



"Jurisprudential Benefits Derived from Key Detailed Evidences for Family Building and Their Social Impacts"

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ABSTRACT

One of the most important matters sought by all societies worldwide is the stability of the family and the coexistence among the components of the community. The research aims to highlight that organization is both an administrative and human function based on cooperation among individuals in the community, regardless of their categories. The study emphasizes that compassion between spouses is a source of understanding and harmony within the family, requiring mutual respect, good behavior, cooperation, and consultation. The research distinguishes between men and women in terms of supervision and leadership in family affairs, as well as bearing financial responsibilities. This is not a matter of honor or discrimination between their rights. The study affirms that husbands, wives, children, and parents all have rights and duties towards each other.

After addressing the introductory statements, the research highlights the importance of fulfilling the duties of reform and discipline. It begins with the husband reforming himself by evaluating his behavior and fulfilling his religious and legal duties. Then, the focus shifts to guiding and reforming the wife, followed by disciplining and nurturing the children. In conclusion, the research emphasizes that preserving religion is a great goal, centered around the worship of Allah Almighty in a family atmosphere. It considers the ultimate goal of Islamic education.

Introduction

The topic of the family is one of the critical subjects in our present era, competing on the international stage to establish its structures and foundations. The family must be regulated by rulings that govern all its components, and the Quran and Sunnah guarantee this. These foundations, as depicted in the Quran, are based on doctrinal principles prepared by Islamic law, taking into consideration Islam's respect for reason and thought, its alignment with beneficial knowledge, and directing humans to harness the universe for the benefit of humanity and progress according to Allah's guidance. The family role is highlighted to be an effective factor in establishing virtuous ethics, which, in turn, lay the foundations for human behaviors of individuals and groups. The significance of this role becomes evident when examining models lacking this role in Western societies, contributing to the prevalence of decay and the emergence of extremist and radical ideas.

For these reasons, or some of them, we have attempted to write on this subject, emphasizing the key factors for the stability of the family from an Islamic perspective. The nature of the research required us to divide it into an introduction, four sections, and a conclusion. In the introduction, we addressed the importance of the topic and the reason for choosing it. In the first section, we defined the concept of legal foundations, while in the second section, we discussed the family and its significance from an Islamic perspective and the principles of the scholars. The third section covered the components of building a family, and the fourth section addressed the essential factors for family stability from an Islamic perspective. Finally, this research concluded with a summary of the main results.

First Section: The Concept of Jurisprudential Foundations

Linguistically, "Foundation" means a build. It is said, "so-and-so built a house with a foundation,". Al-Jawhari mentioned that "al-bunyan" refers to the wall, and it is named as such for the structure built, similar to creation when referring to the created. (1)

Jurisprudentially, "foundations" is the evidence that the jurist adheres to in building the foundational principles of jurisprudence, legal and procedural, and in addressing contradictions in evidence when issuing a verdict. It is not necessary for it to agree with others, and the more jurists there are, the more possibilities of differences in the construct. (2)

Linguistically, "fiqh" is understanding (3). It is said, "So-and-so was given understanding in religion," (4) meaning comprehension in it. Allah Almighty says, "So that they may have understanding in religion" (Quran, Surah At-Tawbah 122). It is also said that a person has "fiqh" when he understands and knows and when he becomes a scholar after understanding. (5)

The term "فقه" (Fiqh) was mentioned in Ibn Faris's Lexicon of Language Metrics, meaning perception. He stated that "فقه: the root letters ف, ب, and ق are a valid single root, indicating the perception and knowledge of something, then it was specifically designated for the knowledge of Sharia. Any knowledge about something is Fiqh." (6)

In terms of usage, scholars provided various definitions, but we will mention a few for clarification and completeness of understanding.

Jurisprudence is defined as "the knowledge of subsidiary legal rulings based on detailed evidence." (7)

It is also defined as "the knowledge of subsidiary legal rulings or the acquisition of practical functions from detailed evidence." (8)

These definitions emphasize the understanding and application of detailed evidence in deducing legal rulings. The term "faqih" is used among the Arabs to refer to the knowledgeable and understanding person. There is no distinction between different types of knowledge; anyone who possesses knowledge is considered a faqih. This includes someone who has in-depth knowledge or expertise in various sciences; they are considered faqih in Arab tradition. (9)

"Knowledge of legal rulings that require independent reasoning (10).

"Understanding fixed legal rulings for the actions of the accountable individuals specifically." (11)

"Knowledge of practical legal rulings acquired from their detailed evidence." (12)

These definitions highlight the understanding and application of detailed evidence in deducing legal rulings.

The foundations of jurisprudence vary based on the jurist's approach to the sources. One who focuses on narrations, verifies the authenticity of narrators, and accumulates these narrations establishes a narrational foundation. Another whose goal is to discover the foundational principles of regulating overall jurisprudential rules establishes foundational principles. The choice of relying on specific narrations over others may result in a jurisprudential foundation. The diversity lies in the theoretical perspective rather than a genuine, factual difference.

The intended clarification is to explain what each of the two scholars (the two sheikhs) made clear in terms of their reliance on narrations in their books and their perspective when accepting narrations.

Al-Kulayni, may Allah have mercy on him, mentioned in the introduction of his book Al-Kafi that someone desired a comprehensive book that encompasses all aspects of religious knowledge, sufficient for learners and a guide for those seeking guidance. In response, Al-Kulayni mentioned that one cannot distinguish anything in which narrations differ among scholars unless following what the Imams declared by saying, "Present them to the Book of Allah, whatever agrees with the Book of Allah, accept it, and whatever contradicts the Book of Allah, reject it." Also, according to the saying of Imam Ali, "Leave what agrees with the people because guidance lies in their differences," and the saying of Imam Ali, "Adhere to what the consensus is upon, as there is no doubt in it." From all of this, we only know the least. (13)

This is a statement from Al-Kulayni, may Allah have mercy on him, outlining the principles of his foundation, emphasizing that differences in narrations are due to variations in their causes and reasons. Distinguishing them can only be done based on the conditions he mentioned, such as referring to the Book of Allah, accepting what aligns with it, and rejecting what contradicts it, or following the Imams and their consensus.

The term "different narrations" refers to those that cannot bear a meaning that resolves the disagreement. On the contrary, As-Saduq, may Allah have mercy on him, clarified in the introduction to his book, the solid foundations that guide the delineation of his principles. He stated this through the rulings he issues in the book, responding to a request for a book on jurisprudence covering halal, haram, legal prescriptions, and rulings. His response was:

"I composed this book by omitting the chains of narrators to avoid its numerous paths, even though its benefits are plentiful. My intention was not to follow the approach of other compilers in presenting everything narrated. Instead, I aimed to present what I issued legal verdicts on, deeming it correct. I believe that it serves as evidence between me and my Lord, whose name is sanctified, and all that is extracted from well-established reference books." (14)

This is an acknowledgment of the validity of the narrations compiled by As-Saduq, may Allah have mercy on him, as his book is a compilation of legal verdicts, especially in the realm of hadiths, which predominantly rely on the narrations of the Imams, peace be upon them. Hence, it is said, "When textual evidence is scarce, we turn to the books of Ibn Babawayh."

Legal verdict books represent the essence of the jurisprudential foundations adopted by the jurist, combining jurisprudential, biographical, foundational, and other principles. However, it is not necessary for these foundations to align with others regarding presentation and acceptance. The choice of adopting and practicing them after verification depends on personal assurance and confidence in them.

Furthermore, the opinions and foundations of the ancient scholars can be gleaned from the titles of the chapters in their narrational books and their legal rulings, and what they practice based on them. If both the narrators (Al-Kulayni and As-Saduq) only transmit what they deem authentic, one might argue against the significance of "Man La Yahduruhu al-Faqih" and rely on "Al-Kafi." However, this contradiction can be resolved:

- Al-Kulayni's authoring does not imply the weakness of "Al-Kafi" in his view. Evidence for this is as mentioned in As-Saduq's opinion on the topic of preventing an heir from inheriting, where he only transmits a narration from Al-Kulayni and bases his ruling on it according to Al-Kulayni's foundation.

- Al-Saduq establishes a link to Sheikh Al-Kulayni through his own mentors, demonstrating that As-Saduq followed Al-Kulayni in presenting the narrations of Ahl al-Bayt and relied on some of Al-Kulayni's narrations in his own transmission.

This clarifies the coordination between Al-Saduq and Al-Kulayni in presenting the narrations of Ahl al-Bayt, even though both of them only transmit what they consider authentic.

The Second Section: The Concept of Family

One of the goals of forming a family is the economic objective, which holds value in individuals' lives and is effective in the Islamic nation's existence. Examining the lives of unmarried individuals reveals the lack of stability and the financial challenges they face due to the increased costs of living alone, including expenses for food, drink, clothing, housing, and other aspects of livelihood. (15)

Islam has commanded marriage, promising prosperity for those who marry. Allah says, "And marry the unmarried among you and the righteous among your male slaves and female slaves. If they should be poor, Allah will enrich them from His bounty, and Allah is all-encompassing and knowing" (Quran 24:32) (16). The Prophet Muhammad also emphasized the importance of marriage and building a family, linking it to economic effectiveness for the nation's increased productivity and reduced consumption. (17)

The Prophet encouraged building families, even if ease and affluence were not immediately apparent. Aisha, may Allah be pleased with her, reported that the Prophet said, "Marry those who are loving and fertile, for I will boast of your great numbers before other nations on the Day of Judgment." (18) This hadith indicates the blessings and goodness derived from marriage. Therefore, promoting marriage and reproduction is a necessary call, as they are the foundation of stability and tranquility in society. (19)

Islam considers marriage and family-building as effective means to protect youth and society from sexual chaos (20). Consequently, the youth, who are capable of marriage, are encouraged to embark on this path for the sake of religious integrity, personal tranquility, and societal well-being. If unable to marry, fasting is recommended, as it suppresses desires and curbs inappropriate urges. The Prophet specifically emphasized addressing the youth because their heightened sexual drive makes them more prone to deviations and societal harms.

Marriage is a safeguard against the chaos witnessed in Western societies, including incidents of sexual assault, the rise in children born out of wedlock, and the spread of diseases. Thus, marriage is one of the key factors ensuring the well-being and integrity of the Islamic community. (21)

It can be said that the safety of the Muslim family from the vices of Western civilization is the reason for the well-being of the Islamic society against immorality. Islam, when emphasizing family formation, focuses on the establishment of marital relationships to protect society from the harms of fornication and homosexuality. This ensures a pure society flourishing with values, preserving dignity and sanctities. Additionally, Islam considers the needs of young individuals requiring parental assistance for establishing the desired family. Islam views marriage as a right for children if the father is financially capable. "Whoever has a child, let him choose a good name for them and teach them good manners. And when they reach maturity, let him marry them. If they reach maturity and he does not marry them, then he has committed a sin, and the sin is upon the father." (22)

The family is the fundamental path for raising children with Islamic values, adhering to virtuous morals. The family bears the responsibility of instilling Islamic ethics derived from the Quran and Sunnah, steering clear of vices prohibited by Islam. The family, led by righteous parents as role models committed to the divine law, plays a crucial role in passing on moral values to their offspring. (23)

The Third Section: Foundations of Family Building

"And among His signs is that He created for you mates from among yourselves.' Eve was created from Adam's rib, and all people are created from the sperm of men and women, so that you may find repose in them." (24)

The family is built on love, compassion, recognizing rights, fulfilling duties, and engaging in reform and discipline. The Quranic verse emphasizes the creation of spouses for mutual comfort and dwelling together. Mercy between spouses is the source of understanding and harmony within the family. Mutual respect, good behavior, cooperation, and consultation are essential for family cohesion. Ibn Abbas mentioned that love is

the man's affection for the woman, and mercy is his compassion towards her, fostering mutual respect and kindness. (25)

Imam Ali (PBUH), spoke about Fatima, "I swear by Allah, I never angered or displeased her after that incident until Allah, the Almighty, took her back to Him. She never angered me or disobeyed any of my commands. I used to look at her, and all worries and sorrows would vanish from me by just looking at her." (26)

Imam Al-Sadiq (peace be upon him) says, "Whoever treats his family kindly, Allah will extend his life." (27) This hadith has a significant impact on promoting good companionship, love, and mercy within the family, contributing to a longer life. The family, based on these principles, acknowledges the rights and duties of each member. The wife must obey her husband in goodness, preserve his secrets and wealth, as mentioned in the Quran. Similarly, the husband must fulfill his responsibilities towards his wife in terms of financial support and other obligations, as outlined in Islamic teachings.

"Men are the protectors and maintainers of women because Allah has given the one more [strength] than the other, and because they support them from their means. Therefore, the righteous women are devoutly obedient and guard in the husband's absence what Allah orders them to guard. As for those from whom you fear disobedience, admonish them, and send them to beds apart, and strike them. Then if they obey you, do not seek any means against them. Surely Allah is Most High, Most Great." (Quran 4:34) (28)

The concept of recognizing individual rights and obligations is emphasized, with wives expected to obey their husbands in goodness, and husbands fulfilling their responsibilities for the well-being of the family. The Prophet Muhammad (peace be upon him) emphasized the rights of spouses, underscoring that they should not allow anyone the husband dislikes into their homes. (29) "Indeed, you have rights over your wives, and your wives have rights over you. Your rights over them are that they should not allow anyone you dislike to sit on your bedding or enter your houses without permission." (30)

Imam Al-Sadiq (peace be upon him) highlighted the verse from the Quran: "O you who have believed, protect yourselves and your families from a Fire whose fuel is people and stones, over which are [appointed] angels, harsh and severe; they do not disobey Allah in what He commands them but do what they are commanded." (31) urging believers to take care of themselves and their families, preventing harm. This involves enjoining what is good and forbidding what is evil within the family context. The family's commitment to Islamic values ensures a stable upbringing for children, fostering a sense of responsibility in adhering to the teachings of Islam. (32)

The objectives intended by the legislator in establishing Islamic law generally revolve around promoting benefits and preventing harm in both worlds. (33) The Islamic legal system places great emphasis on understanding and addressing benefits and harms. It aims to achieve and complement benefits while impeding and minimizing harms. The pursuit of the greatest benefits often involves weighing them against potential harms. This jurisprudential approach plays a significant role in Islamic family matters, where Muslim families face numerous contemporary challenges that impact them. Families need to strike a balance to preserve their unity amid potential disintegration. They encounter various opportunities and emerging issues, leading them to navigate choices between advancement and caution.

This complexity prompts scholars to activate the theory of benefits and harms, also known as "maqasid al-sharia," utilizing the principles derived from legal evidence. This is crucial for Muslim families to maintain clarity in their affairs, leveraging available opportunities for their well-being in both religious and worldly aspects. The careful consideration of benefits and harms helps families make informed decisions, safeguarding their future and religious commitments. The jurisprudence of balancing between benefits and harms within the family framework encompasses various aspects, including but not limited to: (34)

1- Each of the spouses may need to activate the jurisprudence of benefits and harms and balance between them when choosing a life partner. They consider the primary benefits as a priority, giving them more weight, and strive to avoid potential harms. An example of this is seen in the story of Fatimah bint Qays (may Allah be pleased with her), where she mentioned to the Prophet Muhammad (peace be upon him) that both Muawiyah ibn Abi Sufyan and Abu Jahl proposed to her. The Prophet advised her, saying, "As for Abu Jahl, he does not remove his stick from his shoulder, and as for Muawiyah, he is a poor man with no wealth. Marry Usama ibn Zaid." She initially hesitated but eventually agreed. She later reflected, "I married him, and Allah brought goodness through him, and I found happiness with him." (35)

2- One of the contemporary issues based on achieving benefits and preventing harm in the lives of couples is the issue of medical examination for both spouses before concluding the marriage contract to know their medical history and the extent of suitability for each other health-wise. This is to prevent potential harm from the presence of genetic diseases that may affect them or their offspring. In this matter, there may be a conflict between interests and harms, so it requires weighing them, and some countries have chosen to make this examination mandatory as it serves their expected interests over harms. (36)

3- Disagreements and aversion may arise between spouses leading to hatred between them. Therefore, the Sharia advises against rushing into the decision of divorce by the husband. Maintaining the relationship between them may contain much goodness, making them endure the harm of hatred for the sake of a greater benefit. Allah says, "And perhaps you dislike a thing, and it is good for you; and perhaps you love a thing and it is bad for you. And Allah Knows, while you know not." (37)

4- Regarding polygyny, Sharia recommends in the verse: "Then marry those that please you of [other] women, two or three or four. But if you fear that you will not be just, then [marry only one or] those your right hand possesses. That is more suitable that you may not incline [to injustice]." (38) This is a prioritization to prevent the harm of injustice over the benefit of marrying a second wife, applying the principle of "preventing harm takes precedence over bringing benefits."

5- The issue of the wife working is another matter where spouses need to balance between interests and harms, depending on their circumstances and needs.

The Fourth Section: Family Cohesion in the Islamic Perspective

The fourth principle emphasizes the familial cohesion in accordance with the Islamic perspective. In Islam, the principle of mutual respect between spouses is a belief that fills the heart with the light of Allah and fear of Him. It compels believers to act in accordance with their faith and Sharia, instilling noble ethics that strengthen the bonds of love among people. Thus, relationships are built on harmony and integration rather than discord and conflict.

Based on this, Muslim couples have rights in Islam, and they earnestly strive together to apply the principles of this timeless religion and its lofty values in their daily lives. (39) Both Muslim husbands and wives understand the Islamic principles that dictate the dynamics of their relationship. As long as faith has filled their hearts and the fear of Allah governs their senses and will, they must seek to fulfill their rights and duties toward each other. (40) The Muslim husband recognizes that honoring his wife's rights is a form of obedience to Allah and drawing closer to Him. Similarly, the Muslim wife views fulfilling her duties toward her husband as a means of drawing closer to pleasing her Lord. Each sees the other as a gift from Allah, and their actions towards one another are a form of honoring the divine gift. Indeed, treating the gift well is an acknowledgment of the giver's honor, and neglecting the gift is a disrespect to the giver. Kindness and benevolence are among the causes of blessings in a man's livelihood and lifespan. (41)

A family whose spousal relationships are built on this basis becomes worthy of continuous happiness. It becomes a fertile ground for raising children with virtues and noble qualities, fulfilling its mission of supplying society with righteous individuals prepared to bear responsibility. These individuals inherit the noble traditions of their forefathers. (42) Life's journey proceeds in the right direction, and the caravan of life moves securely towards eternal happiness after covering the designated distance. (43)

Each spouse has rights and duties, and they should fulfill their obligations without neglecting them or seeking beyond their rightful bounds. The distinction between men and women in Islam lies in the responsibility of supervision and guardianship over family affairs, as well as the financial responsibility. It is not a distinction to honor one's rights over the other's. This status qualifies the husband to address matters of Allah and entrust his responsibility, as Allah commanded men, saying, "O you who have believed, it is not lawful for you to inherit women by compulsion. And do not make difficulties for them in order to take [back] part of what you gave them unless they commit a clear immorality. And live with them in kindness. For if you dislike them - perhaps you dislike a thing and Allah makes therein much good." (Quran, 4:19). (44)

"Ma'ruf" (kindness) refers to everything recognized as good and beneficial, while its opposite, "Munkar," is anything disapproved and harmful. (45) Imam Ali (peace be upon him) stated, "One whose character is good enhances the happiness of his family." Therefore, the outcome of a man's behavior reflects on the nature of his life with his family. (46)

Imam Al-Sadiq (peace be upon him) said, "One who treats his family well is granted an extension in his lifespan." Hence, good treatment brings peace of mind and the blessing of increased years. (47)

Conclusion

After this pleasant journey in completing this research, it is essential to briefly discuss its key features, which we will try to outline through the following points:

- The Sharia has shown remarkable concern for the family - in general - with great care, considering it a fundamental pillar of Muslim society and its cornerstone. The family plays a crucial role in raising generations and preparing them to be beneficial to their religion, homeland, and community.
- The family is characterized by both material and spiritual operations, including vital and consumption-related economic relationships, as well as ethical, psychological, and familial aspects – a historical family concept.
- Men have a role of supervision and responsibility in family affairs in Islam, including financial responsibilities. This role is not about honor or distinction but rather about taking on the responsibilities related to the family.
- A Muslim husband sees fulfilling his wife's rights as an act of obedience to Allah and a means of drawing closer to Him. Similarly, a Muslim wife sees fulfilling her duties toward her husband as a way to draw closer to Allah. Both spouses view each other as gifts from Allah and treating each other well is a form of honoring the gift.

- The family is the fundamental path for raising children with Islamic education rooted in virtuous morals.
- Compassion between spouses is the source of understanding and harmony within the family. This requires mutual respect, good conduct, cooperation, and consultation.
- One of the goals of family formation is economic stability, which holds value in individuals' lives and has effectiveness in the Islamic nation's existence.
- Preserving the religion is a significant goal, manifested in the sublime objective of worshipping Allah in a familial atmosphere. It represents the ultimate goal of Islamic education.

In conclusion, these principles form the foundation for a happy and successful family life based on Islamic teachings, promoting values that contribute to the well-being of individuals, families, and society as a whole.

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