

## Studying wife's inheritance status in Iran and Lebanon law

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**Abstract:** According to positive rules and laws of Iran and Lebanon countries, wife gets his liability from his dead husband inheritance. In this regard, it is necessary to explain that in Iran law, when wife is unique heir and receives his inheritance that is given by liability, if the above legacy has excess, that excess will not give to wife, so the excess that wife is deprived of it, will be property without heir and will be given to ruler as Imam property. If husband is unique heir, he will receive his inheritance as well as excess of inheritance (in the case of inheritance excess) but in Lebanese law if wife is unique heir of his husband, she will get all inheritance. The question is which properties will be inherited by wife. In this regard, wife inherits all properties in common law and Personal Status Law and Trials Procedure of Lebanese but in Iran Civil Law, wife is deprived of same immovable property and she will inherit the property price in proportion to her inheritance. It is worth noting that in both Iran and Lebanon law, wife inherits financial rights related to immovable property of deceased husband.

**Key words:** *Wife; Inheritance; Liability and Immovable property*

### 1. Introduction

Marriage is a legal, ethical and social relationship and its legal issues are provided in Sharia and civil law in different states such as alimony, wages, inheritance, etc. Some family legal issues are very complex and difficult. One of these issues is inheritance. Literally, inheritance means a property that remains from deceased person and a property that is transferred from deceased person to survivors. This happens without the will of deceased and survivors. The reasons of inheritance include 2 cases: the descent and causes. Affinity and descent

Descent includes the relationship and connection of one person with others through Sharia birth.

Descent heirs of deceased include: father, mother, son and grandchild, paternal grandfather and grandmother, their brother, sister and children also, uncle, aunt and their children and those who inherit through affinity, including parity and non-parity (loyalty of Atq, loyalty of Zeman Jarira, loyalty of Imamat)

Husband and wife will inherit each other when they have permanent contract. Inheritance in different countries and legal systems differ in accordance with laws, resources, cultures and religions. There are concerns for lawyers in justification, explanation, and wisdoms of inheritance about women and the way of update with demands and concerns of new era due to equality of rights idea and women's activities to restore their rights. The study compares wife inheritance law in Iran and Lebanon in order to explain their evidences and documentation; also,

studies the inheritance rights of wife in order to know the strengths and weaknesses of Iran and Lebanon law so that possible shortcomings of rules can be overcome.

### 2. Literature

#### 2.1. Inheritance

Legacy includes the transfer of right from real dead individual or sentence to real live individual or sentence. It includes also, deserving something to individual only because of another death based on affinity and descent relationship (Jabal Ameli, 1428).

#### 2.2. Wife inheritance in Islamic law

Islam fought unfair aspects particularly disproportionate beliefs of society about women. Islamic religious has regarded women as family pillar through enacting laws concerning women, especially in the case of inheritance. According to Islam, men and women complement each other and they need each other to survive and each one separated from other is incomplete. So they are not equal and similar at all directions and they have undeniable differences physically and mentally that are requirements of their role in world. Despite all the differences between them, Islam demands justice between them and the requirement of justice between men and women is that their rights are different and based on their tasks.

One of the men and women's rights is to inherit from each other. What is expressed about wife inheritance in Islam is in fact a revolution in favor of women. Islam sets women among the heirs of

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husband and provides her independence from the beginning in seizing and possession of property. According to Islam husband inherits twice wife and the difference in inheritance is due to financial costs and obligations which is the sole responsibility of husband and wife has no obligation towards it (Katoziyan, 2009).

### 3. Pillars and reasons of inheritance

Inheritance reasons in Imamiye Figh include: Descent are affinity. Descent means connection of one person to another person through birth such as father and son or their birth leading the third party based on descent name in common law and legal aspect (Shahid Sani, 1220)

Descent has three ranks, if previous ranks exist, other rank will not be considered. First rank includes parents without their fathers (without going up) and descendants. Second rank includes siblings (parents, father and mother) and ancestors and their descendants (in the absence of their parents). Third rank includes uncles and their descendants, provided that kinship name is true for them. Affinity is in two cases: the parity and loyalty; loyalty has three ranks:

A) Loyalty of Atq: it is a relationship between slaveholder and released slave; if released slave dies under circumstances and he has no descent heir, the previous slaveholder who has freed slave will be heir.

B) Loyalty of Zamin Jarire: Jarire means crime; two persons contract to support each other and become wisdom for each other and inherit from each other.

C) Loyalty of Imam: If someone has no heir, Loyalty of Atq and Loyalty of Zamin Jarire, Imam is his property heir and in the absence of Imam, Vali Fagih is heir. (Najafi, 2005)

### 4. Inheritance position in Positive Law

#### 4.1. Inheritance position in Iran Positive Law

One of the main sources of Iran law is Constitution of Islamic Republic of Iran where general principles of law and criminal policy policy are prescribed and no law can violate rights and privileges that Constitution has considered for individuals, therefore, Article XII of Constitution provides:

"The official religion of Iran is Islam and Twelver Shi'a and this principle will be unchangeable to the end and other Islamic schools, including Hanafi, Shafi'i, Maliki, Hanbali, and Zaydi are respected and followers of these faiths are free in religious ceremonies, according to their Figh, and are formal in religious education and personal status (marriage, divorce, inheritance and wills) and related litigation in courts. In each region where the followers of these religions have majority, local regulations will be based on that religion in the jurisdiction of Council,

provided that they protect the rights of other religions."

In this principle, non- Shiite Iranian inheritance status has been determined, also in principle XIII, it has decreed that Zoroastrian and Christian Iranians are the only recognized religious minorities who are free in law to practice their religious ceremonies and accordingly, act in personal affairs and religious education based on their ritual. Provisions related to inheritance in Iran law are provided in first volume of Civil Code, it starts from Article 861 and continues to Article 949; Articles 940 to 949 are related to couples inheritance. It must be noted that these cases are related to Iranian Shi'a citizens; according to Article 6 of Civil Code, laws related to personal status, such as marriage, inheritance, and so on will be applicable to all Iranian nationals, even if they are abroad. Article 7 states that foreign nationals residing in Iran, in the case of matters related to personal status they follow their respective states law (AMID, 1963). Under Iranian law, all that remains from deceased person's property is part of personal status. Heir is property that is transferred involuntarily to heirs and becomes heirs' property. (Art. 140) The involuntary transfer has limits, gaps and conditions like all transactions which will be discussed in the next section. (Of course, in the case of wife inheritance)

#### 4.2. Wife inheritance in Lebanon law

Civil rights in Lebanon include Personal Status Law and Trials Procedure that are applicable for Lebanese Christian. Since, most of Lebanon population are Christian, their civil rights have become law and other sects in personal status, refer to their own courts and judgments are done according to their religious rites, and matters are resolved. It is worth noting that Lebanese Shia population is few and they refer to their own courts in personal status issues. In this case, their rules are not significantly different from Iran positive laws; because followers of Shiite have Shariah courts based on Jafari Figh and these courts apply still part of Ottoman family law that is consistent with Jafari Figh (Twelver Shi'a). (Parvin, 2007).

### 5. Requirements of wife inheritance realization

#### 5.1. Specific circumstances of wife inheritance in Iran law

According to Article 940 of Civil Code that provides: "Couples with permanent contract who are not deprived from inheritance, they inherit each other and according to article 864, there must be four basic provisions so that woman can inherit from her husband. These provisions include:

A) The parity bond (marriage)

B) Conservation of parity in the death of her husband

C) The permanence contract of marriage

D) Not prohibition for wife in inheritance (Mehrpour, 2009)

### 5.1.1. The parity bond

The parity bond relies on two cases. First, marriage validity and intercourse; second, marriage contract in the case of disease leading to death, which will be discussed below:

#### 5.1.1.1. The validity of marriage and intercourse

The marriage contract must be done correctly in order to maintain parity relationship between men and women; since the valid marriage leads to parity relationship. According to Jawaher Alkalam: If marriage occurs correctly between man and woman and the barriers to inheritance are removed, and one of them dies before intercourse, one of them will inherit from another one (Najafi, 1981).

Article 1102 of Civil Code verifies mutual rights and obligations of couples in marriage. So, if someone has made a mistake marriage with his Rada (figh) mother, couples do not inherit from each other; however, semi- descendants inherit from parents (vice versa). No matter, the corruption in contract is discovered or not (Jafari Langroodi, 2005).

Point of interest is that if the marriage is valid, couples inherit from one another, even if the intercourse has not occurred, there is consensus in this case an most jurists have stated that intercourse is not requirement for couple inheritance and valid marriage leads to inheritance (Mehrpour, 2009).

#### 5.1.1.2. Marriage contract in disease leading to death

As it was mentioned, valid marriage leads to inheritance and intercourse is not requirement of couple inheritance. There is one exception to this rule; if a man is ill and contracts a woman and he dies at the disease time and before intercourse, woman does not inherit from him; but if he dies after intercourse or after health, she inherits him (Article 945)

### 5.1.2. The requirement of parity relationship survival until husband dead

The second requirement, parity relationship survival will be until husband dead. The requirement of couples' inheritance from each other is that they must have parity relationship as well as their parity bond must be in death time and is not interrupted by divorce or annulment. If this relationship is broken, they don't inherit from each other. There are also exceptions for this rule that will be discussed below. One of the exceptions is revocable divorce and the other is divorce that is done by court and the third one is divorce in disease.

### 5.1.2.1. The permanence of marriage (wife inheritance sentence in temporary marriage)

The third requirement for wife inheritance from husband is permanent marriage. In this regard, the first point that must be noted is that, one of the issues that has been claimed to be unique for Imamiye Figh is Mut'ah marriage (temporary) and other public schools do not allow it. Thus, the temporary marriage is one of the characteristics of Iran family law and there is no such facility in other countries. This legal establishment is due to free relationships between men and women and in order to prevent illegal sexual relationships and protect society from prostitution. (Mohaqqeq damad, 2005)

## 6. Requirements of wife inheritance realization in Lebanon

Lebanon's personal status law has listed general and specific requirements to fulfill wife's inheritance like Iran law. In Article 209 of this law, 3 general requirements are introduced in order to realize inheritance and these requirements are for all heirs and wife.

1. The most basic requirement that is used for all heirs is testator's death. Real dead is person who is currently far from living and his death is proven through seeing and testimony of two righteous one in court. In this case, death person's Heritage is given to his heirs. Sentence death is one that is given by judge or due to religious sentence such as heretic who is condemned religiously to death and the judge has sentenced him to death, although he still is alive. Sentence death is in cases where someone is missed and since his partners have died and judge finds out considering the evidences that may be he has died, and then he issues his sentence on his death. In this case, there is no difference between Iran and Lebanon law.

2. The second requirement is their life at the time of testator death. Virtual life has been accepted in Lebanon law. Virtual life means fetus whose creation is completed but not born. This case will be fully described in Chapter II. This condition is not different from Iran requirements.

3. Having knowledge: Having knowledge to the fact that heir inherits due to descent or parity or adoption or off spring. The general requirement aims to bring out people who have been listed as heirs through requirements of contract.

## 7. Wife inheritance obstacles in Lebanon law

Inheritance barriers have been provided in Article 211 of Lebanon Personal Status Law and Trials principles in Chapter 10, first paragraph-general provisions of inheritance and inheritance barriers including:

1. In this Article, Lebanon law unlike Iran law, has considered unintentional murder of testator by an heir as barrier for inheritance and has noted

whether murder has killed independently or as partner in murder. Perhaps, the reason for this case is civil punishment of killer and depriving her from inheritance is a civil penalty for killer. Lebanese legislator may seek to prevent killings that take place with the aim of early seizing the heritage.

2. The difference in religions: the second barrier for inheritance is differences in faith of heirs and testator. In this regard, the law has not explained and it seems that there is no difference between Iran and Lebanon.

The Article provides that the following case is third obstacle of wife inheritance, that is:

3. Lebanon law: permanent abandonment of wife due to adultery, if marriage is not disjointed due to adultery, its sentence in Inheritance is according to adultery guilty; of course, after clarifying the issue in trial and sentencing on invalidity or termination of marriage by court. Generally, the aim of this Article is that adultery prevents inheritance. However, the court must approve wife adultery and then order the termination of marriage. So, the words of one of them are not considered and marriage is not terminated, but documents must be provided for court. If he leaves his wife due to seeing adultery, there is no need to prove wife adultery in court and marriage is itself terminated and inheritance is cancelled between couples.

What is important is that law has been stated in Article 214:

Religious courts are righteous only on presence or non- presence of inheritance reasons and exclusive jurisdictions of any tribe have right to investigate inheritance barriers. This provision means that inheritance barriers don't govern constantly all Lebanese Christian tribes, but in this case, the court will apply its own tribe law.

4. Leaving faith by women: Article 47 on woman infidelity states that if a woman leaves religion, all of the rights that she has acquired through marriage will be disappeared and she will not have rights in getting dowry, inheritance and alimony and husband can return rights from woman that are not removed by woman's infidelity.

## 8. The wife inheritance

Number of shares have been determined for some of heirs in Quran including: one half, quarter, two thirds, one third and one sixth for heirs such as couples, single girls, parent sisters, lone father, wife, etc. There is no liability for some, like son, brother- for example in the case of children, it is said that boy inherits double girl- that is commonly said they inherit due to affinity; in dividing inheritance, firstly descents and then affinity receive inheritance. (Sheykh al-Islam, 2005)

## 9. Wife liability in Iran Civil Code

Iran Civil Code has divided heirs according to Imami Foghaha into "descent" and "affinity". Article

893 provides: "some heirs inherit by descent, some by affinity and some by both descent and affinity."

Also, Article 894 has defined descent and affinity. Article states that: "Descents are those whose share for heritage is determined and affinities are those whose share is not certain." In other cases, shares and their owners are mentioned. The shares that are specified in Article 895, match the shares that have been mentioned in Imami Figh. Also, in Article 896, people who inherit by descent include: mother, husband and wife.

Article 897 determines people who are descent and affinity and then states immediately in Article 898 that heirs other than above Articles are considered as affinity.

Thus, according to above Articles, heirs are three classes; sometimes they are descents and sometimes affinities and sometimes both of them. In prioritizing heritage between heirs, Article 905 of Civil Code wand has stated that: Each share owner will receive from heritage and reminded amount will be given to affinities and if affinity in that class is not equal to descent in degree, the remained will be given to descent, except for couples who are not given; if there is no heir other than wife, excess will be given her. According to this Article, firstly descents and then affinity receive inheritance and if there is no affinity in this class, remained heritage will be given to descents.

Lawyers have defined descent as below: "Special share of heritage that law determines for some heirs in each category" (Katoziyan, 2010)

## 10. Wife liability in Lebanon

In Lebanese law, heirs are divided into 3 categories. Article 215 provides that:

The first rank consists of children and children's children. The aim of child is legal child. Illegal heir is determined in other Article that is a quarter and a second of legal child. The important point in Personal Status Law of Lebanon is the no- difference between male and female inheritance. As we have seen, this article emphasizes that there is no difference in inheritance between boys and girls, as well as between children from different wives. The point that must be mentioned here is that polygamy is not accepted in Lebanese law, and the purpose of children from different wives in this article is the children from living wife and children from deceased or divorced wife. People in this rank prevent second and third rank people from inheritance. There is one exception; the individuals who have been separated by legislator which are associated with each rank, are not excluded from inheritance and will inherit. They are parents, husband and wife and stepson.

The second rank consists of parents, siblings and their children. If the deceased is unmarried, his inheritance will be divided equally between his parents and his siblings will not inherit.

The third rank includes grandparents, paternal and maternal grandparents and aunts and uncles

and their children. This rank will inherit if there is no one from first and second ranks (Marwan, 1988).

### 11. Wife heritage in Iran Civil Code

In the past, i.e. before February of 2009, Article 946 stated that wife inherits only from moveable property (of all kinds) and does not inherit from buildings and trees. This means that the Article has not considered any right for woman to inherit from immovable property which is land. According to amendment of Articles 946 and 948 and deletion of Article 947 by Parliament in 2008, it expanded wife right enjoyment from his property to price of immovable property, so that if the heirs refuse to pay the price, woman can benefit from the same property.

According to theories that deprives wife from home ground, legislators chose famous Imami Fogaha views and benefited women from price of immovable property (and lack of same), in this regard, he has not considered distinction between woman with child and woman without child.

According to popular opinion, in the case of woman marriage with another person, the best choice is that the price of land and buildings is paid to his wife in order to prevent the possible entry of an alien husband to survivors of deceased person; according to the twelfth verse of Sura Nisa (divorce verse) wife inherits all properties of husband, paying price of land and buildings to wife is closer to truth with the purpose of consensus between this verse and traditions and the lack of consensus on excluding wife from same property and its prices and according to the wisdom of non-delivery of land and buildings to wife and traditions that denote wife inheritance all from heritage (Allameh Helli, 2002).

### 12. Wife inheritance from financial rights

#### 12.1. The Preemption right

Article 140 of Civil Code has announced the acquisition preemption as a mean of ownership and has defined preemption in Article 808 as below: "If an immovable property is to be divided between two partners and one of them transfers his share with selling intention to a third party, the other partner is entitled to pay the price to him and get the property. The right is called preemption and its owner is called Shafi." According to this Article, Shafi will be entitled to possess unilaterally the preemption property (Unilateral obligations). According to Article 823, preemption right will be transferred to heir or heirs after his death. Now the question is whether the wife can also use preemption right as heirs or not?

Some Fogaha believe that preemption right will be transferred to wife as other heirs (Mehrpour, 13).

They suggest that it is true that wife is deprived of immovable property and cannot inherit from her husband's land and building and the amount of land that belongs to testator, but by preemption right she

can benefit from preempted property by testator (Najafi, 394).

Most lawyers have accepted the idea that wife has preemption right. Its opponents may argue that heir becomes owner of sold property through the acquisition of preemption; in fact, after the termination of contract, the sold property will enter the deceased's property and then his heirs will inherit, however his wife will not inherit since it is immovable property. The response to this problem is that according to Article 956, deceased one cannot own anything. So, given the fact that capacity for enjoyment of rights ends with death, deceased person does not have capacity of possession, therefore property will not enter in his possession. On the other hand, when the heirs wish to exercise their preemption right, the first thing that they must do is to pay the sold property price to customer and this fee is usually paid from deceased one heritage. The wife must be considered as partner in the exercise of this right and she must benefit from this right according to her share. Some lawyers believe that what is paid to wife has preemption right, is the right to possession not the same ground (Katoziyan, 19).

According to Articles 946 and 948, wife will certainly use preemption right and since obtaining preemption has been mentioned independently in Article 140 and preemption is used in parallel to inheritance, then, wife can inherit from immovable property subject to preemption.

#### 12.2. Wife inheritance from Option

Another financial benefit that is given to legal heir upon the death of testator is the Option right. Is this right will be inherited to wife or not?

According to Civil Code, wife will inherit from all movables and immovable property price and given the fact that Option right is among financial rights, so, wife will certainly inherit from Option right, whether she has right to inherit property or not. With regard to the Civil Code where wife inherits from immovable property price not the same property, the question is that, in the case of Optional trade, if the wife inherits from same property or its price?

In particular, this assumption is anticipated that if the parties or one of them dies, after applying cancellation option, the owner will be owner of termination time and it will not be given to deceased. Namely, it goes straightly to heirs and is not added to heritage of deceased, and then it will be transferred to heirs according to inheritance.

On this assumption, some have commented that if we consider deceased as owner, the wife will inherit its price, but if the deceased is not an owner and heirs become owner directly (Even using the option right that are inherited from a deceased) wife will inherit from sale; Option right is financial right and it is not trees or building that deprive her from right (Jafari Langroodi, 2009).

It seems that, according to above reasoning and absoluteness of Article 445 and in particular Article 956, that considers the capacity to possession during life time, so, we can say if the owner dies before applying the option right, then the option right will be given to heirs not the property arising from applying right. This means that the right is given to heirs and then the right will be applied. Accordingly, the property resulting from applying the option right will enter straightly to heirs' property and each of heirs will benefit from the same property in his proportion since option right is an independent financial right.

### **13. Wife inheritance property in Lebanon law**

#### **13.1. Wife inheritance from immovable property in Lebanon law**

In the case of wife relation inheritance related to movable property, wife will inherit her share from deceased movable property. In the case of immovable property, the Lebanon law has acknowledged that:

In the case of having children, wife will be deprived from inheriting land, buildings and immovable property. Thus, Lebanon law for immovable property has made distinction between wife with children and wife with no children. If the deceased had no children- in this case, stepchild is like main child- wife will inherit her share from immovable property. If the deceased had child-stepchild or main child- wife will not inherit from immovable property of her husband (Avaz Ali Abdullah, 2011).

The difference between Iran and Lebanon law is that in Iran law, wife will inherit from immovable property prices, but in Lebanese law, wife with no children will benefit from arena and ground.

#### **13.2. Wife inheritance from financial rights in Lebanon law**

##### **13.2.1. Preemption right**

Lebanese Commercial Code adopted in 1942, has defined Preemption in Article 830 and states in next Article that if several members of the same class, use preemption, preemption right will be given to each of them in proportion to their share. So, in this Article, inheritance in preemption has been accepted.

In the case of partnership survival, when one of partners dies, Article 66 of law states that:

In Partnerships, if one of the partners dies, if he does not have wife or children as heir, partnership will continue among other partners, but if deceased partner has wife or child, they will be successor and will inherit his rights. So wife will have all the rights of partner. One of these rights is preemption right (Nadin Mashmushy, 2010)

### **13.2. Option right**

According to Lebanese commercial law Article 67, option right will be transferred to heirs; like preemption, the wife will benefit from option right. In this case, there's a fundamental difference with Iran law; that is, Lebanese commercial law has conditioned option right inheritance in Article 67 and says:

Option right is inherited to heirs when this right is under clear paragraph that is noted at the time of contract (Nadin Mashmushy, 2010)

### **14. Research hypotheses**

1. In Iran Civil Code, if couples have children, women will inherit from one-eighth of movable property and one-eighth of immovable property price including arena and ground. Such a procedure is adopted in Lebanese law.

2. According to common principles of Figh between Iran and Lebanon, wife will receive only her liability and excess will be given to governor as Imam Property.

3. In Iran Civil Code, legal nature of judicial divorce is not mentioned, but the procedure that has been adopted, indicates the inheritance relationship between couples. In Lebanon, this divorce is called Tatiq that indicates the inheritance relationship between them.

4. In Iran law, wife can inherit from the same all movable and immovable properties price. In Lebanese law, wife will inherit from all movable and immovable properties.

### **15. Conclusion**

In this study, the legal status of wife inheritance law was investigated in Iran and Lebanon that leads to the results with regard to questions and hypotheses, as following:

#### **15.1. The first hypothesis**

In Iran law, issues related to inheritance has acted fully in comply with law, and entitles wife to benefit from her dead husband's movable and immovable property, based on his proportion. Therefore, wife inherits from movable property- all kinds- and price of immovable property (deprive from same property) and there is no difference between the woman with child from dead husband and woman with no child. Woman inherits one fourth and one eighth of his share. In Lebanese law, wife inherits the dead husband from movable and immovable property; inheritance from the same immovable property is while he has no child. In this regard, the stepchild is like main child and prevents wife inheritance from immovable property.

Thus, the first hypothesis was not accepted that respected no difference between two laws. As we have seen there is difference between Iran and

Lebanon law in this case. There are differences between two laws in the case of wife's inheritance.

### 15.2. The second hypothesis

In the case of excess inheritance, Iran civil law has mentioned that husband and wife have been excluded. The excess inheritance will be given to husband only when he is the unique heir but wife is deprived of excess inheritance and even when the wife is the unique heir, the excess heir will not give her and rest of his property will be as property with no heir and provisions of Article 866 of Civil Code will be executed on that property. In Lebanese law, if the wife is unique heir, she will receive all property as well as excess property, but if there are children or other heirs, like Iranian law, the wife will be deprived of excess property. Therefore, the second hypothesis, part related to Lebanon was not accepted and as we saw in Lebanon law, excess inheritance will not be considered as Imam Property.

### 15.3. The third hypothesis

In judicial divorce, Iran civil law has mentioned requirements for divorce by wife and states that wife can suit divorce from court in below cases: the inability of husband for alimony, the husband refuses to give alimony, failing to perform court sentence and his obligation to pay alimony and also in case of distress and constriction for wife in her marriage. Court procedure has dethroned these divorces (divorce by court) so that husband cannot recourse to law and cannot clearly accept this type of divorce as irrevocable divorce and these courts procedure in this regard, shows the presence of inheritance relationship between couples. So, there is inheritance relationship in judicial divorce in Iran law.

Lebanese law considers below cases as reasons for wife refer to court for divorce, including: legal or civil crime by husband, health change, and rank and degree degradation that leads to distress and constriction. In this case, confirming any of these reasons, court allows termination of marriage and divorce decree in order to avoid damages to wife. In this type of divorce, Lebanon law establishes inheritance relationship and only in one case wife is deprived of inheritance and that is when divorce reason is leaving faith by wife. In this case, wife's right to get dowry, alimony and inheritance is annulled. In this type of divorce, Lebanon law stipulates that wife in judicial divorce only inherits from movable property and she will not take advantage of immovable property. The third hypothesis is fully approved.

### 15.4. The fourth hypothesis

In the case of wife inheritance of financial rights related to movable property, it must be mentioned that both Iran and Lebanese law consider

preemption and option as financial rights that are inherited by wife. Both Iran and Lebanon's law, consider directly these rights in property inheritance that each of heirs can benefit from same property in proportion to their share, because preemption and option rights are considered as independent financial rights. Therefore, the fourth hypothesis is confirmed.

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