

**FAMILY SYSTEM
IN
THE HOLY QUR'AN**

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the Name of Allah, Most Beneficent, All Merciful.

PREFACE

During November 20-21, 2009, Idara-e-Uloom al-Qur'an had arranged a seminar in Aligarh on the subject of "Family System and the Qur'anic Teachings." In its inaugural session, I was invited to present the key-note address. On that occasion, the address which was delivered with the help of necessary notes was later on developed into a booklet by my colleague Dr. Muhammad Razi-ul-Islam Nadvi, Secretary Tasneefi Academy, New Delhi, who also set out subsidiary headings, for which I am deeply thankful to him. I went through this manuscript and after some additions and deletions gave it the final shape of an article. This article was first published in the Jan.-Mar. 2010 issue of the quarterly *Tahqueeqat-e-Islami*, Aligarh.

Now, the same article, with further corrections and refinement, is being presented in the form of a booklet. In this booklet, only a gist of the Qur'anic teachings about family system has been given. It is hoped that it would be of some help to those who seek to know about an Islamic family. This booklet has been translated into Hindi & English. One of the zones of Jamaat published this booklet in a big way in one of their "Islamic Family" Campaign.

Many other books of this humble writer on the Islamic teachings about an ideal family have already been published; those who would like to have more information and details on the subject of an Islamic family may go through those books.

I pray to Almighty Allah to grant His acceptance to this humble effort. Ameen!

Jalaluddin Umari

November 1, 2012

FAMILY SYSTEM IN THE HOLY QUR'AN

Family: The Primary Unit of Social Life

We all very well know that man likes social life. It is in his nature that he likes to live in a society. Moreover, his necessities also demand that he live with others conjointly. Almighty Allah has created man in such a fashion that by living alone he cannot make available all his needs and necessities; efforts of many individuals are required to supply all his needs. Family is the primary and fundamental unit of this collective life. Collective life starts from this point and many families conjointly form a society.

Sociologists tell us that there have been and there are many kinds of families. Small, medium, and large families have existed in every age. Small families consist of husband, wife and children; sometimes in such families parents and close relatives too live together. Some are combined families which comprise of many individual families; they are sometimes managed individually and sometimes conjointly.

Islam Stabilizes the Family System

Islam has retained the basic unit of family and has removed all those evils which had penetrated it due to

exclusion of divine guidance and ingression of carnal desires, tyranny and oppression. All these evils have been described in the Holy Qur'an in great detail, and also necessary instructions have been provided to get rid of them. The Holy Qur'an has not only eradicated the flaws and evils found in a family, but also has presented a clear model of a family and has very clearly indicated how a family should be and how problems and disputes arising in a family should be solved. Thus, the natural demands of a family are not only met, but the requirements of justice and equity are also accomplished. The Holy Qur'an declares that a healthy family is indispensable for the establishment of a virtuous and chaste society. Whatever may be the circumstances and whichever may be the era, it wants to keep it as a permanent unit of the society, for which it has taken the assistance of both ethical values and the law, and strengthens this unit by various methods.

A Moderate Way between Monasticism and Permissiveness

Sexual relationship between a man and a woman is the starting point for the formation of a family. There are two viewpoints with regard to this relationship. One is the viewpoint of monasticism which says that sexual relationship is an impediment in the spiritual advancement and whoever wishes to advance in spiritual world should desist from it. The other viewpoint is that of permissiveness or promiscuity or fulfillment of carnal desires without any hindrance or obstruction.

Monasticism, perhaps, is slowly dying out. But the doors to carnal and sexual vagrancy are still wide open.

Between these two extreme viewpoints, Islam has presented a moderate way. It says that satisfaction of sexual desire is a natural urge, but it can be allowed to be accomplished on certain conditions only. The first condition is contract of marriage through which alone sexual urge can be satisfied. Marriage is not only permissible but is an act drawing rewards from Allah. Once, the Prophet of Allah (peace be upon him) said that there is reward in every act of righteousness. In this respect he further said: *وَفِي بُضْعِ أَحَدِكُمْ صَدَقَةٌ* "There is reward too if any of you indulges in sexual act." The Companions of the Prophet enquired: "O Prophet of Allah, a person just satisfies his desire; will he be rewarded for it too?" The Prophet (peace be upon him) said:

أرايتم لو وضعها في حرام أكان عليه فيها وزر؟ فكذلك اذا
وضعها في الحلال كان له اجر.

(صحیح مسلم، کتاب الزکوٰۃ، باب بیان ان اسم الصدقة یقع علی کل نوع من المعروف)

"What do you think; if he were to satisfy his desire unlawfully, would not he have incurred a sin? Similarly, if he is satisfying his desire lawfully, he is eligible for reward."

Attempting to completely annihilate sexual desire and urge is against human nature, and no one will ever be successful in this attempt. Islam has strictly forbidden such attempts. Some of the Companions of the Prophet were inclined to adopt monasticism. The Prophet of

Allah (peace be upon him) told them that there is no place for it in Islam. It is narrated in one of the traditions of the Prophet of Allah (peace be upon him):

لارهبانية في الاسلام

"There is no monasticism in Islam."

Although this tradition is weak as far as its authority is concerned, but what has been averred in it is supported by other stronger and truer traditions. A few of the Companions thought of getting castrated so that sexual urge could be completely destroyed. When the Prophet (peace be upon him) came to know about it, he said:

انى لم اوامر بالزهبانية (سنن الدراري، كتاب النكاح، باب انهي عن التبتل)

"I have not been ordained to adopt monasticism."

Purpose of Marriage

Leading a modest and chaste life and desisting from adultery and fornication is the purpose of marriage in Islam. The Prophet of Allah has said:

يا معشر الشباب من استطاع منكم الباءة فليتزوج

(صحیح بخاری، کتاب النكاح، باب من لم يستطع الباءة فليصم - صحیح مسلم، کتاب النكاح، باب استحباب

النكاح لمن تاقت نفسه... الخ)

"O young people! Whoever has the means to marry, should marry."

Based on the above tradition, Islamic jurists have gone a step further and have opined that if a person is at the verge of going on Hajj and at the same time also fears that if he does not marry he might commit adultery should first and perform Hajj later, because Hajj can be

delayed but delaying marriage might lead to adultery and fornication. In the aforesaid tradition, it is further stated:

ومن لم يستطع فعله بالصوم، فانه له وجاء.

"And any who cannot afford to marry should fast; this would be an obstruction."

It means that by observing fast, the sexual desire and urge can be brought under control. It is evident that if man eats well and leads a luxurious life, his passion and sexual desires and urges would also be very active. To control these desires, it has been recommended to fast abundantly; if consumption of food is controlled, it is easier to control the sexual desires and urges too. One of the ways of abstaining from adultery and fornication is to avoid leading a luxurious life.

In the Holy Qur'an after describing the types of women with whom marriage has been forbidden, it is stated:

وَ أَجَلٌ لَّكُمْ مَا وَرَاءَ ذَلِكَ أَنْ تَبْتَغُوا بِأَمْوَالِكُمْ مُحْصِنِينَ غَيْرَ مُسْفِحِينَ ط ...

"Except for these, all others are lawful, provided you seek (them in marriage) with gifts from your property - desiring chastity, not lust. (The Qur'an, 4:24)

It means that marriage cannot be contracted with forbidden women; apart from them, the other women can be brought under marriage after payment of the dower (Mehr). But, its objective should be to lead a virtuous and chaste life and desist from fornication.

In the aforesaid verse, an Arabic word *Mohsineen* has

been used. Its root word is *Hasan*, and in Arabic it means a "fort." *Mohsineen* means those who have fortified themselves by entering the fort of marriage and thus have become safe from the attacks of adultery and fornication. In other words, whoever enters the fort gets protected. Similarly, another word *Musafiheen* has been used. Its root word is *Safah* which means "to whore," "to fornicate". *Musafiheen* means those who madly run after their carnal desires. While ordaining marriage, its expediency has also been mentioned that it will protect your chastity, and you will be saved from the evil consequences of adultery and fornication.

Couples are Source of Tranquility to Each Other

The Holy Qur'an declares the relationship of marriage as relationship of love and affection. This love and affection is mutual. Through this relationship the sourness and restlessness in life is eradicated and contentment and tranquility is achieved. Usually, a person marries another unknown person, but very soon after the marriage love and affection start to grow between them. The Holy Qur'an declares this as a sign of Nature:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ ﴿٢١﴾ (الروم: ٢١)

"And among His Signs in this, that He created for you mates from among yourselves, that you may dwell in tranquility with them. And He has put love and mercy between your (hearts); verily in that are Signs for those who reflect."
(The Qur'an, 30:21)

In this Verse obtaining tranquility between husband and wife has been described as the objective of marriage, and it has also been stated that through this institution of marriage, Almighty Allah creates love and mercy between the couple. There is an indication in this that the love and mercy should be mutual; if it were to be one-sided then it would not be enduring. As far as tranquility is concerned, it cannot be denied that in the day-to-day struggle of life, in the anxieties and restlessness man finds tranquility only at home through his wife; so also for the wife, her husband is the cause and source of tranquility. Today man is in quest of tranquility, and in spite of all his material progress and scientific achievements, he is deprived of it. The Holy Qur'an says that if you wish to have tranquility in life, lead a married life as prescribed by it. According to the Qur'an there are great Signs for those who reflect in how two strangers become cause and source of tranquility to each other. The Holy Qur'an describes the type of relationship that a couple should have between them as follows:

(البقرة: ١٨٧)

هُنَّ لِبَاسٌ لَكُمْ وَأَنْتُمْ لِبَاسٌ لَهُنَّ^ط

"They (the women) are your garments and you are their garments.

(The Qur'an, 2:187)

Many different new aspects of this Verse come to the fore when we deliberate on it again and again, and we get astonished that what a wonderful and meaningful example the Holy Qur'an has used to interpret this relationship. No other thing is nearest to man's body as his garment. The Holy Qur'an states, you are the garments of your wives and a they are your garments.

One cannot give a better example than this for the close relationship that exists between husband and wife. Another benefit of the garment is that it covers all our bodily defects. If there were to be any abscess or tumor or any other defect on that part of the body which usually a garment covers, that defect would remain covered. The Holy Qur'an says that the nature of your relationship is that you are the garment of your wife and your wife is your garment; both of you are a cover for one another.

In Islam, the Head of Family is Man

No doubt Islam has made both man and woman partners in the building up of a family, but has declared man as the head of the family. Even a smallest organization cannot be run without a responsible person. If every person connected with the organization were to issue instructions and orders, it would be impossible to implement them. Therefore, the Holy Qur'an has ordained that husband and wife would build up the family conjointly, but its head would be the husband.

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا

(النساء: ٣٤)

مِنْ أَمْوَالِهِمْ

"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.

(The Qur'an, 4:34)

Two reasons have been given in the above Verse for making men responsible to maintain the family system. One is that Almighty Allah has gifted men with more

bodily and intellectual strength, and more capabilities in other aspects than the women. The second reason is that men support women financially from their means and earnings; and the reason for this is also that man has more strength and capabilities. If a person is strong and capable and the other is weak and less capable, it is essential for the stronger person to support the weaker person. The Holy Qur'an says that since a woman is weaker than a man, it is the responsibility of the man to spend his wealth on her upkeep and take care of her needs. This is a general principle. There could be many exceptions; it might be possible a woman could be stronger, more capable and richer than a man. But still, generally speaking, man would be the head of the family. In this respect, in principle, strength, capabilities and responsibilities have been considered which are generally found in men. Hence, it has been declared that in the family system men would be regarded as the protectors and maintainers of women. The family system can function smoothly only when a woman accepts this status and willingly obeys him. Hence, the Holy Qur'an declares:

(النساء: ٣٤) قَالِ الصَّالِحَاتُ قُنِينَ حَفِظْنَ لِمَا حَفِظَ اللَّهُ

"Therefore the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard." (The Qur'an, 4:34)

In Arabic *Qunut* (قنوت) means obedience, humility and devoutness, and from it the word *Qanitatun* (قنيت) has been derived and used in the aforesaid Verse which means those women who are obedient not only to their

husbands, but also obedient to Allah's ordinances. Another interpretation of the phrase **بما حفظ الله** is that since Allah has safeguarded the rights of women and has not given men complete dominance over them, it is necessary that they be obedient and need not be anxious that by obeying their husbands their rights would get trampled.

Provisions for Safeguarding Women from Cruelty and Injustice

With authority, there is always a possibility of oppression, excesses and injustice. Along with the authority given to men, two major steps have been taken to exclude the possibility of commitment of cruelty, oppression and excesses by them. One is that men have been taught to treat women with kindness and in an equitable manner. In this respect the Holy Qur'an directs as follows:

وَعَايِشُواهُنَّ بِالْمَعْرُوفِ ۚ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَ يُجْعَلَ
 اللَّهُ فِيهِ خَيْرًا كَثِيرًا ۝

(النساء: ١٩)

"And live with them on a footing of kindness and equity. If you take a dislike to them it may be that you may dislike a thing, and Allah brings about through it a great deal of good."

(The Qur'an, 4:19)

The meaning of *Ma'roof* (equity) here in this Verse is that women should be treated in a manner which is acknowledged in the society as the best. *Ma'roof* changes according to the time and circumstances and also according to the life style of husband and wife. It also

changes according to the environment and the country in which man is inhabited. In short, women should be treated in such a manner which is generally considered and acknowledged as the best treatment. Another thing which has been stressed upon in this Verse is that in women you might dislike a few things, but still you should continue to treat them well. Thus, in such circumstances there cannot be any nobler teaching than this. A few of the characteristics of a wife could be irritating to the husband; sometimes her behavior could be wrong; sometimes there could be testiness in her temperament; sometimes she could be angry and abusive; and sometimes she could be disobedient - in spite of all such weaknesses, the Qur'an says, that the husband should treat his wife with kindness and according to *Ma'roof*. The eminent scholars of the Holy Qur'an further clarify that in that part of the Verse which says "*and Allah brings about through it a great deal of good,*" there is a sign that Allah can gift the husband such an offspring through his wife which would gladden his heart and who could be more knowledgeable, pious and righteous, and at that time the husband would forget all the irritating weaknesses of his wife. Along with the teaching of kindness and equity with which the women should be treated, their rights have also been fixed. The Holy Qur'an says:

(البقرة: ٢٢٨) وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ

"And women shall have rights similar to the rights against them, according to what is equitable."

(The Qur'an, 2:228)

It means that the women have rights as well as responsibilities. The husbands have the right to observe whether their wives are fulfilling their responsibilities. At the same time it is the responsibility of the husbands to see that the rights of their wives are being safeguarded. In the Holy Qur'an both the responsibilities and rights of women have been described. In the married life when it is observed whether the wife is fulfilling her responsibilities or not, it is also taken care of that her rights are safeguarded and discharged properly.

Permission to have More Than One Wife

Islam has permitted men to have more than one wife. It was customary in Arabia to have more than one wife and men used to have many wives. In some other religions also there were no such restrictions in the countries outside Arabia too, rich men used to have many wives; but there was no limit to it. On the other hand, Islam has fixed the limit and has declared that a man can have not more than four wives. At the outset, this permission was given in the context of war. It is a well-known fact that during a war, usually young men get killed and if there were to be a ban on marrying more than one wife, most of the widows would have remained without a husband. Islam solved this problem by permitting men to have more than one wife, but it has not confined it to war-like situations alone and has given general permission because sometimes a man may be in need of more than one wife in normal circumstances. Hence, there is unanimity in the Muslim community that

this permission is not restricted to war-like situations only and that in normal circumstances too, if found necessary, a man can take more than one wife. But for taking more than one wife the Holy Qur'an has levied two conditions: One, a man cannot have more than four wives at a given time; the second condition is that if a man has more than one wife, it is mandatory upon him to treat them with justice and equity. The Holy Qur'an says:

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَسَارَىٰ فَالْيَسَارَىٰ مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَعْنَىٰ وَ
ثَلَاثَ وَرُبَاعًا ۚ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ۚ ذَٰلِكَ
أَدْقَىٰ ۖ أَلَّا تَعْوِلُوا ۗ (النساء: ٣)

"If you fear that you shall not be able to deal justly with the orphans, marry women of your choice, two or three, or four; but if you fear that you shall not be able to deal justly (with them), then only one, or (a captive) that your right hands possess. That will be more suitable, to prevent you from doing injustice.

(The Qur'an, 4:3)

The point stressed upon in the above Verse by the Holy Qur'an is very important. It says that if you fear that you shall not be able to deal justly with more than one wife, then you shall have only one. It means that before taking a second, or third or fourth wife, a man should take a serious survey of his physical strength, age, and financial resources, and also whether he would be able to bear the extra expenses of bringing up more offspring and giving them a good education. If he fears that he would not be able to do justice then he should desist from marrying more than one wife. There is also provision for

any of the wives to seek legal redress in case of her rights being trampled.

When Matrimonial Relationship Starts Deteriorating

Matrimonial relationships do not always remain cordial and pleasant; sometimes unpleasantness also creeps in. On such occasions, the Islamic teaching is that the husband and wife should be patient and forbearing, and try to remove the causes for unpleasantness with prudence, skill and mutual discussions and understanding. To achieve this objective, in certain situations which have been specified, it has permitted the husband to use some force against his wife but within the limits that have been prescribed in this regard. Similarly, if a wife finds any defects in her husband, she should try to reform him as the situation demands in the given circumstances. In spite of all these, there is always a possibility that the husband and wife might not be able to eliminate the deterioration that has set in their relationships. In such a situation, the teaching of the Holy Qur'an is that two arbitrators, one each from the families of husband and the wife, be appointed and they should try to solve the problems in the matrimonial relationships after holding discussions. In the prime of manhood/womanhood, the hold of passions is always strong and hence there are more chances of mistakes being committed. Sometimes, because of the indiscretion and stupidity of the respective families, the situation gets even worse. However, if sincere efforts are put in, the situation can be saved and matters can be settled amicably. The Holy Qur'an says:

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَ حَكَمًا مِّنْ أَهْلِهَا إِن يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا ﴿٣٥﴾ (النساء: ٣٥)

"If you fear a breach between them twain, appoint (two) arbiters, one from his family, and the other from hers; if they wish for peace, Allah will cause their reconciliation: for Allah has full knowledge and is acquainted with all things." (The Qur'an, 4:35)

The purport derived from the part of the above Verse "if they wish for peace" is that if the couple or the arbitrators wish for peace, then "Allah will cause their reconciliation." This Verse addresses not only the respective families, but also the Muslim community or the court which can also appoint arbitrators if situation and circumstances demand. However, the efforts of the arbitrators would be limited only to reconciliation, resolving the problems and suggesting the couple some useful suggestions and remedial measures. They cannot take a final decision in the matter; taking a final decision is always the right of the couple.

Permission for Divorce

In spite of the efforts for reconciliation and to resolve the matrimonial problems, if it becomes difficult for the husband and wife to maintain and continue with the matrimonial relationship, Islam has kept opened the door of *Talaq* (divorce) for the husband and *Khula'* (divorce at the instance of the wife) for the wife. Islam does not say that men and women cannot obtain divorce however bad may be the matrimonial relationships and however

difficult it had become for the married couples to live amicably. In the Arabian society, before the advent of Islam, divorcing had no limits; a man could pronounce divorce whenever he wished and separate his wife from him, and take her back again as her wife whenever he wished; this he could do repeatedly and thus torment the woman for her entire life. The Holy Qur'an restricted this right of divorce and ordained that *Talaq* can be pronounced only twice, with the option of revocation in between:

الطَّلَاقُ مَرَّتَيْنِ ۖ فَمَا سَاكُتُ بِمَعْرُوفٍ أَوْ تَسْرِيَةٍ بِإِحْسَانٍ ۗ (البقرة: ٢٢٩)

"A divorce is only permissible twice: after that, the parties should either hold together on equitable terms, or separate with kindness." (The Qur'an, 2:229)

In this Verse, mention has been made about revocable divorce which can be pronounced only twice in the married life. In between these two divorces, a man can revoke the divorce and take back the woman he has divorced as his wife within the prescribed period of three months or three menstrual periods. It is further directed that in case of revocation of the divorce, the parties should live together on equitable and honorable terms, and if they decide to permanently dissolve the marriage they should separate with kindness. If revocation is not made within the prescribed period, then the couple can remarry, if they so desire, after the expiry of the prescribed period. However, if the man pronounces divorce for the third time, he shall not have the right to revoke it. If he again wants to remarry the same woman, the way suggested by the Holy Qur'an is a long and

tedious one:

فَإِنْ طَلَّقَهَا فَلَا تَحِلُّ لَهُ مِنْ بَعْدِ حَيْثُ تَنَكَحَ زَوْجًا غَيْرَهَا (البقرة: ٢٣٠)

"So if a husband divorces his wife (irrevocably), he cannot, after that, remarry her until after she has married another husband and he has divorced her (after) he has cohabited with her)." (The Qur'an, 2:230)

A divorced woman cannot be prevented from remarrying when once irrevocably divorced by her husband. The Holy Qur'an says that after the expiry of the prescribed period of waiting she can marry any of the men except her previous husband. As per the aforesaid Verse, if her second husband dies or divorces her irrevocably (which could happen after a short period of a month or two or a longer period of ten to twenty years) and her former husband desires to marry her again and she also gives her consent for such a marriage, keeping in view the experiences and situations through which they had gone through in their previous matrimonial relationship, they are permitted to remarry again. This tedious and difficult way has been suggested to prevent the divorce and revocation of divorce being made a palything, and force the husband to think a thousand times before giving the final third divorce.

The Issue of Triple Talaq (Divorce)

There are certain conditions laid down in the Holy Qur'an and the Hadith which a husband should observe while divorcing his wife. One of them is that divorce should be pronounced when the wife is not in her

monthly menstrual cycle, and the divorce should be pronounced only once, so that if required the husband and wife could restart the matrimonial relationship within the prescribed period of waiting or could remarry again after the expiry of the prescribed period of waiting; all the eminent Islamic jurists are unanimous in their opinion in this regard, and that the same procedure is to be followed while pronouncing the second and the third divorce. However, after the third divorce, the divorce becomes irrevocable and a man cannot remarry her divorced wife unless those conditions are fulfilled which have been explained in the previous paragraph.

One question has always been under discussion; it is that if anyone does not follow the aforesaid procedure and pronounces the three divorces at the same time and in one sitting, whether he loses the right to revoke his divorce or not. Majority of the jurists are of the opinion that a husband is given three chances to divorce his wife which he has to use at three different periods of his married life. If he chooses to use all three chances to divorce in one sitting then they would be considered as three pronouncements and he would have exhausted his right to pronounce a maximum of three divorces. But in such a situation the Ahle Hadith say that three divorces must be pronounced in 3 different monthly periods of purity (of menstrual cycles). Even if a man pronounces divorce a thousand times in one monthly period of purity, it would be considered as a single divorce and he would have the option to reconcile with his wife. Nobody is of the opinion that if a person pronounces 3 divorces

instantaneously then divorce does not take place. All are of the opinion that divorce shall take place. The difference that remains is would the 3 pronouncements of divorce in one sitting be considered as three divorces or just one divorce. The Muslim community generally accepts the opinion of the majority of the jurists as being correct and people follow the same. The Ahle Hadith follow their school of thought and judge accordingly. There is one more opinion that needs to be considered & which is that if a person pronounces divorce three times in one sitting for the sake of emphasis and he actually meant to give only one divorce then we should believe him.

Nurturing and Education of Offspring

According to the Islamic Law, offspring get their lineage from their father; he alone is responsible to bear the financial burden in bringing them up and acts as their guardian. However, it does not mean that the offspring cannot be ascribed to their mother. Apart from the legal aspect of the matter, offspring can be ascribed to their mother. It is not wrong to say that these are the offspring of such and such woman. The Holy Qur'an has ascribed offspring both to their father and their mother. The Holy Qur'an says:

وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُبَيِّتَهُنَّ
 الرِّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لَا تُكَلِّفُ نَفْسٌ
 إِلَّا وُسْعَهَا لَا تُضَارَّ وَالِدَةٌ بِوَلَدِهَا وَلَا مَوْلُودٌ لَهُ بِوَالِدَيْهِ (البقرة: ٢٣٣)

"The mothers shall give suck to their offspring for two whole years, if the father desires to complete the term.

But he shall bear the cost of their food and clothing on equitable terms. No soul shall have a burden laid on it greater than it can bear. No mother shall be treated unfairly on account of her child, nor father on account of his child." (The Qur'an, 2:233)

In this Verse the child has been ascribed to both the mother and the father. Although, legally, father is responsible for the maintenance of the family, but the offspring can also be ascribed to their mother.

While describing the dedication of Hazrat Mariyam (Mary) to the service of Allah by her mother, the wife of Imran, the Holy Qur'an says:

إِذْ قَالَتِ امْرَأَتُ عِمْرَانَ رَبِّ إِنِّي نَذَرْتُ لَكَ مَا فِي بَطْنِي مُحَرَّرًا
فَتَقَبَّلْ مِنِّي إِنَّكَ أَنْتَ السَّمِيعُ الْعَلِيمُ ﴿٣٥﴾ (آل عمران: ٣٥)

"Behold! A woman of Imran said: 'O my Lord! I do dedicate unto Thee what is in my womb for your special service: so accept this of me; for you hear and know all things." (The Qur'an, 3:35)

Deducing from this Verse, the eminent Hanafi scholar and jurist Allamma Abu Bakr Jassas Razi opines:

"From this it is deduced that the mother has a sort of guardianship over her offspring with regard to their education, nurturing, training and putting them on the religious path. She can also act as a guardian; otherwise she (i.e. the wife of Imran) would not have dedicated her child. Similarly, she also gets the right to name her offspring if the father does not do so."

(Ahkam al-Qur'an, 2/14)

However, it should be stressed upon here that

maintenance of the members of the family is the responsibility of the husband alone. The Holy Qur'an declares:

وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ ۗ (البقرة: ٢٣٣)

"And he shall bear the cost of their food and clothing on equitable terms." (The Qur'an, 2:233)

Similarly, proper and sound education and training of their offspring is the primary responsibility and duty of both the father and the mother and basically they should set a good example for their offspring by presenting before them good Islamic character and conduct and thus save themselves and their offspring from the hellfire and chastisement of the Hereafter:

يَا أَيُّهَا الَّذِينَ آمَنُوا قُوا أَنْفُسَكُمْ وَأَهْلِيكُمْ نَارًا (التحريم: ٦)

"O ye who believe! Save yourselves and your families from the Fire." (The Qur'an, 66:6)

In the aforesaid Verse, it has been mentioned that the primary responsibility of a person is to save himself from hellfire and his secondary responsible is to save his family members from it. It is also inferred from it that before venturing out to reform others he should set himself and his family as an example for others; otherwise it is difficult to reform others. This is the very fact that has been pointed out to the exalted wives of Prophet Muhammad:

وَاذْكُرْنَ مَا يُتْلَىٰ فِي بُيُوتِكُنَّ مِنْ آيَاتِ اللَّهِ وَالْحِكْمَةِ (الاحزاب: ٣٤)

"And recite what is rehearsed to you in your homes, of the Signs of Allah and His Wisdom." (The Qur'an, 33:34)

In the aforesaid Verse, it has been instructed that our homes should be centers of religious education and propagation of Islam.

Infanticide is Absolutely Forbidden

The Holy Qur'an has made it very clear that every child is born in the world with the right to live, which cannot be usurped even by its own parents, and it is considered as a cognizable crime. This fact has been described in great detail in the Holy Qur'an. In the pre-Islamic Arab world infanticide was very common due to various reasons such as poverty, ignorance, etc. The Holy Qur'an admonishes:

وَلَا تَقْتُلُوا أَوْلَادَكُمْ مِمَّنْ إِمْلَاقٍ ۗ نَحْنُ نَرْزُقُكُمْ وَإِيَّاهُمْ ۗ (الانعام: ١٥١)

"Kill not your children on a plea of want; We provide sustenance for you and for them." (The Qur'an, 6:151)

Sometimes fear of poverty forced parents to kill their children; the Holy Qur'an has prohibited this too:

وَلَا تَقْتُلُوا أَوْلَادَكُمْ خَشْيَةَ إِمْلَاقٍ ۗ نَحْنُ نَرْزُقُهُمْ وَإِيَّاكُمْ ۗ إِنَّ قَتْلَهُمْ

(الاسراء: ٣١)

كَانَ خَطَاً كَبِيراً ۝

"Kill not your children for fear of want; We shall provide sustenance for them as well as for you. Verily the killing of them is a great sin." (The Qur'an, 17:31)

Infanticide cannot be justified at all. Hence, the Holy Qur'an has construed it as an act of ignorance and grave loss for the individual as well as the nation.

قَدْ حَسِبَ الَّذِينَ قَتَلُوا أَوْلَادَهُمْ سَفَهًا بِغَيْرِ عِلْمٍ (الانعام: ١٢٠)

"Lost are those who slay their children, from folly,

without knowledge."

(The Qur'an, 6:140)

It is a very absurd and hard-hearted act to slay one's own children. Those who commit this folly because of their ignorance, according to the Holy Qur'an, are the ones who incur the loss; this leads to decrease in the manpower of a nation and destruction of the generation.

The Rights of Parents

The Holy Qur'an has not only described the responsibilities of parents towards their offspring, it has also described the responsibilities of offspring towards their parents. It has instructed the offspring to treat them with kindness and fulfill all their needs as they had done when they were young and helpless:

وَصَاحِبُهُمَا فِي الدُّنْيَا مَعْرُوفًا (القمان: ١٥)

"Bear them company in this life with justice (and consideration)."

(The Qur'an, 31:15)

In another place, the Holy Qur'an has ordained the offspring to treat their parents with respect and humility, and address them in the most honorable terms possible. Also, it has been instructed to pray for them regularly, and bear with them warmly and heartily if, because of their old age, they show their impatience and anger:

وَقَضَىٰ رَبُّكَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ وَبِالْوَالِدَيْنِ إِحْسَانًا ۗ إِنَّمَا يُبِطِّلُنَّ عِنْدَكَ
الْكِبَرَ إِحْدَهُمَا أَوْ كِلَيْهِمَا فَلَا تَقُنْ لَهُمَا أَوْفَ وَلَا تَنْهَرْهُمَا وَقُلْ لَهُمَا قَوْلًا
كَرِيمًا ۖ وَاخْفِضْ لَهُمَا جَنَاحَ الذُّلِّ مِنَ الرَّحْمَةِ وَقُلْ رَبِّ ارْحَمْهُمَا كَمَا
رَبَّيْنِي صَغِيرًا ۝ (الاسراء: ٢٣-٢٤)

"Your Lord has decreed that you worship none but

Him, and that you be kind to parents. Whether one or both of them attain old age in your life, say not to them a word of contempt, nor repel them, but address them in terms of honor. And, out of kindness, lower to them the wing of humility, and say: 'My Lord! Bestow on them your Mercy even as they cherished me in childhood.'

(The Qur'an, 17:23-24)

Old Age Home

In this so-called modern and civilized age, a question is raised whether there is any room for old age homes under Islamic teachings. As far as my opinion is concerned, the idea of old age homes is not compatible with the teachings of Islam, because according to the portion of the aforesaid verse *إِذَا يَلْعَنُ عِنْدَكَ الْكِبَرَ* (if they attain old age in your life), it is inferred that parents should live with their offspring. It is also inferred from the aforesaid Verse, that its objective is not only to provide materially for the parents, but also to provide them with the company of their loved ones. However, because of the present-day conditions of living, it is becoming harder and harder for parents to live with their offspring, particularly their sons, as often times they are forced to live separately in far off countries where they cannot take their parents with them. In such situations, the children should consider whether wealth and status is more important for them than service to their parents in their old age when they are entirely dependent on them; every individual has to take a decision according to the situation he faces. Old age homes are pathetic golden

cages which cannot replace the freedom, comforts and love provided in our own homes.

Honoring Blood Relations

The Holy Qur'an also ordains honoring of blood relations and fulfilling their rights along with the rights of parents and family members:

وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ
(النساء: ١)

"Fear Allah, through Whom you demand your mutual (rights), and (reverence) the wombs (that bore you)."

(The Qur'an, 4:1)

One of the several attributes of men of Faith described in the Holy Qur'an is that they do not break the relationships but try to join them:

وَالَّذِينَ يَصِلُونَ مَا أَمَرَ اللَّهُ بِهِ أَنْ يُوصَلَ
(الزمر: ٢١)

"Those who join together those things which Allah has commanded to be joined."

(The Qur'an, 13:21)

It has also been stressed that this is not just a recommendatory instruction or advice, but is a command:

وَاتِ ذَا الْقُرْبَىٰ حَقَّهُ وَالْيَتَامَىٰ وَالسَّبِيلَ وَلَا تُبَذِّرْ تَبْذِيرًا ﴿٢٦﴾ (الاسراء: ٢٦)

"And render to the kindred their due rights, as (also) to those in want, and to the wayfarer; but squander not (your wealth) in the manner of a spendthrift."

(The Qur'an, 17:26)

A very important point to be noted in the aforesaid Verse is that if the wealth is squandered in the manner of a spendthrift, it would be difficult to fulfill the rights of our blood-relatives and other needy persons; these rights

can be fulfilled only if we keep a control over spending of our wealth.

Law of Inheritance

The Holy Qur'an, along with other rights, has bestowed the right of inheritance too. Usually, during the era of ignorance and at present too in certain communities, only the male offspring of a deceased were considered eligible to inherit his inheritance. Sometimes, only the eldest male of the offspring used to inherit all the properties left behind by the deceased and the younger children and females of the family were denied the right to a share in the inheritance. The Holy Qur'an has put an end to this oppression. It declares:

لِلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدِينَ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ
 الْوَالِدِينَ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ نَصِيبًا مَّفْرُوضًا (النساء: ٧)

"From what is left by parents and those nearest related there is a share for men and a share for women, whether the property be small or large - a determinate share." (The Qur'an, 4:7)

It means that there is a share for female offspring too, along with the share for male offspring in the inheritance, whether small or large, left behind by the deceased.

The Law of Inheritance of the Holy Qur'an is based on marital association and blood relationship. According to it, husband and wife, both the parents, their offspring, both males and females, are essentially inheritors of each other and they cannot be denied of their share in the inheritance. Only in their absence or after they getting

their due share, other near or distant relatives shall have the right to have a share in the inheritance.

The Holy Qur'an, in its Law of Inheritance, has given precedence to the rights of those who have a closer and direct relationship with the deceased than those who have an indirect relationship. Hence, according to this principle, the offspring of a deceased cannot get a share in the inheritance of their grandparent if his other sons are alive at the time of his death. Since the relationship of brothers and sisters is established through the father, hence, in the event of a father surviving his deceased son, the brothers and sisters of the deceased do not get a share in the properties left behind by the deceased and the father becomes the sole inheritor.

Obligation to Make a Bequest/Will

A person has the right to make a bequest in his property. The bequest should be in the form that a certain portion of his property, after his death, be spent on charity, propagation of Islam, and other general welfare activities amongst the members of his community. Also a bequest can be made in favour of those close or distant relatives who have become ineligible for a legal share in his properties due to various circumstances. However, Prophet Muhammad (peace be upon him) has restricted this bequest to on-third of the entire property so that such a bequest should not affect the shares of the legal heirs. He has also ordained that a bequest cannot be made in favour of those whose share is legally assured. The Holy Qur'an gives credence to this right to make a bequest and

declares:

مِنْ بَعْدِ وَصِيَّةٍ يُؤْذَى بِهَا أَدْوِينَ غَيْرَ مُضَارٍّ وَصِيَّةً مِنَ اللَّهِ وَاللَّهُ

(النساء: ١٢)

عَلَيْكُمْ حَلِيمٌ ۝

"After payment of bequests and debts; so that no loss is caused (to anyone). Thus it is ordained by Allah; and Allah is All-Knowing, Most Forbearing.

(The Qur'an, 4:12)
















The teaching of Islam in this regard is that from the wealth and properties of the deceased, first money should be spent on his burial expenditure, next his debts should be repaid and in the last the remaining inheritance should be divided amongst his relatives as per the directives given in the Holy Qur'an and the Traditions of Prophet Muhammad (peace be upon him).

Conclusion

The system of family that the Holy Qur'an presents is a consistent system, which has been based and strengthened on love, sincerity, ethics and regulations. Society is formed by a collection of families; if the families are governed by the ordinances and instructions issued by the Holy Qur'an, its effects will be felt all over the society. Because of the overall corruption and viciousness found generally in the society today, Muslim families too are getting affected and influenced by this corruption and viciousness; indifference and negligence towards Islamic teachings thus is increasingly setting in the Muslim families. Although, we do not have any control over the widespread viciousness in the society, at

least we can utilize the control and authority and Allah has given us in the small sphere of our family and infuse the Islamic teachings and ethical values in it, which God Willing, will have a good bearing on the entire society and thus relevance of Islam and its teachings will be felt everywhere.

AUTHOR'S OTHER BOOKS IN ENGLISH

-  **Islam - The Bastion of Human Rights**
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-  **The Family System of Islam**
English Version of Urdu "Islam Ka Aeli Nizam"
-  **Maintenance of the Divorcee: A Critical Analysis**
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