

The Effect Of The Ability To Earn On The Obligation Of Alimony

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Introduction

Thank God, The Lord of the Worlds, and prayers and peace be upon the most honorable prophets and messengers, our Prophet Muhammad, and his family and companions, and he handed him over to the Day of Judgment, and then

Islamic jurisprudence is one of the pride of this nation, and working in, is one of the best that one can spend one's time in, and in Islamic jurisprudence of treasures and scholars, what he cannot invent the smartest human beings, and not surprisingly, jurisprudence derives from the revelations, from the texts derived from it, and God said, and His Messenger, may God's prayers and peace be upon him, said:

In Islamic jurisprudence, the organization of personal status issues, many of the issues of these doors in terms of their origin are based on good character, and the good ten, but souls may be scarce, so they need an officer to control them, and introduce them to the duties they have, and the rights they have, such as alimony issues, the humiliation of alimony is made in terms of origin in Muslim societies with the same kind of it, and without being asked by anyone, but in many cases, there may be a dispute between the duty to maintain, and the duty of it, they need Then to know the broad limits that each of them shows what he has and what on him, including what Zarkshi said: (It is good to say Imam Abu Hanifa: jurisprudence is self-knowledge of what it has, and what it is (1) Among the most important of these issues are the conditions for the obligation of alimony. In order for alimony to be obligatory on the

spender, there are conditions that must be met, and these conditions differ in whether the spender is a wife or other relatives, and among the conditions mentioned in the alimony on relatives is related to poverty The one who spends on it, then they take up his inability to earn, so does the poor who is able to earn alimony? Does that differ whether this relative is a father or a mother? Or was it a son or a daughter? Or was it other relatives? To other important issues, and say the same if he is obligated to spend on a poor person, but he is able to earn, so does he have to earn in order to spend on the one who is obligated to spend on him? Then, after all of that, what is the rule for the gain that is considered by those who consider it? What are the earnings? Or the earn without earning? If that is the case, then what is the rule for the considered gain?

And since these issues are things that should be edited and known, I have directed my desire to discuss this issue, and make it my supplementary research to complete the requirements of the master's stage at the Higher Institute of the Judiciary.

Importance of the topic and reasons of choose

1. That this topic is one of the most important issues of jurisprudence; it is badly needed in the lives of people, with the fact that he did not edit a full editorial by academic research touches the diaspora of the subject, and liberates the doctrines of Jurists.
2. It has a connection with the judiciary, and this connection is close to the scientific

competence of the Higher Institute of the judiciary, and the Higher Institute of the judiciary has always been a beacon for those seeking knowledge in judicial sciences. So, I liked to be my research is a contribution in this aspect.

3. Disputes in the courts today are many of them related to this issue. If the plaintiff files his suit asking to oblige his relative to pay for it, the defendant pays the plaintiff that he is able to earn, the judge needs to edit this issue, and I hope that my research is appropriate to this.
4. It contains a statement of the rights due to the Muslim, so as not to fail in their performance, and get him to know them clearly.
5. There is a statement of the rights that one must have over his brother, so he knows when he is entitled to claim his brother and when he is not entitled to claim him, so that not inflamed the chest, no enmity to occur, and the soul does not look forward to what it does not have.

Research Objectives

- 1- Studying doctrinal issues related to the impact of the ability to earn on the obligation of alimony, whether this ability is on the part of whom it is necessary to spend on or for him.
- 2- Editing the doctrines of the jurists in this regard in a precise way, since by examining the doctrines of the jurists in this, it was found that some of them are clear editors, in which are accurate details, and some of them are not clear to him, and for this, this research aims to liberate the doctrines of the jurists in a precise manner.
- 3- Liberating the controls that the jurists want, and this is a great affair, and it is difficult for the researcher, but it is possible due to the importance of the topic; Talking about the effect of the ability to earn is important, but it is no less important than that to clarify what is meant by the considered earning.

Previous Studies

After searching in the indexes of a number of libraries, and asking a number of specialists, I did not find anyone who touched on this research in the way that I will approach, this research I hope to be unique in its kind, useful in its door, and the requirements of the research I will list other previous research that has similarities with my research, and:

The first study: the alimony of relatives, comparative research in Islamic jurisprudence and contemporary personal status legislation, by researcher Mohsen Bin Mahmoud, a master's thesis at the Faculty of Sharia and law in Omdurman.

The difference between this study and my study of faces:

- 1) the researcher touched on the issues related to the alimony of relatives in general, and my study is strictly specialized in a certain part, which is the impact of the ability to earn in the obligation of alimony.
- 2) that his words about the impact of earning are not fully met, but touched on this issue briefly, and did not edit the doctrines of scholars in that fully edited.
- 3) that my study increased his study in mentioning detailed issues, my study examines the impact of this in each relative in particular, as the dispute in each detail is different, and his study – God bless him - came, in general, does not contain this detail.
- 4) I took care of releasing the gain control that the jurists want.

The second study: the problem of money acquired during the marriage period, by Dr. Muhammad bin Qasim Al-Taweel, from the publications of Al-Bishr Benatia.

This study is distinguished, but there is a big difference between it and my study in a number of things:

- 1) It is specific to issues related to the wife, and my study is general in relation to the wife and other relatives.

- 2) That his study is not specifically about the effect of earning, but rather about the occurrence of earnings from the wife on her husband's money. It is initially focused on responding to those who said that the wife shares her husband's money in this case, so my study in this regard was more specialized.

The third study: The impact of women's work on marital alimony, by Dr. Abdul Salam Al Shuwaier, scientific research from the publications of the Research Excellence Center, 1432 AH.

This research is very distinctive, but there are differences between it and my research, which are:

- 1) My research is more general than his research in terms of what the research deals with it. My research deals with the wife and the relatives, and his research deals with the wife in particular.
- 2) That his research is on one precise, partial issue, which is the working woman, does she deserve alimony or not? This idea overlaps with one of my researches a little, otherwise, the idea of my study of what the jurists are talking about is the effect of the ability to earn, meaning that whoever was able to earn is rich by his earnings or not?

Research Methodology

The researcher is committed to the following:

- (1) Accurately portraying the issue before stating its ruling.
- (2) If the issue is one of the areas of agreement, its ruling shall be mentioned with its evidence, along with documenting the agreement from its considered considerations.
- (3) If the issue is one of the issues of disagreement, **the following shall be followed:**
 - a) Editing the subject of the dispute, if some forms of the issue are in

dispute, and some are subject to agreement.

- b) b- Mention the statements on the issue and who said them, and the dispute is presented according to the jurisprudential trends while avoiding mentioning the abnormal statements.
 - c) Documenting the sayings from their original sources.
 - d) Investigate the evidence of the statements, explaining the significance, and mentioning the discussions that come to them, and the answers to them, if possible, and that will be immediately after the evidence is mentioned.
 - e) Preference with an explanation of its reason, mentioning the fruit of the dispute, if any, and mentioning the reason for the dispute.
- (4) Rely on the mothers of the books of the original sources, if there is anything that suffices the others, in editing, documenting, extracting, and collecting.
 - (5) Focus on the research topic and avoid digression.
 - (6) Caring for the study of major issues that are clearly relevant to the research.
 - (7) Defining the terms from the art books that the term follows, or from the approved terminology books.
 - (8) Paying attention to the rules of the Arabic language, spelling, and punctuation, including quotation marks for noble verses, honorable hadiths, monuments, scholarly texts, and distinguishing signs; Each has its own mark.
 - (9) The conclusion includes the most important results and recommendations, giving a clear idea of what the research includes.

Research divisions: The research is divided into an introduction, a preface, six chapters, and a conclusion.

- The introduction, include the importance of the topic and the reasons for choosing it, the objectives of the topic, previous studies, the research method, and its divisions.

Preamble: Defining alimony, mentioning a relative who is obligated to alimony, and has two requirements:

- **The first requirement:** Define alimony linguistically and idiomatically.
- **The second requirement:** is a relative who is alimony obligated to him.

The first topic: is the control of the considered earning, and the effect of the spender's ability to earn on the obligation of alimony on him, and it has two requirements:

- **The first requirement:** is the control of the considered gain.
- **The second requirement:** is the impact of the spender's ability to earn on the obligation of alimony on him.

The second topic: the impact of the wife's ability to earn and the impact of her earning on the necessity of her alimony, has two demands:

- **The first requirement:** is the impact of the wife's ability to earn on the necessity of her alimony.
- **The second requirement:** is the effect of the wife's earnings on the necessity of her alimony.

The third topic: is the impact of parents' ability to earn on the necessity of their alimony, and it has two requirements:

- **The first requirement:** is the impact of the mother's ability to earn on the necessity of her alimony.
- **The second requirement:** is the effect of the father's ability to earn on the necessity of his alimony.

The fourth topic: the impact of children's ability to earn on the necessity of their alimony, has two requirements:

- **The first requirement:** is the impact of the son's ability to earn on the necessity of his alimony.

- **The second requirement:** is the effect of a girl's ability to earn money on the necessity of her alimony.

Conclusion: It contains the most important results of the research and the most important recommendations.

Preamble

Alimony is a legal obligation for men to provide financial support to their wives after marital separation or divorce. The obligation stems from the divorce or family law of each country. Traditionally, alimony is paid by the husband to his ex-wife, but since the 1970s, there have been moves in many Western countries for gender equality with a similar acknowledgment that the ex-husband is also entitled to alimony from his ex-wife.

Al -Ragheb Al -Isfahani said: "The thing woke up: he went and ran out of spending, but by selling towards the sale was agreed with hypocrisy, and hypocrisy may be in the money or in other, it may be, and It may be mandatory and voluntary.

God said; <And spend in the Cause of Allah> and <and spend something (in charity) out of the substance which We have bestowed on you> **and God said;** <By no means shall ye attain righteousness unless ye give (freely) of that which ye love; and whatever ye give, of a truth Allah knoweth it well> < But whatever thing you spend [in His cause] - He will compensate it> **God said;** <Not equal among you are those who spent before the conquest [of Makkah] and fought> To other verses".

Al-Hilli said in the definition of alimony: "A sufficient amount of food, clothing, housing and what is needed in terms of extra clothing in the winter to hide in wakefulness and sleep."

Among the advantages of this blessed Sharia are its generality and its comprehensiveness of the conditions of the taxpayers at every time and place. Among the things that came to be organized in the best and most complete

way is the relationship between spouses. It established the rules of affection, mercy, cooperation, and interdependence. And it made each of the spouse's rights in relation to the duties entrusted to him, then ordered the two parties to pardon and be kind and to prefer what he should not do from the favor (1) to preserve the marital bond. God said; <And if you divorce them before you have touched them and you have already specified for them an obligation, then [give] half of what you specified - unless they forego the right or the one in whose hand is the marriage contract foregoes it. And to forego it is nearer to righteousness. And do not forget graciousness between you. Indeed Allah, of whatever you do, is Seeing>. [Al-Baqarah: 237]. Among the duties entrusted to the husband by Sharia: is the alimony of the wife. God said; <Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means>.

[Women:34]. This is one of the topics that jurists have taken care of in the old and the modern, not without a book of jurisprudence discussing issues of expenditure in general and marital alimony in particular, and the courts are very busy dealing with alimony issues and thorny issues that continue to raise problems and vary the attention of judges like other matters of custom such as issues of achievement in theft, the revival of death, visit of the nurseries and the punishments. "Most of these issues are a wake-up call to couples because of their lack of rights in our time — wives — even ordering them to brush their belongings in force, as well as for their guests, and some of them do not give them clothing until they are rich in entry [then] they have become poor, and all of this is forbidden. We are the evils of ourselves and the disadvantages of our actions," and the issues of marital alimony are still the subject of the attention of the legal and controversial, the books of law, personal status laws, and family blogs in modern countries are not free from dealing with issues of matrimonial

alimony. For these reasons, the subject of marital alimony was truly investigative and rooting, especially since it was directly related to the stability of the family, which is the founding building block of society, and was determined to liberalize its issues in this research, and the question addressed by this research: what impact does the ability to earn have on the necessity of alimony? What is the reference in determining the alimony of the wife in the present era, in which the inductive descriptive approach to the opinions of the doctrines of jurisprudence, and the method of analysis in criticism and weighting, asking Allah to help us to pay the saying and the validity of the work. And may God's prayers and peace be upon our Prophet Muhammad, his family, his wives, and his offspring and his descendants.¹

The first requirement: is the definition of alimony, linguistically and idiomatically.

First, in language:

Alimony in the language is a name for what a person spends on others, and linguists have differed as to the source of its entitlement, so it was said: Either it is derived from death, which is doom, it is said: the animal has died if it perishes, or it is derived from hypocrisy, which is marriage, and it is said that the commodity was spent Hypocrisy if you wish. Spending language: the sale of spending is spent by joining in common hypocrisy, and hypocrisy by breaking is the act of the hypocrite, and the man spends poorly and his money is gone, and from him,

God saying: (then you would withhold out of fear of spending.) that is, fear of annihilation and exhaustion.

Spend and less, and it was said in gold, and they spend, their money is spent, and the man spends if he is poor, spends his money, he spends it and in the revelation (and when it is said to them: (Spend from what God has provided you) meaning spend in the way of God, feed and dole the poor people.

Spending is what is spent, and Al-Lihyani said that the hypocrisy of the people and their expenses will be broken if it spends, and the dirhams have been spent on the alimony, and a hypocritical man, a lot of alimony.

And it is said: The woman spent, that is, her speech increased.

And the tunnel is a tunnel in the earth and in the descending (if you can seek a tunnel in the earth or a ladder in the sky)

Second: In the legal terminology:

It is a person taking out what he does not spend on whom he is obligated to spend. Alimony is obligatory for the husband, based on the devotional ruling stipulated in the Qur'an, Sunnah and consensus.

God says: {Let the man of means spend according to his means: and the man whose resources are restricted, let him spend according to what Allah has given him. Allah puts no burden on any person beyond what He has given him. After a difficulty, Allah will soon grant relief>." (Verse 6 of Surat Al-Talaq). and also says; <Lodge them (the divorced women) where you dwell> Verse 6 of Surah Al-Talaq. Abu Dawud narrated on the authority of Muawiyah al-Qushayri who said: "I came to the Messenger of God, may God bless him and grant him peace, and said, what do you say about our women? He said: Feed them with what you eat and clothe them with what you wear...." The jurists attributed the reason for the husband spending on his wife what she puts in the hands of her husband of enjoyment and because he has the rights of retention and obedience. He came with a brief explanation of Hebron saying in the chapter on alimony, "It fell if she ate with him or prevented intercourse or enjoyment or went out without his permission."²

This triple: keeping, enjoying, and obeying has become subject to criticism under the new circumstances, and it may be contrary to the Charter of the marriage contract that this relationship is reduced to physical pleasure in exchange for food, the institution of marriage, and its sanctity in all the laws of

status make us exclude that marriage is based on the corner of. God says; <Annoy them not, so as to restrict them.>

If the Maliki school has no place in it to talk about the possibility of obliging the wife to spend for the husband, as it does not also say the fall of the alimony of a wife who practices a craft or profession, the Hanafi jurisprudence Who was inspired by the family blog her downfall "because delivery - retention is not complete".

When the word alimony is released, it means what a person spends on other money, money, and the like.

Alimony (a name for what a person spends on his wife, his dependents, and his property, including food, clothing, and housing, while alimony refers to what she needs for her livelihood, including food, clothing, housing and service, and the necessary furniture and cover, and other tools of the house, according to customary among people)

Alimony (what the wife imposes on her husband from money for food, clothing, housing, medicine, custody, etc.)

From the foregoing, it is clear to us that alimony is a name for what a person spends and spends on the one who is obliged to maintain his alimony, which in our subject is the wife, and the definitions, as noted, are all compatible and the difference between them is that they include the contents of alimony, some of which are subject to Agreement and some of which are disputed, as will come with us in the contents of alimony.

The second requirement: who must be supported by relatives.

He said: " alimony must be maintained or completed by his parents, even if they are raised, and his son, even with kinship, must be withheld by a pinch or not...), etc.

As for kinship, there is no expense for them, the judge said, and Abu al-Khattab said: It comes out in their duty to have two novels.

If the poor have a legacy, they will spend it on them as much as their legacy, and if he has

a mother or a grandfather, then the mother has one-third and the rest is for his grandfather. and if she is a grandmother and a brother, then the grandmother has one-sixth and the rest is for on brother, and in this sense according to expenses, he has only a father and he has to spend alone.

Whoever has a poor son and an Affordable brother has no alimony on them, and who has a poor mother and an Affordable grandmother, the alimony is on her, and whoever is right is expensive and has no profession or career but the parents, so should he be spent? In two novels.

Relatives are not required to pay with different religions, and two novels are said this if the due expenditure is left for a period that it does not require compensation, and whoever has to support a man, does he need to support his wife? In two novels.

He said in the "footnote": "Saying: "Man must support his parents and his son by virtue if they are poor...) Etcetera.

The origin of that book, the sunnah, and the consensus:

As for the book: The one who is born has to make a living and cover them with the favors, and he said: "The parents are a charity," and it is a charity to spend on them when they need them.

As for the Sunnah: "Take enough of you and your son in goodwill, and say to him, "The best thing a man has ever earned, even if his son is from his gain," was narrated by Abu Daoud.

As for the consensus, Ibn al-Munther said: The people of [science] agreed that the alimony of poor parents who do not earn is obligatory in the child's money.

All those who keep him from knowledge agreed that a man should support his children, children who have no money.

If this is proven, the mother must pay her expenses and she must support her son if he does not have a father, as Abu Hanifa and Shafi'i said.

in spoke of Malik: she has no alimony or expense; on him, because it is not a clique for her son.³

The first topic: the officer of the considered gain, and the impact of the ability of the spender to earn in the necessity of alimony on him

The first requirement: is the officer of the considered gain.

Our Lord told us Almighty that alimony is according to the husband's situation of wealth or opposite, and from capacity or distress. All as much as God gave him a livelihood. god said <Let the man of means spend according to his means: and the man whose resources are restricted, let him spend according to what Allah has given him. Allah puts no burden on any person beyond what He has given him. After a difficulty, Allah will soon grant relief> "[Divorce:7]. Those who are rich and have money may expand on their families and he does not spend the alimony of the poor, and those who are poor and have no money do not cost the expense of the rich. Each one is within his means and abilities without extravagance and parsimony. It costs a human being nothing but what he enters under his power and in his energy {Allah puts no burden on any person beyond what He has given him.}.

Hakim bin Maaouiya al-Qashiri, about his father, said: "I said: O Messenger of God, what is the wife's right? He said: To feed her if you eat, and to cover it if you wear."

Opinions differed in the definition of alimony, and here we briefly convey the statements of the most famous doctrines of jurisprudence in determining the Duty of alimony

Ibn Abedin (Hanafi) said in the definition of alimony: "It is food, clothing, and housing."

The Indian fatwas stated: "Due alimony: food, clothing, and housing."

Al-Khatib al-Sharbini (Shafi'i) said: "The rights due to the wife are seven: food, cladding, cleaning machine, household belongings, residential, and servant if she serves."

He said in the masked (Hambali): "A man must support his wife in an indispensable way and cover her with virtue, And her residence is suitable for her like, and that is not predestined, but it is considered in the case of the spouses, and if they dispute about it, the matter returns to the ruler).

After presenting these definitions to the famous sects, the definition that is true of alimony on the wife in particular, since it is the subject of our research, says: (the adequacy of the wife's food, clothing, housing, and accessories with the favor), this definition is close to the definition of Shambala, which we have already chosen, the purpose of spending the husband on his wife to provide her with her food, drink, and housing, and all that she needs to suit her.

Amount of alimony due to the wife:

We said in this chosen definition: (the adequacy of the wife): this is an officer of the amount of alimony, it does not have a specific amount but varies depending on the time, place, person, and prices, and the important thing is to achieve enough for the wife, he must cover it in summer and winter, house her in suitable house, and feed her according to the situation and adequacy.

We said: "These three are the most important things that the name of alimony is certified for."⁴

We have said: (and its consequences of virtue) to enter in the past what people know as one of the basic needs of the wife such as the complementary needs of the above, and as the treatment of diseases in our time on the most likely statement, as will come statement, God willing, and the provision of the servant if he serves and asks for it, which we will discuss in this research in its place, God willing.

As for the issue of dropping alimony will come in an independent branch, and the law stipulated that the claim to request an increase or decrease should not be heard six months ago unless there is an emergency such as the rise in prices, as mentioned in the text of ibn Abedin's previous footnote, and

this alimony is imposed monthly on the husband on the left and the easiest to pay, if it is a factor conducted daily, he was able to pay daily expenses, although he received a weekly fare estimated at the weekly expense, although he is a merchant Or the owner of a monthly salary, the alimony imposed on him is a monthly marriage and whatever the case, the husband must give her expenses in advance for any period so that the wife can arrange what is necessary for her living.

The second requirement: is the impact of the expenditure's ability to earn on the obligation to maintain him.

If the Husband is rich or able to earn, and he is given the alimony of his children, he spends his money on them, and if he has no money and is able to earn, he must acquire, in the opinion of the public, if the judge refuses to imprison him. If he is so insolvent that it must be spent on other assets or branches, and he is unable to earn, there is no expense on him, because it is not reasonable to pay for his children and his wife while he taking his cost from the others. since the loss of something does not give it, and this is the right thing to do.⁵

Al-Maliki said: The father does not have to earn for the alimony of his children. If he is insolvent and able to earn in a work or other, he does not have to earn, to spend on his insolvent children.

- 1- If the alimony of the wife is obligatory on the husband and is not spent on her, whether this obligation is by mutual consent or by litigation, will she fall out of spending or remain a debt in the husband's custody?

Al-Hassan, Malik, Shafi'i, Isaac, Ibn al-Munther, and a novel by Ahmed in the back, argued that this alimony becomes a religion in his community and does not fall over the period, Because Omar-may Allah is pleased with him wrote to the woman of Al-Ani in men who missed their women ordering them

to spend or divorce if they divorced and sent an expenditure in the past.

2- Because it is a right that must be done in the Facilitation and insolvency, it did not fall over time, such as the rent of the property and debt, ibn al-Munther said: This is an expense that is obligatory in the book, sunnah, and consensus, and this should not be removed except for the same arguments, and because it is obligatory, it resembles the fare, and it is similar to the expense of relatives, it is a link in which the left is considered from the spender and the insolvency of those who answer to him, and she answered to cover the situation, and if her time goes by, he will give up on her, so it is similar to what he dispensed with, and this is similar to what he dispensed with. The wife's alimony, and if he proves this if he leaves spending on it with his left, he has to pay for it, and if he leaves it to his insolvency, he does not need to support the well-being because the excess fell with his insolvency.

3- The alimony of wives is obligatory for compensation, so it is fixed in the disclaimer and does not fall other than the expense of the relative.

Hanafi argued that alimony does not become a debt unless it is imposed by the judge or by mutual consent, because it is obligatory little by little and falls if there is no judge's justice or consent, and is reserved if it is imposed by the judge's judgment or by mutual consent by establishing a debt.

4- It is permissible to clear the debt of alimony, and to clear the person from one religion to another for his debt to the other, and not to the other to refrain from equal debts in force if the wife owes her husband to lend it, for example, and does not return the loan to him, or sold her something and did not pay for it, the husband had cleared her alimony debt, and Egyptian law stipulated that.

The second topic: the impact of the wife's ability to earn and the impact of

her earning on the necessity of her alimony, and it has two demands:

The first requirement: the impact of the wife's ability to earn in the need to spend on her.

There is a lot of question about a woman's work and leaving her home for the job, is this justified for the husband to oblige her to spend on the house and the children?

The answer to this is to say: If the wife requires the husband to go out to work and before the husband with this condition, he does not prevent her from working, and the origin is that the salary she receives from this work is hers, and she is independent by acting in it as she wishes, but in many cases her departure from her home to work entails additional expenses such as nursery expenses for children, providing a maid to clean the house, and so on, in which case she must help her husband with the expenses of the house. To settle their lives together, the spirit of affection prevails between them, and the differences and problems get away from them.⁶

This obligation, if not the result of a condition and agreement - which is better - is done by the realization of justice and interest and the payment of damage to the victim.

However, if there is no requirement between them to leave work, because the origin is the woman's decision in her home, and her retention is in the interest of her husband and children, unless the husband is insolvent with due alimony, he has no prevention, as we have already indicated.

And if the woman's going out is legally prohibited, whether with regard to the work itself, such as if there is forbidden mixing with foreign men, or the resulting harm that may happen to the husband and children, then the man can prevent his wife of work in any case.

What is meant by the wife's due expense, what it contains, and what it does not include Hakim bin Maaouiya al-Qashiri, about his father, said: "I said: O Messenger of God,

what is the wife's right? He said: To feed her if you eat, and to clothing her if you clothe"

The second requirement: the effect of the wife's earnings on the fact that she must be spent.

The statement that the wife must be spent as long as she has spent herself for her husband, And she kept the husband in his house for him, according to the marriage contract complex, as god said: <and turn them not out of their houses, nor shall they (themselves) leave>[divorce:1], and in the talk of Amr ibn al-Ahs raised to the Prophet peace be upon him, he said: "Be kind to women, for they are your helpersu", The one who suffers is the captive, and this is from the point of analogy and approximation, not conformity, and that is why Al-Azhari said in that: "like captives."⁷

If the wife is obliged to her husband's house and receives her expense, and some jurists make this a general rule, who is in need for the benefit of others, such as the judge and other workers in public interests, their livelihood must be in the house of money. If the wife works inside her home, such as flirting, weaving, cooking, selling or sewing, as well as if she is working in our time remotely, such as working in her home remotely through electronic media, they do not drop their expenses to achieve retention and empowerment.

However, the jurists disagreed that she should be spent on whether she left her home to work with her husband's permission, and they were divided into two teams, one prohibiting alimony for her and the other for her a alimony, **and the reason for their disagreement in this matter is three things by extrapolation:**

First, what is the reason for alimony: is it retention, empowerment, or the marriage contract? She gets complete empowerment from her, so she does not have to spend in this

way, and if we say the reason is the marriage contract, then she has the alimony in both cases.

Second: Does alimony fall without disobedience, and is it required without empowerment? If we say: alimony is not waived except by disobedience, then this is not disobedient, and if we say: alimony is not obligatory except with empowerment, then this is not possible, or as Al-Ghazali expresses: "If we say it is due by contract and falls by disobedience, then it has alimony, and if we say empowerment, then no."

And disobedience is a woman's disobedience to her husband in what she is obliged to do, and she prevents her from him or her leaving his house without his permission. it is said: The woman is disobedient and disobedient, so she is disobedient, meaning: she has defied her husband, which is taken from the behavior of the Arabs in the word (disobedience) that they say it on disobedience with arrogance and harsh treatment, and it came in the wise male

It was mentioned in the Holy Qur'an: {Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means. Therefore, the righteous women are devoutly obedient, and guard in (the husband's) absence of what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill-conduct, admonish them (first), (Next), refuse to share their beds, (And last) beat them (lightly); but if they return to obedience, seek not against them Means (of annoyance): For Allah is Most High, great (above you all). } [An-Nisa:34].

Third: Is the alimony for the purpose of compensation, not against it?⁸

Whoever sees that it is for the purpose of compensation, he said: There is no alimony for the one who prevents her husband

benefiting from the marriage, ; Because the woman has usurped the benefits for which the husband compensates, and for this reason they give the menstruating and the sick alimony; Because the ban on marriage is not caused by them.

The context of the statements in the matter is as follows:

The first statement: There is no expense for the wife if she goes out of her husband's house to work for herself with his permission, and this is a saying of the faucet and the face of Shafi'a, which is the requirement of the doctrine of Hanbali.

Some said: "If she surrenders herself in the day without night or on the contrary, it is not worth the alimony, because the delivery is incomplete, I said: And so he knew an answer in our time that if he married the professionals who are the end worker in Karkhana, and the night with the husband has no expense on her, and was followed by the son of Najim, he said: "It is the words of Mujtaba, he said: And in it he looks. Ibn Qudamah said: "If his wife travels without his permission, her expense falls on him, and if she moves from his house without his permission, and if she travels with his permission in need, it is at her alimony, because she traveled at his job.

The second saying: It is proven to the working wife to spend if she goes out to work with the permission of her husband, It is the other opinion of the Hanafis and Shafi'is, which is the requirement of the doctrine of Ibn Hazm because the husband is obliged to spend on the mere contract even if it is nashza. Some Hanafis has made a difference between going out without his permission and going out without the right.

Some of the hanafis, shafi'is and hanbalis went to break up the alimony for those who left her house part of the day, who went out in the day or most of them to work and returned at night to split her expenses and deserve the expense of the night without the

day, in order to graduate on the issue of who married the nation while working at her master's day and staying with her husband at night, this is her death by day on her master, and at night on her husband, the husband bears the price of dinner, the softness, the cover and so on.⁹

Through the reflection of statements and evidence, it has emerged to me that the matter must be elaborated, and the husband has two rights: retention and empowerment, and may authorize her to go out to work but not waive his right to full empowerment, and requests a drop in exchange for empowerment, namely alimony, and therefore the detailed duty is that if the husband authorizes her to leave without dropping his right to empowerment, she has no expense, and if he authorizes her to go out and drops his right to empower, she is given alimony. The difference between this detail and the second statement is that the authors of the second statement consider the same permission to go out as a projection of his right to empowerment, and it is true that there are two rights: the right to retention and the right to empower, and the overthrow of one of them does not apply to the other. However, it is necessary to control the description of starches by custom, what people consider to be starched is so, and what is not, God said: {on the contrary live with them on a footing of kindness and equity.} and in our time the wife's exit to work is not a form of all the blue in the women of the era, especially if her exit does not miss the husband's right to enjoy and the husband stated permission, or stipulated it at the contract and did not object, and God knows best.

With the consensus of scholars that husband should spend on their wives as mentioned in the evidence that alimony is required, they disagreed in preparing and detailing the contents covered by this due alimony for the wife, and by reading the texts of the scholars in the contents of alimony we find them referring to four things: food, drink, cladding

and housing, including :(for the woman from her husband these four things: food, drink, clothing and housing, and if he gives her this four, then he goes out from her alimony , so then she prefers that he is paid, but these four do not replace her, Because it has a residence permit)

(And the husband has to spend on his wife, which is what we did not do without him and provide her with clothing, and in sum, if a woman surrenders herself to her husband, she has from him all her needs of food, drink, clothing and housing).

(A man is required to support his wife with clothing and housing).¹⁰

Many scholars mentioned the necessary cleaning tools related to the woman's cleanliness, including: "The man must buy what brings the woman's cleanliness of oil, important necessities for her, and a hair comb."

(She must have what she needs of oil for the head and comb)

(The wife must have a cleaning machine from the dirt that she needs as a comb and oil used to her hair).

As for what is needed for decoration, the scholars pointed out that this is up to the husband, it is not necessary alimony, but it is an ornament, and in that the saying of the Bahouti in the mask scout in clay and henna And the fertility is meant to be decorated, it is what is meant for it.

(It is not obligatory for a man to buy his wife kohl or perfume or anything that she adorns with)

(And it is not obligatory for a man to pay for the perfume)

And the scholars mentioned that a man must have some adornment that cuts off an unpleasant odor.

As for the doctor's fee, the majority of scholars are of the view that it is not

obligatory for the husband, and that is what Al-Bahooti said in Kashshaf Al-Qina': "The husband is not obligated to take medicine and the doctor's fee, because that is intended not to reform the body, just as the tenant is not obligated to build what falls from the house, as well as the price of perfume, henna and the like. Because that is an adornment, it is not obligatory for a man to buy jewellery.

(And it is not obligatory for a man to buy medicine for a disease, nor for a doctor to pay for his wife)

Dr. Omar Suleiman Al-Ashqar mentioned in his clear book explaining the Jordanian Personal Status Law that the majority of jurists, including the four imams, stated that medical treatment is not obligatory for the husband, and he justified that because the need for treatment was not urgent in their time, but today the situation is different, and the view towards Medication and treatment. Today, treatment has become the same as food and clothing, and the husband should have it to the extent known.

As for the wife's service, the majority of scholars say: that the husband is required to maintain one servant for the woman who cannot serve herself, and in that Al-Shafi'i says in the mother: (The doctrine of more than one of the scholars:

He imposes on a man the maintenance of one servant for a woman who most likely does not serve herself, and he does not have to support more than one servant.

(If the wife needs someone to serve her, he will be like her, the man must bring her a servant because of the Almighty's saying (live with them on a footing of kindness and equity) and because what he always needs is a free or a slave, either by buying, renting, or naked, and the servant falls on the male and the female)¹¹

(The husband is not required to spend more than one servant, because the woman is entitled to serve herself by herself. What more is for beautification or the like, and it is not an obligation on the man. If the woman

says to her husband, I serve myself and take what you need for my servant, he does not have to do that, because the fee is on him. So she appoints the servant to him, and if the husband says: I serve you myself, she does not have to accept him, because she is modest, and she is angry with her because her husband is her servant.

(A man is obligated to maintain his wife's servant in a reasonable manner, and the maintenance of her service does not amount to hers until they said that he imposes on her servant the minimum that is imposed on her on an insolvent husband, and it is imposed only for one servant according to the saying of Abu Hanifa and Muhammad, may God Almighty have mercy on them, and on the saying of Abu Yusuf, may God Almighty have mercy on him, it is imposed for two servants because they may need them to perform One of them deals with things inside the house, and the other brings her from outside the house what she needs, and they said that her need rises with one servant.

The fuqaha' differed about what is considered in the estimation of alimony. The Hanafi school held that what is considered is the condition of the husband with ease and hardship, and the Shafi'is and Malikis agreed on that. Among the texts of the scholars on that is:

- (What has been considered in this case is the husband's condition of ease and hardship)
- (As for the status of a woman, it varies according to the husband's condition, with ease and hardship. It is not considered sufficient. The woman's condition is not looked at in terms of asceticism and desire, nor at her position and honor. The Muslim woman and the non-Muslim woman, the free and the nation are equal in it.)

Al-Karkhi said: (The condition of the husband is considered).

- (And her estimation is in the case of the husband alone from his ease and hardship, and it is not considered in her condition and sufficiency. They said: It is obligatory for the

daughter of the Caliph, what is obligatory for the daughter of the guard.)

The third topic: The effect of parents' ability to earn money on the necessity of their alimony, has two requirements:

The first requirement: is the effect of the mother's ability to earn money on the necessity of her alimony.

The fact that the mother and her husband are loved by her, even if she works, and if she is financially able, is provided in the Qur'an and the Sunnah, which confirms the necessity of this, and the jurists are unanimously agreed on this as well, based on what was stated in the Holy Qur'an and the Sunnah of the Prophet.

We affirm that, according to the consensus of the jurists, alimony does not fall from the working mother. A woman whose husband has not provided her with a home or has refrained from spending on her does not commit a sin if she does not give her husband his legal right to marry.¹²

We should point out here that a working woman may need more clothing than a non-working woman. Because she wants to wear something new in front of her female colleagues at work, and this is not her right over her husband, rather she has the right over him to clothe her with what she wears in her house, and for what she goes out with from legitimate occasions, with his permission, which is not determined by a specific amount, rather it varies according to the nature of the wife and her environment.

Among the evidence for the obligation of women's maintenance is the Almighty's saying in his book: "Let the man of means spend according to his means: and the man whose resources are restricted, let him spend according to what Allah has given him. Allah puts no burden on any person beyond what He has given him. After a difficulty, Allah will soon grant relief." In the verse: MEN SHALL take full care of women with the

bounties which God has bestowed more abundantly on the former than on the latter”, in this verse is evidence, However, the man has an advantage over the woman by giving her alimony.

The jurists unanimously agreed that maintenance is obligatory for fathers, mothers, children, and wives in cases of incapacity and insolvency, and the spender owned that money and his condition was easy. If the father is in a difficult situation and the mother is well off, the woman is ordered to spend, and the alimony is a debt to the father.

Ibn Hazm al-Dhahiri said: If the husband is unable to provide for himself, and his wife is rich, the wife is charged with the maintenance on him, and she does not return anything of what she spent on him if it is easier, because God Almighty says: {No soul is charged except to its capacity. A mother shall not be harmed for her child, neither a father for his child. And upon the heir is like that. {[Al-Baqarah: 233/2] Ali, may God be pleased with him, said: The wife is an heir, and she is obligated to provide for her husband according to the text of the Qur'an.

On the authority of Umm Salamah, may God be pleased with her, she said: I said: O Messenger of God, shall I be rewarded for spending on the children of Abu Salamah, who are two? He said: "Spend on them, so you will have the reward for what you spent on them." agreed.

God Almighty has enjoined the children on the fathers to do all the expenses they need from food, clothing, housing, and other things; The Almighty said:) It is for the father to provide for them and clothe them with kindness. ([Al-Baqarah: 233], for what is born to him is the father, and God Almighty has enjoined upon the father the provision of women for the sake of the children; So the maintenance of the children is obligatory for him, and because of the Almighty's saying: "And if they suckle your (offspring), give them their recompense" [Al-Talaq: 6];

Giving a woman the wages to nursing the children requires spending on them.

And the two sheikhs narrated on the authority of Mrs. Aisha, the mother of the believers, may God be pleased with her: that Hinda is the daughter of Ataba, who said: O Messenger of God, that Abu Safyan is a stinging man, and he does not give me what I need, He said, "Take what suffices you and your son, with kindness."

The majority of jurists from the Hanafi, Maliki, Shafi'i, and Hanbali schools have agreed that the maintenance of the young is obligatory for the father if they do not have money; Al-Marginani al-Hanafi said in "Al-Hidaya": [The maintenance of a young child is obligatory for his father, even if he disagrees with him in his religion; Because it is part of it, it is in the same sense, and the father is obligated to spend if the young child has no money, but if it is, then the principle is that the maintenance of a person is in the money of himself, whether he is small or large].¹³

The scholar Al-Qadi Abdul-Wahhab Al-Maliki said in "Al-Ma'unah ala Madhhab Al-Madina": [A man is obligated to provide for his young son if he is poor].

The scholar al-Khatib al-Sharbiny al-Shafi'i said in "Mughni al-Muhtaj": [(It is obligatory for a person, whether male or otherwise, to provide for the father, who is free, if he is male or female, and for the child, who is free, whether it is male or female)] Ah. The scholar Ibn Qudamah al-Maqdisi al-Hanbali said in "Al-Mughni": [A man is obliged to provide for his parents, and his male and female children, if they are poor, and he has money to spend on them.]

However, they differed regarding the obligation of the mother to spend on her children in the event the father is absent or his financial condition is difficult:

The Hanafi jurists went to the view that the judge forces her to spend on them if her financial condition is affordable; Because it is closer to the young and more appropriate, otherwise it becomes in debt and then it

becomes a debt owed by the husband. The scholar Ibn Nujaim said: A man is absent and does not leave his young children an alimony and their mother have money; The mother is forced to spend, and then returns to the husband.

The Malikis are of the opinion that it is not obligatory for a woman to spend on her children during the father's life or after his death, neither in his ease nor in his hardship; Al-Qadi Abdul-Wahhab said in: [The mother is not obligated to spend on her child, neither during the father's life nor after his death, neither in his ease nor in his hardship; And because if spending is obligatory for a person, he does not move to someone else, and also if an obstacle prevents him from doing so, the alimony is not returned to him, and the alimony of this child was necessary for the father.

Based on that: Maintenance is a right of the young child over his father, so if the father falls short and does not provide for his children and escapes from the responsibility placed on him, he is a sinner according to Sharia. Imam Muslim narrated in his "Sahih" on the authority of Abdullah bin Amr bin Al-Aas, may God be pleased with them both, that the Messenger of God, may God's prayers and peace be upon him and his family, said: "It is enough sin for a person to withhold someone who owns his livelihood."

The second requirement: the effect of the father's ability to earn on the necessity of his maintenance.

With regard to the father's obligation to alimony and his ability to earn:

1. If the child does not have money, then she shall spend it on his father, unless he is poor and unable to support and earn money because of a physical or mental incapacity.
2. The alimony for the children continues until the female gets married, and the boy reaches the point where he gains money.
3. If the father is incapable of alimony, and is not incapable of earning, the alimony of the

child shall be assigned to the one who is obligated by him in the absence of the father.

4. This alimony shall be a debt to the one who spends on the father, and he shall be reimbursed for it if he is able to do so.

5. The father shall not be responsible for the maintenance of his son's wife unless he is responsible for it by his own free will.

6. The father's spending in this case is a debt to the son, until he has money.¹⁴

Evidence:

First: from the holy Quran

- 1- The Almighty said: It is for the father to provide for them and clothe them with kindness. Al-Baqara: 233.

The face of the sign:

God Almighty has made it clear that the father who gives birth to a child must feed him and clothe him in a reasonable manner.

- 2- His saying: And if they carry (life in their wombs), then spend (your substance) on them until they deliver their burden of divorce: 6.

The face of the sign:

God enjoined the father's breast-feeding fee for the father, and this indicates that he is obliged to spend on him.

Second: From the Sunnah

- 1- On the authority of Aisha, may God be pleased with her, that Hind said: O Messenger of God, Abu Sufyan is a stingy man, and I have nothing but what enters my house. The Messenger of God, may God bless him and grant him peace, said: ((Take what is sufficient for you))

The face of the sign:

The hadith states that it is obligatory to spend on children

Third: From the effects

On the authority of Abu Hurairah, he said: The Prophet, may God's prayers and peace be upon him, said: ((The best charity is what is

left behind, and the upper hand is better than the lower one, and start with those you support))

The face of the sign:

In the words of Abu Huraira: (And the son says: Feed me, to whom will you leave me?) Evidence for the obligation of maintenance on him

Fourth: From the consensus

The consensus on this was reported by: Al-Qadi Abd al-Wahhab, al-Mawardi, Ibn Hazm, al-Kasani, Ibn Abd al-Bar, Ibn Qudamah, al-Qurtubi, Ibn Taymiyyah, and Ibn al-Qayyim.

Fourth: Because the son is part of the father, just as he is obliged to provide for himself, so is it necessary for him to provide for his son.

The second requirement: the father's maintenance of his children (both male and female) after the age of puberty

Section one: Alimony on male children after the age of puberty

The first issue: Who has the ability to earn?

A father's maintenance on his male children after puberty is not required if they have the ability to earn, according to the agreement of the four schools of jurisprudence: the Hanafis, the Malikis, the Shafi'is and the Hanafis; This is because the alimony is only obligatory as a way of sympathy, and the one who is able to earn is dispensed with by his earning.

The second issue: those who do not have the ability to earn

The father's maintenance is obligatory for his male children after puberty if they are not able to earn according to the agreement of the four schools of jurisprudence: the Hanafis, the Malikis, the Shafi'is and the Shafi'is.

This is for the following:

- First: Because they are poor, they deserved maintenance from their rich father.
- Second: Because of their inability to suffice themselves

The second branch: Alimony on the girl after the age of puberty

A father is obligated to provide for his needy adult daughter unless she remarries, as stipulated by the Hanafis, the Malikis, and the Shafi'is, and it is in accordance with the Hanbali school of thought.

This is for the following:

- First: Because he has guardianship over her until she gets married, so her maintenance is obligatory, like a little girl.
- Secondly: Because of her inability to earn money, she is in the same position as a child if she does not have a husband, and when she was young, she spent on the father for her needs, and likewise after she reached puberty.

Conclusion

Praise be to God, whose grace good deeds are accomplished, and blessings and peace be upon the best of the world and the guide of mankind, Muhammad bin Abdullah, and on those who followed his path and guided him to the Day of Judgment and after:

The legal rulings are related to the reasons for which they were legislated, so if the reason for which the ruling was legislated is disrupted, it leads to the disruption of this ruling. This husband is obliged to spend on her, even if she has money, so she spends on her husband. And God willed that the woman should not be free from a spender. Either the spender is a husband, or a father, or a brother, or a son. The religion of a woman is not as honorable as Islam, so let the woman in this time realize these rights She would have abandoned many of the slogans she raised about women's rights, and returned to the rights Islam legislated for her.

And it was found through the research that the provision of alimony to the wife is a basis for the stability of the family,

which is the basic building block in the formation of the society. There is no security for the society and no stability except with the stability of the family, and it was also found that leaving the individual in the society without alimony motivated him to commit crime and encroachment on sanctities by theft, robbery, looting and underestimation. symptoms, and thus a demolition of social security, there is no security with hunger and need, Islam is keen that the individual in the Islamic society does not remain without alimony.

I have done in this research what I was able to do, but human effort is a defective nature, so what I got right in it is from God, and what I erred is from myself and from Satan.

References

- The Ocean, (1/22).
- Al-Baqarah: 195.
- Al-Baqarah: 254.
- Al Imran: 92.
- Sheba: 39.
- Iron: 10
- Vocabulary in the strange Qur'an: p. 819.
- [The Clear Sea (11/243)]
- Isra 100
- Omar Abdullah, Provisions of Islamic Sharia in Personal Status, p. 356.
- friendship. Mahmoud Al-Sartawi, Explanation of the Personal Status Law, p. 108.
- (Verse 6 of Surat Al-Talaq)
- Hashiyat ibn Abireen, Part Two, p. 647.
- Abdul Rahman Al-Jaziri, The Book of Fiqh on the Four Schools of Thought, Vol. 4, p. 553.
- Al-Rawd Al-Square pg. 459 and 460.
- Explanation of Muntaha al-iradaat 5/672 and 673, and Kashaf al-Qinaa 13/155.
- Al-Insaf with Al-Muqni' and Al-Sharh Al-Kabeer 24/398 and 399.
- Fairness with the persuasive and the great explanation 24/407 and 408
- Fairness with the convincing and the great explanation 24/415.
- Fairness with the convincing and the great explanation 24/419.
- Al-Muqni' 3 / 319 - 323.
- Fath al-Qadir 3/343 - 347, Hashiyah Ibn Abdeen 3/642 - 646. Al-Sharh al-Sagheer 1/525 and 526, Hashiyah al-Desouqi 2/522 - 524. Tuhfat al-Muhtaj 8/344 and 345, and Nihayat al-Muhtaj 7/218. 5 / 672, and the searchlight for the mask is 13 / 153.
- Al-Bukhari 5364, from the hadith of the Mother of the Believers Aisha, may God be pleased with her.
- 3528. Al-Nasa'i 4449 and Ahmad 6/31 also included it on the authority of Mansour bin Al-Mu'tamir, on the authority of Ibrahim, on the authority of Umarah bin Omair, on the authority of his aunt, on the authority of Aisha, may God be pleased with her, with it. It was included by Ibn Majah 2137, Ahmad 6/42, Ibn Habban 4260, and al-Bayhaqi 7/480, from it was narrated from al-Amash, on the authority of Ibrahim, on the authority of al-Aswad, on the authority of Aisha, may God be pleased with her, with it.
- Abu Hatim said as in Al-Illal to his son 1 / 465 1396: I hope that they are all authentic.
- See: Al-Badr Al-Munir 8/308.
- Supervision 5/167 - 168 2871 and 2873.
- Explanation of Muntaha al-iradaat 5/676 and 677, and Kashaf al-Qinaa 13/159.
- Fairness with the convincing and the great explanation 24/412.
- Al-Mabsout, Al-Sarakhsi, mentioned it as a guide to the Khasaf, vol. 5, p. 182
- Al-Qurtubi, The Collector of the Rulings of the Qur'an, Vol. 18, p. 170.
- Muhammad Omar Abdullah, Provisions of Islamic Sharia in Personal Status, p. 369.
- Al-Sarakhsi, Al-Mabsout, vol. 5, p. 182.
- Muhammad Amin Ibn Abdeen, footnote to the response of al-Mukhtar to al-Durr al-Mukhtar, vol. 3, 591. Ibn Qudamah Al-Maqdisi, Al-Mughni, Volume 8, pg. 166.
- Alish, Talents of the Galilee, Part 4, p. 212.
- Al-Nawawi, Rawdat Al-Talibeen, Volume 9, pg. 79.
- See: Fatwas of Dar Al Iftaa - Fatwa No. (3175), Mufti: Dr. Nasr Farid Wasel, the former Grand Mufti of Egypt, and see also: Fatwas of Al-Shabaka, Fatwa No. (296344), Fatwas of Islam Q&A (126316), Fatwas of Islam Online Fatwa entitled: "The Ruling on the Wife's Contribution to Living Expenses."

- Narrated by Abu Dawood (2143) and authenticated by Al-Albani. See: Sahih Abi Dawood - Al-Umm (6/ 360), Wedding Etiquette in the Purified Sunnah (280).
- Al-Durr Al-Mukhtar and the Hashiyat of Ibn Abidin (Redd Al-Muhtar) (3/572). He said: It is customary: food.
- Indian Fatwas (1/549).
- The singer who needs to know the meanings of the expressions of the curriculum (5/151).
- Al-Muqni' in the Fiqh of Imam Ahmad T. Al-Arnaout (p.: 389).
- Among the issues of dispute among the jurists: Is maintenance in return for the contract or empowerment, two doctrines for them, see: Al-Ramli; The End of the Needy (7/203)
- It was included by Al-Tirmidhi (3087), Al-Nasa'i (6169), and Ibn Majah (3055), and Al-Tirmidhi said: It is good and authentic.
- Al-Azhari; Refinement of language, Article (Awn) (3/134), and he also said: "Abu Obeid said in his saying: (For they have aides with you): one of Al-Awani is an atheist, and she is a captive. He says: They are with you as prisoners. The saying of the Prophet, may God's prayers and peace be upon him: "Return to the sick and set the captive free" means the prisoner.
- Kasani; Badaa' al-Sana'i (4/16), Abd al-Rahman bin Muhammad bin Suleiman al-Kalibuli, called Sheikhi Zadeh; Al-Anhar Complex (2/180), Al-Hattab, Mawahib Al-Jaleel (4/188), Al-Haytami, Tuhfat Al-Muhtaaj (8/327), Ibn Qudamah; The singer (9/230).
- Kasani; Badaa' al-Sana'i (4/16), Ibn Qudamah; The singer (9/230).
- Ibn Abdeen; A footnote to the response of al-Mukhtar (3/775).
- Al-Juwayni; End of al-Muttalib (15/446), al-Nawawi; Kindergarten Al-Talibeen (9/57), and see: Al-Ayni, Al-Banna Sharh Al-Hedaya (5/660).
- Those who said that the reason is the contract, some of them went to the view that the maintenance is obligatory according to the contract, and delivery is not required except with empowerment. Kindergarten Al-Talibeen (9/57).
- Al-Juwayni; End of the requirement (15/452).
- Muhammad bin Muhammad Al-Ghazali; The Mediator in the Madhhab (6/215), T: Ahmed Mahmoud Ibrahim and Muhammad Muhammad Tamer, Dar Al-Salaam, Cairo, 1417 AH.
- arrhythmia; Abu Al-Hassan Ali Bin Saeed, Methods of Collection and the Results of Taif Al-Ta'weel in Explaining Al-Mudawwana and Solving Its Problems (3/515), Dar Ibn Hazm, Beirut, First Edition, 1428 AH.
- Ibn Abdeen; A footnote to Rad al-Muhtar (3/577), Badr al-Din Muhammad ibn Abi Badr ibn Qazi Shahba; Bidayat al-Muhtaaj fi Sharh al-Minhaj (3/254), t.: Mishaal al-Maghribi, Umm al-Qura University, 1429 AH. As for its being a requirement of the Hanbali school of thought, it is because they decide that if she misses empowerment for the benefit of herself, she has no expense. See: Ibrahim bin Mufleh; Al-Mubda' (8/179), and this is supported by the fact that the Hanbali school of thought is of the view that she is not entitled to maintenance if she travels with her husband's permission for her needs, because it is not possible to enable her at that time. See: Al-Mardawi; Equity (8/273).
- Ibn Qudamah, al-Kafi (3/85).
- Al-Hattab, Talents of the Galilee (4/188), Al-Sawy, in the language of the traveler known as the Footnote of Al-Sawy (2/740).
- Al-Juwayni; The end of the requirement (15/446), which is legally decided by the personal status in Egypt and Syria.
- Local (10/88).
- The clear sea (11/250).
- [An-Nisa:19]
- El-Sherbiny, Al-Iqnaa, Volume 2, pg. 486.
- Al-Bahooti, Kashshaf Al-Qinaa, Volume 5, 463.
- Al-Bahooti, Kashshaf Al-Qinaa, Volume 5, 463.
- Al-Nawawi, Rawdat Al-Talibeen, Volume 9, pg. 40.
- Ibn Mu'in, Lisan Al-Hakam, Volume 1, p. 335
- Al-Qurtubi, The Collector of the Rulings of the Qur'an, Part 8, pg. 170.
- Ibn Mu'in, Lisan Al-Hakam, Volume 1, p. 335

- (4/414, i. Dar Al-Fikr)
- (5/183, i. Scientific Book House)
- (8/211, i. Cairo Library)
- (4/235, i. The Islamic Book House)
- (Pg.: 938, i. Commercial Library)
- (3/445, i. The Islamic Book House)
- (5/469, i. Dar al-Kutub al-Ilmiyya)
- (4/ 150, i. House of Knowledge)
- This is the saying of the Hanafis, the Malikis and the Hanbalis, and the Shafi'is, the judge, Ibn Aqil and Ibn al-Jawzi among the Hanbalites went to its recommendation for what was mentioned of urging it. (5/215)
- Nafrawi; Ahmad bin Ghoneim, Al-Fawakeh Al-Dawani (2/440), Beirut, Dar Al-Fikr, 1415 AH, Al-Bahooti, Scouts of the Mask (2/76), Ibn Muflih, Legal Adab (2/359)