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Current Family Issues and Tafsīr Şirat al-Jinān

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Abstract

The family holds a pivotal role within the societal framework, signifying its indispensability as the bedrock of a robust social system. The viability of any nation's development hinges significantly on the presence of a resilient family structure. The erosion of family stability, in turn, precipitates far-reaching consequences, undermining human behavioral norms, diluting societal awareness of individual social responsibilities, and blurring the sense of individuals' roles within the broader community. In line with Islamic teachings, the family is more than just the marital union between a man and a woman and

their offspring; it extends to encompass the husband's parents and blood relatives, forming an intricate familial network.

Notably, Islamic jurisprudence underscores the critical importance of preserving lineage, considering it one of the overarching objectives of Islamic law. As societies progress and evolve, the intricacy of challenges escalates, with such issues being perpetual and inherent aspects of human existence. Our scholarly endeavor should not merely dwell on elucidating these challenges but should instead be concentrated on meticulously crafting and implementing effective resolutions. Solutions materialize when the right strategies are thoughtfully adopted, and the optimal courses of action are judiciously selected. If there exists a glimmer of hope for the resolution of these multifaceted issues, it inheres in the sagacious teachings of the Holy Prophet. The family unit, with its intricate dynamics, serves as the linchpin for the societal edifice, and its nurturing remains paramount for the flourishing of a vibrant and resilient civilization.

Keywords: Qur'ān, Tafsir, Family Issue.

Introduction

The Prophet's character and life not only indicate the cause of the disease but also suggests natural methods of treatment. His Seerah is based on the Qur'ān. The Qur'ān and his Sunnah are two names for the same reality. The Qur'ān and Muhammad are two sides of the same eternal truth. If one is called knowledge, the other one is called action. There will be no exaggeration for the

sun of guidance to one and the manifestation of the sun to the other. When Hazrat Ayesha (RA) was asked about His Seerah, she said the same thing "كان خلقه القرآن" The fact is that the life of the Holy Prophet is the story of an inter-human mission. The fact is that the life of the Prophet is the story of an inter-human mission. It is the fulfillment of the sacred message which was lit by Adam, Abraham, Jesus and other prophets. Therefore, the reasons for the deterioration of the family system in modern times have been briefly described by the commentator Sirat al-Jinan in his commentary and the solution to these problems has been presented in the light of the Qur'ānic verses.

The Islamic Concept of Marriage

The family is an important social institution; the source of creating this basic social institution is "marriage". It is a mean of maintaining and advancing the human race. Islam has given to humanity such a high, superior and comprehensive system of chastity in the form of marriage, in the light of which, every adult man and woman can nurture the survival and continuity of the human race even in sexual orientation with natural and natural moderation and by protecting themselves from fornication and denial. But in the present era, there are two extremes about it. One is that in some parts of our country, couples are married who are very immature and the other extreme is that marriages are delayed so much that old age is reached, Islam, teaches us moderation. Therefore, we should not abandon moderation even in the matter of marriage. In the Islamic family system, marriage is the means of maintaining the relationship between the spouses. Marriage is an Arabic word, which literally means to combine, but it also applies to the meaning of intercourse, intimacy and contract, while in Islamic terms, marriage refers to the agreement that results between a man and a woman. Sexual intercourse with one another is permissible according to the Sharī'ah principles and the lineage of the offspring to be born proves to be Sharī'ah.

The Sharī‘ah ruling on marriage for a man is that if he is in a state of moderation, that is, he is not overpowered by lust and he is not impotent, and he has the power to pay dowry and non-maintenance, then it is a definite Sunnah for him to perform marriage, but if he fears falling into adultery and he is able to fulfill the rights of the wife, then it is obligatory for him to get married, and if he is sure that he will fall into adultery, then it is obligatory for him to get married. If he fears that he will not be able to fulfill his marital rights, then it is Makrūh to marry him, and if he is sure that he will not be able to fulfill his rights, then it is unlaw (Harām) for him to marry her.¹

The Sharī‘ah ruling on marriage for a woman is that it is forbidden for a woman who is afraid of herself that she may not be able to obey her husband and that her husband's obligatory rights will not be fulfilled. If she does, she will be a sinner. If she is sure of her fear of these things, then it is definitely Harām to marry her. A woman who does not have such a fear of herself, if she is in dire need of marriage, and she is suspected of committing a sin without marriage, necessary for her to marry and if the belief of falling into sin without marriage is clear, it is obligatory for her to get married. If the state of need is in moderation, that is, she is not at all indifferent to marriage, nor is he fond of the intensity that the suspicion of falling into sin without marriage prevails then it is Sunnah for her to get married. While she is quite satisfied with herself that she will not give up her husband's obedience and she will not lose her husband's rights at all.² Islam is the religion of nature Allah Almighty taught mankind the ways of life and chose for humanity every pure deed that is in accordance with nature, living a single life without marriage is an undesirable act in Islam, living a married life This is the intention of Sharī‘ah.

Therefore, wedding is a fundamental pillar of the survival of human society and from a Sharī‘ah point of view, it has a special significance and virtue, it is a social bond between two people and only a means of fulfilling

sexual desires. Not only this, it is also a source of mutual love and reunion between the two families. Therefore, from Adam to Mohammad (ﷺ), no divine law has been passed in which marriage has not been encouraged. The importance of marriage can be guessed from the fact that the Qur'ān not only mentions marriage in many places but also encourages it and calls it a solemn covenant. In the following verse, the Muslims are commanded to marry those of you who are unmarried. If you are afraid of going penniless, Allah will give you wealth out of His bounty. If any person marries for the protection of faith and morals and for the pleasure of Allah, then Allah has promised prosperity for such a person. The guidance is from the holy Qur'ān.

"وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ إِنْ يَكُونُوا فُقَرَاءَ يُعْنِهِمُ اللَّهُ مِنْ فَضْلِهِ وَاللَّهُ وَاسِعٌ عَلِيمٌ"³

"Arrange the marriage of the spouseless among you, and the capable from among your bondmen and bondwomen. If they are poor, Allah will enrich them out of His grace. Allah is All-Encompassing, All-Knowing".

Šāhib-e-Tafsīr writes that in the previous verses, Allah Almighty commanded men and women to keep their private parts hidden and protect their private parts. Now, in this verse, a method of protecting private parts is being explained, so He said Marry those of you who are unmarried, whether male or female, virgins or non-virgins (i.e., married but then divorced or one dies) and those of your slaves and female slaves who are virtuous. The shar'ī ruling on marriage is that in a state of moderation, that is, if there is no predominance of lust and there is no man, and he has power over dowry and non-maintenance, then marriage is a definite Sunnah. If there is a fear of falling into adultery and he is able to fulfill the rights of the wife, then it is obligatory, and if he is afraid of falling into adultery, then it is obligatory to get

married. If there is a fear of not being able to fulfill the rights of the spouse, then marriage is makrūh and if there is a certainty of not being able to fulfill the rights, then it is harām.⁴

He said that if the people who get married are poor then Allah Almighty will enrich them with His bounty because marriage is a means of overcoming hardship and gaining generosity. From this verse, it is known that with the blessing of marriage, hardship is removed and generosity is obtained. This is also stated in many Hadīths. The following are some Ahadīth for persuasion. It is narrated on the Authority of Hazrat Abdullah bin ‘Abbās (R.A) The Prophet (ﷺ) said.

عَنْ ابْنِ عَبَّاسٍ قَالَ: التمسوا الرزق بالِنِكَاحِ-⁵

Seek sustenance through marriage.

”عن هشام بن عروة، عن أبيه، قال: قال رسول الله ﷺ: ”تزوجوا النساء فإنهن يأتيكنم بالمال“-⁶

It is narrated on the Authority of Hazrat Urwah (R.A) that the Holy Prophet (ﷺ) said Marry women because they will bring you (sustenance and wealth) from Allah.

Hazrat Umar bin Khattab (R.A) says I am amazed at the person who is trying to get rich without marriage even though Allah Almighty has said “If they are poor then Allah Almighty will enrich them with His bounty.⁷ There is also a psychological reason for getting rich due to marriage and that is that a single man is usually carefree but when a marriage takes place a sense of responsibility is created, then the man tries hard, as a result of which The door to sustenance opens and thousands of people are seen to be carefree, unemployed and wasting time with friends before marriage, but after marriage, they also start working and avoiding in idle things.

Harmony of Thoughts and Beliefs is Essential for Marriage

Allah Almighty has placed man's nature in such a way that he is hungry for love. That is why he seeks people in a happy environment who can share in his happiness. This participation doubles his happiness, just as the presence of a mourner alleviates his sorrow. Yes, this love often comes from relationships that are natural and have no control over his or her Authority. There is also a relationship that man creates by choice, this is a marriage relationship. This relationship is so important that the future of both parties is largely connected to each other till death, they become parents through each other and nurture their lives with mutual cooperation, for a while they used to be golden dreams for each other and now together they dream for their next generation. That is why there should be maximum harmony between the two parties in the marriage relationship. This harmony makes the relationship lasting. People, who temporarily fall in love with someone, get married and enter into a marital relationship on that basis, usually do not have a stable relationship between them, a necessary condition for harmony is also the harmony of thought and belief.

"وَلَا تَنْكِحُوا الْمُشْرِكَةَ حَتَّىٰ يُؤْمِنُ ۖ وَلَآئِمَةٌ مُّؤْمِنَةٌ خَيْرٌ مِّنْ مُّشْرِكَةٍ ۚ وَلَا تُعْجِبْكُمْ ۚ وَلَا تَنْكِحُوا الْمُشْرِكِينَ حَتَّىٰ يُؤْمِنُوا ۚ وَلَعَبْدٌ مُّؤْمِنٌ خَيْرٌ مِّنْ مُّشْرِكٍ ۚ وَلَا تُعْجِبْكُمْ ۚ أُولَٰئِكَ يَدْعُونَ إِلَى النَّارِ ۚ وَاللَّهُ يَدْعُوا إِلَى الْجَنَّةِ وَالْمَغْفِرَةِ بِإِذْنِهِ ۚ وَبَيِّنُ الْبَيِّنَاتِ لِلنَّاسِ لَعَلَّهُمْ يَتَذَكَّرُونَ" ⁸

“Do not marry the polytheist women, unless they come to believe (in Islam); a Muslim slave-girl is better than a polytheist woman, even though she may attract you; and do not give (your women) in marriage to polytheist men, unless they come to believe; a Muslim slave is better than a polytheist, even though he may attract you. They invite to the Fire when Allah

invites, by His will, to Paradise, and to forgiveness. He makes His verses clear to the people, so that they may heed the advice”.

This verse was revealed about Hazrat Mursid Ghanwī (مرشد غنوی), (R.A). He was a brave man. The Holy Prophet (ﷺ), sent him to Makkah to expel the Muslims from there by some mean. There was a polytheist woman named 'Anak who loved him in the time of Jāhiliyyah (ignorant). She was beautiful and rich. When she heard of his arrival, she came to him and invited him to herself. He turned away from her out of fear of Allah and said that Islam does not allow it. Then she asked for marriage. He (R.A) said so, after finishing his work, when he came to the holy service of the Holy Prophet (ﷺ), he asked about the situation and inquired about marriage. This verse was revealed to him.⁹ And it was said that it is not permissible to marry polytheistic women even if you like them. However, remember that it is permissible to marry a woman from the Ahli Kitab, i.e., a Jew or a Christian. The glory of the revelation of this verse is that one day Hazrat ‘Abdullah bin Rawāha (R.A) slapped his (female) slave on a mistake. Then he came to the Holy Prophet and mentioned it.

The Holy Prophet (ﷺ) inquired about her state of faith. He said that she bears witness to the oneness of Allah and the message of the Holy Prophet (ﷺ), fasts in Ramadān, performs ablutions properly and offers prayers. The Holy Prophet (ﷺ) said she is a believer. Hazrat Abdullah bin Rawāha submitted. So, I swear by the One who sent him (ﷺ) as a true Prophet, I will set her free and marry her. He did so. People scoffed at him saying that you married a black slave; even though such and such a polytheistic free woman is present for you. She is also beautiful and rich. This verse was revealed¹⁰ that a Muslim slave is better than a polytheistic woman, even if the polytheist is free and looks good because of her beauty and wealth. After this, the guardians of

women are told not to give their Muslim women in the marriage of polytheists. The marriage of a Muslim woman to a polytheist or a kāfir is void and harām. The polytheists and disbelievers call you to the fire of Hell; Whereas Allah calls you to His forgiveness and sends down His commands to you as a reminder.

The above verse has a very clear command for today's Muslims. It is very unfortunate that in spite of such a clear command in the Qur'ān, there is a growing trend among Muslim boys to marry polytheistic girls and thus between infidel boys and Muslim girls, especially in those areas where the infidels and the Muslims live together. The Western way of life, as well as the co-education of boys and girls, has wreaked havoc. And the storm of immorality has come, while the chain of lifelong immorality continues through such Harām marriages. The scourge of this situation is also on the boys and girls who are involved in it and also on the parents who are happy to send their children to this hell and also on the rulers and Mufasirities who practice such education. Or they do not try to counteract it in spite of their power, and so it is with the so-called ignorant intellectuals, the patients of liberalism and the anti-religious writers who blacken the pages in support of it.

Women with Whom Marriage is Harām (Unlawful)

In the following verse, Allah mentions women whom it is harām to marry. The reasons for the prohibition mentioned in these verses are related to three things and they are Lineage 2 Breastfeeding and 3. Masahirat

"حَرَّمَ عَلَيَّكُمْ أُمَّهَاتِكُمْ وَ بَنَاتِكُمْ وَ أَخَوَاتِكُمْ وَ عَمَّاتِكُمْ وَ خَالَاتِكُمْ وَ بَنَاتِ الْأَخِ وَ بَنَاتِ الْأُخْتِ وَ أُمَّهَاتِ الَّتِي أَرْضَعْتِكُمْ وَ أَخَوَاتِكُمْ مِنَ الرِّضَاعَةِ وَ أُمَّهَاتِ نِسَابِكُمْ وَ رَبَّابَاتِكُمْ الَّتِي فِي حُجُورِكُمْ مِنْ نِسَابِكُمْ الَّتِي نَخَلْتُمْ بِهِنَّ فَإِنْ لَمْ تَكُونُوا نَخَلْتُمْ بِهِنَّ فَلَا جُنَاحَ عَلَيْكُمْ وَ حَلَائِلُ آبَائِكُمُ الَّذِينَ مِنْ أَصْلَابِكُمْ وَ أَنْ تَجْمَعُوا بَيْنَ الْأُخْتَيْنِ إِلَّا مَا قَدْ سَلَفَ- إِنَّ اللَّهَ كَانَ غَفُورًا رَحِيمًا"¹¹

“Prohibited for you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, daughters of brother, daughters of sister, your mothers who suckled you, your sisters through suckling, mothers of your wives and your stepdaughters under your care who are born of your women with whom you have had intercourse, though if you have not had intercourse with them, there is no sin on you, and the wives of your sons from your loins, and that you combine two sisters (in wedlock), except what has passed. Surely, Allah is Most-Forgiving, Very-Merciful”.

Seven Women are Harām Because of their Nasab (lineage), the mother, in the same way, the woman to whom the lineage is derived through the father or the mother, that is, the grandmothers and grandchildren, whether near or far, are all mothers and are entered by the order of their mother. The sanctity of stepmothers has already been mentioned in the Holy Qur’ān. Statements, grandchildren and great-grandchildren of any rank are included in the daughters.

- Sister
- Aunty
- Maternal Aunt
- Niece
- Nephews, Nieces and their children are also included.

In short, your children and your principles are harām. Foster relationships are called milk relationships. It is harām to marry foster mothers and foster siblings, but it is harām to marry foster nephews, nieces, aunts, uncles, etc.

"عن ابن عباس رضي الله عنهما، قال: قال النبي ﷺ في بنت حمزة: لا تحل لي، يحرم من الرضاع ما يحرم من النسب، هي بنت أخي من الرضاعة".

"The Hadīth will say that a relationship which is haraam by lineage is also haraam by breastfeeding".¹²

Four types of women are harām because of intercourse and they are (1) the daughters of the wife with whom he has intercourse. (2) Wife's mother, grandmothers, grandmothers. (3) Wives of fathers, etc. (4) Sons, grandsons, etc. (wives of the Froot/branches). In addition, it is harām to marry a man who has had intercourse with another man's daughter, even if she is not in the husband's custody because custody is accidental. But this stepdaughter is harām only for the husband, halal for the husband's children and also harām for the husband while having intercourse with the wife and if she divorces without companionship or she dies, then her daughter is halal. This verse also shows that it is permissible to marry the wife of a son who has spoken, and it is harām to marry the wife of a foster son because she is under the rule of a relative son and grandchildren are also among the sons. A sister is present in the marriage. And marrying another is harām. In the hadith:

"عن أبي هريرة رضي الله عنه: أن رسول الله ﷺ قال: لا يجمع بين المرأة وعمتها، ولا بين المرأة وخالتها".¹³

It is haraam to combine aunts, uncles and nieces in marriage.

So, this haraam is not eternal because it is haraam to combine the two, the wife's sister is not haraam for the husband, it is haraam to keep both of them in your marriage at the same time, that is why Allah has said that it is haraam to have two sisters. He did not say that the sisters of your wives are haraam, so if a man divorces his wife and her 'iddah is over, then he can marry her sister. Because it is haraam to keep two sisters in marriage at the same time, just as it is haraam to bring two sisters together, Similarly, it is haraam to gather a woman

and her aunt or uncle as it is proved from the Hadīth of the Prophet (ﷺ) that there are three types of women whom it is haraam to gather Two sisters, The woman and her aunt. The woman and her aunt while, it is permissible to collect the daughter of uncle and uncle.

Marriage of Muslim men to chaste women of the People of the Book

The following verse shows that it is permissible for Muslims to marry chaste women of the Book and they are not among the polytheistic women with whom it is forbidden to marry. Therefore, this is the religion of the majority of scholars, but there is a consensus on it. But it is better to marry chaste-believing women than to marry them, because there are great dangers in marrying women of the People of the book, especially in this age of Islamic poverty. In which there are very few men who are virtuous and have an understanding of religion, and except for a few, there is an abundance of those who are inclined towards women and obey them in everything. Therefore, there is also a danger that the biblical woman will not lead her Muslim husband and his children towards her religion and morals. In any case, the guidance of the People of the Book regarding marriage to women is from Allah Almighty.

"الْيَوْمَ أُحِلَّ لَكُمْ الطَّيِّبَاتُ وَطَعَامَ الَّذِينَ أُوتُوا الْكِتَابَ حَلَّ لَكُمْ وَطَعَامُكُمْ حَلٌّ لَهُمْ وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ إِذَا آتَيْتُمُوهُنَّ أُجُورَهُنَّ مُحْصِنِينَ غَيْرَ مُسْلِفِينَ وَلَا مُتَّخِذِي أَخْدَانٍ وَمَنْ يَكْفُرْ بِالْإِيمَانِ فَقَدْ حَبِطَ عَمَلُهُ وَهُوَ فِي الْأَجْرَةِ مِنَ الْخَاسِرِينَ"¹⁴

This day, good things have been made lawful for you. The food of the people of the Book is lawful for you, and your food is lawful for them, and good women from among believers, and good women from among those who were given the Book before you, provided you give them their dowers, binding yourself in marriage, neither going for lust, nor having

paramours, Whoever rejects Faith, his effort will go to waste and, in the Hereafter, he will be among the losers.

In the commentary on Şīrāt al-Jinān, the commentators write that the animal slaughtered by the People of Ahli Kitāb is also permissible for Muslims, whether slaughtered by a Jew or a Christian, slaughtered by a man or a woman or an intelligent child. But it is very important to remember that the slaughter of the Ahli Kitāb who is really the People of the Book is lawful. In modern times, a large number of Christians have become atheists, so neither their slaughter nor their women are lawful and permissible.

Some Important Issues of Marriage with the People of Ahl-e-Kitāb

- It is permissible for the People of the Book to marry women, but it also requires that they should be People of the Book, not atheists, as there are many today.
- This permission is also with the woman of Ahl-e-Kitāb who lives in Darul Islam. The People of Ahl-e. Kitāb in the present age are warriors and the tactic of marrying the People of Ahl-e- Kitāb is makrooh tahrīmi.
- Another important issue is that this permission is only for Muslim men. The marriage of a Muslim woman to a man of the book is absolutely harām.
- It is a mustahabb rule to marry a woman of good character from the Ahli Kitāb.
- It is unlaw (haram) for the People of the book to establish a marital relationship with a woman only through marriage.
- Ahl-e-Kitāb will also be given Mehr.¹⁵

It should be noted that it is permissible for the Muslim men to marry chaste women of the People of the Book but it is not permissible for Muslim

women to marry men of Ahl-e-Kitab. This is because when the Muslims believe in all the prophets of Allah and in all His books, Allah, fulfilling His bounty and benevolence, made it lawful for them to marry women who are chaste. If they believe, then it will be lawful for them to marry our women and we and their rights and duties will be the same Allah Almighty is the Ruler, the Just One, and the Seer of the affairs of His servants and Knows of their interests. His every decision and every command are based on wisdom and expediency. If they believe, then it will be lawful for them to marry our women and we and their rights and duties will be the same Allah Almighty is the Ruler, the Judge, the Seer of His servants and the one who knows. His every decision and every command are based on wisdom and expediency. There is wisdom in this and that is that woman is weak and feeble, she immediately begins to obey her husband. If it were made permissible for a Muslim woman to marry men of the People of the Book, the result would be that most women would adopt their husband's religion. Therefore, the requirement of the wisdom of Allah Almighty was that it was declared harām.

Ruling on Paying Wives Dowry

Before Islam, women were oppressed in every society. Even among the Arabs in the pre-Islamic period, the status of women was no more than a trivial matter. The birth of a girl was so disgusting that she was often buried alive and those who survived were forced to endure other forms of oppression. After the death of her husband, if she received a share of the property, she would pass it on to others like property. The virtue of Islam is that it has given honor and dignity to women. He removed the atrocities inflicted on him. As a human being, just like a man, he deserved human dignity and honor. In view of this honor and respect, Islam declared him an heir like a man, that after the death of a person, he will no longer be divided like an abandoned property, but will inherit like a man. In the same way, in order to elevate the status of women and

to show their dignity and respect as well as respect for human infallibility, Islam has made it obligatory for men to marry women in exchange for a dowry and to pay this dowry cheerfully. There was a custom of dowry among the Arabs, but women did not have the right to this dowry. The girl's guardian receives from the husband, the girl does not get any of it or the husband does not pay the dowry himself, forcibly forgives his wife. The status of the seal in Islam is that without it, a woman's infallibility is not permissible. There is no concept of marriage without a dowry. The Qur'ān says:

وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ كِتَابَ اللَّهِ عَلَيْكُمْ وَأُجَلَ لَكُمْ مِمَّا
وَرَأَى ذَلِكَ أَنْ تَبْتَغُوا بِأَمْوَالِكُمْ مُحْصِنِينَ غَيْرَ مُسْفِحِينَ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ
فَأْتُوهُنَّ أَجُورَهُنَّ فَرِيضَةً وَلَا جُنَاحَ عَلَيْكُمْ فِيمَا تَرْضَيْنَهُنَّ مِنْ بَعْدِ
الْفَرِيضَةِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا 16.

"(Also prohibited are) the women already bound in marriage, except the bondwomen you come to own. It has been written by Allah for you. All (women), except these, have been permitted for you to seek (to marry) through your wealth, binding yourself, (in marriage) and not only for lust. So, to those of them whose company you have enjoyed, give their dues (dower) as obligated. There is no sin on you in what you mutually agree upon after the (initial) agreement. Surely, Allah is all-knowing, all-wise".

The above verse describes the woman with whom marriage is harām. It is stated here that a woman who has a husband is harām on another man as long as the previous marriage or her 'iddah is broken. Except for the women of the disbelievers, of whom the Muslims become masters, it is lawful for them. In this case, if the women of the infidels are captured from the battlefield and

their husbands are on the battlefield, then the King of Islam or the Macarized emirs of the army should divide these women among the Mujahideen. It is permissible for a woman to have intercourse with a man after childbirth if she is pregnant, otherwise, she can have intercourse with him after a menstrual period. The barbaric treatment meted out to warlords in modern times is not hidden from anyone, the persecution inflicted on them is shocking to imagine. Islam offers an unparalleled solution to the problem of prisoners of war, which is to enslave men taken prisoner of war and enslave women, and then keep them hungry and thirsty. Instead of harassing them day and night, instead of taking forced labor from them, he instructed them to treat them kindly but also encourage them to leave without taking a ransom, even if it was for ransom. He did not make it mandatory for prisoners of war to be enslaved but only allowed them as a reward, as it was customary in those days to enslave prisoners of war, which was gradually abolished in the manner described above.

That is, marriage is halal with all women except those with whom marriage is harām. But keep in mind that there are some other women who are not mentioned in the above verses though but it is harām to marry him who is married to four women, then to the fifth, to a polytheistic woman, to remarry the same woman after three divorces before it is permissible, Similarly, aunts and nephews, aunts and nieces to be married to one person It is harām to get married during the 'iddah of divorce or death, but it is not harām to marry them forever. They can be married after the obstacle in the marriage is removed. Marriage to a woman should be in exchange for a dowry, and the purpose of this marriage should not be merely to satisfy one's self-pleasure and lust, but to have children, the survival of one's offspring and to protect one's self from harām.

- The minimum amount of seal is ten dirhams, it weighs two and a half ounces in silver, the value of the seal is the minimum amount of seal, and there

is no limit of more as much as desired by mutual consent. It can be done, but keep in mind that the seal should be set as much as you can.

- The Mehar must be wealth, and what is not wealth cannot be a Mehar, for example, if the Mehar is that the husband reads the Qur'ān or theology to the wife, then the dowry will be Mehr Misal.

- There was no mention of the dowry in the marriage or the dowry was denied that the marriage will take place without the dowry and if the solitude is valid or one of the two dies and no dowry is fixed between the spouses after the marriage If so, the seal is Mehr Misal, otherwise what was decided is Wajib.

- That is if you want to get the benefit of intercourse and lust by marrying women according to sharī'ah, then pay the dowry fixed by them.

Remember that in Islam only two forms of taking advantage of a woman are permissible which are described in the Holy Qur'ān (1) Through Shariah marriage. (2) In case the woman becomes a slave. Therefore, everything else is harām. At the beginning of Islam, for some time, it was allowed to benefit by making a similar agreement with marriage, but later the Crown Prince of the Prophet (ﷺ) forbade it until the Day of Resurrection.

"الرَّبِيعُ بْنُ سَبْرَةَ الْجُهَنِيُّ، أَنَّ أَبَاهُ، حَدَّثَهُ، أَنَّهُ كَانَ مَعَ رَسُولِ اللَّهِ ﷺ فَقَالَ: يَا أَيُّهَا النَّاسُ، إِنِّي قَدْ كُنْتُ أَذْنُتُ لَكُمْ فِي الْإِسْتِمْتَاعِ مِنَ الْبَسَاءِ، وَإِنَّ اللَّهَ قَدْ حَرَّمَ ذَلِكَ إِلَيَّ يَوْمَ الْقِيَامَةِ، فَمَنْ كَانَ عِنْدَهُ مِنْهُنَّ شَيْءٌ فَلْيُخْلِ سَبِيلَهُ، وَلَا تَأْخُذُوا مِنَّمَا آتَيْتُمُوهُنَّ شَيْئًا".

"As narrated by Hazrat Sabrah Juhani (R.A), the Holy Prophet (ﷺ) said O people! I allowed you to take advantage of women (in the form of mut'ah) and now Allah has forbidden her till the Day of Resurrection, so whoever has such a woman

should leave her and what he has given them. Don't take anything from me".¹⁷

“عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْ مُتْعَةِ النِّسَاءِ، وَعَنْ لُحُومِ الْحُمْرِ الْأَهْلِيَّةِ زَمَنَ خَيْبَرَ”-

"And it is narrated from Hazrat Ali Al-Murtada, may Allah bless him and grant him peace, that on the occasion of the conquest of Khyber, the Holy Prophet (ﷺ) forbade mut‘ah".¹⁸

Considering the Sharī‘ah texts, it is clear that the seal has two states. One state is that it is a mandatory requirement of the marriage contract, and so there's a resemblance to being redeemed, in view of this status, the word "أُجُورَهْنَ" has been applied to it in the Holy Qur’ān. The second fact is that it is not a substitute for any material thing in the literal sense, (in the true sense,) but is prescribed for the honor of the woman.

This interpretation of the Holy Qur’ān makes it clear that the original *Mahr* is not compensation for a substitute, but a requirement of the contract which is intended to honor and glorify the place of the contract. However, since some of its provisions are generally for compensation, for example, a woman can demand it and it has been declared as a debt of the husband, i.e., a debt, etc. Therefore, due to this resemblance, in some places in the Holy Qur’ān, it was interpreted as "Ujūr" أُجُور .

Islamic Law on Polygamy

Basically, this order is not as an order to marry up to four, but as a prohibition to have more than four wives. And it is also conditioned in the verse that if you can fulfill the requirements of justice and rights, then it is permissible; otherwise, you should be satisfied with only one. Permission to have more than one wife is not difficult to understand in terms of social issues and needs, and it applies to both men and women. With regard to men, because

sometimes a man is not satisfied with a woman because of his special circumstances, the way is set for him to get married regularly instead of adopting illegitimate forms. So that he accepts the responsibility of the woman with whom he has this relationship. The spirit of Islam is that it does not allow any man to have sex with any woman as long as he is responsible for the financial expenses of that woman and the upbringing and expenses of the children born as a result of sexual intercourse. Do not accept regularly. Allah Almighty says

وَ إِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِسُوا مَا طَابَ لَكُمْ مِّنَ النِّسَاءِ
مِثْلَىٰ وَ ثَلَاثَ وَ رُبْعًا فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ
أَيْمَانُكُمْ ذَلِكَ أَدْنَىٰ أَلَّا تَعُولُوا-19

"If you fear that you will not do justice to the orphans, then, marry the women you like, in twos, in threes and in fours. But, if you fear that you will not maintain equity, then (keep to) one woman, or bondwomen you own. It will be closer to abstaining from injustice".

Imam Hassan Basri (RA) says that in the past, the people of Madina used to marry the orphan boys under their care because of their wealth, even though they had no interest in them, then they would not fulfill the rights of those orphan boys. And not treating them well and waiting for their death to inherit their wealth, in this verse they were prevented from doing so.²⁰ The second view is that people were afraid of being harmed by the patronage of orphans, but they did not care about adultery. They were told that if you avoid patronizing orphans for fear of injustice, then be afraid of adultery as well. And to avoid it, marry women who are lawful for you, and do not go near the unlawful.²¹ Hazrat 'Akramah (R.A) narrated from Hazrat Abdullah bin 'Abbās (R.A) that the Quraish had ten or more women and when they could not bear the burden,

they would spend on orphan girls.²² In this verse, it will be said that look at your financial position and do not do more than four so that you do not have to spend the wealth of orphans.²³ There are two shar'i issues related to marriage

- This verse shows that it is permissible for a free man to marry up to four women at a time.

- The Ijma of the entire Ummah is that it is not permissible for anyone to marry more than four women at a time except the Holy Prophet (ﷺ). And this is one of the characteristics of the Prophet (ﷺ).

The above verse allows up to four marriages, but at the same time says that if you are afraid that if you have more than one marriage, you will not be able to do justice to all, then marry only one. From this, it became clear that if one cannot do justice to four men, but if he can do justice in three, he can get married in three and he cannot do justice in three, but if he can do justice in two, then he is allowed to do two. It was also learned that it is obligatory to do justice between wives, in which the new, the old, the virgin, the divorced, the widow are all equal. Justice is necessary fairly to dress, to eat and drink, to live and to stay with at night. All should be treated equally in these matters.

Husband and wife have rights and duties over each other

Islam is the religion of nature and the religion of humanity. It has given Muslims a system of society in which the rights and duties of human life and individuals of all classes have been defined. Islamic teachings are very clear, especially regarding the rights and duties of husband and wife. In Islam, the relationship between husband and wife regarding rights and duties and the basis of this relationship are very enduring. - For this, responsibilities have been assigned to both men and women and rights and duties have been assigned to each other, which strengthens the family base and creates an atmosphere of peace and tranquility in the society. The guidance is from the Qur'ān is

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَنِينَاتٌ حَفِظْنَ لِلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاصْرَبُوهُنَّ فَإِنْ أَطَعَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا 24.

“Men are caretakers of women, since Allah has made some of them excel the others, and because of the wealth they have spent. So, the righteous women are obedient, (and) guard (the property and honor of their husbands) in (their) absence with the protection given by Allah. As for women of whom you fear rebellion, convince them, and leave them apart in beds, and beat them. Then, if they obey you, do not seek a way against them. Surely, Allah is the Highest, the Greatest”.

In the case of a woman's needs, her protection, teaching her literature and many other matters, a man has dominion over a woman as if the woman is the subject and the man is the king, therefore the woman must obey the man. One thing is clear from this that the rights of husband and wife are not the same but the rights of men are more than the rights of women and this is not an injustice or oppression against women but according to the requirements of justice and wisdom. Hazrat Sa'd ibn Raba', (R.A), slapped his son-in-law Habbaha on a mistake which left a mark on his face. She came with her father to complain to her husband in the presence of the Holy Prophet (ﷺ). The Holy Prophet (ﷺ) ordered to take revenge. When this verse was revealed, the Prophet (ﷺ) forbade taking Qisas.²⁵

One of the reasons for the rule given to men over women is that there is no doubt that men are superior to women in intellect and knowledge. Although in some places women are increasing, if we look at the whole world as a whole, the affairs of the intellect are left to men. They have the power to perform even

the most difficult tasks, which is why men are superior to women of intellect and strength. Moreover, all the prophets, caliphs and imams were men. Horse riding, archery and jihad are done by men. Allah has given man superiority over a woman. There are many reasons why a man is superior to a woman. The result of all these is knowledge and power. The Imamate of Kubar, i.e., the government of the empire, and the Imamate of Saghir, that is, the Imamate of the prayers are unanimously the responsibility of men to bear witness in the callprayer, khutbah, hudud and Qisās.

The men have the right to marry, divorce, *rujūʿ* and have more than one marriage at the same time and the lineage is attributed to men only. All these verses indicate that man is superior to woman. The second reason why men rule over women is that men spend their wealth on women in the form of dowry and maintenance, so rule over them. Remember that overall, male sex is better than female sex, not every man is better than every woman. Some women are superior to many men in knowledge and wisdom. Umul-Muminīn Hazrat Ayesha Siddīqa (RA), millions of men are not even equal to the dust of her soles. In the same way, female companions are better than non-companion pious male and female. The characteristics of virtuous and pious women are stated to be that when their husbands are present, they obey them and keep busy paying their dues and avoid disobedience of the husband. When their husbands are not present, they protect their wealth and honor by the grace of Allah. Many Aḥadīth describe the virtues of virtuous wives and their virtues. Two of these Hadīths are as follows

“عَنْ أَبِي أُمَامَةَ، عَنِ النَّبِيِّ ﷺ، أَنَّهُ كَانَ يَقُولُ: مَا اسْتَفَادَ الْمُؤْمِنُ بَعْدَ تَقْوَى اللَّهِ خَيْرًا لَهُ مِنْ زَوْجَةٍ صَالِحَةٍ، إِنْ أَمَرَهَا أَطَاعَتْهُ، وَإِنْ نَظَرَ إِلَيْهَا سَرَّتْهُ، وَإِنْ أَقْسَمَ عَلَيْهَا أَبْرَتْهُ، وَإِنْ غَابَ عَنْهَا نَصَحَتْهُ فِي نَفْسِهَا وَمَالِهِ.”-

"It is narrated on the authority of Hazrat Abu Imam (R.A) that the Holy Prophet (ﷺ) said there is nothing better for a believer after piety than a virtuous wife who obeys him if he commands and makes him happy when he sees her. And if she swears by it, then she should fulfill her oath, and if he goes away, she should do well to herself and save her husband's wealth".²⁶

عَنِ ابْنِ عَبَّاسٍ، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: " أَرْبَعٌ مَنْ أُعْطِيَ خَيْرَ الدُّنْيَا وَالْآخِرَةِ: قَلْبًا شَاكِرًا، وَلِسَانًا ذَاكِرًا، وَبَدَنًا عَلَى الْبَلَاءِ صَابِرًا، وَزَوْجَةً لَا تَبْغِيهِ خَوْنًا فِي نَفْسِهَا وَلَا مَالِهِ "-

"It is narrated on the Authority of Hazrat Abdullah bin 'Abbās (R.A) that the Messenger of Allah (ﷺ) said, He who gets four things gets the good of this world and the hereafter. (1) A grateful heart. (2) A language that remembers of Allah. (3) The body that endures adversity (4) A wife who does not seek sin in herself and her husband's property".²⁷

In this verse, the method of correcting a disobedient woman is also described in a very good way. First of all, explain to the disobedient wife the advantages of your obedience and the disadvantages of disobedience, as well as the virtues and promises mentioned in the Qur'ān and Hadīth in this regard. Hit them appropriately. This beating means applying one or two blows to the body other than the face and delicate limbs with a hand or teeth. The beating that is common among our ignorant people does not mean that they hit on the face and the whole body, beat with fists, punches and kicks, beat with whatever they can get their hands on and shed blood. All these are haraam and unlawful, sins. There is great and far-reaching ignorance and inferiority. Husbands and

wives should respect each other's rights. Both men and women should take care of each other's rights. Here are some Ahadīth in this regard.

عَنْ مُعَاذِ بْنِ جَبَلٍ، عَنِ النَّبِيِّ ﷺ قَالَ: لَا تُؤْذِي امْرَأَةً زَوْجَهَا فِي الدُّنْيَا، إِلَّا قَالَتْ زَوْجَتُهُ مِنَ الْجُورِ الْعَيْنِ: لَا تُؤْذِيهِ، قَاتَلِكِ اللَّهُ، فَإِنَّمَا هُوَ عِنْدَكَ دَخِيلٌ يُوْشِكُ أَنْ يُفَارِقَكَ إِلَيْنَا.

"It is narrated on the Authority of Hazrat Ma'āz ibn Jabal (R.A) that the Sarkar do Jihan (ﷺ) said this is your guest; he will come to us soon after leaving you".²⁸

"عَنْ أُمِّ سَلَمَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: أَيُّمَا امْرَأَةٍ مَاتَتْ وَزَوْجُهَا عَنْهَا رَاضٍ دَخَلَتْ الْجَنَّةَ".

It is narrated on the Authority of Umm Al-Mu'minini from Hazrat Umm Salma (RA). The woman who died while her husband was pleased with her entered Paradise.²⁹ It is narrated on the Authority of Hazrat Abu Huraira (R.A) that the Holy Prophet (ﷺ) said a woman born from a rib she can never be a straight for you. If you want to use it, you can use it in the same condition. And if you want to straighten it, you will break it.³⁰

That is, when Allah accepts your repentance in case of repentance after sin, then you should also accept the forgiveness of the woman under your control when she seeks forgiveness after sinning and becomes obedient instead of disobedient. Do not bother her after repentance. This verse should be admonished by those who do not lower their noses in spite of repeated apologies from women, falling on their knees, giving various excuses, and consider their cowardice as bravery by making the vulnerable Sanaf-e nazak. May Allah help these heroes to be humble and understanding?

Conclusion

Aāily life means family life. Family members are connected by different relationships. Human civilization also began with the family system and its establishment is necessary for its survival. It is as if the family is an integral part of society and the effects of society are felt on the family. Society is based on the family system and the pure family life of men and women. Thus, marriage provides a legitimate basis for family life between a couple which results in a pure relationship. The Qur'ān calls the marriage relationship Ehsān, which means closing the fort/ bondage. After the marriage is consummated, the couple closes the fort. They have a strong wall and fence to protect them from immoral attacks. For each other, there is a share of sorrow and relief, selflessness and sorrow both help each other in solving problems and difficulties. There is a common denominator and there is an increase in thinking and mental abilities. The enjoyment of this life reaches its peak at this time when children come to the yard like flowers that strengthen the bond between parents. Mutual love and respect from both sides are rife and the house really looks like a paradise. Since the survival of human beings and their growth is the purpose of family life in the sight of Allah and the only way to this pure life is a marriage contract, otherwise, the goals of nature that it has before it can never be achieved. Therefore, the basis of a society is the family system and the pure life of men and women. When its real foundation is destroyed, then how is it possible to divide society and how can it be saved? That is why Allah Almighty has given very clear guidance for stability and survival in life. Allah Almighty has described the relationship between husband and wife as a relationship of love and mercy. It is as if the relationship between husband and wife is a source of satisfaction on the one hand and mutual love, trust and mercy on the other hand. The two are companions of each other on the highway of life due to their

spiritual connection and are mourners of one another under a sacred covenant. That is why Allah Almighty has imposed fair rights on each other.

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