | | |
| | | | - |
| | | | -7 |
| | (12) | | |
| | | : | |
| | | : | - |
| | | : | |
| | (13) | | -1 |
| | | : | |
| | (14) | | -2 |
| | ﴿ فَهَلْ يَنْظُرُونَ ﴾: | | |
| | (15) | إِلَّا السَّاعَةَ أَنْ تَأْتِيَهُمْ بَغْتَةً ط فَقَدْ جَاءَ أَشْرَاطُهَا فَأَنْ كَلِمَةً إِذَا جَاءَهُمْ ذَكَرْنَاهُمْ ﴿ | |
| | (16) | | -3 |
| | | : | |
| | | : | - |
| | (17) | | |
| | | : | |
| | | | - |
| | | (18) | |

-

(19) -

:

(20)

:

-

(21)

(22)

-

-

:

:

-

(23)

﴿ وَاتَّخَذُوا مِنْ دُونِهِ

ءَالِهَةً لَا يَخْلُقُونَ شَيْئًا وَهُمْ يُخْلَقُونَ وَلَا يَمْلِكُونَ لِأَنْفُسِهِمْ ضَرًّا وَلَا نَفْعًا وَلَا يَمْلِكُونَ مَوْتًا وَلَا حَيَاةً وَلَا

شُورًا ﴾ (24)

| | | | |
|--------|-----|----|------|
| | " | " | |
| | | | |
| | : | | - |
| | | : | : |
| | | : | |
| " | : | | -1 |
| (25)" | | | |
| | | | - |
| | | ": | " |
| | | | - |
| | :" | ": | - |
| | | : | |
| (26) | | | |
| | | ": | -2 |
| (27) " | ... | | |
| | | | |
| : | | | |
| (28) " | | | " -1 |
| (29) | | | -2 |

:

-

-

-

" :

-3

(30) "

:

-

"

" :

-

(31)

:

:

" :

" :

(32) "

" :

” ”



(33) ”

(34)

” :

(35) ”

-

:

.

:

:

:

-1

-2

:

- (36) :

(40) (39) (38) (37) -

(41)

.

- (42) :

(45) (44) (43) -

" "

(46)

:

:

-

:

(47) ﴿ وَآتُوا النِّسَاءَ صَدَقَاتِهِنَّ مِثْلَ مَا أَنفَقْتُمْ عَلَيْهِنَّ مِنْ أَمْوَالِكُمْ الَّتِي رَزَقْتُمْ مِنْهُنَّ فَكُلُوا مِنْهَا وَأَكْرِمُوا عَلَيْهَا كَمَا رَزَقْتُمْ مِنْهُنَّ لَعَلَّ تَتَّقُونَ ﴾

-1

:

(48)

:"

-2

:

(49)

:

:

:

:

:

:

:

:

:

(50) "

:

-

-

-

(51)

"

-3

:

" : -

-

(52) "

-

-

-

(53)

-4

(54)

-5

" :

-

-

(55) "

-6

(56)

-7

(57)

| | | | |
|---|------|------|----|
| | " | " | |
| | | : | : |
| | : | | - |
| ﴿ وَأَتُوا النِّسَاءَ صِدْقَيْنِ نَحْلَةً فَإِنْ طَبَنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ فَكُلُوهُ مِنْ يَمِينِكُمْ ﴾ (58) | | | -1 |
| | : | | - |
| (59) | ": " | " | - |
| | | | - |
| | | (60) | - |
| : | | | -2 |
| | | | - |
| | | (61) | - |
| | : | | - |
| : | - | - | - |
| - | - | - | - |
| - | - | - | - |
| (62) | | | - |

(63)

(64)

(65)

(66)

(67)

(68)

(69)

" "

:

- - -

- - -

(70)

" "

(71)

- - -

- - -

(72)

:

" "

" "

" "

" "

(73)

:

" "

- - -

(74)

:

- - -

| | | | |
|---------|--------|-------|-----|
| „(75) . | - | - | - |
| - | - | (76)„ | „ : |
| „ | „ : | (77) | - |
| | (78) | - | - |
| | | | -3 |
| | | | -4 |
| | (79) „ | „ :- | - |
| | „ : | - | - |
| | | (80)„ | -5 |
| (81) | | | -6 |

(82)

-7

:

-

:

-1 : ﴿ وَإِنْ طَلَّقْتُمُوهُنَّ مِنْ قَبْلِ أَنْ تَمْسُوهُنَّ وَقَدْ فَرَضْتُمْ لَهُنَّ فَرِيضَةً فَنِصْفُ مَا فَرَضْتُمْ إِلَّا أَنْ يَعْفُونَ أَوْ يَعْفُوا الَّذِي بِيَدِهِ عُقْدَةُ النِّكَاحِ ﴾⁽⁸³⁾

-

-

:

(84)

-2 : ﴿ وَمَنْ لَمْ يَسْتَطِعْ مِنْكُمْ طَوْلًا أَنْ يَنْكِحَ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ فَمِنْ مِمَّا مَلَكَتْ أَيْمَانُكُمْ مِنْ فَتَيَاتِكُمُ الْمُؤْمِنَاتِ ﴾⁽⁸⁵⁾

-

-

:

:

-

-

(86)

-3 : ﴿ وَأَجَلٌ لَّكُمْ مَا وَرَاءَ ذَلِكَ أَنْ تَبْتَغُوا بِأَمْوَالِكُمْ مُحْصِنِينَ غَيْرَ مُسْفِحِينَ ۗ ﴾ (87)

- - :

(88) "

- - " : -4

(89) " :

- - :

(90)

" : -5

" : - (91) " :

:

(92)

- - -6

(93)

(94) -7

:-

:

-1

:

.2012

:

-1

-2

-3

-4

-5

| | | | | | |
|-------|-------|-------|-------|-------|----|
| | | | - | - | |
| | | | | | . |
| | | | : | | : |
| | | : | | | |
| | | | | : | - |
| | | | | (102) | |
| | | | | : | - |
| (103) | | | | | |
| (104) | | | : | | - |
| | (107) | (106) | (105) | | |
| | | | | : | : |
| | | | | : | - |
| : | | | | | |
| | | | | | -1 |
| | | | | (108) | |
| | | | | | -2 |
| (109) | | | | | |

﴿ وَأَجَلٌ لَكُمْ مَا وَرَاءَ ﴾ :

ذَلِكَ لَكُمْ أَنْ تَبْتَغُوا بِأَمْوَالِكُمْ مُحْصِنِينَ غَيْرَ مُسْفِهِينَ ﴿ (110)

(111)

(112)

﴿ قَالَ إِنِّي أُرِيدُ أَنْ أَنْكِحَكَ إِحْدَى ابْنَتَيَّ ﴾ :-

هَتَيْنِ عَلَيَّ أَنْ تَأْجُرَنِي ثَمَنِي حَيْثُ فَإِنْ أَتَمَمْتَ عَشْرًا فَمِنْ عِنْدِكَ وَمَا أُرِيدُ أَنْ أَشُقَّ عَلَيْكَ سَتَجِدُنِي إِنْ شَاءَ اللَّهُ مِنَ الصَّالِحِينَ ﴿ (113)

(114)

(115)

- - - -2

-

. -3

.

-4

" :-

-

(116) "

.

-

-5

-

-

-

-

-

":

(117) "

“ ”



：“
(118)”

：

：

：

：

：

：

-1

-2

-3

-4

(119)

1- : ﴿ قَالَ إِنِّي أُرِيدُ أَنْ أَنْكِحَكَ إِحْدَى ابْنَتَيَّ هَاتَيْنِ عَلَيَّ أَنْ تَأْجُرَنِي ثَمَنِي حَيْثُ فَإِنْ أَتَمَمْتَ عَشْرًا فَحَنِّ عِنْدِي وَمَا أُرِيدُ أَنْ أَشُقَّ عَلَيْكَ سَتَجِدُنِي إِنْ شَاءَ اللَّهُ مِنَ الصَّالِحِينَ ﴾ (120)

(121)

2- : ﴿ فَمَا اسْتَمَعْتُمْ بِهِ مِنْهُنَّ فَتَاوَهُنَّ أَمْوَالُهُنَّ وَرِيشَتُهُنَّ وَرِيشَتُهُنَّ وَرِيشَتُهُنَّ مِنْ بَعْدِ الْفَرِيضَةِ إِنْ أَلَّهَ كَانَ عَلِيمًا حَكِيمًا ﴾ (122)

(123)

" "

(124) -3

-4

(125)

-5

(126)

:

(127)

:

(128)

﴿ وَإِنْ أَرَدْتُمْ أَنْ تَسْتَبَدَّوْا زَوْجَ مَكَاتٍ زَوْجٍ وَأَتَيْتُمْ إِحْدَاهُنَّ قِنطَارًا فَلَا تَأْخُذُوا مِنْهُ شَيْئًا أَنَّا أَخَذْنَاهُ بَهْتِنًا وَإِنَّمَا هِيَ كِيفَ تَأْخُذُونَهُ وَقَدْ أَفْضَى بَعْضُكُمْ إِلَى بَعْضٍ وَأَخَذْتُ مِنْكُمْ مِيثَاقًا غَلِيظًا ﴾ (129)

183

(130)

(131)

“ ”

(132)

— —

(133)

·
:
:

(134)

(135)“

: · : — :

(136)

(137)

-

":

...

....

....

(138) "

(139)

(140) ﴿ وَآتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ فَاكُلُوهُ هُنَّ كَمَا كَرِهْنَ ﴾

-1

":-

-

-2

(141) "

(142) "

":-

-

-3

.-

-

-4

(143)

:

:

" "

-1

.

-2

.

-4

:

-

.

-

.

-

:

-

.

" "

" "

.

-

" ...

"

-

.

" ...

"

-

" -

-

-

-

.

" ...

"

-

:

(144)

“ ”



(145)

(183)

:

-

-

:

: -

-1

-2

.2012

-3

-4

-5

-6

·
:

-1

-2

-3

| | | | | | | | |
|----------|-----|----------|------|-----------|-----|----------|------|
| 2 | | 146- 145 | 1 | | | | |
| | | | | | | .157 | |
| .267-266 | 1 | | | 11-7•10 | | | (18) |
| | | | | . 266 188 | 1 | | (19) |
| | | | | | | | (20) |
| .153 | | | | 196 | 3 | | (21) |
| | | | | 196 -195 | 3 | | (22) |
| | 991 | | | 8 | | | (23) |
| | | | | | | .359-358 | |
| | | | | | | .3 | (24) |
| .493 | 7 | | | 396 | | | (25) |
| .31 | | | | 396 | | | (26) |
| | | | | .80 | 11 | | (27) |
| | | | | .48 | | | (28) |
| | | | | . 81 | | | (29) |
| | | | | | .32 | | (30) |
| | | | | | | . | (31) |
| | | | | . 12 | 8 | | (32) |
| | | | | . 5 | 1 | | (33) |
| | | | | | | .174 | (34) |
| | | .101 | 1 | | | 125 | (35) |
| 3 | | | | 157 | 3 | | (36) |
| 3 | | | 137 | 2 | | 108-107 | |
| 1 | | | 339 | 3 | | 339 | |
| | | | .377 | 1 | | 302 | |

| | | | | " | " | |
|---------|-----|------|--------|--------|---|--------|
| | | .277 | 2 | | | (61) |
| | | .405 | 9 | | | (62) |
| | | .95 | 9 | | | (63) |
| 390 | 4 | 277 | 2 | | | (64) |
| | | | | .11-10 | 8 | |
| | | .404 | 9 | | | (65) |
| | | | | | | (66) |
| | | .120 | 9 | | | (67) |
| | | | | | | (68) |
| | | | | | | (69) |
| | | 212 | 9 | 5149 | | |
| | | | | .34 | 3 | (2106) |
| | | .404 | 9 | | | (70) |
| | | .120 | 9 | | | (71) |
| | | .404 | 9 | | | (72) |
| 277 | 2 | | | 681 | 4 | (73) |
| 391-390 | 4 | | | 157 | 3 | |
| | | .10 | 8 | | | |
| | | | | 404 | 9 | |
| | | | | | | (74) |
| | | 212 | 9 | 5149 | | |
| : | 114 | 6 | (3341) | | | |
| | | | | .404 | 9 | (75) |

| | | | | | | | |
|---------|------|-----|-----------|----------|-----|------|-------|
| | | | | | " | " | |
| | 170 | 2 | | | | | (89) |
| (2124) | | | | | | 619 | |
| | | | : | | | 237 | 2 |
| | | | | | | .212 | 9 |
| | .195 | 6 | | 10 | 8 | | (90) |
| | | | | 1226 | 6 | | (91) |
| | | | | .403 | 9 | | (92) |
| | | 405 | 9 | | 681 | 4 | (93) |
| 6 | | | 10 | 8 | | 133 | 5 |
| | | | | | | .196 | |
| 157 | 3 | | | 105 | 3 | | (94) |
| | | | | .405 | 9 | | |
| | | | | .212 | 9 | | (95) |
| | | | | .405 | 9 | | (96) |
| | | | | .403 | 9 | | (97) |
| | | | | .405 | 9 | | (98) |
| | | | .175 | | | | (99) |
| | | | 340 – 339 | 3 | | | (100) |
| | | | .157 | 3 | | 107 | 3 |
| | 682 | 4 | | 278- 278 | 2 | | (101) |
| 303 | 1 | | | 339 | 3 | | |
| 411-410 | | 9 | | 239 | 4 | | |
| | | | | .230-229 | 8 | | |
| 3 | | | | 340-339 | 3 | | (102) |
| 3 | | | 279 | 2 | | 106 | |

.2012

| | | | | | | | |
|-----------|------|---|-----------|----------|------|----------|-------|
| 1 | | | 683-682 | 4 | | 156 | |
| | | | | | | .302 | |
| | 390 | 4 | | 269 | 3 | | (103) |
| | 309 | 2 | | | | 309 | 2 |
| | | | | .121 | 2 | | |
| | | | | | | | (104) |
| 279 | 2 | |) . | | | | |
| 3 | | | 106 | 3 | | | |
| | | | .(681 | 4 | | 339 | |
| | 410 | 9 | | 56 | 2 | | (105) |
| | | | | | .269 | 2 | |
| | 8-7 | 8 | | 129 | 5 | | (106) |
| | | | | .6 | 3 | | |
| | | | | .91 | 9 | | (107) |
| . 157-156 | 3 | | | 683 -682 | 4 | | (108) |
| 2 | | | 108 | 106 | 3 | | (109) |
| | | | | | | .280-279 | |
| | | | | | | .24 | (110) |
| | 309 | 2 | | 390 | 4 | | (111) |
| | .269 | 3 | | 309 | 2 | | |
| .435 | | | 296 - 293 | | | | (112) |
| | | | | | .27 | | (113) |

| | | | | | | | |
|--------|------|----|-----|---------|--------|-----|-----------|
| | | | | | " | " | |
| | 411 | 9 | | | 56 | 2 | (114) |
| | | | | | .129 | 5 | |
| | | .8 | 8 | | 411 | 9 | (115) |
| | | | | | .80 | | (116) |
| (6039) | | | | | | | (117) |
| | | | | | | .14 | 8 |
| | .138 | | | | | | 66 (118) |
| 280 | 2 | | | 106 | 3 | | (119) |
| | 156 | 3 | | | | 682 | 4 |
| 9 | | | 96 | 2 | | 390 | 4 |
| | 8 | | | 308 | 7 | | 410 |
| | 8 | | | 193-192 | 6 | | 230 - 229 |
| | | | | | .91-90 | 9 | 8 |
| | | | | | | .27 | (120) |
| | | | | 272-271 | 13 | | (121) |
| 3 | | | | 591 | 8 | | 63 10 |
| | | | | | | | .391-390 |
| | | | | | | .24 | (122) |
| | | | | .133 | 5 | | (123) |
| | | | | | .193 | 6 | (124) |
| 3 | | | | | 156 | 3 | (125) |
| 3 | | | 339 | 3 | | | 107-106 |
| | | | | .280 | 2 | | 340 |
| | | | | | | | (126) |

.2012

| | | | | | |
|----------|----|----------|--------|---------|-----------|
| 3 | | 161-160 | 3 | | (127) |
| | | 326 | 3 | 340-339 | |
| | | | | .79-78 | 7 |
| 691-690 | 4 | 280 | 2 | | (128) |
| 412 -410 | 9 | 20 | 7 | | |
| .359 | | 229-228 | 8 | | |
| | | | .21-20 | | (129) |
|) | | | | | (130) |
| . (303 | 1 | | 101 | 3 | |
| 280 | 2 | 691 -690 | 4 | | (131) |
| | | .303 | 1 | | |
| | | .512 | 3 | | (132) |
| | | .507-506 | 9 | | (133) |
| | | | | | (134) |
| | | (507-506 | 9 |) . | |
| | | | | | (*) (135) |
| | | .499 | 3 | (16449) | |
| .449-448 | 7 | 91 | 5 | | (136) |
| | | | | | (137) |
| | | | .86 | 9 | (138) |
| | | .87-86 | 9 | | (139) |
| | | | .40 | | (140) |
| (1295) | 98 | 2 | | | (141) |
| | | | | : | |

| | | " | | " | |
|-----|-----------|-------|------|-----|--------|
| 4 | | | | |) |
| 8 | (2521) | | | | 87-86 |
| | | | | | .842 |
| | | | | | (142) |
| | | | .184 | 3 | (2697) |
| | | | .87 | 9 | (143) |
| 145 | 2 | 157 | 3 | | (144) |
| 309 | 2 | 309 | 2 | | |
| | 269 2 | 390 | 4 | | |
| | 131-130 5 | | 410 | 9 | |
| | | .91 9 | | 9 8 | |
| 277 | 2 | 326 | 3 | | (145) |
| | | | .681 | 4 | |

.2012

“ ”



.2012

“ ”



.2012

“ ”

