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GUARDIANSHIP IN MARRIAGE IN THE LIGHT OF THE INFERENCE OF THE QUR'ANICVERSES A COMPARATIVE STUDYBETWEEN THE MAJORITY OF MUSLIM JURISTS AND THE HANAFIS

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Summary of research

This research talks about the guardian who follows the marriage of a woman and sheds light on the condition of her presence in the validity of the marriage contract, and the research showed that the inferences of scholars in the Qur'anicverses and hadithsresulted in a difference of opinion in the matter and reached the division of scholars into two basic doctrines, namely the doctrine of the majority of jurists, which required guardian to contract the marriage, and the doctrine of the supporters who did not required it.

Reasons for choosing the topic and its importance:

The subject of the guardianship in marriage is one of the issues that need to be rooted,re-examined, and developed following our Islamic concepts and customs and traditions derived from the religion and have following requirements.

The first topic: in the meaning, legitimacy, andwisdom of the guardianship

The first requirement: the meaning of the guardianship is language and terminology

The meaning of the language guardianship:

The state -Bexralwau- is the plan, the emirate, and the Sultan. The Wilayat- Bixaralaw and Fatah - Al-Nusra.

Sibobh said: The wilaya "meaning by the opening" the source and the wilaya "meaning by the fractional" the name is the same as the emirate and the union, because it is a name for what study assumed and did, and if they wanted the source they opened.¹

Ibn al-Atheer said: "As if the state of "breaking" feels manageable and capable

The act, unless that is possible, did not have the name of the governor onit."²

IbnFaris and others said: "Whoever has done something is a person, he is hisguardian."³

Thus, the guardianship in its general sense is an authority in which man has the power to carry out the affairs of others.

It is not a legitimate authority: unless it takes care of the interests of others under sharia.

The guardian is a term:

The first definition is that the woman has a king, paternity, indoctrination, a bond, a bail, a Sultanate, or an Islamic woman.⁴

The second definition: the guardian of marriage is closest to the nerve.⁵

The third definition is that the woman's guardian is the closest man to her family group that agrees with her in the religion.⁶

The fourth definition is who has jurisdiction over women.⁷

What we observe from the definitions is the focus on the league.

The second explanation: the legitimacy of the guardianship in marriage in the Holy Qur'an

- 1- Allah said: "If you divorce the women, then they will be able to do so, so don't let them have their husbands if they are married to them with the good.", and this verse came down in the stronghold of Ben Yasar, as he had prevented his sister from reviewing her husband, and if it were not for him, "This is the healthiest thing that I have explained in that the wali has a right to be a man, and there is no marriage except with him, because otherwise we will not forbid the muscle, and you will not spare it," ibnAbd al-Barsaid.
- 2- The verse is explicit by requiring the permission of the parents.

(1) The sheets, the tongue, the crown, the same pages.

(2) The end in the strange hadith of ibn al-Atheer (5/227), and about him ibn perspective in the tongue (15/407).

(3) Language standards for Ibn Fares (6/141). And see the article of wali in: Sahaah (6/2529), Tongue (15/409), Crown of the Bride (10/399), Vocabulary of the Ragheb (533), and the end in the strange hadith of ibn al-Atheer (5/228).

(4) Explaining the Limits of ibnArafa (1/241).

(5) The students' masterpiece explains the graduation of the pulp revision, to Ansari, p. 479.

(6) Editor of Jurisprudence, By Abu Al-Barakat, p. 355.

(7) Pure elm in the commentary of the words of the rags, for the son of the radiator (3/616).

- 3- He said: "And the days of you are not coming," and only men would have addressed in this verse, and if this were the case to the women, they would have mentioned them.

The third explanation: the wisdom behind the legitimacy of the guardianship in marriage

The Islamic rulings are based on the interests of the servants in the sentence, but we may realize these interests behind the legislation of some of the rulings, and we may not realize them, either because of the deficiencies of the human mind, or because this ruling is of precision and kindness in a place that the mind does not realize, no matter how lucky it is, and this is a test for the servants to know the true believer whose worship does not depend on his knowledge of this ruling, from the believer who worships Allah on a letter, if he realizes the wisdom of worship actively on her, and if he does not realize it based on her and⁸her well-being. The scholars mentioned many rulings on the legitimacy of the guardian in marriage, including:

- 1- To support the woman and keep her away from the bad thinking of her and expose her to gossip.
- 2- Preserving the dignity of the family and not harming its reputation, because the battle will not be limited to the vulgar woman alone but will follow her family as well, and people may forget her name and person, and they only mention her family, clan, or tribe as the days pass.
- 3- In the presence of the Guardian, the Council of the Contract is notified of the extent of the responsibility that falls on him, which obliges him to prepare for the order of his kit, taking the necessary precautions in case of any surprises that may occur later, where they look for the circumstances surrounding the advanced man, whether in terms of religiosity, in terms of calculation and ratios, or in terms of financial ability, social status, and other things that the engaged people are interested in such circumstances.
- 4- If the guardian's status at the beginning of the marriage will not have a role in its permanence and continuity, thus the ten marriages remain subject to the consent of the wife, but the permanence of consent in married life is rare, the problems of life and its complications have not remained in the heart of one of the people as well, so the presence of the guardian behind the wife creates a kind of balance.

The fourth requirement: what are the criteria for guardian⁹

(8) The Book of Family Jurisprudence To Ahmed Ali Taha: (1/112-115).

9) "Al-Bada'a" (2/239) and "Total Fatwas" (32/36).

1- Islam: There is no guardianship for an infidel over a Muslim woman.

Allaah said: "Believers and believers are some of the guardians of each other."¹⁰ He said: "And those who disbelieve disbelievers are saints of each other."¹¹¹²

There are the words of the general scholars, ibn al-Mundhir said: "All those we keep from this are unanimous."

2- Masculinity: It is a unanimous requirement.

3- Reason: Because the mindless cannot consider the interests of oneself, how can it consider the interests of others.

4- Puberty: It is a condition for most scholars.

5- Freedom: A condition for most scholars because a slave has no jurisdiction over himself because of his lack of jurisdiction over others is first.

6- The public said: Justice is not required, because the situation in which the competent guardian chooses his guardian is not a state of justice, which is a fear of shame, and this is of course there.¹³

The second topic: the guardian's requirement that the marriage contract be valid in light of the Qur'anic verses.

The first requirement: The marriage is only valid with the permission of parents, and the girl cannot marry herself or anyone else.

It is the Doctrine of the Maliki's¹⁴, Shafiya¹⁵ and Hanbali¹⁶ and Ibn Hazm¹⁷ and a novel about Abu Yusuf.¹⁸

Omar, Ali, Ibn Masood, Ibn Abbas, Abu Herrera, Aisha, May God bless them and others.¹⁹

Scholars have inferred this view in several texts from the Qur'an as well as from the Sunnah, from this evidence:

10 Surat al-Touba: 71.

11) Sura al-Anfal: 73.

12) Surat al-Nisa: 141.

13 Correct Sunni jurisprudence and evidence and clarification of the doctrines of imams (3/144)

(14 The dawani fruits on the message of Ibn Abi Zaid al-Kirwani, for The Azhari (2/4).

(15 Singer in need, Al-Sharbini (3/198).

(16 (Al-Rawd al-Qin, Al-Bahuti, p. 496.

(17 Local, Ibn Hazm (9/588).

(18 Explaining the Almighty's Conquest, to ibn al-Hammam (2/391).

(19) Singer, son of Amama (9/345).

The first evidence is: "Don't let them have their husbands if they are in love with them."²⁰

The meaning of the verse is two sides:

First: The first point of reference from the point of view of the word:

First: The meaning of muscle: narrowing and preventing, it is said: the dilemma is: withholding, and terminal disease: i.e., abstaining.

In the narrowing, it is said that if they are narrowed down, and the woman is bitten by her son: if her children are difficult to give birth.²¹

Secondly, from the point of view of the addressee is "don't bite them":

The verse indicates that the guardianship is confirmed in two aspects (i.e., the addressee is the guardian):

The first is to prevent the saints from their muscles and muscles: prevention or narrowing, if it is permissible to single out the contract, the decision of the saints will not be affected, and when it is directed to them is forbidden.

Second: Saying: "If you are a good man among them."

The point of reference: what is known as the custom of choice, which is the guardian and two witnesses.²²

Reply to inference:

The verse indicates that it is permissible to marry if she is held against herself without a guardian, in two aspects:

The first is to add the contract to it without the guardian's condition.

2. We are not able to do an offense if the couple is satisfied.²³

Discussion of the response:

The addition of marriage to them does not show any evidence of their competence in the contract.²⁴

The guardian has the right to prevent her from having to get married, otherwise, we would not forbid him.²⁵

Response to the discussion:

(20) Cow, verse: 232.

(21) The provisions of the Qur'an, for the plaster (1/483), and the whole of the provisions of the Qur'an, for the stationery (4/105).

(22) (The Great Container, for TheMordi (9/39).

(23) The provisions of the Qur'an, for plasters (1/484).

(24) The beginning of the hard-working and the end of the economical, ibnRushd (3/952).

(25) The provisions of the Qur'an, for plasters (1/484).

The ban prevents him from having a right, so how can he prove the truth? The prohibition can be a sense of preventing her from going out or locking her up in a house so that she does not get married.²⁶

The second aspect of the significance of the verse on the one hand is the reason for its descent:

Those who do not see the legitimacy of the wali object edifying that the reason for the verse and the story that was mentioned is not told in a related conversation, nor does it invoke it.

Reply:

He said: "I was killed by a sister of mine from a man, and he divorced her, even if her kit expired, he came to her and I said to him, "Your wife, your mattress, your honor, and then you came to kidnap her?" No, God never comes back to you. He was a good man, and the woman wanted to go back to him, and God gave this verse: "Don't bite them.", I said, "Now Do, Messenger of God, I do, and he said, "Her wife is him."²⁷

With this talk, we find that the muscle is destined for the guardians, that they have a right to contract, and that women have a right to choose, that is, to choose a husband.

The second evidence is that he said: "Don't dispute the polytheists until they believe."²⁸ Al-Qartabi said: In this verse, there is evidence in the text that there is no marriage except poly.²⁹

Response to inference:

The verse is a letter to the first Muslims or all Muslims, so it should be a letter to the saints, and in the sentence, the verse is hesitant between being a letter to the saints, or for the first time, whoever protests this verse, because the statement should be shown in the letter of the saints in the first order.³⁰

Discussion of the response:

What is meant is that the verse is a letter to all the faithful who are in charge of its chest in saying: "Don't give up the companies until they believe.", and what is meant is that they are not disheartened by the infraction, they are the saints, or a letter to the saints, including princes, when they are lost or bitten.³¹

(26) Explaining the meanings of the effects, to Tahawi (3/11), and the abbreviation of the differences of scholars, to the plasters (2/248).

(27) (6/162), The Book of Marriage, the door of the one who said that there is no marriage except Poly, h (5130).

(28) Sura al-Cowa, verse: 221.

(29) The mosque for the provisions of the Qur'an, for the stationery (3/462).

(30) The beginning of the hardworking, ibnRushd (3/951).

(31) Ways of Peace, for Al-Samani (6/36).

The third evidence is that he said: "And give the days to you and the righteous of your servants and your mother, to be poor, sung by Allah from his bounty, and Allah is broad and knowledgeable."³²

The meaning of the verse:

The verse is a letter to the saints to marry a husband who has no husband because it is the way of chastity.³³

Response to inference:

The verse in the verse is for couples, not for the guardians.³⁴

Discussion of the response:

The letter is indeed for the guardians if the husbands wanted to say: (and they are recused) without whispering, and it was a thousand to connect.

This verse is proof that a woman cannot disguise herself without a guardian.³⁵

directive 4:

He said: "Men are strong on women, as Allah has preferred to each other."³⁶

The meaning of the verse:

That the walayah is of the prescribed guardianship.³⁷

directive 5:

He said: "Be with the permission of their parents."³⁸

The face of inference from the verse:

It is stipulated that the validity of the marriage is before the permission of the guardian of the ummah, and this shows that it is not enough to have a marriage for itself.³⁹

Directive 6:

He said: "I want to break up with one of my daughters."⁴⁰

The face of inference from the verse:

In this verse, there is evidence that marriage to the guardian has no luck for a woman because The Good Is a debtor is his guardian.⁴¹

The verse is explicit in adding marriage to the guardian.

(32) Surat al-Nour, verse: 32.

(33) The mosque for the provisions of the Qur'an, for the stationery (15/229).

(34) previous reference.

(35) The mosque for the provisions of the Qur'an, for al-Qartabai (15/229) and the local, for Ibn Hazm (9/595).

(36) Surat al-Nisa, verse: 34.

(37) The whole of the provisions of the Qur'an, for the Qartabai (6/280), and the provisions of marriage in the light of the Book and sunnah, for the blond, p. 130.

(38) Surat al-Nisa, verse: 2.

(39) The whole of the provisions of the Qur'an, for the stationery (6/234), and the provisions of marriage, for the blond, p. 131.

(40) Stories, verse: 27.

(41) The mosque for the provisions of the Qur'an, for the stationery (16/261).

directive 7:

About Abu Musa (May God bless him), the Prophet (peace be upon him) said: "There is no marriage except Poly."⁴²

The inference of the hadith:

The hadith is explicit in denying marriage without a guardian, and the origin of the negation is that it should turn to the legitimate truth, i.e., there is no legitimate marriage or there is nothing in Islam except poly.⁴³

Al-Shawkani said: "The hadiths contained in the governor's account have been narrated by the ruler through thirty companions, in which he stated that this is a condition for the validity of the birth because the condition does not require his non-conditionality, as decided by the rules."⁴⁴

How can Ahmed, Abu Dawood, Al-Tarmadi, and IbnMajah bring out the hadith of Aisha, which we have presented, in which: "Any woman who has been unauthorized by her guardian, and her sin is false, and we are wrong."

We have also provided the hadith of Abu Herrera: that a woman does not marry a woman, he does not marry herself, the guardian is a condition of marriage, which is only valid if he is present, otherwise, the authority of the Sultan will be foregoing.

We also stated that Ibn al-Mundhir said: "He does not know about any of the Sahaba other than considering the guardian".⁴⁵

Al-Termadi said: "Working in this section on the hadith of the Prophet (PBUH) is not permissible except for guardian" among the scholars of the prophet (PBUH), including Omar ibn al-Khattab, Ali ibnAbiTalib, Abdullah ibn Abbas, Abu Herrera, and others, and so on, narrated about some of the scholars of the followers.⁴⁶

Reply to inference:

We are saying this, and that a woman is my guardian, and the man is my guardian himself, so that the hadith is not subject to the status of disagreement, because this is a urinary marriage.⁴⁷

(42 Narrated by Al-Tarmadi in Sinneh, p. 339, The Book of Marriage, The Door of What Came: No Marriage, Only Poly, H (1102), Abu Daoud in Sinneh (3/20), The Book of Marriage, Bab in Wali, H (2078), IbnMajah in Sinah (2/428), The Book of Marriage, Bab LahLalah Abu Solei, H (1881), and corrected by the Albanian. The fallel squealing (6/235).

(43 (8.5)

(44 Mohammed bin Ali Mohammed Abdullah al-Shawkani, then al-Manahani, a diligent jurist of Yemen's leading scholars. Born in 1173, he died in 1250, from his writings: Neil Al-Otar, the author of The News Picker, and The Guidance of the Stallion in The Science of Origins. Flags, for zirkle (6/298).

(45 (Torrent jars on the flower gardens, for chocani (2/261-262).

(46 It was narrated by Al-Termadi, the Book of Marriage, the door of what came with nothing but poly (341).

(47 The provisions of the Qur'an, for plasters (1/487).

Another response:

This hadith has other possibilities: the guardian may be the closest to the league, or the woman is taken over by men, even if he is far away, or otherwise, if the possibility of talking these interpretations, he will not be dismissed to each other without each other, except in a sign of a book, a year, or a consensus.⁴⁸

Discussion of the response:

The hadith is explicit in the requirement of the guardian, and "there is no marriage except poly" requires that the guardian be a man, even if it is the one that is meant to say: there is no marriage except a polytheism.⁴⁹

The words of al-Shawkani are presented in the meaning of the word.

Response to the discussion:

That the hadith has not been proven, that there is a disturbance in its attribution, in its connection, its interruption, and its transmission.⁵⁰

The response is two-sided:

The first aspect is that ibn al-Qa'im said: "The weighting of Israel's talk in its connection in many ways:

One is the correction of the imams to him, and their judgment of his account of health, such as Bukhari, Ali ibn al-Madini and Al-Marmadi, and then the ruler, IbnHabban, and IbnKhazema.

Secondly, Israel's weighting in preserving and mastering the hadith of Abu Ishaq, and this is the testimony of the imams to him, although the division and revolutionary order of it, it is the hadith of Abu Ishaq who is proficient, and with whom I know.

3. Follow upon whom Israel agreed to pray for, as a partner and YounisibnAbiIshaq, Othman al-Darmi said: I asked YahyaibnMoin: A partner I love to you from Abu Ishaq or Israel? He said: Shrek loved me, he is the oldest, and Israel is sad, I said: YounisibnAbiIshaq loved you or Israel? He said: Every confidence.

Fourth: What al-Termisaid, which is that hearing from those who received him about Abu Ishaq was at different times, and the revolutionary division heard from him in one council.

(48 The pulp in the combination of the Sunnah and the Book, for the manji (2/662).

(49 (The Great Container, for TheMordi (9/40).

(50 Explaining the Almighty's Conquest, to ibn al-Hammam (2/394).

Fifth: That his connection is an increase of confidence not without the one who sent him, and the increase if this is the case is acceptable, as al-Bukhari pointed out - And Allah knows.⁵¹

The second face:

It does not harm the doctrine of the sending noses, but they have stated this objection even though they say that the sender is taken.⁵²

The eighth evidence is about Aisha (may God rest his soul) about the Prophet (peace be upon him) that he said: "Any woman who has broken herself without the permission of her guardian,"⁵³

The inference of the hadith:

There is evidence in the hadith that the guardian's permission is considered to be in marriage, which is contracted by her or his agent.⁵⁴

Reply to the inference of the faces:

The first aspect is that this is for the ummah to marry itself without the permission of its author.⁵⁵

First face discussion:

1. "Ayma" is a common language in taking away the guardianship from them, without allocating some without some.⁵⁶

2. The allocation needed evidence of the general word, and there was no evidence of allocation, so it had to prevail.

The second aspect is that it is understood from the hadith that it is right for a woman to have a marriage if she is authorized by her guardian.⁵⁷

Discussion of the second face:

That this word came out of the majority of jurists, and that this concept is not opposed to the general saying: "There is no marriage except the permission of guardian".⁵⁸

Third face:

The hadith is weak;⁵⁹

(51) The refinement of the tooth, for the son of the values of the nutty (2/764-766).

(52) Explaining the Al-QadeerFath, ibn al-Hammam (2/394) and al-Tabyan, to Farabi (1/575).

(53) Narrated by Al-Termi in Sinah, p. 340, The Book of Marriage, The Door of What Came: No Marriage Except Poly, H (1103), Al-Termadi said: "This is a good hadith", and Abu Daoud in Sinneh (3/20) The Book of Marriage, A Door in the Wali, H (2076), IbnMagh in Sinneh (2/427), The Book of Marriage, A Door with No Marriage Except Poly, H (1879), and corrected by the Albanian. The fallé squealing (6/243).

(54) Ways of Peace, for Al-Samani (6/29).

(55) The provisions of the Qur'an, for plasters (1/487).

(56) Masterpiece of Al-Ahdoi, by Mubarakali (4/236).

(57) Singer, Son of Qadama (9/346).

(58) Singer, Son of Qadama (9/346).

Discussion of the third face:

None of the applicants spoke except Bukhari alone,⁶⁰

Directive 9:

The Prophet said: "A woman does not marry a woman, nor does he marry the woman herself;⁶¹

The inference of the hadith:

The reform, the government's ability to provide as many as 100,000 people with disabilities is a priority.⁶²

The answer to the inference is two sides:

First face:

There is an unknown man in it.⁶³

First face discussion:

That the hadith is his men's trusts.⁶⁴

The second face:

If the hadith is true to induce hatred, for his opposition to the correct hadith narrated by a Muslim: "The aym is more worthy of her guardian than her guardian, and the virgin asks for her permission, and her permission is her deafness."⁶⁵

Discussion of the second face:

That there is no conflict between the two hadiths, that the talk is explicit, and supported by other conversations.

The second requirement is that a free, very sane woman should marry herself and others at all.

It is the Hanafi doctrine, a novel about Abu⁶⁶ Yusuf, and a novel by Hanbali.⁶⁷

Scholars have inferred this view in several texts from the Qur'an as well as from the Sunnah, and these are pieces of evidence:

(59) Choice to explain the chosen one (3/66).

(60) (18.5)

(61) It was narrated by Ibn Maah in His Sinah (2/429), the Book of Marriage, a door that does not marry except Poly, H (182), and was corrected by the Albanian without the last sentence: "Adultery is the one who married herself". The faller squealing (6/248).

(62) Ways of Peace, for Al-Samani (6/34).

(63) (2/664).

(64) The achievement of the rules of the ruling, ibn Hajar, the Book of Marriage, h. 837, p. 254.

(65) It is narrated by a Muslim (4/141), the Book of Marriage, the door of the permission of the thibain in the marriage by pronunciation, and the virgin with silence, H (3541).

(66) Explaining the Almighty's Conquest, to ibn al-Hammam (2/391).

(67) Explain the zirkshi (5/11). Hanbali carried this novel as an excuse, as if it were not the guardian and the sultan.

The first proof is that if you divorce the women, then they reach their limits, so do not give them the way their husbands are resonating.⁶⁸

The face of the significance:

The verse indicates that it is permissible to marry if she has held against herself without her guardian or guardian's permission, in one of the ways:

One is adding the contract to it without the guardian's condition.

2. We are not able to do an offense if the couple is satisfied.⁶⁹

Thirdly, because it is a pure right for her, and she is one of the people of directness, and he is a good one, so he is allowed to sell her nation.⁷⁰

The verse has already been discussed in the first statement, and al-Shafei said: "This is the clearest sign in the Qur'an that the guardian is really with the woman in herself, and that the guardian should not be for her if she is willing to do good."⁷¹

The second guide:

He said: "Those who die from you and who are married to husbands who wait for themselves for four months and ten months if they reach their age, there is no right for you to do well."⁷²

The meaning of the verse:

It is permissible to do it in itself without the condition of the guardian, and in establishing the guardian's condition in the validity of the contract, he denies the obligation of the verse.⁷³

Reply to the inference of the verse:

The purpose is to choose spouses, and it is not permissible to contract them without her permission.⁷⁴

Discuss the two-sided response:

One is the general pronouncement in the choice of spouses and others.

Secondly, the choice of spouses does not take place in itself, but rather by the contract to which the provisions of the marriage related.⁷⁵

Discussion of the response to the discussion:

(68) Sura al-Cowa, verse: 232.

(69) The provisions of the Qur'an, for plasters (1/484).

(70) Singer, son of Amama (9/345).

(71) Mother, Shafi'i (3/13).

(72) Sura al-Cowa, verse: 234.

(73) The provisions of the Qur'an, for plasters (1/484).

(74) The provisions of the Qur'an, for plasters (1/484).

(75) The provisions of the Qur'an, for plasters (1/485).

1. It is apparent that the verse has to hold the marriage, and the guardians have annulment if it is not known, which is what is apparent in Islam, but no one has said it, and that it should protest some of the verse's appearance on their opinion, and some of them do not invoke weakness.

The government's commitment to the law is a matter of concern.⁷⁶

3. It is also intended to remove the wing from them not to be denied marriage if they want it, as it does not indicate that they are unique and that they are not unique without witnesses. About his saying: "As they have done in themselves with the good thing", it is necessary to do what has been done with it, and it is not well known that it is not necessary to disguise itself without a guardian.⁷⁷⁷⁸

Guide 3:

If he divorces her, then he does not have a husband, so that he will divorce her, so that they have to back off if they think that they will establish the limits of Allah and those are the limits of Allah.⁷⁹

The meaning of the verse is two sides:

One is the addition of marriage to them without mentioning the guardian.⁸⁰

Secondly, he said: "There is no wing for them to back down." The decline was attributed to them without mentioning the guardian.⁸¹

The response is significant:

He is opposed to the evidence before the first statement that mentioned the guardian, as well as the fact that it does not contain evidence of its competence in the contract.

Guide 4:

He said: "And a woman who believes if she gives herself to the Prophet if the Prophet wants to recuse her."⁸²

The face of inference from the verse:

The verse is stipulated in the marriage in its words, and it is held in the words of the gift.⁸³

Reply to the inference of the verse:

(76 The beginning of the hardworking, for the son of Rahadq (3/952).

(77Sura al-Cowa, verse: 234.

(78 (The Great Container, for TheMordi (9/42-43).

(79Sura al-Cowa, verse: 230.

(80 The works, for the Kasani (2/370) and the pulp, for the manji (2/656).

(81 The provisions of the Qur'an, for plasters (1/484).

(82) Parties, verse: 50.

(83 2/370.

This is one of the characteristics of the Prophet (peace be upon him) in marriage, such as choice, and number in women, a woman cannot give herself to a man without witnesses, no guardian or dowry, except the Prophet (peace be upon him), and the text is explicit in the prophet's property of judgment in saying: "She gave herself to the Prophet" and did not say to you.⁸⁴

It is not permissible for a woman to give herself to a man, and people agree that this is not permissible, except what he said about Abu Hanifa, Muhammad ibn al-Hassan, and Abu Yusuf, that if he gives and testifies to himself with a dowry, then it is permissible.⁸⁵

Guide 5:

The Prophet said: "The imam is more worthy of herself than her guardian, and the virgin asks for her permission, and her permission is her deafness."⁸⁶

The face of the significance:

The name of a woman who has no husband, bakr a or theba, and that - i.e., hadith - proved to both the mother and the guardian a right to say: "I am more worthy", and it is known that the guardian only initiates the contract if she agrees and has made it more deserving than him.

After this, either that takes place between this hadith and the talk of no except poly opposition and weighting, or plural, in the case of opposition and weighting, this talk is presented for its validity, and in the case of the other hadith, and the case of the plural carries the generality of the hadith in particular, and this talk relates to the talk of Abu Musa after it is permissible to deny perfection and Sunnah... Aisha's speech is about an incompetent recital.⁸⁷

The response is significant:

The first is that when he met the virgin with the virgin, it was necessary to be the virgin who was not the one who was not and that the only virgin was the one.⁸⁸

Secondly, he made her a guardian in the subject that made her more worthy of herself, and this is obligatory not to drop his guardianship from her contract so that it is her

(84 The great interpretation, of The Ta'rani (5/206).

(85 (Brief Editor, IbnAttia (7/133), Dar al-Khair Edition.

(86) He's already graduated.

(87 Explain the almighty Fath, to the son of al-Hammam (2/393-395), at an act.

(88Aoun al-Mu'abed, AzimAbadi (6/81) and Al-Ahoudi's masterpiece, mubarakfooy (4/251). Al-Nawany said: "The faith here is the most hesaid, as explained by the other version we mentioned. He explained the nuclear (9/173), and ibnHajar said: "It is clear that this hadith is the thing that left her husband dead or divorced by meeting the virgin." Fath al-Bari (9/98). The second novel, Al-Thabe, is more worthy of itself, an interpreted novel, and the fate of the novel interpreted months in the argument. Memorial, ibnAbd al-Bar (16/21).

right to herself, and the right of the guardian to hold it so that he can combine this news with his saying: "There is no marriage except Polly" in the contract.⁸⁹

The committee sought to establish a new government in the area of human rights, and the government's policy of "protecting the rights of the people of The O'Hare" was a key issue.⁹⁰

Directive 6:

Ibn Abbas's hadith (may God rest his soul) about the Prophet (peace be upon him): "The guardian with the thiba is not an order, and the orphan is in command, and with her permission her deafness."⁹¹

The significance of the hadith:

There is evidence that the guardian is not considered in the contract.⁹²

The response is significant:

The government's decision to re-establish a new government is a matter of concern.⁹³

Guide 7:

About Aisha, she said: A girl came to the Prophet and said: O Messenger of God, my father married me his nephew to raise me with his villainy, she said: So, he made it to her, and the girl said: I have done what my father made, but I wanted women to teach that the fathers have nothing to do with it.⁹⁴

The inference of the modern face of the faces:

One of them is: she said so, and he did not deny it.

Second: "I have done what my father made" indicates that his contract is not valid for her.⁹⁵

Third: measurement, because it is a contract in which a man may act, and it is permissible for a woman to act, such as selling, renting, and dowry.⁹⁶

(89) (The Great Container, for TheMordi (9/43).

(90) Ibn Rushd said: "Ibn Abbas's hadith is - for my age - visible in the difference between the thiba and the virgin, because if each of them asks for permission and the guardian takes over them, then what - I wish my hair - is the right one is more worthy of her guardian than her guardian." The beginning of the hard-working (3/952), al-Nasfi said: "The virgin is the one who is the one who is a beginner to her, and the one who is low to it, who is a jumper who dressed if he returns." Students, p. 127.

(91) It was narrated by the women in Sinah (6/393), the Book of Marriage, The Door of The Virgin Permission in Itself, H (3263), Abu Daoud in Sinneh (3/27), The Book of Marriage, Bab al-Thibeh, H (2093), corrected by the Albanian in the correct series (3/290), and Sahih Abu Daoud (6/332).

(92) The provisions of the Qur'an, for plasters (1/486), and for the manufactures, for the Kassani (2/370).

(93) Explaining Zarkshi (5/16), Aoun al-Mu'madood (6/127), Al-Hawi al-Kabir, to The Mordi (9/44), and The Ways of Peace (6/32).

(94) It is narrated by the women (6/395), the Book of Marriage, Bab al-Bakr, married by her father, a hater, h (3269), ibn Magah in Sinah (2/424), the book of marriage, a door from his son-in-law, Karhah, H (1874) and others, and the Albanian corrected him in the erawal (6/229).

(95) The choice to explain the chosen one, for the conductor (6/63-64).

Discussion of the inference of the faces:

One is that the hadith was not true.⁹⁷

Secondly, on the assumption that the hadith is valid, there is no argument, because it is a rebuttal that is unique to the guardian, but rather an argument if it permits a marriage that is unique to women.⁹⁸

The government's position on the matter is that the government is not obliged to provide the necessary information on the matter.

About the measurement of the dowry, they have the right to object to it by the guardian, and it is forbidden for her to marry less than her dowry.⁹⁹

The eighth proof: The hadith of um Salama, may God rest his soul, said: The Prophet came after the death of Abu Salameh, and he engaged me to me, and I said, "O Messenger of God, he is not one of my guardians as a witness, and he said: "There is no witness or absence that hates it, I said: Qom Omar, the husband of the Messenger of God (peace be upon him). Her husband.¹⁰⁰

The face of inference:

When the Messenger of Allah (PBUH) married her for three years, and the young one has no jurisdiction, he has the right to make a marriage to her, and he did, and the Messenger of Allah saw him as permissible, as if um Salama had held marriage on herself.¹⁰¹

Discussion of the inference of the faces:

One is that the hadith was not true.¹⁰²

Secondly, on the assumption that the hadith is valid, the scholars have differed in who is holding the marriage, and it is stated that Abu Salameh has another son, Named Salma, who was held by the Prophet (PBUH) on his mother, Um Salameh, and was SalamaAssen from his brother Omar ibnAbi Salma.¹⁰³

Thirdly, this is one of the characteristics of the Prophet (peace be upon him) to marry without a guardian.¹⁰⁴

(96 (Al-Mas'a'id, Al-Serkhassi (5/12) and Al-Hawi al-Kabir, for Mordi (9/39).

(97 (The Great Container, for TheMordi (9/44).

(98 (The Great Container, for TheMordi (9/44).

99) The Great Container, for TheMordi (9/44).

100) Narrated by the women in Sinah (6/389), the Book of Marriage, The Door of The Son's Incaah, his mother, H (3254), and his Albanian weakness in the fallofa (6/251).

101) Pulp, for the manji (2/662-663).

102) Local, for IbnHazm (9/596).

103) The mosque for the provisions of the Qur'an, for the Stationary (3/470-471).

104) Galilee's talents to explain khalil's abbreviation, to the hattab (5/16), the kindergarten of the two students, to the nuclear (3/178), the explanation of the zarkshi (5/16).

Fourthly, when she came down: "When Zaid had spent it and her husband had died" Zainab had boasted about the women of the Prophet (peace be upon him) and said: Your husband is your father, and my husband, Allaah, has been in a state of displeasure.^{105, 106}

He explained that all the women of the Prophet (PBUH) are their husbands, their guardians, HashaZeinab (may God bless her) because Allaah is her husband from him (peace be upon him).¹⁰⁷

Fifth: He is opposed to previous hadiths: "He does not marry the woman herself", and hadith: "There is no marriage except Polly".

6. When she said that none of her guardians were present, he did not say: "You are yourself, although it is a statement, and it is not permissible to delay the statement from the time of need."¹⁰⁸

The ninth evidence is that measurement, just as it is independent by selling without a guardian, so is marriage.¹⁰⁹

Reply:

This measurement is not correct, because it is a measurement with the text, which raised this measurement is the hadith of a stronghold that was taken out by Bukhari.^{110, 111}

The tenth proof: the analogy of the boy, when she reported a mind and freedom, she became the guardian of herself in marriage as a wise boy if he reached.¹¹²

Reply: It can be answered as a measure with text.

Evidence 11: That she acted in her own right, did not harm others, and her conduct was held.¹¹³

From the above, it is clear to us that it is more likely that the public will say this:

1. The validity and abundance of evidence to this.
2. Openly the evidence to their statement.
3. Poor evidence of the second statement.

105) Surat al-Abyad, verse: 37.

106) The Mosque for the Provisions of the Qur'an, for Al-Qartabai (17/160).

107) Local, for IbnHazm (9/596).

108) Ways of Peace, for Al-Samani (6/35).

109) The provisions of the Qur'an, for plasters (1/486).

110 Already Graduation

111The ways of peace, for Al-Samani (6/27-28), and Fath al-Bari, for ibnHajar (9/94).

112) The works are made by the Kassani (2/370).

113) Al-Sarkhsi, Al-Mas'id (5/12).

4. The nature of women and the weakness of management and opinion, and their passion for them.

A conclusion.

By presenting the evidence, the strength of the public's evidence shows what they have gone to, and its frankness and clarity in the requirement of the guardian, the Book, and the Sunnah stated that there is no marriage except poly, there is no sense of what they disagreed with. It can be said that the Shariah requires the guardian to hold a marriage, but he does not give him the right to abuse the marriage of a person who took care of her tomorrow or theme, and if he wants to marry, then she must be satisfied with her early or thesis if she is an adult.

It can also be said that the opinion of the majority of scholars is truer and wiser, and I do a saying, and I give away, so there is no disposition in the status of women or an infrisk so that their rights are lost.

We have already mentioned Ibn al-Mundhir's saying that he does not know about any of the Sahaba otherwise.

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