CHAPTER-4

FAMILY
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### 4.1 Importance of Family

Family is the outcome of marriage. Islam encourages marriages and ultimately encourages family life. The family relations are foundation of human civilization. No one, either men or women can escape form the laws, that are being created to establish family relations. From the childhood to the old age these laws affect an individual. If he is a child, the parental relation will affect his socialization. If he is young, he has to face his own life partner, and if he is in old age then his or her children will go through marital relations, and the satisfaction of his life depends upon the relations of his sons daughters and in-laws. So the laws regarding family life are the foundation of civilization and most effective for it.¹

As mentioned that Islam encourages marriage, Qur’an says:” Then marry women of your choice, two or three, or four but if you fear that you should not be able to deal justly then only one”.²

The Prophet⁴ himself discouraged celibacy. According to him “To live in marriage is to observe my way, he who turns away from this way, is not of me”.³
4.2 Position of Sexes in Family Life

Islam itself explains about the basis of laws regarding the relations of men and women. Qur'an says: "And of every thing we have created pairs." This verse denotes that all things are in pairs and the whole system of universe is based on this fundamental principle of nature. Here the question arises that, what is masculinity (Zaujat)? Masculinity denotes the activeness of one and the passiveness of the other. One affects and other is being affected. Each and every thing has been created in pairs and one of them is active while the other is passive. The whole system of universe continues on the basis of this law. With this assumption following points can be inferred:

- Both active and passive are essential to keep this universe in continuation. Both have equal importance. Activeness of one part is not prestigious and passiveness of other is not humiliating. The difference is that one has good active capacity and other has good passive capacity to carry out their assigned works in a better way.

- The action, of course, is more important than effect. This importance is not in the sense of prestige or humiliation but in the terms of strength and weakness. Indeed the affecter turns out to be stronger enough to affect the affected and vice versa. An action needs both activity and passivity since equal strength of the (parties) involved will never make an action complete.
Islam created equality between both sexes that can be known by analyzing the rights and duties that Islam has assigned to them. These rights and duties will be discussed latter, but here it must be known that being human being Islam gave equal rights to both. Qur'an says: “And they (women) have rights, similar (to those of their husbands) over them”.

Shamima Mohsin, an Islamist from Pakistan, writes that for the establishment and perpetuation of social life Islam gave equal rights to both sexes and considered it essential for an Islamic society. But the personal importance goes to men because of their activeness in the process of action. Qur’an says: “but men have a degree over them”.

Islam has put the foundation of Islamic family on these ground, discussed above, and has declared man as head of the family. According to Qur’an says: “Men are the protector and maintainer of women, because Allah has made one of them to excel the other, and because they spend from their means”.

Man is the guardian and protector of his family. He is responsible to meet all the necessities of his family. All the members of his family are bound to obey him, except when it is anti Islamic; Prophet \(^{PBH}\) says: “man is guardian of his family and is responsible for his subjects”

Women are bound to obey their husbands. Qur’an says: “Therefore the righteous women are devoutly obedient and guard in the husband’s absence what Allah orders them to guard”.
Prophet[^13] says: “When a woman goes out of her house and her husband dislikes it, all the angels and surroundings she passes through, curse her, until she returns”[^13]

Qur’an further says: “As to those women on whose part you see ill conduct, admonish them, refuse to share their beds, beat them but if they return to obedience, seek not against them means”[^14]

### 4.3 Scope of Work for Women

In Islamic model of family women is the queen of the house. The responsibility of earning money goes to husband, and her responsibility is to manage the house by his earnings. Prophet[^15] has said: “a Woman is responsible for her husband's house and she is answerable.”[^15]

Women are discharged from outside duties. They are exempted from Juma prayer, Jihad (holy war) Janazah (prayer for the burial) and are not obliged to pray in groups (Jamat) their travelling alone without any Mahram is not appreciated. The conclusion is that they were denied to come outside of their homes. Qur’an says: “and stay in your houses”[^16]

But it was not made too rigid. Women did serve as nurses on the battle field and were allowed to pray in the mosques in earlier days of Islam. So the Prophet[^17] says: “Allah had permitted them to go out for their needs.”[^17]
Here, it must be noted that this concession for women will not make any change in original Islamic laws. This freedom is conditional.

### 4.4 Comparison

An adult woman is given much freedom in her matters, but comparatively men have more freedom. Men are free to travel anywhere, but women (married or unmarried) cannot travel except with a Mahram. Here are some sayings of Prophet[^PBH]:

- "It is not for a woman who believe in Allah, and in the day of Judgment, that she travels three days or more but with her father, brother, husband, son or any other Mahram"[^19]
- "Narrated Abu Huraira, Prophet[^PBH] said that do not travel a woman of one day and one night but with Mahram"[^20]
- "Narrated Abu Huraira, Prophet[^PBH] said that, it is not permitted for a believer women, that she travels one complete night but with Mahram"[^21]

The differences between the durations of travel indicate that the importance does not lie with time, whether it is one, two or three days, but it lies with the issue that women should not be given permission to travel, with whom they can marry, since it may create social disturbance.[^22]

In matrimonial matters men enjoy more freedom. They may marry with Muslims and with those who were given books and may keep lady
slaves. But women can only marry with Muslims. Qur'an says: “they are not lawful (wives) for the disbelievers nor are the disbelievers lawful (husbands) for them”.

A Muslim woman is not allowed to have sexual relation with her slave. Unlike men Qur'an has prohibited women for it. During the caliphate of Umer a case of such nature was reported. Umer called a meeting and it was unanimously passed that the women has misinterpreted the book of Allah and that there is no such provision.

A woman can chose her husband from independent Muslim men, in consultation with her guardians. But guardians do not have right to arrange her marriage without her permission. According to the Prophet "Unmarried girl has more right about herself than her guardian". At other place Prophet says “marry not a virgin without obtaining permission”.

If we analyse the verses of Qur’an regarding marriage we will find that, whenever the marriage has been discussed in relation to men Qur’an addresses them directly such as:

- “And do not marry idolatresses till they believe”.
- “And marry those among you who are single”.
- “And give not (your women) in marriage to idolaters till they believe”.
- “Wed them with the permission of their own folk”.

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The verses make it clear that women in Islam are supposed to be under the guardianship of men whether it is father, husband or others responsible in the family.31

4.5 Duties of Husband

Islam has prescribed duties which are necessary to be performed by a husband. These are as follows:

a) Husband must pay the bride price (Mahar). Qur’an says:
   > “And give to the women their bridal money (Mahar) with a good heart”32
   > “All others are lawful provided you seek (them in marriage) with bridal money (Mahar) from your property”.33
   > “Wed them with the permission of their own folk and give them their Mahar according to what is reasonable”34
   > “(Lawful to you in marriage) are chaste women from the believers and chaste women from those who were given the scripture before your time, when you have given their due Mahar”35

b) Paying bride price (Mahar) is mandatory in Islam. If a man refuses to pay up, the woman has every right to keep herself off from him. But if the woman gives some time for its payment or voluntarily forgives it then there is no harm in it. Qur’an says:

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➢ "but if they of their own good pleasure remit any part of it to you, take it and enjoy it without fear of any harm"^36

➢ "But if after a Mahar is prescribed, you agree mutually, there is no sin on you"^37

c) He must provide maintenance to his family. In Islam men are the bread winners for their families. If a husband is not discharging this duty properly, law will force him to do so. Law can break the marriage if the husband is not ready to provide maintenance to his wife as per his means.^38 Qur’an says; “But bestow on them, the rich according to his means and the poor according to his means”.^39

d) A husband should not use his rights to exploit his wife. This exploitation may be in various forms. Such as:

- IELA (not fulfilling sexual desire of his wife without any reason). Islam has fixed the maximum period of ‘Iela’ by four months. If a husband is not having sexual relation with his wife for four month with the intention of punishment, then the government may force him to divorce his wife.^40 Qur’an says: “those who take an oath not to have sexual relations with their wives must wait four months”^41

- Husband should not keep a wife, towards whom he does not have attraction with the intention of punishment and exploitation. Qur’an says: “But do not take them back to hurt them, and whoever does that, then he has wronged himself”.^42 The verse includes all kind of exploitation either physical or emotional.^43
• In case of polygamy, full inclination toward a single wife and ignoring other is exploitation. Qur'an says: “so do not incline too much to one of them so as to leave the other hanging (i.e. neither divorced nor married”).

4.6 Duties of Wives

Islam prescribes a set of duties and obligations for wives as well. The first and the fundamental duty of a wife towards her husband is to protect all that belongs to him. Qur'an says: “therefore the righteous women are devoutly obediently, and guard in the husband's absence what Allah orders them to guard (e.g. their chastity, their husband’s property etc.)” It includes protection of his gene by her chastity, his wealth and secrets etc.

The second obligation is obedience of her husband. Qur'an says: “Therefore the righteous women are devoutly obedient”.

The Prophet has explained it by a saying, “It is your right upon her that she should not allow anyone at your home, whom you yourself dislike.” Further Prophet said that “she should not give alms from his husband's house without his permission, if she does, the reward will reach the husband and she will be sinned, and she should not go outside of his home without his permission”.

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In another Hadith Prophet\(^{PBH}\) said, "a good wife is one, when you see her you feel pleased, when you order her, she obeys you, and when you are not around, she preserves your wealth and your right upon her"\(^{50}\)

Here the general order of obedience excludes all that is against the will of Allah such as drinking (alcohol etc.), leaving the daily prayers, giving up fasting or Hijab (veil) as Prophet\(^{PBH}\) has rightly said "no one should be followed against the will of Allah"\(^{52}\)

Besides the above mentioned obligations towards each other, Islam has given some administrative powers to husband, so that the family can be maintained. But these powers are conditional.

Husband has a right to rebuke his wife, to avoid her in bed and to beat her. But all these rights are conditional. If a wife is not obeying her husband, then he can reprimand her, but if she continues such behaviour, he is allowed to avoid her in bed and if the disobedience continues further, the husband has every right to beat her until she obeys. Qur’an says: “As to those women on whose part you see ill conduct, admonish them, refuse to share their beds (and last) beat them”.\(^{53}\)

The permission of beating is further conditioned by Prophet's saying. Prophet\(^{PBH}\) says: “if she disobeys your just orders, beat them in such a way that causes less torment. Do not slap on her face and do not abuse.”\(^{54}\) Maudoodi writes that these punishments should be relative to the sin.\(^{55}\)
Secondly he may divorce his wife if he feels that he can’t live with her any more. This provision is also conditional and will be discussed latter in the chapter dealing with divorce.

4.7 Objectives of Family

4.7.1 Protection of Morality and Chastity: - The first objective of family, according to Islam, is protection of morality. It prohibits free intermingling of opposite sexes and forces them to enter into a family union to satisfy their sexual needs. Qur’an has used the word fort (Hisn) for marriage. It denotes that marrying is fortifying oneself from free sex. Qur’an says: “Wed them with the permission of their own folk and give them their Mahar according to what is reasonable, they should be chaste, neither adulterous, nor taking boy-friends”56

4.7.2 Psycho-Emotional Establishment: - The second important objective of Islamic family is to infuse love and affection between husband and wife. The bond within a family is not based on selfishness, but on spirituality, love and benevolence and this contributes towards fulfilling the aims of marriage. Qur’an conveys this message in a manner which shows that both the sexes have been created to satisfy each other. “And among his signs is this, that he created for you wives from among yourselves, that you may find repose in them and he has put between you affection and mercy.”57 At another place Qur’an says: “He who has created you from a single person,
and he has created from him his wife, in order that he might enjoy the
pleasure of living with her.  

This objective of love and compassion within, spans itself in all the
laws prescribed by Islam for family life. A family devoid of love is like a
dead body; dysfunctional and meaningless. That is why Qur'an says: “And
if you do justice, and do all that is right, and fear Allah by keeping away
from all that is wrong, then Allah is ever oft forgiving, most merciful. But
if they separate (by divorce) Allah will provide abundance for every one of
them from his bounty”. At another place Qur'an says: “The divorce is
twice, after that, either you retain her on reasonable terms or release her
with kindness.”

These verses clearly indicate that the institution of family should be
based on mutual understanding, love and compassion of both husband and
wife, and whenever these contents feel missing the parties should part their
ways as well.

4.7.3 Socialization and Value Orientation: - Family is an agency of
socialization. Islam also puts this responsibility on family. Qur'an says:

➢ “Protect yourself and your family members from fire.”
➢ “your wives are a tilth for you, so go to your tilth, when or how you
will, and send before you for your own selves”.

Prophet referred socialization at various places, by saying that “of
all that a father can give to his children, the best is their education and
training”.
At another place Prophet[^65] said “and whosoever has cared for his three daughters or three sisters and given them good education and training, treated them with kindness till Allah makes them stand on their own feet, by Allah’s grace he has earned for himself a place in the paradise”.

With the above quotes it is clear that Islam stressed a lot on parental care and socialization of the whole family.

**4.7.4 Continuation of Human Race:** - The most important and the basic objective of family, as according to Islam is continuation of human race. Without human beings cultural continuity a transformation will not be achieved. For this purpose nature has created differences, both physiological and psychological, between sexes. Both are complementary to each other. In order to make these differences operational, to achieve its desired goals, stable and structured norms are needed. These norms build the institution of family. In a way it is the institution of family that helps in the continuation of human race in an organised manner. Qur’an says: “He created his wife and from them both he created many men and women.”

Elsewhere Qur’an says: “your wives are tilth for you, so go to your tilth when and how you will and send (good deals or ask Allah to bestow upon you pious offspring) before you for your ownselves”. Here the verse indicates not only about the children expected from this relationship but their education, up bringing and moral training etc.
4.7.5 Social Security of Individual: - The relationship of husband and wife in a family is not only based on the fulfilment of sexual desires, and consequently reproduction of children, but it is a relationship based on love and affection. This harmonious relation between them makes the children good natured and loving and at broader level the same love covers the whole universe.\(^{68}\)

For the persistence of love and affection among the family members, Islam has prescribed directions that have become laws for social security of people. Islam says, love your family members, take care of others and share their problems. Islam talks especially about the care of old parents, and never talks about any old age nursing homes prevalent in modern societies. Qur’an says “and do good to parents, kinsfolk, orphans, the poor, the neighbour who is near of kin, the neighbour who is stranger, the companion by your side, the wayfarer.”\(^{69}\)

4.8 Structure of Family

Islam does not prescribe a stable structure of family. But Islam concerns in this regard can be understood by analyzing other injections of Islam about family life. We can infer from such injections that Islam advocates a separate house for each wife where she may live with her children and her father and mother in-laws. Husband is supposed to be the family head and is responsible for supporting his wife, children and
dependent parents economically. The responsibility of wife lies with in the house; to protect her husband's home, wealth and reputation.

The following conditions will highlight and support the above conclusion:

4.8.1 Single House for Each: - Islam promotes separate, single and independent unit of residence for each married couple. Qur’anic injections favour this idea and Allah talks about one of the most important articles on social system with this presumption in Qur’an: “O you who believe! Enter not houses other than your own, until you have asked permission and greeted those in them, that is better for you, in order that you may remember”.70

Even in the case of polygyny each wife should be provided separate house since Prophet<sup>PBH</sup> himself provided separate house to all his wives. In Qur’an while addressing the wives of the Prophet<sup>PBH</sup> Allah says: “and stay in your houses”71, “and remember, that which is recited in your houses of the verses of Allah”72 again at another place He says: “you who believe! Enter not the Prophet's houses”73

The above verses clearly indicate that Prophet<sup>PBH</sup> built separate houses for his wives and each houses was a self sufficient unit. Imam Bukhari has described these houses in his collection of Hadith with the respective names of Prophet’s wives.74

4.8.2 Separate House is a Fundamental Right of Wife: - It is an important article that indicates about the desired Islamic family structure.
This article shows that providing a separate home is mandatory duty of a husband. In a famous book of Fiqh, it is said that a separate house is the fundamental right of each wife which should be without any relatives from his/her side. In anther important book it has been discussed as “and it is the duty of husband to provide residence in a separate house, no one should be there from his relatives until wife desires it, because residence is her fundamental right like maintenance.

To fulfil this fundamental right it is not necessary for a husband to own a house but it can be rented or leased etc. The aim of the right is to provide an open and free atmosphere where she may feel more secure and less hesitant and is less bugged with privacy violations. Since it is a fundamental right so she can’t be deprived of it without her own permission.

The standard of the home will be as per means of husband as it is about food and cloth etc.

4.8.3 Evidences from Purdah (Veil): - Purdah is a very important part of Islamic social system. Islam has described Purdah very clearly. In between the lines many aspects of family structure can be traced out. Whatever Qur’an talks about Purdah, can be divided into two categories;

- Purdah inside home.
- Purdah outside home.

Here the emphasis is upon Purdah inside home that seems comparatively more useful to understand family structure of Islam.
Qur’an prohibits the entry into the homes of others without permission. It says: “O you who believe enter not houses other than your own, until you have asked permission and greeted those in them, that is better for you, in order that you may remember. And if you find no one there in, still, enter not until permission has been given. And if you are asked to go back, go back for it is purer for you, and Allah is all knower of what you do.” Indirectly this verse indicates about the smallness of family, because the possibility of a house, consisting generations, being empty is very rare.

The importance of seeking permission can be weighted by the fact that this rule applies upon all; even to the nearest relatives. Qur’an says: “And when the children among you come to puberty, then let them (also) ask for permission, as those senior to them.” Here the puberty denotes two possibilities. One that the son has reached to the age of puberty, he is married and living in a separate house. In this condition the verse needs no explanation. The second possibility is that he has come of age but is yet to be married and is still living with his parents. In the second condition the provision of seeking permission denotes that the inner structure of the house should be as such that the sanctity of permission can be maintained.

Besides these there are several instructions of Prophet that can never be brought in to practice except in a small family. Such as Prophet prohibits men from intermingling with those women with whom they are
allowed to marry. Prophet^{PBH} says: "Beware of entering upon the ladies." A man from the Ansar said, "Allah's Apostle! What about Al-Hamu the in-laws of the wife (the brothers of her husband or his nephews etc.)? "The Prophet^{PBH} replied: The in-laws of the wife are death itself."^{83}

It is evident that a separate and a single home is a fundamental right of the wife, and the husband has no right to deprive her of it partly or fully without her permission. This conclusion leads us to an important question, that is, in this type of family structure, how the obligations of husband, as prescribed by Islam for his relatives, particularly for his old age parents, can be fulfilled?

Islam in fact makes the service of parents next to the servility of Allah. There are unparallel Hadiths and Qur'anic verses that take up the cause of parents very strongly. In the sayings of Prophet^{PBH} their obedience or disobedience is enough to land oneself in Heaven or Hell.^{84}

Islamic Fiqh asserts that, if parents are poor, the son is liable for their maintenance. Even if the parents are non Muslims they will never be denied of their rights.^{85}

Maintenance (Nafqah) includes food, cloth and shelter. In general, this is the duty of the offspring to look after the parents. No one else shares this responsibility with them. In a nutshell it is the obligation of man to look after his parents as he is supposed to do with his wife.^{86}

It will be hard for an individual to provide and maintain two different residences for his wife and parents, and seems hardly practical. So
parents are allowed to share the residence and the practice becomes practical and appreciated.

Islam puts character, morality, servility and humanity above all the laws. In fact all that Islam preaches is based on these principles. These values encompass both men and women. As above mentioned, husband-wife relationship is not just to fulfil biological needs, rather it is based on love and affection and mutual cooperation. That is why it is expected form a wife to cooperate and even to relax her rights so that her husband could discharge his duties towards his needy parents.

She is expected to relax her rights of housing, clothing and food. She is expected to allow her husband’s parents to live with him in the same house. In the same way a husband is supposed to oblige his wife whenever she is needed to serve her parents.87

We can conclude that Islamic family structure is against traditional Indian joint family system like India. It is pro-nuclear and does not allow others to live with the husband, wife and their children, except with the voluntary permission of wife. This permission is expected on moral grounds, and becomes the base to extend the family structure of Islam from nuclear to extended family.
4.9 Inheritance

In pre Islamic Arabia, the rules of succession were connected directly with the system of tribal warfare; that is the participation in combat of the man, and the non participation in combat of the women. Thus those who inherited the estate in the pre Islamic system were able to trace their relationship with the propositus by male links exclusively. These relatives provided the cohesive unit of Arabian tribes. In a competition between two male agnatic relatives, the simple rule was that the nearest to the propositus inherited to the exclusion of those more remote.

One of Islam's major political objectives was to substitute the tribal unity by a family structure. The old agnatic system is not excluded by Islam but Qur'anic system of inheritance compliments the old agnatic system. Qur'an prescribes a list of those relatives whom it assigned legal share. It says, "There is a share for men and a share for women from what is left by parents and those nearest related, whether the property be small or large a legal share".

Qur'an gives a detailed list of heirs it says:

➢ "Allah commands you as regards your children's; to the male a portion equal to that of two females; if only daughters, two or more, their share is two thirds of the inheritance; if only one her share is half, for parents, a sixth share of inheritance to each if the deceased left children; if no children and the parents are the heirs, the mother
has a third, if the deceased left brothers or (sisters), the mother has a sixth, after the payment of legacies he may have bequeathed or debts”.90

➢ "In that which your wives leave, your share is a half if they have no child; but if they leave a child, you get a forth of that which they leave after payment of legacies that they may have bequeathed or debts, in that which you leave their share is a fourth if you leave no child; but if you leave a child they get an eight of that which you leave after payment of legacies that you may have bequeathed or debts. If the man or women whose inheritance is in question has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of legacies he may have bequeathed or debts, so that no loss is caused”.91

The heirs listed in Qur’an and certain added by ProphetPBUH is called Qur’anic heirs. These are: Husband, Wife, Father, True Grandfather (a true grandfather is a male ancestor between whom and the propositus no female intervenes, that is, paternal grandfather.), Mother, True Grandmother (a true grandmother is a female ancestor between whom and the propositus no false grandfather intervenes. Both the paternal and maternal grand mother can inherit.), Daughter, Son’s Daughter, Full Sister, Consanguine Sister (children of the same father but different mothers.), Uterine Sister and Uterine Brother (children of the same mother but different fathers).92 Each
of them will be discussed separately so the picture of the phenomenon can be clearly understood.

(a) The Husband: - His share is one-quarter of the net estate. When there are no children, or agnatic grandchildren, his share is increased to one half of the estate. It is immaterial whether the children belongs to the spouse relit or is issue of another marriage of the deceased spouse.

(b) The Wife: - Her share is one-eight of the net estate. If there are two wives, they share the one-eight between them. Where there are no children, or agnatic grandchildren, the wife or wives will take one-quarter.

(c) The Father: - The father can inherit three possible categories. If the son is alive, the father’s share is limited to one sixth. If the daughter or son’s daughter is alive (but not the son), he receives one-sixth plus any residue as the nearest agnate. If there is no son or son’s daughter, he simply inherits as the nearest agnate.

(d) The True Grandfather: - The Grandfather is added by Prophet[^1], for he was not expressly mentioned in the Qur’ân. His share is one-sixth. If, however the father is alive, he is excluded. In the absence of the father, son, daughter or the child of the son, he will inherit as the nearest agnate. Like the father, the presence of the daughter or son’s daughter enables the grandfather to inherit in both capacities.

(e) The Mother: - The mother is given a normal share of one-sixth which she inherits when her child dies leaving surviving his or her own child or agnatic grandchild. The mother’s share is capable of increase. In the event
of no child or agnate grandchild of the propositus being alive at the moment of the death of the propositus, then the share of the mother is increased to one-third of the estate.

**(f) The True Grandmother:** The true grandmother does not appear in the Qur’anic revelation and, like the grandfather this category is added by Prophet[^PBH]. Her share is one-sixth of the estate. When the mother is alive, then the true grandmother is excluded entirely. When there is more than one grandmothers the nearer in degree will exclude the more remote.

**(g) The Daughter:** The Qur’an share for the daughter is one-half of the net estate. If two or more daughters survive the propositus, then that share is to a collective two-thirds. As we have seen already, however, the presence of son agnatises the daughter, and she inherits with the son as an agnate, without regard to her Qur’anic status in the proportion two shares to the son and one share to the daughter.

**(h) The Son’s Daughter:** The rules relating to the daughter are intertwined with the son’s daughter (he son being deceased). The share of the son’s daughter is one-half; if there are two or more it is two-thirds; but if there is a daughter and a son’s daughter, the daughter and the son’s daughter receive a collective portion of two-thirds in the proportion of one-half to the daughter as opposed to one-sixth to the son’s daughter. If, however, there are more than two daughters, the collective portion of two-thirds is exhausted by the presence of the daughter, and nothing will remain for the agnatic granddaughter.
(i) The Full (Germane) Sister; The Consanguine Sister: - These two relatives can be considered together. The full sister’s share is one-half of the estate, or, if there are two or more of them, two-thirds. Similarly, the consanguine sister’s share is one-half (or if two or more of them then two-thirds). Like the grandfather, the grandmother and the son’s daughter, the full and consanguine sisters are excluded by the son, the son’s son however low in degree, the father and by the true grandfather. It needs to be emphasized that the full brother excludes the consanguine sister. The presence of the brother, the daughter, or the son’s daughter, tighter with the full sister, will affect the share of the sister.

(j) Uterine Brothers; Uterine Sisters: - The uterine collaterals are excluded by the superior heirs, namely son, daughter, son’s daughter, father, true grandfather. If one of these people are present, the uterine collateral will take one-sixth; or if two or more survive, one-third. The uterine have equal share in the estate. Thus the rule that a male participates in the estate to the extent of twice the amount of the female of equal degree from the propositus does not apply to the uterine relationships.

It is pertinent to note that, Islam took major emphasis on social relations; it directs the people to the repayment of debts before the distribution of estate as the above mentioned verses shows. This emphasis will negate the possibility of hesitating for any one in lending money to a needy sick man.
The other aspect of social relations that Islam protected by its provision in which it declares that one can not assign whole of his property to any one and he can not deprive any one from his or her rights. Qur’an says, “nor has He made your adopted sons your real sons. That is but your saying with your mouths”.93 “And blood relations among each other have clear personal ties in the decree of Allah”.79 It is the wealth that causes many damages in social relations, people try to posses it by any possible means. Islam tried its best to safeguard these relations. In case of no heirs the whole estate will be for Islamic treasure.

But Islam did not handicap completely in regard of possessions, if a man or woman feels necessary either by any special affection or for the cause of goodness, he or she may right a testament. Qur’an says, “It is prescribed for you when death approaches any of you, if he leaves wealth that he makes a bequeath to parents and next of kin according to reasonable manners”.95

According to this verse a person have right to leave a testament about his property in favour of any one about which he feels needy either he or she has share in property or not. But the testament should not exceed 1/3 of the net estate. ProphetPBH says: “Amir bin Sad reported on the authority of his father Sad bin Abi Oqqas. Allah’s Messenger visited me in my illness, which brought me near death in the year of Hajjat-ul-Wida. I said to Allah’s Messenger, you can well see the pain with which I am afflicted and I am a man possessing wealth and there is none to inherent me

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except only one daughter, should I give two third of my property as Sadaqah? He said no. I said should I give half as Sadaqah? He said no, He said give one third and that is quit enough. To leave your heirs rich is better than to leave them poor, begging from people. That you would never incur on expense seeing there with the pleasure of Allah but you would be rewarded therefore”.

The distribution system of Islam provides social security to all the family members by providing them economic security. It is the economy that plays crucial role in all spheres of human life. Any one can be exploited on economic terms. Islam provides a kind of protection and tried to establish an egalitarian family. Islam gives share to the women while women were not given economic responsibility of any one, rather it is the responsibility of father and husband to fulfil their needs. In this sense, Islam provides double protection to women, which is unparallel to any other religion.
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90- Qura'n, Nisa, 11, 

وذكرنا ما ينفي في بوتمن من آيت الله،  
با إبها الذين آمنوا لا تدخلوا بوت النبي،  
سahih Bukhari, Kitab-ul-Jihad  
Al-Nasfi, Abul Barkat Abdulla bin Ahmad, Kanz-ud-Daqaiq,  
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يوصيكم الله في أولادكم للذكر مثل حظ الاثنين، فان نساء فوق الثنين.
فلهين ثلثا ما ترك و ان كانت واحدة فلها النصف ولا يوحي لكل واحد منهما السدس مما ترك ان كان له ولد فان لم
يكن له ولد وورث ابواه فلها الثلث فان كان له احدهما فلها السدس من بعد وصية يوصي بها او دين

91- Qura'n, Nisa, 12، فلكم ولكم نصف ما ترك ارواحكم ان لم يكن لهن ولد فان كان لهن ولد الربيع مما ترك من بعد وصية يوصي بها او دين وللهن الربع مما تركتم ان لم يكن لكم ولد فان كان لكم فلكم

الثمن مما تركتم من بعد وصية توصون بها او دين وان كان رجل بورث كليه او امرأة وله اخ او اخت فلكم

واحد منهما السدس فان كانوا أكثر من ذلك فهم شركاء في الثلث من بعد وصية يوصي بها او دين غير مضار

92- Pearl, David, op.cit.

93- Qura'n, Ahzab, 4، وما جعل ادعياكم ابناءكم ذلكم قولكم بالواهكم

94- Qura'n, Ahzab, 7، واولى الراحام بعضهم اولى بعض في كتب الله

95- Qura'n, Baqrah, 180، كتب عليكم اذا حضر احدكم الموت ان ترك خير النوصية للوالدين والاقربين بالمعروف حقا على المتقدمين

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