

## Abomination the Marriage of Family Head with Adopted Child according to Jurisprudential Approach

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### Abstract

Some researchers know marriage with adopted child abominated and in the official argument, adherence to the traditions that they people were prohibited from marrying to her midwife especially where midwives trained him those scholars considered this case abominated according to traditions. Arguments for these traditions about abomination on marriage to adopted child was in comparison in the first step that is prohibited in Shia jurisprudence unless according to basis emendation it means that referring to religious books and other evidences knows the reason of abomination reason of marriage to adopted child is first to know the reason of abomination of marriage to midwife then measure it in marriage with child case and whenever abomination idea is achieved, it can used for all other cases.

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### Introduction

Including incest that some marriage traditions have made it forbidden to marry midwife.

The word midwife is female, she qualified midwife or alum, a woman while she is giving birth to children, pregnant women, and collects it and the recipients.\*

In terms of midwife the woman was said to be on an experimental basis, in the work of pregnant women and their professor was helped in giving birth to her child. Midwives in other matters relating to the gynecological such as

abortion and infertility were also involved. Before the widespread advent of modern medicine and midwives in Iran as early as the first Pahlavi, midwife played almost all matters relating to labor, in some Iranian cities including Tehran, midwifery Jews on midwives Muslims were superior.†

Died in Saudi those jobs were busy midwifery practice also performed female circumcision, also worked previously that her midwife nutritious food would be enough to enable him to do his job. In the past, midwife, when because of the skeleton of the mother and any other cause, to

\* Amid, Hassan, **culture Amid**, Amir Kabir Publications, Tehran, 1984, p. 930.

† *Katiraei*, Mahmud, from clay to clay, Publication Sales, Tehran, 1999, p. 23.

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make sure they can baby in the resort and saw the mother and child will die, with the permission of the woman, for child survival mother's womb to child born alive.<sup>‡</sup>

Jewish midwife usually home delivery to the labor movement, but he was a Muslim midwife for a few days to go home and practice minor decrease and decrease was for the baby.<sup>§</sup>

The definition of a midwife in modern culture: Mama to personal shed is that education midwifery and the bachelor and masters senior, Equal provisions in centers education internal and foreign to end brought and successful to get the butterfly official midwifery from officials adequate, respective. He should able to supervise, care and advice to women during pregnancy, childbirth and the postpartum period to conduct deliveries own responsibility and newborn care and infant and children less than six years. This care includes prevention, detection of abnormal conditions in mother and child, providing medical assistance and the implementation of emergency measures in the absence of medical help. He has an important task in health counseling and education, not only for women but also for the family and society. Midwives work should include: prenatal education, preparing the parents for the admission of parenthood, family planning, child care and some aspects of the diagnosis and treatment of common diseases of the female reproductive system and menopause counseling, he could be in hospitals, clinics, health units,

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<sup>‡</sup> Fryshlr, Kurt, Ayesha after the Prophet, translation Zabihollah Mansuri, Amir Kabir Publications, Tehran, 1964, p. 1 to 5.

<sup>§</sup> Katiraei, Mahmud, former source, p. 37 and 23

homes (midwifery and home birth) and any other form of health care work.<sup>\*\*</sup>

### ***1-1: Stories about midwife it is imported:***

1. "Jaber Ja'fi says Imam Baqir (AS) asked whether the son can marry with your midwife. He said neither he, nor his daughter, because she is like a mother.

Description: "the sentence for the midwife that the baby was a coach and as appears from the news later" <sup>††</sup>

"Saduq to their own documents of Amr Ibn Shamar has narrated from Muhammad bin Isa al-Saffar also he has narrated from Abu Mohammad Ansari and Sheikh This abomination will carry on because the child when adopted and trained midwife, the fact that her milk is shipped on time." <sup>‡‡</sup>

2. Imam Sadiq (AS) said: If your midwife or midwife did not go that sentence more than begins, but if your child was born and bred assumed it was her nurse and large , then the child she is forbidden.

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<sup>\*\*</sup> Letter No. 31533 dated 29/05/1387 Deputy Health

<sup>††</sup> Hurr Ameli, Mohammed ibn Hasan, Wasael, al-Bayt Institute, first edition, Qom, 1409 AH, Vol 20, p 500 / Chiellini, Muhammad ibn Ya'qub, adequate, printing, Dar al-Hadith, Qom, 1429 AH, vol. 5, p. 447.

<sup>‡‡</sup> Hurr Ameli, Mohammed ibn Hasan, Former source, vol 20, p 501 / Qomi, Ibn Babawayh, I Layhzi Feki theory, translator Ali Akbar Ghaffari, publishing Saduq, Tehran, 1409 AH, vol. 3, p. 410 / Tusi, Muhammad ibn Hasan, Alhaziz of the publication of books, Jaap quarter, Tehran, 1407 AH, vol. 7, p. 455 / Tusi, Muhammad ibn Hasan, Al-Istibsar, publication of books, printing, Tehran, 1390 AH, vol. 3, p. 176.

Description: "The meaning of" Rabbath is "Arza'at" "which means it is breastfeeding and the nanny." §§

3. "Imam Baqir (AS) was asked about a man who marries her midwife: The Prophet replied: neither he nor his daughter's marriage is correct."\*\*\*

4 Imam Sadiq (AS) has said in this regard: If your child midwife puts in front of your face, the midwife is forbidden to him, and the son of the midwife is forbidden to him.†††

5. Imam Reza (AS) were asked about a woman who accepts her midwife to the birth of his child, whether the child could marry her midwife, Imam (AS) replied: Glory to God and such cases on person is not forbidden.††††

6. "The narrative of Imam Reza (AS) asked a man with a woman who accepted him (trained) so glory is to God and God did not prohibit such cases.††††

7. "Imam Ali (AS) was asked about a midwife, if it can marry her. Imam replied if he had trained once or twice or three times after bail was okay and if accepted and trained and then I also forbidden from him and my son and I and my friend's other." \*\*\*\*\*

8. Imam Sadiq (AS) said that marriage is wrong with her midwife and her daughter and it is also not permissible.††††

## 2-1: Comments jurists on the subject

### *First group: Comments that are attributed to the general prohibition:*

Sheikh Saduq in Almaqna'h book said: midwife for the birth and midwife girls do not solvents such as warrants (some Amhat) respectively.††††

### *Group II: comments that are attached to the abomination.††††*

We eventually Sheikh Tusi has stated that signing the midwife and her daughter is abomination.

Ibn Barraji in book Almahzab states: marriage for men is abomination to the midwife and her daughter. \*\*\*\*\*

Allameh Helli said in Mokhtalefo Shia book that famous abomination midwife and her daughter.†††††

Seyyed Yazdi in Urwa book said: counting abomination: midwife or midwife for a girl is

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§§ Hurr Ameli, Mohammed ibn Hasan, former source, vol 20, p 501 / Chiellini, Muhammad ibn Ya'qub, Former source, vol. 5, p. 447.

\*\*\* Ibid., 501 / Ibid, p 447.

††† Ibid, p. 502 / Ibid, p 448.

13 Ibid, p: 502

§§§ Hurr Ameli, Mohammed ibn Hasan, former source, page 502 / Tusi, Muhammad ibn Hasan, former source, 1821.

\*\*\*\*\* Ibid, p. 502 / Ibid., 1822.

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†††† Ibid, p. 502 / Ibid., 1824.

†††† Ghomi, Mohammad Ibn Babuyeh, **Almoghanna**, Printing, publishing Imam Hadi, Qom, 1415 AH, p. 236.

§§§§ Tusi, Mohammad Ibn Hassan, **We eventually**, Second Edition, Dar Al- ketab Al- Arabi, Beirut, 1400 AH, p. 460

\*\*\*\*\* Ebn Boraj, Abdolaziz, **Almahzab**, Printing, Publications Office affiliated to the Society of Seminary Teachers of Qom, Qom, 1406 AH, vol. 2, p. 189.

††††† Allameh Helli, Hassan Ibn Yousef, **Mokhtalef Ashie**, Second Edition, Publications Office affiliated to the Society of Seminary Teachers of Qom, Qom, 1413 AH, Vol. 7, p. 85.

born<sup>++++</sup> and promise to Khoi in the foundations of Arwa<sup>§§§§</sup> and Hakim have Arwa pretext.<sup>\*\*\*\*\*</sup>

Gulpaigani in directing neither marriage, nor adulterers and adulteresses person born of adultery and marriage midwife herself and her daughter is an abomination.<sup>+++++</sup>

*Third group are quoted at length: it is abomination to the general permissible to dedicated midwife.*

Sheikh useful in Almaqna'h: Marriage is not a problem as long as the midwife he has not trained at his home after marriage if he is trained midwife is an abomination.<sup>+++++</sup> Hilli in Ahkam rules: contract midwife and her daughter is an abomination.<sup>§§§§§</sup> The same is also stated in the Guidance Alazhan.<sup>\*\*\*\*\*</sup> fluffy researcher at the Almaqased<sup>+++++</sup> and Ibn Fahd solution in Almahazeb Albar<sup>+++++</sup> water and sanitation in the

<sup>++++</sup> Yazdi , Mohammad Kazem , **Arwa**, second edition, Alam Al- Matbuaat , Beirut, 1409 AH, Nikah book , Issue 7.

<sup>§§§§§</sup> Khuei, Abolghasem, **foundations Arwa**, Seal, Dar-Alelm School publication, Qom, 1409 AH, vol. 2, p. 8 Rule

<sup>\*\*\*\*\*</sup> Hakim , Mohsen , **Mostamsek Orvah** , Printing, Dar Al-Tafsir , Qom, 1416 AH, vol. 14, p. 8.

<sup>+++++</sup> Golpayegani, **MR., Hesayat Al-** Ebad, printing, Nashr Al- Eslami, Qom, vol. 2, p. 302

<sup>+++++</sup> **Mofid**, Mohammad Ibn Mohammad, **Almaghnae**, printing, small world theory Millennium Sheikh Mofid, Qom, 1413 AH, p. 545

<sup>§§§§§</sup> Allameh Helli, Hassan Ibn Yousef, **Ghavaed Alahkam**, d. Printing, Publishing office affiliated with the Society of Seminary Teachers of Qom, Qom, 1413 AH, Vol. 3, p. 49.

<sup>\*\*\*\*\*</sup> Allameh Helli, Hassan Ibn Yousef, **Ershad Al- Ahzan**, Printing, Publications Office affiliated to the Society of Seminary Teachers of Qom, Qom, 1410 AH, vol. 2, p. 27.

<sup>+++++</sup> Mohaghegh Korki , Ali Ibn Hassan , **Jame Al-maghased** , Second Edition, al-Bayt Institute, Qom, 1414 AH, vol 12, p 484.

<sup>\*\*\*\*\*</sup> Ibn Fahd Helli, Ahmad Ibn **Mohammad, Mahzab Al-bare**, Printing, Publications Office affiliated to the Society

discovery<sup>§§§§§§</sup> , and the investigator solution also Almokhtasar Alnaf<sup>\*\*\*\*\*</sup> and Fakhr al-Muhaqqiqin also clarify<sup>+++++</sup> and Seyed Ali Tabatabai in Riyadh Masa'il<sup>+++++</sup> have referred to this entry.

Researcher solution in the laws of Islam: contract when a person trained midwife and her daughter is an abomination.<sup>§§§§§§§</sup> Najafi in jewelry Kalam has said the same thing<sup>\*\*\*\*\*</sup> is the second martyr in masalek to this entry.<sup>+++++</sup>

Khansari comprehensive Almdark: But contract for the midwife after forbidding it in the narrative.<sup>+++++</sup>

The first martyr in Lama Dameshgh: contract midwife is an abomination.<sup>§§§§§§§</sup> Allameh

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of Seminary Teachers of Qom, Qom, 1407 AH, vol. 3, p. 311.

<sup>§§§§§§§</sup> Fazel Abi, Hassan Ibn **Abitaleb, Kashf Arromuz**, Third Edition, Publications Office affiliated to the Society of Seminary Teachers of Qom, Qom, 1417 AH, Vol. 2, p. 527.

<sup>\*\*\*\*\*</sup> Mohahegh, Jafar **Ibn Hassan, Al mokhtasar Al-manafe**, Sixth Edition, Diniyeh express institute, Qom, 1418 AH, Page 181.

<sup>+++++</sup> Fakhr Al- mohagheghin, Mohammad Ibn hassan, **former source**, Vol. 3, p. 124.

<sup>+++++</sup> Tabatabaei, Seyed Ali, **Riyaz Almasael**, printing, Institute Albatat, Qom, 1417 AH, vol 10, p 269.

<sup>§§§§§§§</sup> Mohaghegh Helli Jafar Ibn Hassan **.Previous reference** .vol. 2 .P; 527

<sup>\*\*\*\*\*</sup> Najafi .Mohammad Hassan **Javaher Al-Kalam Fi Sharh Sharae Al-Islam** .7<sup>th</sup> pub. .Dar Al-Ehya Aldorat Al-arabi publication .Beirut . ١٤٠٤ lunar . vol. ٣٠ P: ١٣٥

<sup>+++++</sup> Ameli Jabaei .Zeynoddin **.Rozat Al-Bahya** .

translation of ali Shirvani .Second edition .Dar Al-Fekr .Qom . 1994 .vol. ٧ P: ٤٢٣

<sup>+++++</sup> Khansari .Ahmad Ibn Yousef .Previous reference . vol. 4 .P: 284

<sup>§§§§§§§</sup> Amelli .Mohammad Ibn Makki .Lama Dameshgh . first publication .Dar Al-Toras – Dar Al-Eslami .Beirut ١٤١٠ . lunar . P: ١٤٧

Shahid Sani in history has confirmed the same thing.\*\*\*\*\*

Sabzevari researcher failure in this regard the view expressed Ahkam said: first: to some marriage is an abomination to the midwife††††††††††. The second contract and signing with her raised daughter midwife that person is an abomination.††††††††††

### 3-1: Analysis of the sayings of scholars

There is no doubt that the promise that was expressed in the words of the third and last people in the Early scholars would be popular and famous quote that is second to Hilli in on is different. But I promise that prohibition is expressed very rare, so we are searching for someone other than Saduq not expressed in Almaqan.

There is no reason after reason to regard the Qur'an and the hadiths about it because that is about it first entered this regard is that the narrative: The narrative clearly midwife and her marriage is forbidden, but forbidding the said that; and It is clear that the midwife is only born once we occupied in this matter in spite of appearances, and, this is not out of the two aspects:

First, it compared the moral behavior in observance of honor is born by a midwife; that is born of respect for her midwife obligatory, as is obligatory to respect his mother and nothing to do with any religious order.

Second, it suggests that the lawmaker likened to a religious matter not covered explicitly and pointedly stated in his speech; that is the reason that the sanctions are entered Discussion milk eat the midwife of nurse midwife who is born and this significant justification on this issue and no doubt that is forbidden to him and the marriage with her is forbidden and it is possible that this is justified by the following is the news that is approved bring, which is forbidding the midwife for the birth of accepted and he has trained and acting as Reza is perhaps what is meant by sponsorship and training.

But the narrative this narrative is explicit in forbidding marriage with the midwife in training. And the third story, explain this is like the first version.

Fourth narrative implies the sanctity of marriage is absolutely.

The fifth story; the story is absolutely implies license without tying up the abomination, education, and otherwise.

Sixth narrative explanation of this tradition dates back to the fifth narrative explanation.

Seventh narrative: The narrative about two questions arise:

1. What is the purpose of sponsorship from a midwife?

Answer: There is no doubt that this sponsorship means Reza in Spanish and religion, but the word is Reza. Sheikh Hurr Ameli following this

\*\*\*\*\* Jabaei Amelli .Zeynoddin .previous reference .vol. ۱۵

P: ۲۴۲

†††††††††† Mohaghegh Sabzevari, Mohammad Bagher Ibn Mohammad, Kefayat Al-Ahkam, Islamic publishing office of the Society of Seminary Teachers of Qom, Qom, first, in 1423 AH, vol. 2, p. 79.

†††††††††† Ibid, p: 162

story<sup>§§§§§§§§§§</sup> and critical interlocutor in

Hadaegh<sup>\*\*\*\*\*</sup> to this entry the order of bail in its narrative and meaning of midwife area that is forbidden in traditions that are born midwife milk, not only gave birth to him, because bail is not meant Reza nor indicated its sponsorship guarantees and warranties, including but not after Reza person may be acting out of and the other person, but she not be the critical factor is not in its place.

2. Why Imam himself and forbade his son and his friend from this, is that this is about religious orders and for some people, but of all the people, both their leaders and non-?

Answer: This expression implies superiority midwife if coaching is to leave the marriage, and that the Imam did not forbid all but myself and my son said, and this implies that it is better to leave this marriage the Imam himself and His family is of the highest order.

The eighth version of this story stated expressly prohibited absolutely just because Ali Ibn Abi Hamza is aware of the weakness of the document.

Negus, Ibn Ghazaeri about him was not properly considered said Ali Ibn Hamza Sheikh Tusi about it in the world and the coveted property.

Thinking about the traditions mentioned above is known that some of these narrations explicitly forbidden is permissible, and some of them explicitly.

However, what is explicitly forbidden is twofold:

The first is generalized or otherwise teacher midwife.

The second is confined to training and it is clear that the general rule on this issue and other issues referred to by constraint is that there is a restriction appears bound in tradition.

So for someone thinking it is obvious that the purpose of the first application of it is not bound by the absolute order of the midwife, the midwife of marriage is not the sum of the midwife in general and this two parties of cabbalas to given that some of the traditions of the document are weak and we have made its weakness in its place.

After it was proved that they are the traditions that hamper contains only the midwife. But in front of it are incorrect narrations indicate that the licenses are not bound to anything, and no reference to principles of conflict and requirement is clear that in principle it is permissible, but it is possible that someone texts authorization on to be consistent with the known texts prefers to mutually agree to those demands principle, and this is one of the preferred toys.

And the reason why that attributes coherence to prohibit mutually texts such as Sheikh Saduq to recognize it, that famous theory agrees with the requirement, and the reason is no doubt that we have received this authorization and to act with

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§§§§§§§§§§ Hor Amelli · Mohammad Ibn Hassan · **Previous**

**Reference** ·P: 502

\*\*\*\*\* Bohrani ·Yousef Ibn Mohammad, Hadaegh Annasere ·Islamic publishing office population of Seminary Teachers of Qom, Qom, first edition, 1405 AH, vol. 24, p.

texts and forbidding to give up and we believe the license.

This is all that is required to investigate the issue of marriage midwife.

According to a third quote is chosen had the distinction of being abominable, but this is bigger abomination in midwife, the teacher midwife being allowed to marry non-teacher abomination. This sentence is more severe in the abomination and also promised to about a midwife daughter.

But why is this promise due to the length abomination, because we see that common sense born to her midwife who trained him in the period of interest and friendship is the result of take to a higher stage in adulthood, which and it is this interest and friendship.

Person born because of the interest in the midwife's right to respect for her as any right and duty of the midwife feels himself as the sense of duty towards his mother, and perhaps this interest, the texts expressed reason "Hey, some Amhath" this means that for such communication is born is born with midwife relationship with his mother and this means that the heart of the midwife is born of affection toward his parents as affection, and it is clear that have an interest for the family members such as mother's favorite son has prevented interest and Muslims juristic marriage is common sense and the common good, and the lawyer is no doubt that this habit has confirmed this and maybe that's why we reason in law to encourage married with a midwife and her daughter do not see that marriage requires love and a new relationship is not possible between it and the former accumulate interest.

Hence that we may be also attached to the abomination marry her midwife and extreme abomination.

### ***Conclusion***

Islam to marry a woman with a child who is placed about his upbringing, abomination strong guarantees. Accordingly the legal point of view and according to the jurists, marriage, family head and the adopted child, abomination, it is the extreme abomination.

In this regard, the marriage of the son of the midwife who delivered him to nurture his abomination the abomination, and if the midwife is more intense and even some jurists consider it forbidden; family head as midwife's family.

Abominable married man with a midwife herself and her daughter, and the maximum is this hate ... and also the coupling to the daughter of a midwife ... abominable descendant of the person, his son marry the daughter of his wife after she separated from her husband who is next ... and it is abominable to marry an adulteress to repentance.

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