

## **Semantics Of "Wa'de" and "Wa'id" and Its Effect On The Interpretation Of The Article 1035 Of The Iranian Civil Code**

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Acceptance: 11/08/2021  
Received: 25/12/2021

### **Abstract**

The meaning of the word "Wa'de"(meaning promise) in the legal term and its semantic similarity or difference with the concept of "Wa'id"(meaning is promised) is one of the controversial issues among the jurists. This term is used in the Iranian rules only in Article 1035 of the Civil Code and in relation to the "promise of marriage". Therefore, disagreements about the meaning of "Wa'de", has led the jurists to offer different interpretations about this word. The purpose of this research is a careful study of the meanings of these two words: "Wa'de" and "Wa'id", expressing different opinions and trying to choose the correct meaning of these words. Finally, the effect of this disagreement in meaning on the manifestation of different interpretations of Article 1035 of the Civil Code has been examined and the more accurate interpretation from the above words is presented and explained. This article is a descriptive-analytical research and its information has been collected by library method. The results have shown that, first, "Wa'de" as a simple meaning of promise is a distinct concept from commitment and lacks a binding elements; Second, based on this explanation, the sentence of Article 1035 of the Civil Code including that the promise of marriage is not binding, is restricted to the cases of "mere promise" to the marriage and does not include the cases that contain the commitment of the parties to marry in the future.

**Keywords:** Promise, Commitment, Promise of Marriage, Commitment to Marriage, Revocable Contract, Article 1035 of the Iranian Civil Code

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