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The investigation of family management and supervision from the perspective of Islamic jurisprudence

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Abstract

The present study examines the management and supervision of the family and explains the Islamic jurisprudential viewpoint on this issue. What can be used for religious reasons in this connection can be summarized as follows:

- A) Interpretations such as Qawwam, Guardian, Raeli, etc., which are used for reasons, state that in Islam, family management and supervision are: taking responsibility for the protection and care of the spouse and children, and Their responsibility to care for the well-being and prosperity of the Islamic family is due to men's inherent characteristics and abilities such as greater physical ability of men and their superiority of thought and discipline in life than women.
- B) Obeying the wife of her husband is desirable, and her necessity is rational, and the only exemplar of obedience to the wife as an obligatory Rumi is her obedience to the husband in marital matters.
- C) Islam prevents couples from interfering with relationships in order to prevent any harm to the family institution, such as the principle of popular association, the principle of justice, the principles of the Shari'a, and so on. And has specified management in the family.
- D) Proposals such as the use of the couple's interpretation of the reasons for and the survival of the couple's rights over the wife in the absence of the man's capacity to manage the family state that the realization of the marriage is the source of some rights for the couple.

Keywords: Relationship, couple, couple, family, caregiving

1. Introduction

There are many issues and issues raised in family discussions. One of the most important issues to consider in this regard is "family management and oversight and the interpretation of Islam in this regard, because the establishment of order in any complex and the establishment of a military system based on law, reasonable standards and the rule of principle values." It depends on the competence, diligence, good manners and competencies of its management and, in turn, the inability to regulate matters and the negligence of responsible and negligent duties, and the failure of a social unit. The family as a small but essential institution in human society facing various issues such as economics, culture, upbringing, strife, hostility, is not only exempt from this general rule, but also because the family The privacy of human beings and the place of special relational, emotional, moral and educational connection of individuals with each other and the place of human virtues and perfection; its management from the Islamic point of view has its own importance and elegance, and its director and director in administration and management Life has a key role and significant religious responsibility to him. It is important to consider the status, limits, and aspects of the issue from the perspective of the saint. In this context, we first examine the reasons for the problem from the Qur'an and the traditions and consensus and finally evaluate and analyze the results obtained.

The background and necessity of researching family and couple issues and issues has long been the focus of Islamic scholars and scholars and has been widely discussed in their jurisprudence books. At the same time, however, these books do not discuss the subject under discussion under the same heading with similar titles. Islamic commentators have also provided helpful comments on the following verses related to the subject of the study. This does not mean, of course, that the jurists do not raise the issue; however,

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there are ambiguities in some aspects of the issue and the opinions of the jurists are scattered in this regard, and this necessitates the investigation of this issue.

In order to clarify the subject more and more, we are faced with several key questions:

1. What do family management and management mean? What is Islam's view on this?
2. How is Islam supposed to run this institution and who is its director? Man or woman? Or both?
3. What was the basis of Islam in choosing the head of the family?
4. Assuming that the Holy Quran has this responsibility for men, what is the relationship between the duty of man and the religious obligation of obedience to the couple? And how much is the scope of this responsibility?
5. Is there a relationship between the responsibility of guardianship and the assignment of some rights to the couple in the narratives? And is this responsibility the source of such rights?

The purpose of this article is to provide the basis for answering these questions and to give the subject a clear and desirable focus.

The definition of the subject of any society requires a manager to take care of people's affairs, to regulate their affairs, and in the event of disagreement, his opinion is firm. The family, as a small community, is no exception. In principle, the husband and wife should manage the affairs of the family with confidence, but if there is disagreement between the two regarding family matters and how they are managed, the opinion of the head of the family and others. They must accept his opinion and obey his decision in the interest of the family. In other words, family management is the responsibility of good governance and decision-making towards managing the life and family of the expedient and consolidating it. In the following discussions in examining this concept in the verses and narrations, we will say that the same meaning has been taken into account in the Islamic law of family management and supervision.

It is important to note that if the family does not have a manager and a man and both men and women are equal in managing their affairs, they will have to go to court to resolve their differences in each case and this can bring peace to the family. And break down the foundations of marital life.

2. Literature review

Professor M.T. Jahari illustrates four forms of family management: men and women, both head of household; female head of family; patriarchal mode and fourth: council system for family head with executive authority Man. He said in this connection:

To find out what the word "qawamun" means and what its scope implies, we first examine the meaning of "qawamun", "Bama Fazlallah", and then consider the main point:

Qawmun - The word "qawmun" is a combination of consistency, an exaggeration of the substance of the resurrection, and the resurrection means standing up in a variety of applications according to the miracles in the word. The insurrection in Lans al-Arab states: "Resurrection sometimes means protection and reform, like the verse" Al-Rajal Qawamoun ". It goes on to say: "The guardian, his spouse, because the man is in charge of the affairs of the

woman and her needs. Qam'a Ali al-Murrah, that is, one day took over him, and that is the one who gave him the day, which means resurrection, asceticism, anti-seating, but resurrection means that men are responsible for women's affairs. They pay attention" (Ibn al-Mutaq, 1414 AH, p.45) [2].

Commentators also differ in this regard: Sheikh Tusi, the commentator of the commentary, states:

In his words, he considers the firmness of men over women to discipline and manage family affairs. The late Tabarsi has said:

Men Taking Care of Women and Fluent in Heide in Discipline, Discipline, Education and Training. In this word, she has considered consistency to mean that men have dominance over some women's dignity (assuming some women's dignity). Alusi has said: The position of men is to revolt against women, as they are to rise up through slavery through prohibition (Alusi, 1415 AH, p.)^[1].

Allameh Tabatabai, the author of the commentary on al-Mizan, says: And my preference is the power of subsistence. (Tabatabai, 1999, vol. 4, p. 3) "Consistency is a matter of resurrection and means to govern life. He has also stated elsewhere, there seem to be two points in terms of consistency: It means protecting, delegating, and managing the affairs and management of life.

Al-Bahrain's Assembly has described Tafazil as the perfection of wisdom, good deeds, and strength in practice. Allameh Tabatabai says: The reference to excellence is the excellence of reason, because life is the life of the rational man and the emotional woman.

He goes on to say: What is certain, as Allameh Tabatabai has pointed out in their recent speech. They said, this virtue, virtue and superiority with God Almighty is not due to physical superiority, because Islam only considers human superiority over piety and piety, and it is not mentioned in the verse of Sharif for eligibility and superiority. So superiority must be something that the audience understands easily and easily. Thus, as most commentators have pointed out, it may be argued that physical and intellectual ability and the ability to reason and vote in a man (as opposed to overcoming the emotions and emotions in a woman required to take charge of her family care and management) are the basis. The commentary mentioned is in the verse of the Sharif, and in fact in this passage, the Qur'an refers to the philosophy of nature, namely the nature of man and woman. Professor Muhniya said: Because women may be found more virtuous than a thousand men, they have come up with the word "some" (Mughniyah, p. 4).

Professor Motahhari (RA) says: The phrase of the Qur'an, which states: "We have been given by Fazlullah Ali to some and not to us: By Fazlullah al-Rajal Ali al-Nasaa, it means that some are superior to some, and [men have not deliberately told men what they want to say]. Man has superiority over woman, and woman has superiority over man, and the prerequisite for this is [the male-dominated relationship over woman.

Professor Motari says in this context and in another statement: That is to say, the man has been given virtues by virtue of which he enjoys the pain of government within the family, and the woman by virtue of which he is entitled to be governed by the family ... In this passage, the Qur'an points out This is the case with the philosophy of being indigenous, that is to say, by the nature of man and woman

”(Woman's Message, 1, ch. 6, and p. 6). By explaining the singularities of the verse, two points will be clarified.

The verse implies that men are given responsibility for the care and management of life, and the other is that the criterion of this care is innate, that is, superior in reason, and therefore in the management and management of the family. What needs to be clarified is what is the relationship between the duty of man and the religious obligation of obedience to the couple?

In other words, how much does the verse set out for guardianship? Is it absolute and does it include all the male guardianship over his or her spouse or does it have a specific scope and it is only in that area that obedience to the Sharia wife is required?

Commentators here also disagree. As we have mentioned, the late Sheikh Tusi considers it limited to discipline and discipline. The late Tabarsi also described its scope of life as discipline, discipline, education and training (Tabarsi, 1, p.). In this connection, Mr. Mughniyah said: "The jurists have considered the province as a province of divorce, separation and exile" (Mughniyah, p. 4).

Given that there is no unanimous vote on the issue, it seems that in answering this question we must first examine how the saint has acted in putting men in charge of life. In other words, is the expression of male solidarity an expression of a Rumi judgment against a woman (the necessity of obedience to the couple), or is it that the lawmaker seeks to express an injunction.

The explanation that it may be said, what is meant in this Crimean verse, is that God Almighty has taken over the responsibility of the family, and that the responsibility for the guardianship of the wife is due to the Almighty, and since the verse is absolute.

Dlrp Encompasses all kinds of male guardianship over his or her spouse, and as a result, obedience to the couple's commandments is absolutely obligatory on the wife.

But what puts this word in the spotlight is that the Sharif verse is not in the position of expression, and it does not want to prove the provenance to the woman by giving this responsibility to the man. Assuming that such a thing can be deduced from the verse is not such a requirement for jurists.

"The claim that the man owns his wife's interests is unacceptable," says the jeweler. Obedience to the husband in matters that do not contradict the law is not good"(Najafi, 1, p.).

After explaining this, the correct answer to the above question is to say: The consonant in the verse of the Sharif can be put forward in another way, that is to say: the rational requirement for the man to assume this responsibility is that his wife to comply. Therefore, if the compulsory necessity of the verse is to be understood, it must be said that guidance is the judgment of reason.

In other words, the meaning of the Sharif verse in this section is to give responsibility for the care and management of life to the man, and in this regard, the wife is ruled by a desirable couple and requires obedience, rational and guidance, and the Crimea seeks to prove the male guardianship. Not a woman.

Reflection on the verse of Sharifah indicates that this verse speaks of two things: one is patriotism and the administration of family affairs and the other is marital relations. The word "rule" refers to the first point in the verse, and since it is derived from nature and reason, the expression of the verse is a news of men's firmness, not that

God consolidates men and firmness is a matter of convention, and On the other hand, since the arrangement of home affairs can only be arranged with the consent of the couples, and this is a matter of rational understanding and acceptance, we see in the noble verse the obedience and obedience of man.

The title of Rumi and the religious obligation are not issued, but the almighty God, in continuation with the "wif" of subtraction, enumerates the attribute of qunat, which means obedience, with humility and humility, as a privileged and privileged trait of righteous women. The question of men's firmness has been dispelled. Reference to the word of the lexicon and the commentators confirms this meaning.

The word al-Bahrain for the word is as follows: "The laws of righteousness and righteousness" (Tarihi, 1416 AH, p. 4).

Raghib Isfahani also explains this word as follows: "Al-Qunwat: the necessity of obedience" (Isfahani, AH, p. 413). The author of the commentary on the Word of God says:

In view of this, it can be said: In the matter of the supervision and administration of family affairs, the verse states that men are for the sake of godly supremacy, which is superior to reason, judgment, opinion, and discipline. They are responsible for guarding and overseeing the women who provide for and support the family. In other words, they are responsible for managing and managing the lives and affairs of the family. Now, the most competent and superior women are those who humbly and humbly submit to their husbands.

In this regard, Motahhari says: These are righteous women, righteous women, Muslim women who obey God's command. Law, that is, humble and submissive, that is, they are humble in front of their husbands and do not disobey the husband's command ... "(Woman's Message, 1, No. 2 and No. 6, p. 6).

Therefore, it is clear that the "rules" of "rule" appear to indicate that the area of guardianship and obedience as well as obedience to the spouse are shared in this and in all aspects of life, and the verse in this section does not seek to prove the male guardianship at all. Along with the couple's sovereignty and guardianship, the principle of associating with the famous, the principle of respecting the limits, the principle of kindness and mercy are also taken into account. This understanding of the verse is also confirmed by the traditions in this field, which we will discuss in the following.

Also, since sexual and marital needs are a part of life, marriage contracts create rights, obligations, and obligations for couples through marriage contracts; Second, namely the specific rights and duties associated with marital relations, in other words, the determination of the extent to which the husband's obedience is regarded as an obligation of the Rumi and the husband extends his welfare to his wife. It therefore states that women are divided into two categories: The first category are the women who do not only act in the presence of the husband but also in the absence of the husband; that is, in the absence of the husband, they do not commit treason on the property or the honor or the personality of the husband and family secrets and against the rights God has entrusted to them. And it is referred to in the phrase, "May Allah protects us"; they perform their duties and responsibilities well.

The second category is women who disobey their duties and show signs of maladjustment. Men have duties and

responsibilities to such women that must be met step by step. That is to say, in this part of the verse of the Sharif, because of the explicit obedience of the couple, there is no doubt that obedience is the obligation of the wife as a religious obligation, but the necessity of obeying it is considered to be anathema; (Obedience vs. non-obedience) There is no scope beyond this marital necessity. Proposed Arguments of Tradition and Consensus In the following section, we will explain the arguments underlying the issue of traditions and consensus: narratives in the narrative texts yield many traditions that assume the responsibility of man's family management and management. These narratives can be divided into two general categories:

The one that can be said to imply the subject directly, though it is diverse, and the other indirectly endorsing this responsibility by the man. Hence, we present the hadiths in two general categories of hadiths of guardianship and the hadiths of guardianship which each have branches.

2.1 The hadiths have several branches of authority over this group

2.1.1 The guardianship of men

The Messenger of God said: Know that you are all Rai and you are all responsible for your servants,... and the man is Rai for his people and is responsible to them, and the woman in her husband's house Rai is responsible for his serfdom and know it all

You are a Rai (you are responsible and responsible for all your servants.) Ghal al-Sadiq: "Rahmullah Abdullah has been well-known and between the couples of Vanallah Aziz and the height of the Queen of Nassat and Jalal Al-Qaim Ali" (Saduq, 1413 AH, p. 443) Imam Sadiq said: May God have mercy on a man whose relationship with his wife is good, because God has entrusted the woman to the man and made him the guardian.

2.1.2 The necessity of the wife's obedience to her husband

Imam Sadiq said: Prophet of Islam and women in faithfulness, Command women: O women! I pledge to you not to idolize God; do not steal; do not commit iniquity; do not kill your children; do not slander others and disobey your husband in good things. Do you confess to this treaty? They said yes.

Ann Abi Abdullah: "So Peace be upon the khums and the sanctuary of the cities and the couples' abode and righteousness in my beloved" (Klein, 1, p. 5; Imam Sadegh) She fasts, fasts, obeys her husband and recognizes Ali's province, enters Paradise after any time she wishes to enter Paradise. Prophet! We have the right to marry Ali al-Maramah? Often this prayer is performed and my affirmation is no more but it is nonsense but it is no more than it is nonsense but it is my soul. Baqir said: A woman came to the Prophet of God and asked: What is the right of a husband over a woman? He said: Obey him and have no command; give him no alms without his permission and do not fast without his permission; he will not hesitate, even though he is behind a camel; do not leave his house without the permission of the angels of heaven; And the earth and the angels curse his anger and his mercy, that he may return home.

He said: Messenger of God! Who has the most right over man? He said: His parents. She said: Who has the most rights over women? He said: her husband. He said: Do I

have the same rights over him? He said: No, not one hundred.

The Prophet was riding on a naked camel and heading out of Medina. Passing over the women, they paused and said, "Women! Alms and obey your husbands, because many of you are in Hell. When the women heard this, they cried. A woman arose and said: In hell with the disbelievers! We're after the fire! By God, we are not infidels. He said: You are infidels to the rights of your husbands.

2.1.3 Preventing men from obeying women

These narrations seem to be more general than the subject at hand, since these same hadiths also argue for non-sovereignty; however, it is also arguable in the context in which they are referred to in the section on the implications of the narrations. The traditions that fall into this category are as follows:

The Messenger of God said: A man who obeys a woman, may God throw her into the fire. She asked: What is a woman's obedience? He said she would like to meet women for baths, weddings, festivals and mourning and wearing thin clothing.

The Prophet gave a sermon and said: O men! Do not obey women under any circumstances. Don't let them try to make a living because if the demands of women are not met, they will be ruined and violate the owner's decree. Women are not afraid when they are in need, and they are not patient at lust.

2.1.4 Female obedience to male desire

This story has been interpreted in various traditions and according to these traditions, jurists have considered sexual obedience one of the main pillars of entitlement to alimony. Among the traditions of guardianship in the second group, hadith number implies this.

What can be deduced from the collection of hadiths about male guardianship is that there is a connection between these titles and the issue of the responsibility for managing the life and care of men over the family, but these are not the circle of guardianship and bought it. Therefore, research on the issues that are mentioned in the narratives as the right of the couple to the wife should be followed in a separate statement.

2.2 Consensus

Consensus is the third reason we can appeal. None of the jurists has claimed consensus in this regard; however, their agreement cannot be denied in principle, since they all stipulated that the woman be excluded by the permission of her husband, corporal punishment, the wife's obedience to the man in marriage; Although they disagree on their merits. The jurists also consider the permission of the husband for traveling with a woman as a condition. So, it can be manned the conscience of men and the necessity of obedience to man in marital affairs. But what is said is that this consensus is documented, because the existence of the above-mentioned verses and hadiths has been documented by the jurists, so there is a need to look at that evidence.

On the other hand, the issue and the place of consensus on this issue are not clear. Therefore, consensus and consensus cannot be reached for the limits of male supervision and the scope and necessity of marital obedience.

The result is that consensus should not be regarded as a reason independent of the book and tradition, as there is no clear consensus in consensus. So, skipping it is the first.

2.3 Review and evaluation of the set of arguments presented

While exploring these three types of reasons, some points were made. Now let's examine and collectively summarize them. In order to interpret the evidence, consider the following:

1. As stated earlier in the study of the verse of men's stewardship, the Holy Qur' آ also seeks to express two basic points: one about male worship and family management and the other about the obedience of the husband and the obedience of the husband in matters. Accuracy of opinion in the narratives also confirmed the same meaning, but the essential question is the extent to which men are responsible for family affairs and whether the sacred law that entrusts men with the responsibility of guarding and caring for women extends its scope. Has it been specified or not? Also, what rights do couples have in the previous narratives related to the issue of family custody and presidency, and are these rights from the effects of male management on the family?

In view of the above, it should be said that in the field of family management, in order to conquer the intellect of the man over the woman, the shari'ah has entrusted the task to the man and has strictly ordered the wife to submit to her husband and even the obedient character of humility is listed among the noble attributes of righteous women, and that is in fact a guide to the wisdom of reason, because common sense and pure nature dictate that any social institution can only pursue the path of bliss. Make sure that a manager is guided by his thoughtfulness and that others follow him along the way and follow him. The family as an institution, but also the most important social institution, is no exception. But Islam, in order to prevent any harm to the family institution and to prevent the despotism of men, has enforced the principles of couple relations that cover and interpret all other laws, and in fact these religious and jurisprudential principles are within the scope of the law. Provides supervision and management in the family that include:

(A) The principle of popular association: The Qur'an refers to popular association in the family environment as a mere legal, not merely ethical, principle. The word "famous" has come up three times in the Qur'an, of which it is recommended to men to associate and deal with women. This cannot be regarded as merely a moral recommendation and an admonition, for in many cases it comes in the form of a necessity that simply cannot be ignored. Therefore, it should be said that the phrase is a fixed Qur'anic and legal principle governing couples' relationships that interprets the manner in which men are managed in the family. Allameh Tabatabai interprets the "famous": It is well-known that people in human society know it, without being ignorant or denying it" (Tabatabai, vol. 4, p. 4).

Also said: Famous is what human beings understand by the kind of social life that is common and common among them ... So, the famous include the guidance of the intellect and the good law as a virtue and the means.

B) The principle of justice: The "justice" which has been enshrined in the Qur'an in various verses, including in the verse "Adlawah ho Ghorb al-Qawqawi" (Madah / 1), is in

fact a rational principle, and since the good and evil of rational acts There is justice and cruelty to it, it cannot be said that reason can be difficult to understand. Therefore, counterfeiting in a way that leads to cruelty is definitely not desirable for the legislator, and in the words of martyr Motahari:

The principle of justice is one of the scales of Islam to see what fits into it. Justice is in the chain of causes, not in the chain of effects. Not that what religion says is justice, but what justice says is religion. This is the scale of justice for religion" (Woman's Message Magazine, p. 6).

C) Shari'a Muslims: "Shari'a Muslims", which means the Qur'an and the definitive tradition and necessity of jurisprudence, are at the root of the Shari'a understanding of the law and cannot be understood or deduced from a single verse or a few hadiths. Therefore, the principle of disobedience in the sins of the Almighty and the mercy of God and the consideration of parental rights cannot be ignored in giving the man the power of family life.

Family management, like any other area of management, requires special competence and authority. If the head of the family is a man, it cannot be accepted without any reservation.

As to the relationship between guardianship responsibilities and the assignment of certain rights for couples in the narratives, we must also examine whether these rights arise from the issue of guardianship and presidency over the family (that is, because the management and guardianship of the family rests with the man. He is entitled to the disposition of such works and rights); or the origin of the condition is nothing else, and the management and assignment of certain rights are two separate matters. However, by proving these rights to the couple, one can see that you are in charge. Man is responsible for managing the family and managing life.

Two points appear to address the ambiguity and clarify the following:

The use of the term 'marriage equality' in the narratives that raise the issue of the wife's rights over the wife brings to mind that the scope of marriage was intended by the legislator. That is, men in that realm are considered righteous and women are commanded to obey husbands in the marriage circle. In other words, the word "wife in these narratives" refers to causality, that is, the couple's marriage requires such rights, and since the marriage contract constitutes the title of the couple and the wife, the origin of these rights, This is the marriage contract.

The rights given to the couple in these narratives (even on the assumption that the couple will be disenfranchised due to insignificance, custody, and family presidency) remain in force. For example, in the event that the couple has lost family custody and management, the spouse may leave home at any time or even travel to perform appropriate acts such as the Hajj.

3. Results

After we have elaborated on the subject in this research, we will finally arrange the research by expressing the results and answering the questions raised at the beginning of this article.

Question 1: What does family institution management and supervision mean? What is Islam's view on this?

The answers to the question of consistency, guardian, rai, and so forth. That is to say, managing and taking care of the

family is: taking responsibility for the care and care of the spouse and children, and paying attention to their own affairs in order to provide for the family's well-being and well-being.

Question 2: How is Islam supposed to run this institution and who is its director? female or male? Or both?

Because of the qualities and abilities needed to manage family affairs in man, the management and supervision of the family in Islam is the responsibility of the man. For Islam, the best way to run a family is a patriarchal system - that is, the family members carry out their affairs with consultation and empathy, but the ultimate decision-making and executive mission rests with the man.

Question 3: What was the basis of Islam in choosing the head of the family?

The answer came in the explanation of the verse "Al-Rajal Qawamun Ali al-Nasa". This verse considers the basis of firmness to be the virtue of men and the responsibility of charity. In interpreting virtue, different views were presented, and what was accepted was the greater physical ability of men and the superiority of their power of thought and discipline in life than women.

Question 4: Assuming that the saint has the responsibility of the man in charge, what is the relationship between the duty of man and the religious obligation of obedience to the couple? |

The law-maker's obedience to the couple in this relationship is in fact a guidance (wisdom), because common sense and pure nature dictate that the family institution can only pursue the path of happiness in hospitality. The intimacy will lead the man as a manager, with the thoughtfulness and guidance to guide the wife in following this path.

Question 5: How far is the scope and scope of this responsibility, assuming that the sacred law entrusts men with the care and care of women?

In order to prevent any harm to the family institution and to prevent tyranny of men, Islam has enforced the principle of couple relations covering and interpreting all other laws, and in fact these religious and jurisprudential principles are limited. The area of care and management in the family is defined as follows:

The principle of famous association. The Principle of Justice Shariah principles. Strong and even descriptive principles such as the principle of disobedience to the sins of the Almighty and the mercy of the parents and attention to the rights of parents. The importance and competence of managing life and family management.

Question 6: Is there a relationship between the responsibility of guardianship and the assignment of some rights to the couple? And in other words, is this responsibility the source of such rights?

As we have stated, there are two grounds on which the two can be said to be the source of marriage, and these rights are not one of the effects of male supervision and management over the family, although it is possible for couples to prove these rights. He found that the man's guardianship of the family was approved by the Shari'ah, and the two aspects are:

The use of the word "couple" in these narratives, which refers to causality, that is, the couple's marriage is appropriate to enact such rights. Surviving these rights is the responsibility of the spouse, even on the assumption that they are denied parental custody.

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