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İTTİŞÂL [see İTTİHÂD].

İWAD [see 'ADL].

İWAD, exchange value, compensation, that which is given in exchange for something. In a very broad and generally accepted sense, the word is used in works of *fiqh* to denote the counterpart of the obligation of each of the contracting parties in onerous contracts which are called "commutative" (*mu'awadât*, from the same root as *'iwađ*); that is, contracts which necessarily give rise to obligations incumbent upon both parties. Thus in a sale, the price (*thaman*) and the thing sold are each the *'iwađ* of the other. Understood in this sense, compensation must be exactly determined and, in theory, equal in value to the thing of which it is the counterpart. Should it be lacking, then unjust enrichment (*fađl māl bilā 'iwađ*) will follow. Should the balance between the two dues be merely uneven then there is an illicit profit (*ribā*) gained by the man who receives more than he has given.

In unilateral contracts, the word *'iwađ* (*badal* and *thawāb* are also used) is employed in a more restricted sense; it is applied to the compensation offered by one of the two parties who is not absolutely obliged to give any. Two examples of this kind of *'iwađ* are the onerous gift and the *khul'* (agreed repudiation). In theory the donee is under no obligation whatsoever, but if he offers compensation (*'iwađ*) to the donor this need not have the same value as the thing given; it can even be purely symbolic, or, conversely, be worth far more; in Mālikī law it is even permitted to be undetermined. A husband has the right to repudiate his wife unilaterally and, of course, without demanding anything from her; if he makes the statement of repudiation dependent on payment of an *'iwađ*, compensation paid by the woman, the repudiation becomes *khul'*, but the *'iwađ* that the woman agrees to pay can have no more than an absurdly low value and be undetermined both in its total amount and even in its existence, all of which is quite impossible when the *'iwađ* constitutes an obligation corresponding to another obligation in a *mu'awada* contract.

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1938, ii, 109; Concerning compensation in the *khul'*, see Ibn Qudāma's exposition of comparative Muslim law. *Mughni*, Cairo 1367, vii, 61-4. For *'iwađ* in the gift, Kāsānī, *Badā'i'*, Cairo 1910, vi, 130; Shirāzī, *Muhadhdhab*, ed. Halabī, i, 446-7; Khalīl, *Mukhtasar*, trans. Bousquet, iii, 153.

(Y. LINANT DE BELLEFONDS)

İWAD WADJİH, a leading scholar and theologian, originally from Akhsikat near Samarqand [q.v.], was considered peerless in his day in both rational and traditional sciences. He received his education at Balkh in the "dars" of his namesake Mir 'Iwađ Tāshkentī. After completing his education he returned to his native village where he began teaching. Later he moved to Balkh and was still teaching when that town fell to the Mughal army under Awrangzīb. He came to India in 1056/1646; he entered the imperial service and was appointed *mufti* of the army. In 1069/1659, soon after his accession to the throne, Awrangzīb appointed him censor of the imperial troops, with an annual salary of 15,000 rupees paid against the rank of 1,000 men and 100 horse. He could not, however, hold this office for long and by his over-strictness earned the displeasure of the emperor who, while returning from a visit to Kashmīr, replaced him by Khwādjā Kādir (on whom see extract from *Mir'ās al-'Ālam*, ed. Muḥammad Shafī', Lahore 1953, 75), in 1073/1662 at Lahore. A year later he succeeded in regaining the favour of the Emperor, though not his office. He was appointed tutor to prince Muḥammad A'zam and his rank was restored. On the termination of this assignment he was appointed a teacher at the royal *madrasa* in Delhi, which post he held till his death. Held in high esteem, he was asked to act as a witness at the marriage of Prince Muḥammad Sulṭān, Awrangzīb's son, to Dūstard Bānū Begum in 1082/1672 along with Chief Kādī 'Abd al-Wahhāb. He again seems to have lost his rank, for the *Ma'āthir-i 'Ālamgiri* (cf. Eng. tr. 92) speaks of its restoration in 1086/1676 while he was living as a hermit. He spent the greater part of his life in teaching, "being highly honoured by the nobility".

A fanatical Sunnī, he insisted on the execution of one Muḥammad Ṭāhir, a Shī'ī who had slandered the first three orthodox caliphs, in 1082/1672. The criticism which his action aroused and the memory of his fall from grace twice during his life perhaps made him adopt the life of a hermit. No other work by him is known to exist except a gloss on *Akh'id-i Nasafī* which was preserved in the Berlin Library (cf. Brockelmann, *GAL S I*, 760). Brockelmann incidentally transliterates the second part of his name as al-Wadīh which indicates that it most likely was his sobriquet. This assumption is strengthened by the fact that *'Ālamgīr-nāma*, the official history of the first ten years of Awrangzīb's reign, at places describes him as "Mullā 'Iwađ" only. *Farhat al-Nāziri*, a Persian history of the times of Awrangzīb (only partially published; see bibliography), follows this practice.

His younger brother Muḥammad Ṭāhir was also a noted scholar. He was sent on a diplomatic mission to the court of Awrangzīb by Subhān Quli Khān, ruler of Balkh, in 1086/1675 only a year prior to the death of his elder brother. He was well-received at the court and presented with robes of honour, 21,000 rupees, a *pālki*, an elephant and a jewelled stick before his return to his native land (cf. *Ma'āthir*, Eng. tr., 92, 96). He died in 1088/1677, apparently at an advanced age, and was buried in Delhi.

Bibliography: Muḥammad Kāzım, *'Ālamgīr-*

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عَوَض:

- ١ - تعريف: العوض هو البذل المدفوع على سبيل المثامنة.
- ٢ - شروط العوض: يشترط في العوض ما يلي:
 - أ - أن يكون مالاً متقوماً: وعلى هذا فلا يجوز أن يكون الخمر عوضاً، لأنه مال