

Supervisory and Brothers Permission for Sister's Matrimony in Islamic Religions

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Abstract

Marriage is an important factor in Islam and is a complement for religion and human personality that's why girls have to marry by their caretakers' permission that is determined by means of law and religion. In this regard, Supervisory and permission in his sister's matrimony? Some religions say yes absolutely, some religions say no absolutely and some other religions believe authority in Supervisory of sisters' matrimony. Now by investigating this research, five religions' ideas about this topic are interesting for you.

Keywords: Supervisory, matrimony, brother, Imameie, Sunnite.

Introduction

Marriage is an important factor in Islam and is a complement for religion and human personality that's why girls have to marry by their caretakers' permission that is determined by means of law and religion. The nature of Supervisory is because religion dominates and it is one of the introductions of religion. Someone said a girl must be house arrested because of a fault in herself. We must attend that are there any Supervisory or permission for brother in five religions? Now we enter to the main topic and start from philology.

Supervisory In Word And Idiom

Supervisory in word: you must search in dictionaries and jurisprudence books to find the meaning of Supervisory. Supervisory means dominate and power in word for example "alvalie" means dominant. (Wahbat alzoheilie, p186, 1988).

Supervisory in idiom: supervisory means dominance and power of some people to other people or on a person (Wahbat alzoheilie, p186, 1988).

1) The believers to brother have no Supervisory for his sister absolutely. Imameie: there are a lot of jurists that don't believe brothers' Supervisory to his sister that there are their ideas below. Sheikh Tosie in *Khelaf* book says: when a girl is mature there is no Supervisory for her father and her father's father, unless when she is virgin. Because of Imameie narratives that a girl's marriage is not allowed without her father and her father's father's permission

(Altosie,p250,2003);(Shahidesunie,p27,02007);(Alrohanie,p13,1969);(Alkhomeinie,p254,2003). Therefore Supervisory is just father and father's father and brother don't have Supervisory for matrimony. Now we talk about this jurisprudent's reasons. Narratives: marriage is not allowance without father and grandfathers permission by mean of Imameie compeers Narratives (Altosie, p250-2003) and other Narratives that follow this base.

Shafiite

Compulsory caretakers are three persons, father, forefather and governor.(Alzoheilie, alfeghh,p205,1988);(Tosie,p265,2003)and have written in other books that Supervisory is not constant and it's constant just for Imam and judge(Alsamarghandie, p150,1998)then haven't mentioned Supervisory for brother at all(Alsharbinie alkhatib, p151,1958).

Imam shafiite said

There is no Supervisory apart from father and after death of father, fore father and brother has not Supervisory at all (Al Imam shafiite, p14, 1989); (Almoghnie ,p346 , 1993).

Malekieh

For a widow, father is caretaker and, no one else and father's permission is necessary. And there is no matrimony for a virgin unless her father permission (Alqirvanie, p439, 2002)and here, brother doesn't have Supervisory ,for these reasons:

Malekieh reason

Because of Ayeshei was virigin that had married with profit and profit said: a virigin is under command of her father. Then this permission is for father (Alzoheilie, p203, 1988)then there is not Supervisory for brother.

Hanbalyes

Caretaker for hanbalyes devides to voluntary and Compulsory :

Compulsory caretaker for hanbalyes: father, if there is father's administrator and in emergency case, governor, (Albohotie, p207, 1988) then brother doesn't have Supervisory for his sisters matrimony.

Hanbalyes reason about there is no Supervisory to brother in his sisters matrimony.

a)narrative: ayeshe said a quotation of profit: a girl doesn't marry without her father's permission otherwise matrimony is futile(Albohatie,p50,1983) b)Quran: Surah baqareh, verse232 is a reason for accuracy of a girl matrimony for herself(Albohatie,p501,1983).

2) The believers to brother have Supervisory for his sister.

Hanafiite

hanafiite said: Supervisory person is compulsory and is just for males (father ,forefather and brother);(Alzoheilie,p199,1963) and someone have mentioned that brother and forefather are common for us in Supervisory(Almesrie hanafiite,p207,1997).by these comments brother have compulsory Supervisory after father and forefather, abohanafie know Supervisory compulsory for all male ancestors(father, forefather, brother, uncle and cousin);(Altosie,265-2003)then Supervisory is compulsory for brother too.

Maleki

Malek: brother is prior to forefather and nephew is prior to forefather too.(Alom malek ben ons,p161,1963).then brother has Supervisory for his sister's matrimony in malek's idea.

3) The believers to authority in Supervisory of sister's matrimony. Imameie: it's valuable even the recommended (Mostahab) that a women who have authority(like a widow),permit from her father or forefather and if there is Supervisory of them from her brother and if have several brothers from the oldest one(alkhomeinie,p256,1969).and it's not necessary to allow from nephew and cousins(altosie,p250,2003).

In "Morsal" Hasan ebn Ali have written that the oldest brother is like father in matrimony(alnajafie qade,p170,1968) then this group believe to authority and "estehbatb" of Supervisory and brothers allowance in sisters matrimony.

Maleki

Authority of Supervisory in maleki . Religion: for son's son and more,(in theib),then father ,then brother ,then uncle ,then nephew, then uncle's son and finally ancestor(fathers father)are priorities.(Alzoheilie,p203,1988).Then in malek religion brother is in authority Supervisory classification.

Hanbalyes

Authority caretaker in hanbalyes religion: there is a classification for caretakers by this range: father, then brother, then uncle, then governor (Alzoheilie, p207, 1988).brother is after father in this classification.

Discussion

In different religions there are believers that have different ideas about brother Supervisory in his sister's matrimony that include Imameie, shafiite, makeki and hanbalyes. Even sister be virgin or widow. And some religions like hanafie and maleki believe that brother has Supervisory in his sister matrimony. And some other religions believe authority for brother in his sister's matrimony that involves imameie, shafiite, maleki, hanbalyes.

In Iran's civil law who has Supervisory? With a glim to Islamic republic of Iran's law in "Article 1043" of law it's obvious that: a virgin girl must have father or forefather allowance to marry even she is mature. And we can find that Supervisory and permission of father or forefather and brother have no role in this case. It's obvious that Iran's law in this case accommodate with Imameie religion.

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References

The Merciful Quran

Civil law of Islamic republic of Iran.

Imameie books

Alkhomeinie, Aohallah, Tahrir alvasile, Publisher: Dar Alketab Elmeie, Esmaeilian, Qom1969, Najaf ashraf, v2.

Alrohanie, Aldaiesd mohammad sadegh Alhoseinie, fegh-alsadegh, Publisher: Dar alketab institute, Qom, 1995, v21.

Shahide sanie, Aljabei alamelie, Zeinedin sharh Lome, collector: Dr Asad Allah lotfie, Publisher: Majd v4, 2007.

Alnajafie,Alshrikh mohammad hasan, Javaher Alkalam, Research: Alsheikh mahmood Alghochanie, Publisher: Almaktaba Aleslamie, v29,1968.

shafiite books

Alemam shafie, Publisher: Dar Altafakor, Beyroot, v5, 1989.

Alsherbinie Alkhateeb, Mohammad moghnie, Publisher: Darol ehya taras Alarabie, v3, 1958.

malekie books

Alemam malek ben one, Almadona, Publisher: Alsaada, Egypt, v3, 1983.

Alghirvanie, ben abie zeid, Resala abie zeid ghirvanie, publisher: Almaktaba Alsaqania Beyroot, v7, 2002.

hanbalyes books

Albahotie, Mansor ebn yones, Keshaf alqena, Publisher: Mohammad Ali beyzoon, v5, 1983.

Abdoallah ben qedama, Almoghnie, Publisher: Daralketab alarabie, beyroot, v7, 1983.

hanafiite books

Alsamar qandie alaedin, Tohfata alfoghaha, Publisher: Dar alkotob Elmeie Beyroot, v2.

Almesrie alhanafie, Ebn najm, Albahralraegh sharh kanz aldaegh, Publisher: Dar alketab elmie, v3, 1997.

Adapted jurisprudence books

Alzoheilie, Wahba, Alfegh aleslamie we adela, Publisher: Dar altafaktor, Dameshgh, v7, 1988.

Altosie, Alemam abie jafar mohammad ebn Alhassan, Research: Alsayed ali alkhorsanie
alsayed javad alshahrestanie, Alsheikh mahdie taha, Najaf, Publisher: Islamic publication
institute, v4, 2004.