Divorce is the legal solvent, that God does not like it too much, and is the legal rights and solvent of couples. This is the important thing; when, it implemented, the throne of God starts to tremble according to the narratives and sayings. In this paper is an attempt to recognizing about the solvent Decree Sharia and customary law, which is not very good.

**Keywords:** divorce, irrevocable, reversionary, the rights of Iran

### INTRODUCTION

Divorce is divided into two revocable and irrevocable categories.

The Purpose of divorce is irrevocable divorce that the husband did not return towards his wife again. In other words, according to the implementation of divorce, couples are banned from having sex and the attachment contexts of marriage, and if they want to establish a relationship again, without having any barriers, so that is running new concubine marriage among them. But in revocable divorce, the man can be refers to his wife as long as it end, without a new compose marriage. Such as divorce called revocable divorce and such as woman called divorced woman. Returned of the man to his wife must be present by saying such words or conduct in such divorce. Irrevocable divorce Apart from its time, husband has the right to refer to his wife and the parties shall have the rights and duties that are different from the rights and duties of irrevocable divorce. For example, if in revocable divorce, wife or husband die, they inherit and women are entitled to receive alimony. Also the man has no right to leave his divorced woman of their dwelling place until the period of time has not ended. In revocable divorce men and women do not disqualifies of the time if they commit adultery, their adultery is committing adultery. Despite forecasting, that the rights and duties to the regarding of Reactionary divorced woman to improve her status as the dignity of a real wife; that there has not been divorce. Some of scholars consider him and his wife at the time, some others consider his real wife. In other words, the view some of scholars, Revocable divorce does not break the family institution and is established the continuation of it. Must seen, whether divorced wife is real or is his wife in law. Since this issue will be examined from the perspective of Shiite jurisprudence; therefore, first expressed of views is proposed in this field [1].

From the perspective of Shiite jurisprudence in this regard, there are two words;

First reactionary divorced wife is a real one, second that his wife divorced is real in law. The proponents of the first views argue that the implementation of divorce, there is no separation between husband and wife, and both of them are still in the attachment contexts of marriage, and separation occurs when the time is over of this relationship, and husband does not find the right of referring. The second group believes that the implementation of divorce, the couple removed a attachment contexts of marriage together and is established the separation between them. And the lowest level is that the man has right to see. Due to this type of divorce remains in terms of the legal parity for some or all of reactionary divorcees, therefore, she is his wife in law, but not his real wife. One important point that must be considered that is about the reactionary divorcees, which is a real woman in religious books, Or incorporeal, and in case of be ruling whether the wife works is associated with him or not: Clearly, did not mention and some scholars have used both of the interpretation. And those, who are attached to the ruling, have not reason and documentation to prove this statement [4] as in other words, jurisconsults, who know the reactionary divorced as his wife, Zinc of the word "warrant" did not have special regard and their mean is the real wife; Although, there is a
difference between the divorced wife and the real wife as the Revocable attachment contexts of marriage exposure to decline, so if anyone can say to take this interpretation, this principle believed that reactionary divorced, is not his real wife and is his wife in law, by examining this issue is seen the jurisprudential route, that ancients believed the real wife were the reactionary divorced, And later are allowed as "warrant to being a wife". For instance, ShaykhTusi states in the expression of reactionary divorced non–licensed of 100: in the view of Shiite about the reactionary divorced is the wife, but in the view of Sunni is the wife in law." Many scholars, including researcher Sabzevari in "Save Almad" Indian Fadel "Kshfallsam" and Imam Khomeini have stated the same thing; but some other scholars including Sheikh Ansari, Mirza Qom, Seyed KazemYazdi, and Mirza Jawad Tabrizi are considered to the reactionary divorced of real wife. The only jurisprudent that clearly knows the real wife and believes the reactionary divorced wifeto be incorrect of ruling, according to view of the late Ayatollah Khoiei, On the other hand, deification to ruling of the reactionary divorced wife are in two types; Some such as Imam Khomeini and Ayatollah Fazel proved all traces of parity for reactionary divorced, Unless there is evidence to the contrary. But other groups, such as Ayatollah Eshtehardi, know applied with some of the parity. Therefore we can conclude:

1- The reactionary divorced is the real wife and has all of the effects of the wife; unless has exceptions by Sharia law.
2- The reactionary divorced is the real wife in law and has all of the effects of the wife; but has exceptions by Sharia law.
3- The reactionary divorced wife in order to be the real, but only associated with the effects of it that has said to him by legislator, if there is suspected to any effects, the principle is not to prove its effectiveness.

Difference between the real wives with his wife:
1-The nature of divorce: if the reactionary divorced be considered as the real spouse, the nature Revocable divorce is like spent marriage; But in the case of ruling, Revocable divorce has entity such sale contract and there is a right to terminate.
2- The nature of Reference: the nature of Reference is different in subject of the real or legal woman. According to proponents of the real woman, is not a new conjugal Reference but there is continue of parity that is located in subject of deterioration But deification to the ruling of woman, Reference considered as the new contract of marriage.Due to that the missing of parity returns again [2].

The nature of Reference: there is a difference among jurisprudents about allows of Reference in time of the right or rule. If it is a verdict, so is not portability; but in the case to be right, it is May be cannibalized or transfer of rights; something that is related to this topic, this is some jurisprudents considered the verdict or permit of reference that to be based on the real wife or ruling wife of the reactionary divorced and its effects.

4- Sequence the rights and duties of wife on reactionary divorced: The traditions and religious texts, has been applied the reactionary divorced wife in defined time. These rights may pointed to the following

1- if one of the spouses dies, the other party will inherit from him.
2- the wife is entitled to alimony.
3- In case of death about the one of spouses, there is possible to giving Baptism him by the other side.
4- the charity of reactionary divorced may be charge by spouses.
5- The cost shroud of reactionary divorced may be charge by husband.
6- Close the husband to his couple considerate as reference to reactionary divorced in defined time, if the husband is not intend to reference.
7- Wooing of reactionary divorced is not permitted whether clearly or in way of pointing.
8- if any of them get adultery, their adultery is adultery and they are stoned according to the social context,
9- Sware to withdrawal the marital relation is correct for the reactionary divorced.
10-until the reactionary divorced is in defined time, the husband cannot take his sister to the wife.
11- Mandoesn't have any right to married.
12-fornication with reactionary divorced who is in defined time, causes of the eternal sanctity.
13- If the husband has died, reactionary divorced should keep the defined of death time.
14- Recommended hajj is required of husband’s permission to reactionary divorced, but it is not required about the obligatory Hajj.

-the effect of reference: if we consider to a real marriage, the impact of reference cause to destroy the separation and disconnection and is an obstacle for separation; however, according to deification to the marriage ruling of the composition of divorce is achieved to separation [3].

-A condition and not condition of reactionary divorced for the enjoyment of intention to reference:

If the reactionary divorced wife considerate as a real wife, don’t require to reference; But if considered as a ruling, man's enjoyment of the woman is subject to intended to refer, and if it does not have such intention, he is not permitted to enjoy and if he does that, the man is guilty and punishable.

Base documents:

However, deification the opinion did not state the specific reasons for documentation; but to prove their point, can be expressed in the following documents:

1-being of ruling reactionary divorced wife to reasons
2-Being of Real wife to reasons, including the Koran and the traditions

3-Critical Review of reasons

Although some of our jurists like Dr. Katouzian do not protesting to this issue in accordance with the laws and rights of reactionary divorced that is as a his wife in law or real wife But others (Asadullah Seyyed Hossein Amamyv Safai) believed that Iranian legislator declared reactionary divorced wife in ruling, and because of their saying consider in two things:

1- legislator is considered pursuant a single divorce to Article 1120 led to the dissolution of marriage. Under this Article, marriage contract is dissolved with divorce or the termination or interruption of punctures during the marriage.

2-Paragraph two of Article VIII of the non-litigious Constitution clearly stipulates that “reactionary divorced woman who is in the judgment of the wife.” According to this article, one of the things the judge should refrain from intervening in non-litigious matters, that’s about the couples who is in revocable divorce to defined time, is as his wife. It seems that Article 1120 does not emerged of this mean that in spending composition of divorce disappear the marriage in revocable divorce. This Article only mentioned the dissolution of the marriage and is off its effect on the timing [5].

Conclusion:

What is used of the reasons of legal that reactionary divorced in defined time is the real wife and all traces of marriage are applied on his and his wife. So we can name of rule as “reactionary divorced wife is real wife”. Books, which have become to writing in the fields of rules about the jurisprudence And the laws of Iran did not mentioned to this story and it is considerable that the rule is given in religious books and reflected a legal articles.

References