

GLOSSARY

<i>abghad al-mubāḥāt</i> (A)	‘Most detestable among legally permitted things’; the term was used by the Prophet for the institution of divorce.
acknowledged kinsman	a person of unknown descent in whose favour the deceased made an acknowledgement of kinship.
‘ <i>ādāt</i> (M)	‘ <i>āda</i> in Arabic; the term denotes customary law in Malaysia, Brunei, Singapore and Indonesia, etc.
<i>ahwāl al-shakhsīya</i> (A)	personal status
‘ <i>amal</i> (A)	literally, practice; stands for custom in Morocco
<i>anak dara</i> (M)	in Malayo-Islamic law, a woman without a husband
‘ <i>asaba</i> (A)	<i>agnatic heirs</i> ; also described as ‘residuaries’; they are the relations who get the remainder of the estate after satisfying the claims of the <i>Qur’ānic heirs</i> who have fixed shares therein.
‘ <i>asaba ḥi nafsihī</i> (A)	<i>agnates in their own rights</i> ; one of the three classes of agnatic relations; it includes all male agnates.
<i>bakhsh</i> (P)	an administrative division in Iran
<i>lātil</i> (A)	(<i>Hanafī</i> law) void; absolutely unlawful, in contradistinction with <i>fāsīd</i> (irregular) which signifies relative unlawfulness, which may disappear.
<i>bayūnāt al-kubra</i> (A)	literally, ‘a big gulf’; the separation between spouses following a third divorce; in such a case the husband cannot remarry the divorced wife unless the prescribed procedure, which requires marriage of the divorced wife with a third per-

	son, its consummation and subsequent dissolution followed by observance of 'idda, is complied with.
<i>haynīmat al-sughra</i> (A)	literally, 'a small gulf'; separation between spouses following a first or second divorce followed by the completion of 'idda; in such cases the husband cannot revoke the divorce but can straight away remarry the divorced wife.
<i>bayt al-māl</i> (A)	the state treasury
<i>dahez</i> (U)	items of household use given to a bride by her parents
<i>distant kindred</i>	class III of heirs under the <i>Sunnī</i> law of inheritance, classes I and II being the <i>Qur'ānic heirs</i> and the <i>agnates</i> ; under the traditional law, this class inherits in the absence of all other heirs of classes I and II; it includes female agnates not covered by the said classes and all cognatic relations.
<i>dia</i> (A)	blood money
<i>eddah</i> (M)	Malay corruption of the Arabic 'idda: see below
<i>escheat</i> (F)	state's right to the property of the deceased, failing all heirs
<i>fasid</i> (A)	'irregular'; see <i>bātil</i> above
<i>fasah</i> (M)	corruption of the Arabic <i>faskh</i> ; see below
<i>faskh</i> (A)	dissolution of marriage by the <i>Qādī</i>
<i>fatiha</i> (A)	the opening chapter of the <i>Qur'an</i> ; traditionally read in some places to mark a marital engagement
<i>fatwa</i> (A)	a juristic verdict
<i>fiqh</i> (A)	jurisprudence
<i>ghayr al-mumayyidh</i> (A)	literally, one who cannot distinguish between things; an infant or an imbecile
<i>ghayr al-nashiza</i> (A)	a woman who is not disobedient to her husband
<i>hadāna</i> (A)	fosterage
<i>hadina</i> (A)	a foster-mother

<i>hakam</i> (A)	an arbitrator
<i>halal</i> (A)	valid in law
<i>harām</i> (A)	absolutely forbidden by law
<i>himāyet</i> (P)	protection
<i>hiba</i> (A)	various kinds of gift under Islamic law
<i>hijra</i> (A)	Prophet's migration from Mecca to the city of Madina in 622 A.D. The event marked the beginning of the Islamic lunar calendar.
<i>house of 'idda</i>	the house in which a widow or a divorcee should live normally during the period of 'idda; see below
<i>huqūq al-'āila</i> (A)	family rights
'idda/'iddat (A)	the period of probation following the husband's death or divorce, during which the wife is restrained from contracting a remarriage.
<i>ījāb</i> (A)	offer
<i>ijmā'</i> (A)	consensus; the third source of Islamic legislation
<i>ijmā' al-umma</i> (A)	consensus of the community
<i>hurmat al-qaṣaba</i> (A)	the bar of blood-relationship, one of the impediments to a lawful marriage.
<i>hurmat al-musahara</i> (A)	the bar of affinity, concerning relations by marriage with whom a marriage is forbidden
<i>hurmat al-radā'a</i> (A)	the bar of fosterage
<i>ijtihād</i> (A)	independent interpretation of religious texts; a source of legislation
<i>ila'</i> (A)	<i>row of contenance</i> ; husband's swearing to abstain from intercourse with the wife for four months; if the marital relation is not resumed during the said period, the marriage is dissolved.
<i>irth</i> (A)	inheritance
<i>istidlāl</i> (A)	<i>juristic reasoning</i> ; a source of Islamic legislation mainly recognised by the <i>Shafī'i</i> school
<i>istihsān</i> (A)	<i>juristic preference</i> ; a source of Islamic legislation, mainly followed by the <i>Hanafī</i> school,

	according to which analogy is set aside in the presence of a stronger source.
<i>istislah</i> (A)	<i>search for the better</i> ; Islamic legislative doctrine of <i>public interest</i> as remoulded by Imām Ghazzālī
<i>izdiwāj</i> (A)	marriage
<i>jahez</i> (U)	same as <i>dahez</i> ; see above
<i>jihaz</i> (A)	almost same as <i>dahez</i> ; see above
<i>kafa'a</i> (A)	equality of spouses in respect of certain aspects of life, required by Islamic law as a rule of worldly wisdom.
<i>kathī</i> (M)	corruption of the Arabic <i>qadī</i> ; see below
<i>kazī</i> (U)	same as <i>qadī</i> ; see below
<i>khiwat al-sahīh</i> (A)	'valid retirement'; co-living of spouses in the circumstances which present no legal, moral, social or physical impediment to intercourse.
<i>khaniwada</i> (P)	family
<i>khitba</i> (A)	engagement
<i>khiyar al-bulūgh</i> (A)	'option of puberty', under this rule, if a girl was married, before attaining puberty, by her father or grandfather, she can repudiate the marriage after becoming major, provided the marriage has not been consummated.
<i>khiyar al-shart</i> (A)	wife's option to negotiate legally valid conditions in the marriage-contract at the time of marriage
<i>khul'</i>	a divorce given by the husband at the desire of wife and in consideration, of, generally the dower
<i>khutba</i> (A)	the sermon traditionally delivered at the time of marriage by the person who conducts the ceremony.
<i>kitabiyā</i> (A)	a woman professing any of the scriptural religions, e.g. a Christian or a Jew
<i>laqīt</i> (A)	a foundling
<i>li'an</i> (A)	'mutual imprecation'; a transaction in which a marriage is dissolved on account of a charge of

	adultery levelled by the husband against the wife who takes an oath of innocence
<i>madanī</i> (A)	civil
<i>mafqud al-khabar</i> (A)	a missing person
<i>mahākim</i> (A)	the courts
<i>mahr</i> (A)	dower
<i>mahr al-mithl</i> (A)	<i>proper dower</i> ; in relation to a woman, dower of her female relations on the paternal side, equal to her in social status.
<i>mahr al-mu'ajjal</i> (A)	<i>prompt dower</i> ; part of the dower which is paid soon after the conclusion of the contract of marriage.
<i>mahr al-musanma</i> (A)	dower specified in the marriage-contract
<i>mahr al-muwajjal</i> (A)	<i>deferred dower</i> ; that part of the dower which is to be paid, if agreed, generally at the time of the dissolution of the marriage by divorce or the husband's death.
<i>majlis al-wahid</i> (A)	the same meeting
<i>mahram</i> (A)	one with whom marriage is forbidden by law
<i>Majalla</i> (A)	a code; short name of the <i>Hanafī Civil Code</i> enacted by the Ottoman Government in 1877, now repealed
<i>mangnī</i> (U)	engagement
<i>manshūrat</i> (A)	circulars (the Sudan)
<i>masāil</i> (A)	problems (pl. of <i>mas'ala</i> , problem)
<i>mashrūt</i> (A)	conditional
<i>ma'sia</i> (A)	an act forbidden by the religious or moral principles of Islam
<i>maskan al-shar'īya</i> (A)	a house satisfying the legal requirements
<i>mattā'ah</i> (M)	corruption of Arabic <i>mut'a</i> ; see below
<i>mirath</i> (A)	estate of the deceased to be inherited by his heirs
<i>molvī</i> (A)	literally, 'my lord'; in India, Pakistan and East Africa, a Muslim theologian
<i>Moor</i>	Muslims of Ceylon having an Indo-Arab descent
<i>mubah</i> (A)	legally permissible things

<i>mubaraʿa</i> (A)	divorcé with consideration by mutual agreement between the spouses
<i>mudawwana</i> (A)	a code; short name of the Moroccan <i>Code of Personal Status</i> , 1958
<i>mukallaf</i> (A)	a person who is <i>grown up</i> in the eyes of law, i.e. is major and sane
<i>muftī</i> (A)	one who has authority to pronounce a <i>fatwa</i> , see above
<i>murahiq/murahiqa</i> (A)	an adolescent boy or girl
<i>mūriṯh</i> (A)	the <i>propositus</i>
<i>mutʿa</i> (A)	a present
<i>mutʿat al-talaq</i> (A)	consolatory gift to be given to a divorced wife by the husband
<i>nafaqa</i> (A)	maintenance
<i>nashiza</i> (A)	a disobedient wife
<i>nikāh</i> (A)	marriage-ceremony
<i>nikāhnama</i> (P)	a marriage-deed
<i>nusās</i> (M)	corruption of Arabic <i>nushūz</i> ; see below
<i>nushūz</i> (A)	disobedience of a wife
<i>obligatory bequest</i>	<i>wasīyat al-wājibīya</i> ; see below
<i>option of puberty</i>	<i>khiyār al-hulūgh</i> ; see above
<i>pardānashīn</i> (P)	a woman who stays in seclusion
<i>qādī</i> (A)	a judge
<i>qānūn</i> (A)	a law or an enactment
<i>qanunīya</i> (A)	statutory
<i>qanūn al-madani</i> (A)	a civil code
<i>qanūn al-taʿzīrāt</i> (A)	a penal code
<i>qiyās</i> (A)	<i>analogy</i> ; the fourth classical source of Islamic legislation
<i>qubūl</i> (A)	acceptance
<i>Qurʿanic heirs</i>	Class I of heirs under Islamic law whose fractional shares are fixed by the <i>Qurʿan</i> . These include those near relations, generally female, who had no or little share under the pre-Islamic custom of inheritance.

<i>radā'a</i> (A)	fosterage
<i>ramadhān</i> (A)	the fasting month, ninth month of the lunar <i>hijrā</i> calendar
<i>rudjū</i> (M)	corruption of Arabic <i>rujū'</i> , revocation (of a divorce)
<i>sahāba</i> (A)	Prophet's companions; according to religious theory, those Muslims who had seen the Prophet
<i>sharistān</i> (P)	a county or district in Iran
<i>Sharī'a</i> (A)	the sacred law of Islam; the Muslim Personal Law
<i>Sharī'at</i> (U)	same as <i>Sharī'a</i>
<i>shart</i> (A)	a condition
<i>Shī'a</i> (A)	the minority which came into existence as a result of differences of opinion over the question of succession to the Prophet, as head of the community, after his death. Now the common name for the followers of the <i>Ithnā 'Asharī</i> , <i>Isma'īlī</i> and the <i>Zaydī</i> schools of Islamic law.
<i>shurūt</i> (A)	pl. of <i>shart</i> ; see above
<i>sin al-yas's</i> (A)	the <i>age of despair</i> ; menopause
<i>sunna</i> (A)	traditions of the Prophet (the common term for his sayings, doings, and tacit approvals); second fundamental source of Islamic law.
<i>Sunnī</i> (A)	the majority group in the political division of Muslims referred to under <i>Shī'a</i> above; now the followers of the <i>Hanafī</i> , <i>Shafi'i</i> , <i>Malikī</i> and the <i>Hanbalī</i> schools of Islamic law.
<i>sura</i> (A)	chapters of the <i>Qur'ān</i>
<i>surat nikah</i> (M)	a marriage-deed
<i>surat ta'ālīk</i> (M)	a stipulation for delegated divorce in a marriage-contract
<i>surat ta'āk</i> (M)	a deed of divorce
<i>surat rudjū</i> (M)	a deed of revocation of divorce
<i>takhayyur</i> (A)	a method of Islamic legislation; a selective choice between corresponding legal principles of the various schools of law.

<i>talaq</i> (A)	divorce by husband
<i>talaq al-ahsan</i> (A)	the <i>most approved</i> form of divorce, under which a single pronouncement is made by the husband while the wife is not in her menstruation.
<i>talaq al-tafwid</i> (A)	<i>delegated divorce</i> : generally it takes the form of a stipulation made in the marriage-contract giving the wife a right to divorce herself in the events specified therein.
<i>taulia</i> (A)	authority
<i>tuhr</i> (A)	the period between two consecutive menstrual courses
<i>'ulama</i> (A)	<i>pl.</i> of <i>'alim</i> ; Muslim theologians
<i>unlawful conjunction</i>	the rule of Islamic law under which a man is forbidden to marry, at a time, two women so related to each other that if one of them had been a man they could not have lawfully married each other, <i>e.g.</i> , two sisters.
<i>'urf</i> (A)	custom or usage
<i>uterine heirs</i>	same as <i>distant kindred</i> ; see above
<i>wali</i> (A)	guardian
<i>wali mujbir</i> (M)	a guardian who can force his ward into marriage, <i>i.e.</i> , a father or a grandfather
<i>warith</i> (A)	an heir
<i>wasīya</i> (A)	a bequest
<i>wasīyat al-wājibiya</i> (A)	'obligatory bequest'; under the statutory laws of Egypt, Syria, Tunisia and Morocco, such a bequest is imposed on the property of the deceased when he or she has left descendants of predeceased issues.
<i>zakat</i> (A)	Islamic religious tax

